

18th Day

CHICAGO, ILLINOIS

Saturday, February 1st, 1879 10 A.M.

The Court met pursuant to adjournment.

Present

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

Recorder

Jesse M. Lee  
Adjutant, 9th Infantry

Major Reno and his Counsel was also present.

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The Proceedings to date were read and approved

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Sergeant Davern being recalled by the Recorder testifies as follows:

Questions by the Recorder

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- Q. State if you know what arms Maj. Reno had that morning or the night before the fight.
- A. He generally carried a carbine and pistol.
- Q. Did he have a carbine and a pistol the night before and did you have charge of them for him?
- A. I did not have charge of them. I generally handed them to him in the morning when he mounted.
- Q. On the morning of the 25th when he got ready to start do you remember handing them to him?
- A. I always handed him his carbine after he mounted.
- Q. Who had charge of his pistol before he mounted?
- A. I think he kept his pistol that night himself.
- Q. Did you see him with a carbine and pistol on the morning of the 25th?
- A. Yes sir.

Q. After you got on the hill did you see Maj. Reno with his carbine and pistol?

A. No sir.

Q. What did he say about them?

A. I told him that I had lost my carbine when my horse fell and he said he had lost his carbine and pistol both.

Q. Did he tell you how he lost them?

A. No sir.

Q. Did he tell you where he lost them?

A. No sir.

Q. Did he tell you when he lost them?

A. No sir.

Questions by Maj. Reno.

Q. Don't you know that Maj. Reno had his carbine on the hill and fired it?

A. He had one there.

Q. Don't you know it was his?

A. I do not.

Q. Do you know it was not his carbine?

A. I could not swear it was not.

Q. How much did you examine it?

A. Not very much.

Q. You can't swear whether he had or had not his carbine on the hill?

A. No sir, I know he had one.

Q. You don't know it was not his?

A. I do not.

Q. Who was present when he said he lost his carbine?

A. I don't recollect.

Q. How long after you got on the hill was this?

A. Immediately.

- Q. Did you go and talk to him about it?
- A. I spoke to him about mine and he said he had lost his carbine and pistol.
- Q. Was any body nearby at the time?
- A. I don't know.
- Q. Had the skirmish line been thrown out?
- A. No sir.
- Q. It was before the skirmish line was thrown out on the hill?
- A. Yes sir.
- Q. Was it before Lieut. Varnum gave any orders?
- A. I did not see him give any orders.
- Q. Do you know whether he did give any orders?
- A. I do not.
- Q. Where was Maj. Reno?
- A. Just where we came up the hill.
- Q. Was he on his horse or not?
- A. He was on his horse.
- Q. How long had you been on the hill when he said that?
- A. I just came up.
- Q. How long had he been there?
- A. I don't know.
- Q. Was it before the skirmish line had been thrown out?
- A. Yes sir.
- Q. How long was the command on the hill before the skirmish line was thrown out?
- A. I don't recollect the line being thrown out until the Indians came that evening.
- Q. How close were you to Maj. Reno at the time the talk took place about the carbine and pistol?
- A. I was close enough to speak to him.
- Q. Was any one else around?

- A. Not that I remember, there might have been.
- Q. What else did he say to you at that time?
- A. That was all I spoke to him about. I don't recollect any other conversation. He spoke about water that was all and gave me a drink.
- Q. Do you mean to say that before the skirmish line was thrown out and just as you came on top of the hill Major Reno said he lost his carbine and revolver?
- A. I said no such thing. I told Maj. Reno I had lost my carbine, and then he told me he had lost his carbine and pistol both.
- Q. He was firing a carbine that day and you don't know whether it was his or not?
- A. No sir. Carbines mostly all look alike. I only had his word for it that he had lost his.
- Q. Don't you know that he fired his revolver that day?
- A. No sir. I do not.
- Q. Do you know that he did not?
- A. I do not.

Questions by the Recorder.

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- Q. Was it not a pretty easy matter to borrow a carbine and revolver after you got on the hill?
- A. You could pick one up most any place.

The witness then retired.

Captain F. W. Benteen a witness called by the Recorder after first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testifies as follows: -

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Questions by the Recorder.

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- Q. State your name Rank and regiment and where serving.
- A. F. W. Benteen, Captain, 7th Cavalry, Brevet Colonel, U. S. Army, serving at Ft. Lincoln, D. T.
- Q. What duty were you on on the morning of the 25th of June, 1876,

under whose command and where?

- A. I was on an expedition with General Custer in Montana Territory between the Rosebud and Little Big Horn rivers.
- Q. Was Maj. M. A. Reno with that command, if so in what capacity?
- A. He was there by orders acting as Lieutenant Colonel of the Regiment.
- Q. Was he second in command?
- A. He was second in command under Lt. Col. Custer.
- Q. State what battalion organizations had been made of the command during his advance towards the Little Big Horn river, when it was done and where.
- A. On the 24th of June we marched till about 3 o'clock bivouaced without orders to unpack the mules or unsaddle the horses and on the next morning when we moved from there I got no orders the command moved and I followed the rest.
- Q. State in regard to what battalions or organizations were made on the 25th.
- A. They were made probably 4 hours after we marched. I think at the first halt an orderly came to me with instructions for the officers to assemble at a point where he was for an officers' call. No bugle was sounded for officers' call an orderly was sent to get them together. General Custer told us that he had just come down from the mountain that he had been told by the Scouts that they could see a village, ponies, tepees and smoke. He gave it to us as his belief that they were mistaken that there were no Indians there that he had looked through his glass and could not see any and did not think there were any there. Other instructions were given; - those were that the officer who first reported to him that his company was carrying out the conditions of an order that was given two days before should have the advance; those requisitions were that a now commissioned officer and six men from each company should be with the pack and no more and that each man should have 100 rounds of ammunition in his cartridge belt and saddle pockets. I suppose that every officer there could have told him that those requisitions were being carried out, but as the others went for formality's sake I went to my company and said to the 1st Sergeant "there are so many men with the packs" - "Yes Sir" - "and you have so much ammunition" all of which I knew without his answering. I went to General Custer and told him my company fulfilled his requisitions, he then said I had the advance. We moved then probably 8 miles and halted in a kind of valley surrounded by high hills. I suppose that place was selected so as to hide us from any Indians, were any in sight, or in that vicinity, then the division into battalions was made. I received three companies and was sent to the left to a line of bluffs.
- Q. How many battalions was the regiment divided into and what officers were put in command?
- A. I don't know; it was not told to me at all.

- Q. How many companies were assigned to your battalion?
- A. Three companies.
- Q. Describe where it was that you separated from Gen. Custer's column, what orders if any did you receive at the time as to what you were to do, and where you were to go?
- A. I have described the country; it was a series of rough bluffs we were halted in.
- Q. State with reference to the divide between the Little Big Horn and the Rosebud.
- A. I don't know how that is. My orders were to proceed out into a line of bluffs about 4 or 5 miles away, to pitch into anything I came across and to send back word to General Custer at once if I came across anything. I had gone about a mile when I received instructions through the chief trumpeter of the regiment, - If I found nothing before reaching the first line of bluffs to go on to the second line with the same instructions. I had gone, I suppose, a mile further when I received orders through the Sergeant Maj. of the regiment that if I saw nothing from the second line of bluffs then to go on into the valley, and if there was nothing in the valley to go on to the next valley.
- Q. When your column separated from that of General Custer, describe the direction or angle of separation to the route you had been going.
- A. It was about an angle of 45 degrees, which is a left oblique.
- Q. Where was the pack train at the time of separation?
- A. The pack train at the time of the first halt was closed up, where it was at the second halt where we were divided I don't know. I suppose it was close up to the rear of the regiment.
- Q. From the point you have reached in your description go on and describe the movement of your command and what occurred up to the time you joined Maj. Reno on the hill, if you did so join him.
- A. I forgot to give some instructions of General Custer's which were that I was to send an officer and about six men in advance of my battalion and to ride rapidly. The officer I selected was my 1st Lieut. and six men from my own company to head my battalion. I sent those ahead with the instructions I had received but the greater part of the time I was ahead of that officer and six men with my orderly, the battalion coming as fast as they could. The ground was very rugged and we had to go through defiles and around high bluffs to get to the point to which I had been sent. I went to the second line of bluffs and saw no valley, and I knew the Indians had too much sense to go to any place over such a country, that if they had to go to any point in that direction they had a much better way to go. The last I saw of the column was the gray horse troop at a dead gallop. I had an idea that General Custer was mistaken as to their being no Indians in that

vicinity and, as there were no Indians there and no valleys, I thought my duty was to go back to the trail and join the command.

- Q. Describe your route back and where you struck the trail.
- A. The route was the same as going over bearing to the right. At the same angle going back at a right oblique I struck the trail about a mile a head of the pack train. I saw it coming on the trail. I then followed the trail to a kind of morass. My horses had not been watered since about six or eight o'clock the evening before and I formed them around that morass and watered them, as I moved out from that place two mules from the pack train rushed into the morass and were stuck in the mud. I then went on, I suppose about 7 miles, when I came to a burning tepee. I rode around it, I am not sure whether I dismounted or not, I know it contained the dead body of a warrior. A mile or so from that tepee I met a Sergeant coming back with instructions to the commanding officer of the pack train to "Hurry up the packs", I told him the pack train I thought, was about 7 miles back and he could take the order back as I had nothing to do with that, that Captain McDougall was in charge of the pack train and would attend to the order. About a mile or so after that I met Trumpeter Martin who brought a written order which I have.
- Q. What was that order?
- A. It has no date; it says: "Benteen come on - big village - be quick, bring packs - P.S. Bring packs. W. W. Cook."
- Q. At that point where you met Trumpeter Martin, can you state how far it was from the Little Big Horn River?
- A. I was about 2 miles from where Maj. Reno first crossed.
- Q. How far was it from that tepee?
- A. It was about  $2\frac{1}{2}$  miles from the tepee that I met Martin.
- Q. Did you then know whose trail you were following?
- A. I did not. I will state here that Trumpeter Martin, after giving me that note, I asked him about this village. He said the Indians were all skedaddling, therefore there was less necessity for me going back for the packs.
- Q. Then at the time Trumpeter Martin arrived, could you hear firing in the distance?
- A. None at all.
- Q. Where were you diverted from the trail, if at all?
- A. At the time I received order from Trumpeter Martin I was riding 4 or 500 yards in advance of the battalion, accompanied by my orderly. Col. Weir was probably 200 yards in my rear. I waited till he came up and handed him the note. I asked him no questions nor did he volunteer any advice. When the command came up near enough to me, I ordered a trot. I went on ahead of it to the crossing of the Little Big Horn

river at the ford "A"; that was my first sight of the Little Big Horn. There I saw an engagement going on and I supposed it was the whole regiment. There were twelve or thirteen men in skirmish line that appeared to have been beaten back. The line was then parallel with the river and the Indians were charging and re-charging through those men. I thought the whole command was thrashed and that was not a good place to cross. To my right I noticed 3 or 4 Indians, probably 4 or 500 yards from me. I thought they were hostiles and rode with my orderly towards them and saw as I approached them that they were Crows. They said there was a big "pooch pooching" going on, which I had already seen. Then I saw the men who were up on the bluff and I immediately went there and was met by Maj. Reno.

- Q. At the time you received the order in regard to the pack train did you consider it necessary to take your command and go and bring the pack train up?
- A. I did not consider it necessary at all because the Indians could not get to the pack train without coming by me.
- Q. State where it was you first heard firing in the direction of the village; was it before reaching the Crossing "A" or at the time you reached it?
- A. I heard very little firing at all. After I got on the hill where Maj. Reno was, I don't suppose I heard more than 15 or 20 shots.
- Q. I refer to the time before you saw the men on the hill.
- A. I could hear it while I was at the river, probably two miles from where it was going on and that I could see.
- Q. What was the effective force of your battalion?
- A. I had about 125 men.
- Q. State, if you know, at what hour in the day it was when you reached Maj. Reno on the hill.
- A. I only know from Lieut. Wallace that it was 10 minutes after 12 when I started off with my battalion from General Custer.
- Q. Taking that as a basis what would be the time you met Maj. Reno on the hill?
- A. It must have taken me three hours to have gone where I did and back.
- Q. Then would you think it was about 3 o'clock when you met Maj. Reno on the hill?
- A. I think so.
- Q. State whether Maj. Reno was present when the order was given to you by General Custer to move to the left.
- A. He was not.
- Q. When you joined Maj. Reno on the hill state how far the pack train was

away.

- A. It was not then in sight. I suppose it was 7 or 8 miles off then.
- Q. State how long after you joined him on the hill was it that the pack train or any part of it arrived.
- A. I should think it was an hour and a quarter, or an hour and a half before it arrived.
- Q. State what was the condition of Maj. Reno's command on the hill in regard to efficiency or in any other respect you may have observed it at the time you arrived there, if you did observe it?
- A. Those that were alive were in pretty good order and well shaken up.
- Q. Were there any evidences to your mind there of any demoralization of the command among the men or officers of the command when you arrived? If so, state what they were.
- A. Men coming up on foot on a big bluff would be pretty well blown, and so would the horses. They were not in line of battle but were scattered around at points. I suppose to the best advantage - they all thought there was a happier place than that I guess.
- Q. Were there any Indians engaging his command when you arrived? If so, in what numbers and at what distance?
- A. I think the Indians saw me about the time I saw them, and that checked their pursuit. They came around probably 4 or 5 or more to reach to the highest point of land there. May be they had been there all the time, I don't know about that.
- Q. Were they within easy range of the troops or long range?
- A. I should say they were nearly a mile away.
- Q. Were those the nearest Indians to the command there at the time you arrived?
- A. I saw about 900 Indians when I arrived circling around in the bottom. I stated in my official report I thought there were 900 Indians there when I got there.
- Q. Was that when you reached Major Reno's position, or at the crossing?
- A. When I reached the crossing and the same Indians were there when I reached Maj. Reno's position.
- Q. In the same number?
- A. Yes, sir. I think they were.
- Q. How near were they to Maj. Reno's command in a straight line?
- A. About a mile I think, out of effective carbine range.
- Q. State whether or not you stated to Maj. Reno the purport of the order

you have received from Adjutant Cook?

A. Yes, sir. I showed him the order.

Q. What communication did you have with him on the subject and what was the purport of the conversation between you and him there?

A. I asked him if he knew where General Custer was. He said he did not, that he had been sent in to charge those Indians on the plain and that General Custer's instructions to him, through Adjutant Cook, were that he would support him with the whole outfit and that was the last he had seen or heard of him, and did not know where he was.

Q. Do I understand that at the time of that conversation Major Reno still said he did not know where General Custer was?

A. Yes, sir. That was before my battalion came up,- it was following me. My battalion did not go with me to the crossing "A".

Q. From the order which you had received through Trumpeter Martin, or from any other information you had received, had you at that time any knowledge or impression where General Custer was, or on which side of the river?

A. No sir. My impressions from Trumpeter Martin were that the Indians were skedaddling. But my first sight of the fight showed that there was no skedaddling being done by the Indians and I, of course, thought that was the whole command, and, if it was the whole command, that it was whipped.

Q. Upon reaching Maj. Reno's position and finding that it was not the whole command, state what your impression was as to where General Custer must have gone.

A. I supposed he was down the river.

Q. Did you or not so state to Maj. Reno at the time of your conversation?

A. I don't remember having stated to him anything about it. He should have known more about General Custer than I could, as I had been started off some 12 or 15 miles back. It did not occur to me but that he knew more about it than I did.

Q. Did Maj. Reno explain to you why he retreated from his position in the bottom to the hill?

A. No sir.

Q. Did Maj. Reno at that time, or about that time, express to you any solicitude, or uneasiness in regard to General Custer and his command?

A. No sir.

Q. Did you at the time express anything of the kind, asking him for authority to proceed to make a diversion in that direction?

A. Not at all; I supposed General Custer was able to take care of himself.

- Q. Describe Maj. Reno's condition when you met him at the time you arrived there, whether cool, calm and collected or the reverse. State fully the facts as they impressed you at the time.
- A. He was about as cool as he is now. He had lost his hat in the run down below.
- Q. State whether you heard any firing from the direction of General Custer's battlefield as it afterwards was ascertained to be. If so, describe that firing and how long it continued.
- A. That was the firing I tried to describe I heard after my arrival there; 15 or 20 shots that seemed to have come from about the ford "B", about the central part of the village. The village was in two divisions and at the ford "B" was about the place where I heard the shots, and all I heard that were not in sight, were from that direction. I have heard as a matter of course officers disputing amongst themselves about hearing volleys. I heard no volleys.
- Q. That firing you have just described was all you heard?
- A. Yes sir, all I heard that I did not see.
- Q. State whether or not any advance was made by any part of the troops from the hill before the arrival of any part of the pack train, and what that advance was, and by whose order.
- A. Capt. Weir sallied out in a fit of bravado, I think, without orders.
- Q. About how long was that after you arrived there.
- A. I did not see him when he left. It must have been half an hour, I suppose.
- Q. Was it previous to the arrival of the pack train?
- A. To the best of my recollection it was. I don't recollect just the time he left.
- Q. At the time you noticed him had the train arrived?
- A. I think not.
- Q. Was there any movement ordered from that position down stream after your arrival that afternoon? If so, describe it.
- A. No sir. There was no movement ordered that I know of. I went down the same direction that Capt. Weir had gone to the highest point of land and had the troops by file on the river bluffs, and a company across at right angles from that line on another ridge with the intention of showing to General Custer, if he were down the river, our exact location as near as possible.
- Q. There was no order given to you by Maj. Reno for that movement?

- A. No sir.
- Q. Did you make the movement with your battalion?
- A. One company of my battalion had already gone. I think the bulk of the troops followed that movement.
- Q. Where was Maj. Reno doing that time when the movement started down?
- A. I don't know whether he had gone to Lieut. Hodgson's body or not. They had commenced to bury the dead and pick up the wounded when I made that movement. I went there to see for myself what was going on around the whole country that could be seen.
- Q. How far was that point to which yourself and the advance of the command arrived from Maj. Reno's position on the hill?
- A. About a mile.
- Q. Can you locate it on this map?
- A. I suppose this figure 7 is intended for that point.
- Q. State whether or not a movement could not have been made down the stream in the direction it was supposed General Custer had gone, or might be found immediately upon your arrival there.
- A. Yes sir, it could have been made but we would all have been there yet.
- Q. Could that movement have been made there at once by the entire command as far down as you afterwards went?
- A. Yes sir, but we could have gone no further. We were driven back.
- Q. How long was it after you arrived there till the balance of the command came down with Major Reno, if it did?
- A. I think Maj. Reno got to that point about as early as I did, or very nearly.
- Q. Describe your movement to that point, the location of the country, and everything you saw.
- A. That was my first sight of the village, after I arrived at that high point. That was the only point from which it could be seen and I saw as I supposed about 1800 tepees; there was no sign of any troops or of any fighting going on; nothing of the kind could be seen. We had not been more than 2 or 3 minutes at that high point before the gorge was filled with Indians rushing towards us, then we fell back to where we were corralled. Between this bluff at about the point "7" and the second ridge is a canon like ravine going to that ford, which is about 3 miles from that high point. As we fell back to where we were corralled, I was for halting before we got there so as to check the Indians and to select a better place when we had ample time, and not be rushed over by them. Maj. Reno thought which was better that we should go to the place

where he first got on the hill, the line was formed in an irregular ellipse with the up river side of it knocked off. That is there was a flat in that our pack animals and horses were corralled and the line thrown around them in the shape of a horseshoe, one prong of the shoe extending farther than the other. The Indians surrounded us there and kept it up pretty lively as long as they could see.

- Q. Do I understand you, the troops were formed entirely around a circle or was there an opening?
- A. It was in the shape of a horseshoe with one point longer than another, and the short point turned in at right angles a little. The long line was my position and Capt. Moylan was at right angles partly across the ellipse.
- Q. During the return of the command from that position state, if you know, where Maj. Reno was, what he was doing and what orders he gave, if any?
- A. We were engaged in getting the line formed and there was not much time to swap pocket cutlery.
- Q. When the line was returning where was he? Was he back selecting a position or was he with the troops checking the advance of the Indians?
- A.- I had left one company on the ridge with instructions to send their horses back dismounted and to hold that ridge at all hazards. Mind you I was looking after things probably more than it was my business or duty to do. This company when we got back to the place where we were corralled had left that point and were in the line coming back as rapidly as were any of the others. I then sent Captain Godfrey's company back to another hill to check the Indians till we formed and that he was all right, that he would be looked out for and they got in all right.
- Q. Where was Maj. Reno during that time, if you saw him?
- A. He was doing the best he could, I suppose, and every other man, everyone had enough to employ him.
- Q. Did you see Maj. Reno there or not?
- A. I saw him there. He came back with me and talked with me. As I said I recommended a halt in order to check those Indians and then hunt for a better place to go to afterwards.
- Q. Do you know whether Maj. Reno gave orders for the return of the command from that advanced position?
- A. I don't know that he did. If he gave any orders I did not hear them. There was no necessity to give any orders about that time.
- Q. Did he give any orders in reference to placing the troops in position where they were corralled as you speak of, or what was being done by him, if you know?
- A. The first I knew of the formation of that line was my telling Lieut.

Wallace to place his company there, pointing out the spot. He said I have no company. I have only three men. I said put yourself and your three men there. I will see that you are supported. He did so and from that the line was formed. Maj. Reno might have been at the other end of the line or in the center after the line was pretty well formed. I saw Maj. Reno about the middle of the line.

- Q. Give your estimate of the number of Indians that pursued or engaged that command on its return within engaging distance.
- A. I thought at that time there were about 2500 warriors surrounding. I think now there were between 8 and 9 thousand.
- Q. I refer in my question to the time the command was moving back to take position and not to the engagement that followed.
- A. I think they were all coming.
- Q. This position that was taken after the advance, as I understand from your description, was near the point you first met Maj. Reno when you came up. Was it above or below or immediately at that place?
- A. I think it was exactly the place where I met him.
- Q. Can you give the location of the troops entirely around that horse-shoe shaped line you have described?
- A. First at the angle was company "A", then followed Company "Q", "D", "B", "M", and "K", according to my recollection.
- Q. After taking position were you assigned to any particular portion of the line by Maj. Reno? If so, what were your orders? What I want to know is if the battalion organization still existed.
- A. I was not assigned to any particular part of the line. My company had position on the extreme left of the line, if it were a right line.
- Q. Describe the engagement that ensued after the troops have taken the position you have described; the length and severity of it, and any circumstances connected with it, or the conduct of Maj. Reno pertaining to it.
- A. After we formed our lines it was about as lively a fire as you would like to stand up under. You only had to show a hat or a head or anything to get a volley toward it.
- Q. How long did that firing last?
- A. Till it was too dark to see any longer.
- Q. How long before dark did the fire begin; at what hour?
- A. I should think it began about half-past five o'clock, when our line finished, or may be a little later. I think we had fire that evening about 2½ or 3 hours.

- Q. What number of Indians do you estimate engaged the line in firing there. Was it the entire number you stated before, or only a portion?
- A. They had little picnic parties of a regiment or two standing in the bottom looking on; there was no place to put them.
- Q. I want the number of Indians you estimate engaging the command from the severity of the firing.
- A. I think a couple of thousand were around us waiting for a place to shoot from.
- Q. What position did those Indians occupy in reference to the command, whether they exposed themselves boldly or charged the command, or secreted themselves.
- A. The only thing you could see would be the flash of a gun. They came so close that they threw arrows and dirt over at us with their hands and touched one of the dead men with a coup stick. That was the next morning. That afternoon was like the second day, we saw nothing to shoot at. We got volleys but could not return them.
- Q. State whether or not you found it necessary to give orders or instructions or suggestions to more than your own immediate company and if so, what were those instructions or suggestions, and what, in your judgment, was the necessary for so doing?
- A. On the night of the 25th, Major Reno was up on the hill where my company was stationed after the firing had ceased. It was about dark, and instructed me to build breastworks. I was pretty tired and did not think there was much necessity for building them as I had an idea the Indians would leave us, but I sent for spades to carry out his instructions, but could get none. The next morning the fire was very much heavier than it had been the day before and I had a great deal of trouble in keeping my men on the line. I had to go down in the pack train and run them out, and take them up there, and at one time I took up a lot of sacks of bacon and boxes of hard bread, and pack saddles and made a redoubt. I took about 12 or 15 sulking soldiers and packers and took them up to that place and turned the redoubt over to my first Lieutenant, and told him that I intended to drive those Indians out of the ravine. The redoubt was built and turned over to my 1st Lieutenant. I started with the men to drive the Indians out. There were only four Indians. They were right on our line - as near to us as I am to Gen. Merritt. We then got water. I believe that is an answer to your question.
- Q. Your movement in driving the Indians from the ravine, as I understand it, was made upon your own judgment. No order had been given you Major Reno in regard to the matter?
- A. None at all.
- Q. State, if you know, where Major Reno was during that time & he was doing?

- A. He was over where the bulk of the companies were massed, as he had an idea the afternoon before that the main attack would be made at that point. He told me that the afternoon before.
- Q. After driving the Indians from the position you have described, state, if you visited or went over on any other part of the line.
- A. I did.
- Q. State what occurred there in regard to Indians or any particular part of the engagement.
- A. After driving those Indians out and securing the place, I wanted to have the day before but could not get on account of the length of the line, I sent word to Major Reno to get all the camp kettles, canteens and pots and everything we could get, as I had secured the water. After getting the water I went over to Major Reno and told him I was being annoyed very greatly by the fire from every quarter and was entire unprotected save by the breastworks we threw up on the 26th and asked him if I might drive those Indians away that were annoying me.
- Q. State what followed, or what was done.
- A. He said yes, I could and we did it.
- Q. Were the troops who drove the Indians from that place you describe, men of your own company or from other companies?
- A. None of my own company I believe.
- Q. Who gave the order for the troops which moved forward to drive the Indians from the place you spoke of last.
- A. I told them to go, that was all, and I went with them.
- Q. Did Major Reno go along?
- A. I don't think he did.
- Q. State whether the conduct and example of Major Reno as Commanding Officer was such as tended to inspire the men of his command with courage, coolness and confidence or the reverse, describing his conduct fully as it came under your observation during the engagement.
- A. I think it was all right, sir.
- Q. State what time it was or how long after dark that Major Reno came to the place you have mentioned and gave some instructions about the breastworks.
- A. I saw Major Reno probably every 15 minues or half hour during those two days.

- Q. And during the night of the 25th also?
- A. During that night I was with him nearly the whole time.
- Q. If you have not already done so, describe as far as you can the preparations made by the entire command that night to resist the Indians?
- A. I succeeded in getting the spades probably at 12 o'clock on the 26th and threw up breastworks and threw up, I think, three redoubts. They were very anxious to secure those spades during the whole time I had them. They had scraped little holes in the ground principally on their side of the line. I don't remember having seen a good breastwork there though they may have been there - I did not examine the ground all over. I paid no attention to it from the fact that I had enough to do to look after my own line.
- Q. Those redoubts you speak of, were they in reference to your own company or to all parts of the line?
- A. It was to my own company.
- Q. Go back to the time when you joined Major Reno on the hill that day and state how long the 900 Indians or the number you have stated as being in the bottom remained in their position on the bottom, as far as observed by you, and whether continuously or did they leave and return after a while?
- A. I think they remained, but a short time, how long I don't know, but not longer than a half or three quarters of an hour.
- Q. After leaving there did they immediately engage Major Reno's command or go elsewhere?
- A. I don't think they thought they had enough just there to do that.
- Q. In what direction from all the circumstances there must those Indians have gone - toward the river or up the river?
- A. I suppose they went down the river as their village was down the river.
- Q. At the time you reached Major Reno's position on the hill and from what you saw before you moved down the stream, state whether the pack train was in any especial danger from an attack by the Indians.
- A. Had any attempt been made to go back after the pack train by the Indians, I had the right line and they had the arc and they would have to go on the arc, - I could get there quicker than they cou'
- Q. How many men did Capt. McDougall have with him - his effective including the detail from the companies?
- A. I think he had 45 men of his own company, he had 84 men fr companies and the packers.

- Q. State whether or not you heard Major Reno say anything in regard to the ammunition or being out of ammunition upon your arrival on the hill and any necessity for hurrying up the pack train on that account.
- A. I don't remember that he said anything about it. I know he sent Lieut. Hare back to hurry it up - I have heard Lieut. Hare speak of it.
- Q. State if you know, either from what Major Reno said, or any circumstance within your knowledge what was his effective force when you reached him on the hill.
- A. I don't know, he did not say anything about it.
- Q. Could you judge or tell from what was afterwards known by you?
- A. I judge he had about 75 or 80 men.
- Q. State whether or not it would have been practicable for you to have joined Major Reno's command in the timber at the place where he engaged the Indians giving in full your reasons.
- A. I could have tried sir.
- Q. Would not your line of march as being taken have crossed at the ford and taken you over this same ground that he had gone over?
- A. Yes sir.
- Q. State whether or not in the event you succeeded in joining Major Reno the pack train would have been in any imminent or great danger.
- A. I should not have attempted it without first getting the pack train.
- Q. State in your opinion whether with the pack train and your battalion it would have been practicable to have joined Major Reno in the timber if he had remained there from the circumstances as known to you then or as developed afterwards.
- A. If I had undertaken it my losses would have been very much greater than they were as it resulted.
- Q. Do you mean the entire loss to the command?
- A. The entire loss to the seven companies - In a word, I mean to say that what we did was the best that could be done - that if I had to go over it again today I would go over the same trail - that is, I could not improve it.
- Q. State whether or not you examined the position that was occupied by Major Reno's command in the timber at or about that time.
- A. I did not see it at all; only from the heights till the 28th of June - We then bivouaced there in that timber for about three hours.
- Q. How far was that position from the place where the hostile village had been?

- A. The beginning of the village was about six or seven or eight hundred yards from there.
- Q. Describe that position as a defensible one for a command say of 120 men.
- A. I think it was a No 1 defensible position from my knowledge of it now.
- Q. State, in your opinion, whether or not 100 men with an average of 60 rounds of ammunition per man could have held that position any considerable length of time?
- A. They could have held it 5 or 6 hours, depending altogether upon the number of the opposing force.
- Q. From the character of the enemy they were engaging at the time, and the manner in which Indians usually fight, say those 900 there.
- A. They might have been reinforced by 900 more in a short time and early the next morning they would all have been killed.
- Q. That is, if the command remained there without reinforcements or assistance?
- A. I think so.
- Q. In the event that you had joined the command with the pack train with axes and other implements, could not that place have been made as defensible as the position Major Reno retreated to on the hill?
- A. More so, sir.
- Q. Were there axes or anything with which to fortify or any spades or hatchets?
- A. There were a very few axes; there were five spades, I think.
- Q. There were some axes?
- A. I have no doubt there were some.
- Q. Was that position which Major Reno had occupied in the bottom, one which would threaten the village so as to hold a large force between him and the village?
- A. The village was probably to the best of my recollection 6 or 700 yards below that. I did not examine that place to see if there were any wickups in that point of timber or not - there might have been plenty of those there - of that I know nothing.
- Q. Then as to threatening the village or being in such close proximity as to hold a large force there, could you express an opinion?
- A. I don't think it would threaten it much as they could pull down their tepees and take them away. If they were very much annoyed they could take them away.
- Q. What is your opinion as to what force they would hold between that

and the village to protect their families.

- A. I think the Indians thought they had a pretty good thing. I can't give any answer to the question.
- Q. With the position in the timber with 8 or 900 Indians in the bottom and being within 6 or 700 yards of the village, was it in such a position as would hold an immense force of Indians between that force and their families in order to prevent a sudden charge towards the village?
- A. Yes, sir; and I think they had enough there to do it.
- Q. You think it would have a tendency to hold a force there and they had that force there to do it?
- A. I think the 8 or 900 Indians was a very small proportion of what they had there.
- Q. State whether or not, in the event you had succeeded in joining Major Reno in the timber, would the position have been so threatening to the village that it would have contributed to the success or safety of Gen. Custer in attempting an attack lower down.
- A. It would not have made a partical of difference.
- Q. Do I understand the result would have been substantially the same with his command?
- A. Those 7 companies with the pack train would have been as completely corralled as they were on the hill. General Custer would have had to look out for himself the same as he did and how he did, you know.
- Q. State whether, in your opinion, the abandoning or leaving that position by Major Reno did not enable the Indians that were confronting or surrounding him there to go and attack or join in the attack upon Gen. Custer's column.
- A. Doubtless it did. I don't think they had any use for them down there though.
- Q. Go back to the hill and state about what time on the morning of the 26th the engagement was renewed by the Indians.
- A. At early day-light - about half past 3 o'clock.
- Q. What is your estimate of the number of Indians who began the attack that morning?
- A. I think they stayed there all night, and as I said before, there were picnic parties of regiments ready and waiting to take the places of the others. My belief was then, as it is now, that there was not a foot of unoccupied ground in that country. There were Indians everywhere.
- Q. Within what radius do you estimate they so occupied the ground?

- A. From 12 feet to 1200 yards.
- Q. State whether you examined the route Gen. Custer had taken or was supposed to have taken, on the right bank of the river.
- A. I did, but I think now I was mistaken. The route I supposed he had gone to that ford was down through a canon-like ravine or cooley. But I think now that he went around to the right of the second divide, and did not go to the ford "B" at all.
- Q. Did you examine what was supposed at that time to have been his trail?
- A. On the morning of Gen. Terry's arrival. I asked for permission to saddle up my company and go over to the battlefield of General Custer. I did so and followed down the gorge thinking that was the route taken by Gen. Custer on the 25th of June. Now I am satisfied that was not his route but it was all cut up by horse tracks and pony tracks so that it could not be told from any other trail. That was the same gorge the Indians rushed up when we arrived almost opposite it, when we made our advance down the river. That gorge was 50 to 60 or probably 100 yards wide - the bottom was irregular and cut up with ravines.
- Q. How near do you think he came to the point B?
- A. The nearest body that was found was about six or eight hundred yards from there.
- Q. Did you go over his field of battle?
- A. I did.
- Q. Give a description of it as far as it came under your observation - following as near as you can the supposed route of Gen. Custer.
- A. I went over it carefully with a view to determine in my own mind how the fight was fought. I arrived at the conclusion then, as I have now, that it was a rout, a panic, till the last man was killed - that there was no line formed - there was no line on the battlefield, you can take a handful of corn and scatter it over the floor and make just such lines - There were none, the only approach to a line was there were 5 or 6 horses at equal distances like skirmishers. Ahead of those 5 or 6 horses there were 5 or 6 men at about the same distances showing that the horses were killed and the riders jumped off and were all heading to get where Gen. Custer was. That was the only approach to a line on the field. There were more than 20 killed there to the right there were 4 or 5 at one place - all within the space of 20 or 30 yards. That was the condition all over the field and in the gorge.
- Q. On the point or knolls were there no evidences of the main body of men making a stand?
- A. Only where Gen. Custer was.
- Q. Did you examine the position where Capt. Calhoun's body was found?

- A. Those were the 5 or 6 horses and men I spoke of. Those were of his company. I buried that company.
- Q. How, with reference to the point where Gen. Custer's body was found, taking it from there towards the river, were any bodies found in a ravine towards the river from there?
- A. Yes, sir.
- Q. How near the river were the bodies found?
- A. Probably within 50 to 75 yards.
- Q. State how many bodies were found there.
- A. If I am not mistaken there were 22. They could not shoot out of that ravine, and they certainly did not go into it to shoot out of it.
- Q. Had the men been killed down in the ravine or at the edge of it?
- A. Those men were killed, as I believe, by the Indians with stones and clubs in that ravine. They were unarmed. I think they were wounded men. The men had gone into the ravine, as the Indians say, possibly to hide.
- Q. Did the bodies of those men give any indication of what they had been killed with?
- A. I did not examine them at all. I rode along the ravine and looked down. The bodies had been counted by others. I made no personal examination of them.
- Q. Was there a ford there at the mouth of that ravine crossing to the village?
- A. I could cross that river almost anywhere.
- Q. Was there an Indian trail leading across there with the appearance of having been used by the Indians as a crossing?
- A. There was a trail; I think probably a hundred yards or so above that ravine. I crossed and recrossed that river at so many places that I am of opinion you could cross it most anywhere.
- Q. I understand in your opinion the route General Custer had taken is not properly indicated on the map.
- A. Yes, sir.
- Q. Had you not until recently been of opinion that it was properly indicated?
- A. Yes, sir; but I never could account for the fact that there were no dead bodies at that ford; if he had gone down to the river and been attacked there, there must have been some horses and men killed there, but

there were none. There was a white horse a little distance below that ford which I killed myself on the 28th to put him out of his misery - he was wounded lying in a pool of mud and water. Immediately alongside of that horse were the trousers of an enlisted man hanging over a bough that protruded from a dead stump.

- Q. State, if you can, how near General Custer came to that ford B in passing down.
- A. I don't think he came within three furlongs.
- Q. Did you find many dead horses on the field?
- A. I counted seventy.
- Q. Were they the horses of the 7th Cavalry?
- A. They were the horses of those 5 companies and there were the bodies of two Indian ponies there.
- Q. Were there any evidences to your mind on visiting that field that at any time during the fight there the horses had been turned loose so as to have every available man for resistance?
- A. I think in all probability that was done, each man turning his own horse loose without any order.
- Q. Do you think there could have been no orders given as to the security and safety of the command by the officers so as to have every available man for resistance?
- A. I think there might have been a great many commands given, but I think very few were obeyed. I think they were panic-stricken - it was a rout as I said before.
- Q. Did you go over the ground occupied by the hostile village?
- A. Only partially - When I went over it, it was in the night and I did not go through but a small part of it in the daytime.
- Q. Could you form any estimate from that as to its size and extent or as to the ground it covered?
- A. The only estimate I formed of its size was from what I saw from the highest point of land on the opposite side of the river and that was, that it was a village between 3 and 4 miles long.
- Q. What numbers of warriors do you estimate to a lodge, taking your estimate of the number of lodges as a basis?
- A. It is different - Sometimes there are 4, sometimes 5, and sometimes, I believe, as high as 7 warriors to a lodge - those affairs are always irregular, according to the strength of a family - the same with Indians as with white people.

- Q. In reference to that particular village you gave your estimate that it contained 1800 lodges?
- A. You can have it 4 or 5 or 6 or 7.
- Q. You think it ranges from 4 to 7?
- A. Yes, sir.
- Q. Did you see that village move away on the 26th of June?
- A. I did.
- Q. What time in the day with respect to sunset?
- A. They commenced moving about sunset and they were in sight till darkness came.
- Q. What was the size of that village and how far away did you see it?
- A. It was in a straight line about 3 miles and I think it was at least 3 miles long and half a mile wide, as densely packed as animals could be - They had an advance guard and platoons formed and were in a regular military order as any corps or division.
- Q. Did that appear to be the entire village?
- A. It was the entire village.

QUESTIONS BY MAJOR RENO

- Q. How long have you been a soldier?
- A. Since the 1st day of September 1861.
- Q. State whether at any time during those engagements which have been here considered, you saw any evidences whatever of cowardice on the part of Major Reno?
- A. None whatever.
- Q. State whether at any time during those different engagements you found it necessary to caution him with reference to the exposure of his person?
- A. I did, one time.
- Q. When was that and under what circumstances?
- A. It was after water had been secured and at the time in question I was engaged in throwing up rifle pits.
- Q. Where was Major Reno and for what reason did you caution him?

- A. I cautioned him to be careful how he was standing around there in front of that point as there were volleys coming there constantly.
- Q. Was the firing heavy or light?
- A. The firing was irregular.
- Q. I refer to that particular time.
- A. At that particular time I don't think it was very heavy.
- Q. Go back to the time you received the order from General Custer to separate yourself from the entire command and state whether there was any order given to you to unite at any time with Major Reno's column.
- A. Neither with Major Reno nor with anyone else.
- Q. State whether it was any part of the plan which you were pursuing that there should be any union between yourself and Major Reno.
- A. There was no plan at all.
- Q. What were your orders?
- A. Valley hunting ad infinitum.
- Q. State for what reason you returned from the direction you had been sent.
- A. Because I thought I would be needed at the ridge.
- Q. You acted on your own judgment in returning to the point where you met Major Reno?
- A. Entirely.
- Q. How far were you separated from Major Reno at the time you reached the greatest distance in the direction you were moving?
- A. Possibly 15 miles.
- Q. With what rapidity did Trumpeter Martin come with the order you have given in evidence?
- A. Not rapidly - at a jog trot.
- Q. And told you the Indians were fleeing?
- A. Skedaddling.
- Q. State at what gait you advanced to the place where you saw Major Reno, and from that to the point where you joined him.
- A. I moved at a trot from that point till I joined Major Reno.
- Q. State at what gait the last two miles were?

- A. It was a trot all the way through from the time I left Gen. Custer till I met Major Reno, except the time it took to water the horses.
- Q. You fixed the number of Indians about Major Reno at 900 to 1000?
- A. About 900, I think.
- Q. State whether in any arrangement or plan that Major Reno would adopt for the defense in the timber, it would not be necessary for him to know that you were to join him or had been so ordered before he could place any dependence upon that fact?
- A. I should think so, as a matter of course.
- Q. Then if he had not been informed that you would join him, and did not know you were ordered to do so, would he have been justified in expecting you to do so?
- A. Certainly not.
- Q. At the time he was in the timber were you firing?
- A. I don't know when he was in the timber.
- Q. At the time you saw the skirmish line at the edge of the timber were you firing or not?
- A. No, sir; they were too far from me.
- Q. Where was the pack train at that time?
- A. I judge about 7 miles back - it was out of sight at any rate.
- Q. Between Major Reno and your column and the pack train there was a river?
- A. When I saw Major Reno he was on the same side of the river as I was.
- Q. At the time you saw them skirmishing at the timber the river was between your column and his and between him and the pack train?
- A. Yes, sir.
- Q. About how far from the ford A did you receive your order from Lieut. Cook?
- A. About two miles.
- Q. How far from the ford A did you receive your first orders from Gen. Custer?
- A. Having gone to the left and come back again, it is hard to say; I suppose it was about 15 miles in a direct line.
- Q. About how far from that tepee where you found the dead warrior was it where Gen. Custer gave you the order to diverge with your battalion?

- A. About eleven miles.
- Q. How soon did you pass from the sight of the column after you received your orders?
- A. Probably three quarters of an hour.
- Q. How far towards the tepee do you suppose the column had advanced when you lost sight of it?
- A. The only company I saw was the grey horse company and they were on a fast gallop - They could have gone down there in an hour and three quarters or two hours at the farthest.
- Q. In reference to the distance, how far do you suppose the command of General Custer was from the tepee at the time you lost sight of the column?
- A. I could not tell - it might have been 5 or 6 miles or more.
- Q. You were not in sight at the time the column reached the tepee?
- A. I could not see that column and I think it was impossible for them to see me.
- Q. Was any order afterwards sent to you to join Major Reno or to assist him?
- A. Never.
- Q. The order sent to you was to join Gen. Custer and assist him?
- A. By Trumpeter Martin was the only one I got.
- Q. Do you know what was the size of Major Reno's command?
- A. When I left I did not know he had one.
- Q. The division had not been made into battalions for Major Reno?
- A. No, sir; I don't think he knew it at the time I left. When I passed he asked where I was going - I said I was going to the left with instructions to pitch into anything I came across.
- Q. The next you saw of Major Reno was on the hill?
- A. Yes, sir; the time I met him there.
- Q. After he returned from the timber?
- A. Yes, sir.
- Q. Do you know whether Major Reno replenished his ammunition from the pack train?
- A. I think so. I did not see it, but I heard he did.

- Q. How far down the river was the furthest point reached by any company under Major Reno?
- A. About half a mile below that highest point.
- Q. State what efforts, if any, that command made to inform Gen. Custer or his command of your position by planting guidons or flags or anything of that kind.
- A. The troops were by file on a line of river bluffs and as I have stated another company was formed at right angles on another ridge. I planted a guidon at the highest point that looked over that country. Some of the officers say that the battlefield was in sight but I know positively that it was not, having gone over it two or three times since.
- Q. State whether at that highest point you saw any evidences of fighting or heard the sounds of any firing.
- A. I saw no such evidences nor heard any firing.
- Q. What was the purpose of placing the guidon on that high point?
- A. To present an object to attract the attention of Gen. Custer's command if it was in sight.
- Q. Then in your opinion his command was then alive?
- A. I thought so.
- Q. As far as your knowledge extends did anyone in that command imagine till Gen. Terry came up that Gen. Custer and his command were not alive?
- A. Not a soul, sir.
- Q. Had there been any reason in military history as far as you know for expecting the destruction of a command as large as that and equipped as they were?
- A. In my mind there had been.
- Q. Where?
- A. At the battle of the Washita.
- Q. Except that was there anything to lead Major Reno's command to expect the entire destruction of Gen. Custer's command?
- A. Not that I know of.
- Q. Was not the first intimation of the fate of Gen. Custer's column received when Gen. Terry came up the second day after?
- A. That was the first we heard.
- Q. Up to that time you were entirely ignorant of his fate?

- A. Wholly so.
- Q. When Major Reno came on the top of the hill he said he did not know where General Custer was, did he not?
- A. Yes, sir.
- Q. Did you examine that point in the river marked B?
- A. Several times.
- Q. Does it present any obstacles to crossing?
- A. It was badly cut up with buffalo tracks and pony tracks and on the western bank it was a little boggy and quicksand.
- Q. State if the command could not have used it for a crossing.
- A. Certainly.
- Q. Was it not as easy for that purpose as the point A where Major Reno crossed?
- A. Quite as good I think, though I did not attempt to cross at the ford A and do not know how the crossing was there.
- Q. On which side of the river was that white horse you killed?
- A. He was on the right bank.
- Q. State if a commanding officer in the position in which Major Reno found himself, having just retired with only a few minutes time to make preparations to meet the advancing Indians, with no time to make plans before they had to be received by his command; state whether under circumstances of that kind, Major Reno was not necessarily compelled to look largely for assistance and counsel and to entrust largely the giving of orders to the company officers who assisted him?
- A. As a matter of course, sir.
- Q. Was it possible under the firing such as you there experienced with the short amount of time at your disposal to make preparations to meet the attack of the Indians, for Major Reno to give all the orders?
- A. It was impossible.
- Q. Was he not compelled to rely largely upon the discretion and judgment of his brother officers and entrust very much of the management of the action to them?
- A. I think so.
- Q. Then the kind of defense he was compelled there to make was conducted according to different rules than a defense behind artificial entrenchments?
- A. The reasoning would be the same.

- Q. With regard to the length of time you heard firing from the direction of General Custer's battlefield as it was afterwards ascertained to be.
- A. I heard none.
- Q. Did you at any time from hearing firing have any intimation whatever that any engagement was taking place at any point lower down the river?
- A. I did not.
- Q. From your examination of the country where you found the bodies and from the position in which the bodies were found, and from your estimate of the number of Indians you saw in and around that country, what in your opinion was the length of the struggle that Gen. Custer's column made.
- A. I can scarcely form an idea of that. It might have been 15 minutes or half an hour or an hour.
- Q. Do you think it was the latter time?
- A. Not more than that.
- Q. According to your judgment would it not have been considerably under that time?
- A. If I were guess I should say about an hour.
- Q. When the command returned from the advance down the stream was it driven back by Indians?
- A. Yes, sir.
- Q. Would it have been possible in your judgment to have had any communication with Gen. Custer that night even if anybody had known where he was?
- A. It might have been attempted - I don't think it could have been made.
- Q. The village was about 6 or 700 yards from the timber where Major Reno was?
- A. I think about that and, as I said, a part of the village may have been in that timber and I not know it.
- Q. State if Major Reno was threatening the Indians or the Indians threatening Major Reno?
- A. Decidedly the latter way.
- Q. The firing during the evening of the 25th and the morning of the 26th was very severe was it not?
- A. Pretty hot.
- Q. Was not the duty of each company officer and the men of each company so plain that constant and general orders from Major Reno were unnecessary?

- A. I think so - We had nothing to do but to hold our own.
- Q. How far behind you was the pack train when you reached the top of the hill where Major Reno was?
- A. It was out of sight - I don't know how far. I think at least 7 miles.
- Q. Major Reno sent back word by Lieut. Hare to hurry it up?
- A. Not immediately - When it came in sight he sent him back.
- Q. How long before you were sent to the left was it that Gen. Custer said he did not believe there were any Indians in that country?
- A. We had marched 8 or 10 miles.
- Q. What time in the morning, if it was in the morning, and what day was it?
- A. The 25th of June. It was after 12 o'clock when I started off by Lieut. Wallace's watch. I had a watch which was wound but I did not look at it that whole day or the next, though I wound it on the night of the 25th.
- Q. What time that day was it that Gen. Custer said when the officers were together that he did not believe the reports about the presence of Indians?
- A. About 10 o'clock.
- Q. What conversation, if any, did you hear on the part of officers of the command on the night of the 25th or the day of the 26th, as indicating any knowledge of where Gen. Custer was?
- A. It was the belief of the officers on the hill that Gen. Custer had gone to Gen. Terry, and we were abandoned to our fate.

QUESTIONS BY THE RECORDER.

- Q. Did not Major Reno know that you had gone to the left with your column in the direction you have described?
- A. He did, but he did not know what orders I had.
- Q. State whether it is customary for a commanding officer in sending off any part of his command in detachments, for any special purpose to communicate to the other officers of the command the purpose for which that detachment of the command was sent.
- A. If those commands are to co-operate I should think it was very important.
- Q. Had Major Reno at that time been assigned to any particular command to your knowledge?
- A. Not that I know of.
- Q. Then it would not, as I understand from your testimony, be necessary that he should be then informed what orders were given to you, not being himself placed in command of a separate detachment.

- A. I don't know that it would.
- Q. As you had proceeded to the left and Major Reno had kept rather straight ahead, would he not know that you were still to his left and rear and would doubtless be following the same trail when you joined it? Would he have any reason to believe the contrary?
- A. No, nor would he have any reason to believe that. I scarcely knew what I had to do, and how could Major Reno have known. As I said, I was valley hunting.
- Q. What I was trying to get at, was, from the route taken by the different columns and the route taken by your own, whether or not Major Reno would come in ultimately the same way.
- A. He had no right to expect any assistance whatever from me.
- Q. State how that is the case.
- A. If there had been any plan of battle, enough of that plan would have been communicated to me, so that I would have known what to do under certain circumstances. Not having done that I do not believe there was any plan. In Gen. Custer's mind there was a belief that there were no Indians nor any village.
- Q. Would there be any necessity for a plan of battle, not knowing where they were?
- A. I do not know. I was sent off to hunt up some Indians.
- Q. Was it not true from the nature of your instructions that you were going to the left and if you found any Indians to drive them down that way?
- A. I was to pitch into them and let him know, and then I expected him to come back to me. And if I had found them the distance would have been so great that we would have been wiped out before he could get to us.
- Q. Were not the general features of the country such that you would naturally have to bear to the right, as you did?
- A. No, sir; I could have gone in as straight a line as the country would admit, all the way to Fort Benton on that line.
- Q. How long would it have taken you to have joined Major Reno's command and brought the pack train with you from the time you were in the vicinity of the crossing?
- A. From where I received orders to bring the packs, I suppose I would have had to wait an hour and a quarter for them to come up. I certainly could not have expedited the matter by going back for them as a sergeant had already been sent for them.
- Q. What was the distance from there to Major Reno's position?
- A. From that tepee to Ford "A" was about four miles and a half and from the ford "A" to where Major Reno was, was about two miles.
- Q. Where would you have made your halt.

- A. Just where I was. - About half way from the tepee to Ford "A".
- Q. Had Major Reno remained in his position would not the sound of his firing have directed you on your line of march without any special or specific instructions?
- A. I did not hear any firing till I got right at the ford "A" and then I saw and heard it both. There were at least 900 Indians there engaged in demolishing about 13 men as I thought on the skirmish line.
- Q. What appeared to be a skirmish line?
- A. It was; they were separated at intervals - were not together and the Indians were charging and re-charging through them.
- Q. Was that before or after or during Major Reno's retreat, if you know or can form any judgment.
- A. I suppose they had retreated and those were what were left, and could not get their horses or they would have been with the command.
- Q. Describe that guidon you spoke of, and how far it could be seen.
- A. It could not be seen as far as the horses. It might attract attention by its fluttering or by the point of brass on the end, though the horses would be more noticeable objects than the guidon.
- Q. Do you know what were the casualties in the command at the time it started down the river and before it started on its return?
- A. I don't know how many; there were 6 or 8 or 10 wounded. There no accessions to them just then; there were after.
- Q. In moving down and back were there any additional casualties?
- A. I know of none except by hearsay; I heard that one of Captain Weir's men was killed and left there.

The witness then retired.

Then at 2 o'clock P.M. the Court adjourned to meet at 10 o'clock A.M. Monday, Feby. 3d, 1879.

19th day.

Chicago, Illinois

Monday, February 3, 1879, 10 A.M.

The court met pursuant to adjournment.

Present

Colonel John H. King,  
9th Infantry.

Colonel Wesley Merritt,  
5th Cavalry

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

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

Maj. M. A. Reno and his Counsel was also present.

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The proceedings of the last session were read and approved.

Captain F. W. Benteen, 7th Cavalry, having been recalled by the Recorder, testified as follows:-

QUESTIONS BY THE RECORDER.

- Q. Can you be positive that the officers' called by orderly as you have testified was not made before 10 o'clock on the morning of the 25th of June?
- A. I don't think it was before 10 o'clock. I think it was about 10.
- Q. State if there was anything passed between yourself and General Custer other than you have stated, if so what.
- A. I think you're a little mixed on that. I think you have reference to officers' call on the 22d of June.
- Q. I am referring to officers' call by orderly on the morning of the 25th concerning which you have testified already.
- A. The only thing he said to me that I have not stated "Colonel, you have the advance".
- Q. How many orders did you receive from General Custer on leaving his column that day?
- A. Three, including the one received at the hands of Trumpeter Martin; one through the Chief Trumpeter, one through the Sergeant Major and the written order by Trumpeter Martin.
- Q. Were those frequent orders evidence to your mind that General Custer expected you to join or cooperate in any attack on the hostile village, if found?
- A. Not at all. The orders through the Chief Trumpeter and Sergt. Major were somethings he forgot to tell me when he started off as the column was then in plain sight of me.
- Q. Was the order you received from General Custer to send him word if you found anything an indication at the time he gave the order that he did not know the exact location of the hostile village?

- A. He did not believe there was a village there according to my belief.
- Q. Was or was not the orders evidence to your mind that whichever command found the Indians or the hostile village the entire command was as far as practicable to cooperate in engaging or attacking the Indians?
- A. As a matter of course.
- Q. When the two columns such as yours and General Custer's are in quest of Indians would it not be the duty of the one which found the Indians to notify the other?
- A. Certainly.
- Q. Did you not receive such notification from General Custer at the hands of Trumpeter Martin?
- A. I received an order to "come on - be quick, big village - bring packs. Bring packs". He then had found. I wish to say before that order reached me that I believe that General Custer and his whole command were dead.
- Q. State at what time of the day, if you had any means of knowing you received that order from General Custer.
- A. It was about 3 o'clock.
- Q. From the tenor of the order you received was it or was it not manifest that General Custer expected you would be found on the trail within communicating distance of the pack train?
- A. It was not evident to me for it was evident to me that he could not have expected any such thing from the orders I started out with. He could not have possibly known where to have found me according to my belief, within 10 or 15 miles. My going back there was providential or accidental or whatever you may be pleased to term it.
- Q. From the order sent to you at that time to be quick and bring the packs was it not manifest that he expected you would be within communicating distance of the packtrain?
- A. I suppose he had found what he had sent me out to find as you premise, and wanted me quickly as possible, and I got there as quickly as I could. I could not possibly tell what he may have thought. If it is a guess, I can guess but how close I will be I don't know.
- Q. Have you no opinion to express on the matter?
- A. I have none other than I have told.
- Q. Was there anything in the orders from General Custer when you separated from his column or after, that induced you to believe that you were not to join or come up with the column in the event that you found no Indians?
- A. I don't think General Custer would have told me that he would have known that I would come up.

- Q. State whether any reasonable construction of the orders you did receive would be that you were to go "Valley hunting ad infinitum" with reference to your separation from his column.
- A. I might have gone on 20 miles in a straight line without finding a valley, still I was to go to the first valley and if I did not find any Indians there I was to go to the next valley.
- Q. Would that be a reasonable interpretation of that order?
- A. Those were the exact orders. No interpretation at all. I at least had to go to the second valley. I don't know what stream is next west of that.
- Q. In answer to a question by Maj. Reno as to what were your orders, you stated "Valley hunting ad infinitum". Do you mean that was the order or the conclusion of your own mind.
- A. That is the way I would like to have it. That is the way I understood it. I understood it as rather a senseless order. We were on the main trail of the Indians, there were plenty of them on that trail, we had passed through immense villages the preceding days and it was scarcely worth while hunting up any more. We know there were 8 or 10000 Indians on the trail we were on.
- Q. Do you mean Indians or warriors.
- A. General Crook had fought those Indians 7 days before we did and he saw enough of them to let them alone. He had a larger force than we had. He remained from the 17th of June to the 15th of August waiting for reinforcements and did not think it prudent to go after those Indians. I know there was a large force and knew it at the time. Why I was sent to the left I don't know - it was not my business to reason why but I went.
- Q. Were those facts which you now state known at that time?
- A. Not about General Crook's fight, we could see the trail.
- Q. Please repeat the order which General Custer gave you when you left with your column to go to the left.
- A. He told me, pointing to a line of bluffs, to go to that line of bluffs or at first to send an officer with 5 or 6 men to ride rapidly to that line of bluffs. I was to follow with the battalion; he was simply the advance guard and if I came across anything before I got to that line of bluffs, to pitch into them and send word back to him at once; then an order came to me by the Chief Trumpeter that if I found nothing at the first line of bluffs, to go to the second line, and I supposed to carry out the pitching in business and the reporting to him; then the Sergt. Maj. brought the order about valley hunting, to go to the first valley and if there were no Indians in the first valley to go on to the second valley. I supposed the "reporting" and "pitching in" were sequem es.

- Q. Which valley did you go to?
- A. I saw no valley.
- Q. Did you not come to the valley of the Little Big Horn?
- A. No, sir. I did not see it till I came to the ford "A" and did not see the river till I got there.
- Q. Could General Custer at the time he gave you the order to move to the left have known enough about the formation of the country to have given you special instructions so as to regulate every movement?
- A. No, sir. I think not and I don't think he thought it necessary.
- Q. That matter was left discretionary with you in a great measure?
- A. Yes, sir.
- Q. State whether or not in bearing to the right to strike the main trail you complied with the instructions he had given you.
- A. It was scarcely a compliance.
- Q. Did you consider it a violation of his instructions?
- A. I must say I did.
- Q. State whether the successive orders you received from General Custer after leaving his command indicated that he did not expect you to be beyond reasonable communicating distance from him and that he expected to control your movements as far as possible.
- A. If I had went to the first valley and found nothing as I would not as I know now and had gone on to the second valley I would have been 25 miles away I don't know where I would have been as it was I was certainly too far to cooperate when he wanted me.
- Q. Could either yourself or General Custer at that time have known what was behind that line of bluffs without sending someone to ascertain?
- A. He could have found out by following the trail he was on.
- Q. When you met Trumpeter Martin did he report to you on which side of the river General Custer's column was?
- A. Not at that time. He did after we had reached that highest point. At the figure "Y". He then pointed out the place from which he had been sent back.
- Q. Did you ask him at the time you first met him?
- A. No, sir. His language conveyed the impression to me that they were in possession of the village, that the Indians were all skedaddling, to use his own words.
- Q. State at what point your column had been moving from the time you left General Custer till you received that order at the hands of Trumpeter Martin.

- A. I have a very fast walking horse. He will go five miles an hour and it is impossible for a column of Cavalry to keep up with him without being at a trot. If the right of the column is at a trot probably the left will be at a fast trot or a gallop. I watched that column all the way through. I was 4 or 500 yards ahead of it nearly all the time. We started out by two but we had to go by file through defiles and up around rugged hills that were too steep to ascend and we had to circle around them. What I said was we were at a trot from the time we left General Custer's column to the time we watered the horses at the morass - from that time till we reached the ford & it was the same. It was not necessary to give the command trot because they were all at <sup>a</sup> trot at the time to keep up with me. That was the movement through, and that accounts for getting over so much ground in so short a time with the battalion.
- Q. After you received the order at the hands of trumpeter Martin was the gait of the command increased, and if not, why not?
- A. I don't think the gait was increased as we were going as fast we could without going at a gallop, but I gave the command trot - I don't think it increased the gait at all. Martin has testified that I sent him back to the pack train. I did no such thing. If he went back to the pack train he went there of his own accord.
- Q. May you not at that time have said something about the pack?
- A. I did not ask him about the packs or send him to them.
- Q. May you not have said something in his hearing by which he may have been honestly mistaken in the matter?
- A. I think not.
- Q. What evidence have you in addition to your opinion that General Custer did not believe there were Indians in the valley before you left?
- A. Only his own statements - nothing else.
- Q. Do you think General Custer formed no plan of attack on that day; if so, what grounds have you for thinking so?
- A. I think after he sent Major Reno across to charge the Indians his intentions were to get in the rear of the village and attack them from the left. His plan of attack was therefore known only to himself and not to Major Reno, for he must naturally expect his assistance to come from the rear and not from the front.
- Q. I believe you stated when you joined Major Reno on the hill, neither yourself nor Major Reno had any knowledge of where General Custer was. If I am not correct, please correct me.
- A. That is exactly correct.
- Q. Explain why you moved down the right bank of the stream.
- A. There were 900 Indians on the other side of it, who seemed to be pretty vigorous and well armed.

- Q. Then the movement down the stream had no reference to General Custer as far as you know.
- A. I thought it was General Custer's command when I first saw it, as I stated I did not know Major Reno had been separated at all.
- Q. I refer to the time you joined Major Reno on the hill.
- A. Then I knew it because I asked where General Custer was.
- Q. Then did the movement down the stream from there have any reference to General Custer or his command?
- A. I wanted to know where he was.
- Q. At the time you showed Major Reno the order which Trumpeter Martin brought did he send for Trumpeter Martin and interrogate him as to where he had last seen General Custer's command?
- A. Not that I know of. Martin was his orderly trumpeter and I don't know what he said to him.
- Q. State how far the pack train was back at the time you received the order through Trumpeter Martin.
- A. I think it was about 7 miles.
- Q. How far were you at that time from the place you watered your horses at the morass?
- A. That is where I thought the pack train was still I think it was 7 miles from the burning tepee to the morass and I supposed that the packs were still at the morass stuck in the mud. I have no doubt 20 or 30 more mules went head over heels into that morass.
- Q. It was your impression they had remained there while you went that distance?
- A. I thought so, and as it turned out I was pretty nearly correct.
- Q. Can you state positively as to about where the advance of the pack train was when you met Maj. Reno?
- A. I can state positively it was not in sight and to the best of my belief it was 4 miles and a half from the burning tepee to Major Reno's position on the hill. The pack train was not in sight and therefore more than 4½ miles away.
- Q. Then state how much time intervened from the time you met Major Reno till the advance packs came up containing the ammunition.
- A. It was over an hour.
- Q. Did you observe their arrival or might they have arrived before you noticed them?

- A. I saw them coming. I did not want any ammunition and was not particularly interested in them.
- Q. When Trumpeter Martin met you, you said he was moving at a jog trot - how far had you observed his gait?
- A. I did not know it was until he came to me. I don't know that he jog trotted all the way.
- Q. How far away did you observe him?
- A. That is hard to tell - probably a mile and a half. That was an irregular broken country. I could see him on the ridges and then he would go down and I could not see him.
- Q. As far as you saw him was that the habitual gait he was going?
- A. I think it was. I will accredit him with it at least.
- Q. You have stated that the place Major Reno left in the timber was a number one place. Was it not a better place for Major Reno's command than the position on the hill, in your judgment?
- A. I think it was a great deal better.
- Q. I believe you have testified that the conduct of Major Reno on the hill was all right. Has that as far as you remember been your opinion all the time since that battle.
- A. I think so sir, I think so sir. I have not changed my opinion about that battle very much.
- Q. Have you changed it in any respect in regard to Major Reno's conduct?
- A. Not at all.
- Q. Refresh your memory and state whether or not you have expressed to any officer or officers of the Army any adverse opinion in regard to Major Reno's conduct in that battle.
- A. I have never done it, sir.
- Q. State whether or not you were on amicable terms with General Custer on the 25th of June, 1876.
- A. I was as amicable then as I ever was with him.
- Q. Were your relations with General Custer in accord at that time?
- A. The same as they ever were.
- Q. Did you entertain a good or bad opinion of General Custer as a commander?

Major Reno objected to this question as entirely outside the scope of the inquiry.

The Recorder said as Major Reno has gone into some matters which

tend to reflect upon the conduct of General Custer I think it is proper to inquire what the relations of this witness were with General Custer.

The Court then, without being cleared, sustained the objection of Major Reno.

QUESTIONS BY MAJOR RENO.

- A. A few moments ago you stated that your departure to the right was in your judgment a departure from the instructions you received from General Custer. I wish you in justice to yourself to state whether that was not the direction in which you afterwards found Major Reno.
- Q. I did not find the first valley and therefore did not go to the second, but returned to the trail because I thought I would be needed there. I had ascertained more about that country than General Custer and his Adjutant knew.
- A. General Custer was a stranger as far as you knew to the country before you?
- A. The country before us was pretty much the same as it had been the day before. We had been following the trail the day before and not departing from it.
- Q. Your departure from the instructions you received was in your returning to the place where you met Major Reno and from which General Custer could expect your support?
- A. My idea was there was more for me to do on the trail that there was fighting going on or would be going on on the trail and that I had better go back and help them. I thought that I had gone far enough and that I would be needed on the trail.
- Q. Was there any limitation, verbal or written, in regard to the distance you should go in the direction you were sent?
- A. No limitations, only as to the valleys.
- Q. That limitation was to consist in finding the second valley which you did not find?
- A. Yes, sir.
- Q. It was your duty also to bring up the packs?
- A. Not till I got the order through Trumpeter Martin. It was my duty after I received that order.
- Q. You waited on the top of the hill where Major Reno made his stand that night for the pack train to come up?
- A. Yes, sir.

- Q. State at what point you and Major Reno met, how far from the hill where the troops fought that night, and in what direction from it.
- A. Probably 1 or 200 yards. I don't know how far he rode out to meet me.
- Q. You were alone in advance of the column?
- A. Yes, sir.
- Q. State where, in your judgment, the Indians which you estimate at 900 that you saw about Major Reno in the timber, went after you came on the hill.
- A. The Indians were there some little time after we were together on the hill.
- Q. What length of time were they there?
- A. I can't tell, perhaps half an hour or an hour. I don't think they all left at any time.
- Q. State where, in your judgment, those that did leave, went.
- A. I think they went down the river towards that ford and stationed themselves in the canon and would have given us a kindly welcome had we gone there.
- Q. Do you think the purpose of the Indians who were assailing Major Reno in the bottom was to assail him if he came down the river?
- A. I think they thought he would not come across the plain again.
- Q. Do you think they intended to ambush him?
- A. I know it.
- Q. Does that approve itself to you as a soldier?
- A. It was good generalship if they could induce him to go into the gorge.
- Q. Did the position of the bodies on the Custer battlefield indicate a battle or a rout?
- A. It indicated that the officers did not die with their companies - Only three officers were found with their companies - that shows that they did not fight by companies. All the officers except Col. Keogh, Capt. Calhoun and Lt. Crittenden were on the line with General Custer.
- Q. Would that be the fact if the command was overwhelmed while making a stand?
- A. I think not.

QUESTIONS BY THE RECORDER.

- Q. You have stated that the position of the bodies was to be compared with scattered corn. State whether in a charge against an enemy the position of the dead bodies are in a line or scattered.

A. Scattered.

QUESTIONS BY MAJOR KENO.

Q. If there had been a charge in all probability the officers would have led it?

A. It was their business to do so.

Q. Would they not have died as much outside of any enclosure or means of protection as the men themselves?

A. There is no royal road to death in a charge.

Q. State in what position the officers including General Custer and those about him were found, whether in such positions as indicated they died in a charge or in attempting to make resistance on foot.

A. They were in such position, at least as indicated they had not died in a charge.

Q. Was there a circle of dead horses about them?

A. Not a line, the arc of a circle.

QUESTIONS BY THE RECORDER

Q. You state that with the exception of three officers, the officers were not found with their companies; were the bodies of all the officers ever found there?

A. No, sir. I stated with that exception.

Q. What officers were missing? that were never found?

A. Dr. Lord, Lt. Porter, Lieut. Harrington and Lt. Sturgis.

Q. Do you mean that the officers whose bodies were not found did not die with their companies?

A. I mean to say on that field there were three officers killed with their companies - the others were together on the hill. If they had lines the officers would have died with the men.

Q. Was the nature of the ground there such as to form regular lines with a command attacked by an overwhelming force of Indians?

A. Lines could have been formed, but lines were not formed. They probably had not time to form lines. I think possibly that is the just conclusion.

Q. Was it evident that those officers that were found together had all been killed there or might not some of them been taken there wounded.

A. I think they were all killed there.

Q. Do you think none were taken there wounded?

A. They might have been wounded and gone there, I can't arrive at that.

- Q. If Major Reno's command with one hundred men surrounded by 1000 Indians could cross a bottom and a river and climb a hill and save part of his command could not General Custer had he seen fit to do so, fled the field with the remnant of his command?
- A. I think discretion would have been the better part of valor had he done that.

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The witness then retired.

Lieut. W. S. Edgerly, 7th Cav., a witness called by the Recorder and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank and regiment and where serving.
- A. Winfield S. Edgerly, 1st Lieutenant, 7th Cavalry, serving at Fort Abraham Lincoln, Dakota Territory.
- Q. On what duty were you on the 25th and 26th days of June, 1876, where, with what command and under what Commanding Officer?
- A. I was under the command of Gen. Custer, serving as 2d Lieutenant in Captain Weir's Company, D, on the divide between the Rosebud and Little Big Horn Rivers and in afternoon of that day on the banks of the Little Big Horn under Major Reno.
- Q. Were you under command of Capt. Benteen that day?
- A. Yes, sir; from the time it separated from General Custer's column until we joined Major Reno on the afternoon of that day.
- Q. Where was the division into battalions, by whose order, and who were the officers placed in command.
- A. After moving over the divide between the Little Big Horn and the Rosebud, General Custer gave the command to halt. I happened to be close to him at the time, riding with Capt. Benteen and Capt. Weir and saw Adjutant Cook and Gen. Custer dismount and make the division into battalions, as I supposed, with pencil and paper and then they were announced, that Major Reno would have Companies A, G and M, that Captain Benteen would have Companies K, D and H and one battalion to Capt. Keogh, and one to Capt. Yates, and Captain McDougall with one company was to be the rear guard.
- Q. State what orders were given to the battalion commanders at that time.
- A. Capt. Benteen was ordered to move to the left at about an angle of forty-five degrees and to pitch into anything he came to and Major Reno's orders were to move down the valley and attack anything he came to - those were

all the orders I heard.

Q. Was Major Reno present when the orders were given to Capt. Benteen?

A. I think not.

Q. State if you know of the effective force of Captain Benteen's column?

A. I think about 125 men.

Q. Do you know about the effective strength of Major Reno's column?

A. About the same.

Q. From that point of separation describe the march of Capt. Benteen's column up to the time it joined Major Reno's command on the hill and state everything that transpired during that march that came to your knowledge.

A. We moved off in the direction ordered. I judge in about a mile distant we came to very high bluffs. Captain Benteen sent Lieut. Gibson to the top of them - I think he had some men with him - and was ordered to report what he saw. He came back and reported that he saw more bluffs and no Indians. We skirted along under those bluffs and I think Lieut. Gibson went to the top of the bluff four times while going about six miles. One time when he came back, a messenger came with an order to Captain Benteen from Gen. Custer, but I don't know what it was. We went on about two miles further or more when another messenger came and spoke to Capt. Benteen. Then we kept on and from that time made no further effort to go to the left as the reports from Lieut. Gibson were every time that the country was very broken and no Indians to be seen. We kept along down skirting the hills and finally into the valley; there were some foot hills between us and the valley the pack train was going down. We went on that way to the watering place which was about 7 or 8 miles from where we started, which was about half way to where we found Major Reno. We watered our horses hurriedly there and went on. When we had gone about a mile Trumpeter Martin came along with the written message to Captain Benteen, signed by Lieutenant Cook as Adjutant for Gen. Custer. That order was shown to Capt. Weir and myself. It was to the effect We have struck a big village, hurry up and bring up the pack and signed by W. W. Cook, and then a P. S. "Bring up the packs". The remark was made by some one, either by Capt. Weir or myself, that he could not possibly want us to go for the packs as Capt. McDougall was there and would bring them up. There was no halt or delay but we went on, Capt. Benteen putting the order in his pocket. About a mile or two from there we came to a lone tepee burning - As this command moved along Capt. Benteen and myself looked into it and saw a dead Indian in it. We then went to the head of the column again - after we passed that tepee we saw Indians off to our right on points which we afterwards found were our own scouts watching the result of the battle. I supposed at the time they were hostiles. When we came to within about a mile of where Major Reno crossed the river we saw mounted men in the bottom - we could not see whether they were Indians or white men. About half a mile from the crossing we saw a body of men going over the bluffs. Some one said they were Indians - someone else said "I don't know", in a

doubtful way. We went on towards the crossing and there saw an Indian scout named Half Yellow Face and he beckoned us to come to the right and we did so, and the Indians commenced firing at us from the bottom. None of them did us any harm. A few of the bullets struck at our horses feet. We went up about half a mile and found Major Reno on top of the hill with his command.

- Q. How long was it after leaving General Custer before the general direction of Capt. Benteen's column was to the right.
- A. I judge he changed direction about six miles after we started down the valley after going into the hills.
- Q. After leaving Gen. Custer's column could you see the direction of his march?
- A. No, sir; I could not see him in ten minutes after he left.
- Q. State if any message was sent back to Gen. Custer in regard to what had been seen or not seen in and about that country?
- A. I don't know.
- Q. Do you remember on that march of a non-commissioned officer saying something about the pack train, and if so, what did he say?
- A. A sergeant of C Company came back from Gen. Custer's command and gave Gen. Custer's compliments to Capt. Benteen and he wanted him to bring up the packs. Capt. Benteen said he thought he had made a mistake, that Capt. McDougall was in charge of the pack train and showed him the place and he went.
- Q. Was that before or after Trumpeter Martin came up?
- A. It was before.
- Q. How far before Trumpeter Martin came up, locate the place as well as you can.
- A. I think it was a little before we got to the watering place. It was some little time before Trumpeter Martin came up.
- Q. How far did you travel with the column after leaving General Custer before you struck the trail again?
- A. I think we came on the trail again about nine miles down the valley.
- Q. You made a circuit of about how much?
- A. Probably fourteen miles.
- Q. How far were you at any time from the general direction of the trail of Gen. Custer?
- A. I don't think over two miles and a half at any time. Our march was a

rapid one and I did not pay much attention.

Q. How do you arrive at your judgment?

A. From the general impression I got of the direction of the hills and knowing the direction Gen. Custer must have taken.

Q. Did you hear what Trumpeter Martin said when he came up - If so, what was it?

A. I heard him speak to the orderly behind Captain Benteen. He was laughing and seemed very much elated. Said it was the biggest village he ever saw, that they had found the Indians all asleep in their tepees - that Major Reno was charging it and killing everything - men, women and children.

Q. About how far do you think you travelled after striking the trail before reaching the watering place?

A. We struck it close to the watering place - within half a mile probably.

Q. From there how far was it to that burning tepee?

A. About 3 miles.

Q. About how far from the tepee to the river?

A. About  $3\frac{1}{2}$  miles.

Q. Where was the pack train when Capt. Benteen pulled out?

A. It had halted in rear of the command.

Q. Up with the command?

A. Yes, sir.

Q. Where was it when you were at the watering place?

A. They came up very much scattered - The advance packs came up as we were watering there and watered.

Q. What condition did the pack animals appear to be in at the watering place - how were they travelling?

A. They were being whipped along - they were tired - they were not used to being packed and the packs came off frequently. All did not come off.

Q. How far did the packs reach back?

A. Probably 2 miles.

Q. Where was Capt. McDougall?

- A. I don't know, he would naturally be at the rear of the pack train.
- Q. When did you leave that watering place in reference to the time when the pack train came up?
- A. Immediately. We left as soon as the pack train came up.
- Q. What was the gait you travelled after leaving the water hole?
- A. At a fast walk all the distance - Capt. Benteen had a very fast walking horse and travelled as fast as he could walk all the time.
- Q. After Trumpeter Martin arrived what was the gait?
- A. The same.
- Q. Could you state about how long it took Capt. Benteen's column to water there?
- A. From 8 to 10 minutes.
- Q. Whose trail did you strike?
- A. It was the trail I presume made by Major Reno, in fact I know it was. We followed that trail to near the crossing.
- Q. Your column was going across the river at the time it was diverted to the right by the Indian?
- A. Yes, sir.
- Q. Did you hear any firing before you came to that crossing, and if so, where, and describe it.
- A. Not till we got near the crossing. Perhaps we heard faint firing a mile from there.
- Q. To what command did it pertain?
- A. I found out afterwards it pertained to Major Reno's command.
- Q. Describe the firing.
- A. We heard it very faintly and very irregularly and when we got up there the troops were going up the hill. I heard no heavy firing.
- Q. Could you see into the bottom after you got there on the hill?
- A. Yes, sir.
- Q. What did you observe?
- A. A great many Indians.
- Q. How many did you estimate there were there?

- A. From 800 to 1000.
- Q. That was the time before you saw the command on the hill?
- A. Yes, sir; before we saw them on the hill.
- Q. State when you arrived at Major Reno's position on the hill, if you saw Major Reno, and if so what he was doing - describe his conduct as it appeared to you at the time.
- A. One of the first officers I saw was Major Reno; he was on his horse, he had lost his hat and had a white handkerchief round his head - he was in an excited condition. As we came up he turned and discharged his pistol towards the Indians.
- Q. How far were the Indians away?
- A. About 1000 yards.
- Q. How much beyond pistol range?
- A. 900 yards beyond any effective range - I consider it done in a sort of defiance of the Indians.
- Q. State in regard to the next officer you saw, what was he doing?
- A. About the same time I saw Lieut. Varnum. He had lost his hat and had a white handkerchief round his head. He was excited and crying and while telling us about what had occurred he got mad and commenced swearing and called for a gun and commenced firing at the Indians. About that time Capt. Moylan came up and said "For God's sake give me some water". He said he had 25 wounded men dying of thirst.
- Q. Describe the condition of that command when you arrived, stating the facts as they impressed you at the time, whether the excitement was general among his command, when Capt. Benteen got there with his column.
- A. We very shortly formed a skirmish line after we got up. There were a few Indians on points, firing, and we went on skirmish line at once and I did not observe the command very closely at the time. I was surprised, after the ride they had, they were so little excited. I remember one man perfectly cool, he came up the hill holding the scalp of an Indian in his hand which he had just taken. was  
W.C.
- Q. Who were detailed as skirmishers?
- A. Company D.
- Q. Who gave the order?
- A. Captain Weir.
- Q. Who gave him the order?
- A. I don't know.
- Q. Were you in a position to know whether Capt. Weir did it on his own responsibility?

- A. I probably knew at the time, but I don't recollect how. I know I would have deployed it if I had been in command of the company as it was done, seeing the Indians there.
- Q. How many Indians were there?
- A. Four or five, at points at short range.
- Q. What became of them?
- A. We drove them away in a short time.
- Q. What became of the Indians in the bottom?
- A. They remained there a while.
- Q. All or most of them?
- A. A great many of them. I occasionally looked and saw great numbers of them.
- Q. Could you tell whether they were warriors or squaws?
- A. My idea at the time was they were warriors.
- Q. Were you able to tell?
- A. I feel sure they were warriors - I had seen Indians before.
- Q. How long did those Indians remain there - Where did they then go?
- A. Some stayed there all the time. Till we moved out nearly all of them stayed there - After that as I came back from going with Capt. Weir to the hill, I found the bottom nearly deserted.
- Q. Where had they gone?
- A. I judge down the stream.
- Q. State whether upon joining Major Reno's command or soon after, if so, in what direction, and to what command did that firing pertain - describe it fully.
- A. Shortly after I got on the hill - almost immediately, I heard firing and remarked it - heavy firing, by volleys, down the creek. Captain Weir came to me and said Gen. Custer was engaged and we ought to go down. I said I thought so too. He went away, walking up and down rather anxiously. I heard the fire plainly. The 1st Serg't came up then and I saw a large cloud of dust and thought there must be a charge, and said "There must be Gen. Custer, I guess he is getting away with them". He said "Yes, sir, and I think we ought to go there". I did not answer him. Shortly after Capt. Weir came up again, I think he had been gone about ten minutes. By that time the firing had almost ceased. Capt. Weir asked me what I said to going with D Company if they would not go with the whole command. I said I would go. He said he would go and ask for permission to go, either from Major Reno or Capt. Benteen. Soon after that

he came back and called his orderly and mounted and went off and I mounted the men and started out without orders. I supposed he had got permission to go. We went down about a mile and a half he keeping up on the ridge and I going in a sort of valley. When we got on the ridge we saw a good many Indians riding up and down firing at objects on the ground. They saw us about the same time we saw them. I went down this valley, Capt. Weir keeping up on the ridge. Pretty soon he saw Indians start for me and he signalled me to swing to the right. I obeyed it and came round up on the hill and saw Capt. Benteen, Capt. French and Capt. Godfrey with their companies and I also saw Lieut. Hare speak to Capt. Weir.

- Q. What was the distinctness of that fire you heard down in the valley?
- A. It was perfectly distinct.
- Q. Was it sufficiently distinct to be heard, in your opinion, by everybody in that command?
- A. It was heard by everybody about me.
- Q. Where was Major Reno?
- A. When I saw him he was on the line near the river about 75 yards from me nearer the stream.
- Q. On about the same level with you or not?
- A. Yes, sir. About the same.
- Q. How long did that firing last?
- A. I judge about 3/4 of an hour, the scattering fire and all.
- Q. How long after you joined Major Reno on the hill until that movement you speak of was made down the stream by Captain Benteen and his command?
- A. About 3/4 of an hour.
- Q. How long was it after you came up on the hill till you went out with D Company?
- A. About 30 or 35 minutes.
- Q. This cloud of dust that you saw, where was it? On the Custer battlefield?
- A. No, sir; I think it was on the left bank of the stream and was made by some Indians from the fight coming towards the village discharging their pieces as they came in.
- Q. How long was it till the command started back from that advanced position you have described, and describe that return in full.
- A. When we came up we met the other companies and went on with them. Capt.

Benteen taking the most advanced position. D Company took a spur at right angles to his position. Capt. French formed in the rear of that and Capt. Godfrey's company in rear of Capt. French. Capt. French's men being on a spur facing the Indians. The Indians opened fire on us as we got on those points. After a little while Capt. Benteen moved back with his company towards the corral - I don't remember seeing Major Reno till we got back. In a short time Capt. Weir moved back by himself towards where Major Reno had selected a position. The next thing was Capt. French spoke to me and said the order had been given to move back. I said I thought not; that I had heard of no such order. He waited some time, probably five minutes and then said the order had been given to go back and he was going. He mounted his men and moved off at a gallop. I then gave the command to mount and moved off at a trot. As we got within about 60 yards from that point I saw K Company with Capt. Godfrey and Lieut. Hare, their men dismounted and their horses being led back. They had seen us coming and Capt. Godfrey had turned back and covered our retreat in the most brave and fearless manner. On going back I passed a man of D Company wounded - he looked at me and I told him to get into a hole and I would form a line, come back and save him. As soon as I got by K Company I met Capt. Weir and told him about the wounded soldier and that I had promised to save him and asked him to throw out a skirmish line for that purpose. He said he was sorry but the orders were to go back on the hill. I said that I had promised to save the man. He said he could not help it; the orders were positive to go back and we must go back. We went back and took position on the opposite side of the line from Capt. Benteen's company. We had hardly got into position before the heavy firing commenced, and we returned it, firing volleys and lying flat down as soon as we had fired and loading again while we were lying down.

Q. Describe the firing there, in that advanced position.

A. It was individual firing to a very great degree. The Indians, a few, came up within a hundred and fifty or 200 yards.

Q. Then was there a general engagement there?

A. Yes, sir; the engagement was general but the firing was not heavy.

Q. What troops were engaged there?

A. H Company, Capt. Benteen, D. Company, Capt. Weir and M. Company, Capt. French.

Q. What were the casualties of the command on its return?

A. I know of but the one man I spoke of.

Q. State if the Indians drove the command from that position.

A. They did not, the orders were to fall back and we fell back.

Q. Locate on the map, if you can, that advanced position that Capt. Weir first took with his company and the position of the other companies

that went there.

- A. We moved out along the ridge, the highest point, that point 7 and then we moved down the valley in the general direction of the point 8. We moved from Major Reno's position about a mile and a half and then swung around on those swells and came up again and met the other companies coming up. We moved out and went to a point which I now mark 9. Capt. Benteen's company was on the top of a narrow bluff. Capt. Weir's company was at right angles to it and a little in the rear of Capt. Benteen's company was Capt. French's and along with D Company was Capt. Godfrey's company on a narrow spur.
- Q. State if you saw Major Reno at that point giving orders.
- A. I don't recollect seeing him there.
- Q. State if you know who ordered the advance of the troops or any part of them to that position.
- A. I know nothing of my own knowledge.
- Q. How far do you estimate the most advanced point you were from Major Reno's position?
- A. I judge it was a mile and a half.
- Q. How far do you say that advanced position was from the point B?
- A. I judge about 3/4 of a mile or a mile.
- Q. Where did you see Major Reno next after leaving that position on the hill?
- A. I think I saw him as soon as we got back, walking in the rear of K company which was on the left of D company.
- Q. Had K company taken its position?
- A. Yes, sir; shortly after D company had.
- Q. Who directed the troops to take position?
- A. I have no recollection of any directions.
- Q. Who placed them in position.
- A. I don't remember, I was with my company and so was Capt. Weir. He said he had received positive orders to come back and he must have put the company in position.
- Q. What orders did Major give to him if any?
- A. I did not more than get a glimpse of him and did not hear him say anything. We were not in position half a minute till the fire commenced.

- Q. How near had they closed up round the command?
- A. They came up within close rifle range.
- Q. In what numbers?
- A. I should judge probably over a thousand - I judge by those round the left of the line where I was.
- Q. You saw Major Reno walking in the rear of K company?
- A. Yes, sir.
- Q. When did you next see him?
- A. In the evening about nine o'clock - I know it was quite dark. He seemed to have come from the other end of the line. I saw there was a gap between M and B companies and also a space between G and A companies on our side. As he came along I told him about it and asked him if I should have them closed. He said "Yes". I then went and gave Major Reno's orders to close the gaps.
- Q. State the circumstances which brought about your suggestion that those gaps should be closed.
- A. I remember after the firing closed that I looked round and saw an even swale that run down probably a mile. I thought that it was a place a white man would charge through and that the Indians might charge through it in the morning and there was one ridge there where there was a gap that I thought was a good place to charge. I think from the statement of others that I had a talk with Capt. Godfrey and Capt. Weir about the same thing but I do not recollect it.
- Q. How soon after the command got into position until the general engagement began?
- A. Almost immediately.
- Q. What time of the day was it?
- A. I think it was not over 15 or 20 minutes before dark. It was kept up about an hour and a half or more. I know they surprised me by firing so long after dark.
- Q. What was the length of that engagement?
- A. An hour and a half or two hours.
- Q. Did you see Major Reno during the engagement?
- A. No, sir; I only saw two officers, Captain Weir and Captain Godfrey walking up the line of their companies.

- Q. What were they doing?
- A. Walking along encouraging the men.
- Q. Were they under fire?
- A. Yes, sir.
- Q. State what orders you received that night further than you have already stated and describe the circumstances under which they were given.
- A. About an hour after the firing ceased I went to a bed and slept till about half past one o'clock when Capt. Weir came and woke me up and said he wanted me to go to where the horses were and improvise some sort of a picket line so that the men in charge of the horses might be on the line that day, and I did so.
- Q. Who gave Capt. Weir that order, if you know?
- A. I don't know.
- Q. What was your impression about it from anything you saw?
- A. My impression was that Capt. Weir was taking care of his own horses and getting his own men on the line.
- Q. Did you see Major Reno at any time during the night?
- A. I saw him while I was over there fixing the horses.
- Q. What was he doing and what did he say?
- A. He was lying down on his blankets as I went by once - he asked me what I had been doing, I said I had been asleep - He said "Great God, I don't see how you can sleep". Then I passed on. I saw him there several times.
- Q. Where was that?
- A. Over near Capt. Benteen's line behind the horses.
- Q. Was that in a depression or not with reference to the formation of the line?
- A. It was about the same level that Capt. Benteen's company was in.
- Q. What preparations did you make that night for resisting the attack of the Indians?
- A. We had shallow rifle pits dug. There were only a few spades and but two axes, I think in the command. We built little trenches round the crest of the hill.
- Q. Do you know by whose order that was done?
- A. I think by Major Reno's, though I did not hear him.
- Q. Who superintended it?
- A. I think Major Reno walked round the whole line - I am not positive.

- Q. Was there any firing at that time?
- A. No, sir.
- Q. About what time did the firing begin next morning?
- A. About half past two - before daylight.
- Q. Was it heavy or light?
- A. Very heavy.
- Q. How long did it continue?
- A. Till about 10 o'clock and then it fell off - Some of the Indians withdrew and only sharpshooters remained after that.
- Q. Where were you?
- A. On the right of D. Company.
- Q. During that <sup>was</sup> morning did you see Major Reno, if so, what was he doing and what orders <sup>was</sup> he giving.
- A. I saw him a great deal that day - He was lying in a pit with Capt. Weir on the left of our line and I saw him walk across to Capt. Benteen's line. He came and spoke to me while I was lying in a pit and asked me if I had a place. I saw him several hours during that engagement.
- Q. At any time that morning did you observe anything about the fighting in the position Capt. Benteen's company was in?
- A. There was apparently a break in the company and I thought the men were rushing back to where I was. Pretty soon after that Capt. Benteen came over and stood near where I was on a high point. The bullets were flying very fast there and I did not see why he was not riddled, he was perfectly calm, I remember there was a smile on his face. He said to Major Reno "We have charged the Indians from our side and driven them out, they are coming to your left and you ought to drive them out". Major Reno said "Can you see the Indians from there" He said "Yes", Major Reno said "If you can see them, give the command to charge". Capt. Benteen said "All right, ready boys - Now charge and give them hell".
- Q. Where was Major Reno at that time and what was he doing?
- A. The whole line was in the pits; I believe he was up on his Elbow at the left of the line.
- Q. Did he go to that place to see for himself?
- A. No, it was all done in a minute.
- Q. How far did the men advance?
- A. Probably 40 or 50 yards.

- Q. What orders were then given and by whom?
- A. Major Reno gave the command to get into our holes.
- Q. State what orders were given and by whom in regard to the men economizing their ammunition.
- A. The only orders I know were the orders I gave to the men of D Company. I said to them not to fire unless the Indians came closer.
- Q. Could the Indians be seen from your position?
- A. Not a great many. They were round the points and we could see heads popping out. There were a great many Indians there.
- Q. What was your opinion of the conduct of Major Reno as a commanding officer on the 25th and 26th of June in regard to coolness, courage and efficiency or the reverse, and state all the facts and circumstances upon which your opinion is based.
- A. When I first got up there he was excited, but not enough to impair his efficiency or have a bad effect on the troops. He did everything that was necessary to be done. That was very little because all the officers could see what ought to be done. There was no occasion for any particular control by the Commanding Officer. As far as I saw the company commanders fought their own companies to a great degree. I saw Major Reno walk across the line as I saw other officers and he seemed very cool and I think the position we had was the best possible within a radius of a great many miles.
- Q. State if his conduct was such as to inspire his command with coolness, courage and confidence, or whether it had any relation to that. Give your own opinion from what you know and saw.
- A. As I said before, the men were very cool. I don't think any particular man inspired them with courage or coolness.
- Q. State whether the conduct of other officers - Capt. Benteen and others did not inspire the men.
- A. I have no doubt that when Capt. Benteen was on the ridge every man admired him but I don't think it was necessary to inspire the men.
- Q. State whether or not Major Reno seemed to be fully and decisively exercising the functions of a commanding officer in the position that command was placed.
- A. He did as far as I know. As I say, very few commands were given.
- Q. Would he not, if he had been around, have seen those gaps you speak of?
- A. Yes, sir; but he was coming round to that part of the line. I think from Capt. Benteen's position and as soon as he came over I reported to him about the gaps.

- Q. State if there (were) battalion organizations on the hill.
- A. No, sir; there were none recognized.
- Q. State if you saw the hostile village on the 26th.
- A. Yes, sir.
- Q. When?
- A. About 4 o'clock.
- Q. How far away?
- A. About two or two and a half miles.
- Q. What was the size and width and density of that moving village?
- A. The entire village as it moved away would be two and to three and a half miles long and from half a mile to a mile wide - I thought before the ponies commenced to move it was like a lot of brown underbrush - it was the largest number of quadrupeds together I ever saw in my life and very close together - It looked as I said, as if some one was moving a heavy carpet over the ground.
- Q. Did it seem as dense as animals could be?
- A. Yes, sir; the ponies were being driven just as dense as they could drive them.
- Q. Did the entire mass appear to be that way?
- A. There were evidently mounted parties and persons with the drove and an advanced guard and some men on the flanks and men with travoys.
- Q. Could you tell at that distance whether the ponies were being driven in a herd or were being used to move the village?
- A. I think a large majority were being driven.
- Q. What is your estimate of the number of ponies.
- A. From other peoples' opinions more than my own I judge there (20000) twenty thousand.
- Q. State whether or not it would require a pony for each person in that village.
- A. It would.
- Q. What is the usual proportion of ponies to each person.
- A. That depends, I suppose, on the wealth or poverty of the tribe.
- Q. How is it about those Sioux?

- A. They are rich I suppose they average 6 or 8 ponies to a man. Some of the other tribes perhaps did not have more than two or three.
- Q. What do you estimate the population of that village to be?
- A. I think there were six or seven thousand persons there. I think a great many had no families there.
- Q. How many warriors do you estimate there were?
- A. I think four thousand at least.
- Q. If you can, give the facts upon which you base that opinion, I wish you would do it.
- A. I estimate the number of Indians from what I saw and from what I have heard from the Indians since that. I know there were a great many war parties there who usually don't carry their families, and it is upon that I base my opinion.
- Q. Do you think it possible there were fifteen thousand men, women and children in that village?
- A. I think it possible, but I don't think it at all probable.
- Q. State if you know how much reliability is to be placed upon the statements of Indians when you are seeking information. What is the character of the information they usually give you?
- A. A single Indian's statement is not considered valuable unless he is known to be a very trustworthy one - it is generally believed that they would rather lie than tell the truth.
- Q. State whether or not it is generally true that an Indian upon being questioned or talked to will make his statements or opinions coincide with the person he is talking to.
- A. They generally do that.
- Q. State if you examined the place where that village had been.
- A. I rode over a large part of it in helping to burn the tepee poles, but not with a view of examining its size. It was larger than any Indian village I had ever seen. The indications of lodges extended over about three miles long in a belt half to three quarters of a mile wide along the stream.
- Q. Did you from the examination you did make, to the satisfaction of your own mind, arrive at anything like a reasonable estimate of the number of lodges?
- A. No. I could not now.
- Q. State whether or not in a large camp the lodges are kept in any one place for any length of time or do they move them about?

- A. They move them frequently.
- Q. State whether the places that indicated there had been lodges would give any correct indication of the number of lodges in the village.
- A. Excepting that we had seen many fresh trails leading to the village it would not be unless there were some other signs to indicate it.
- Q. Can you give the names of the tribes in that village and what were the numbers of each coming within your knowledge and what are the sources of your information?
- A. I don't know. I know from Indians that there was a band of Uncapapas, some Cheyennes and Sioux under Crazy Horse, the Ogallallas - those are the only tribes I am positive about.
- Q. State if the Minneconjons were represented there.
- A. I think there were.
- Q. And the Suns Arcs?
- A. Yes, sir.
- Q. Were not those the principal ones?
- A. Yes, sir; I think those five were about all.
- Q. State whether in riding over the village there were evidences of the encampment of different bands.
- A. At the time I did not notice that there were.
- Q. Did you afterwards?
- A. Not while I was upon the ground.
- Q. Is it not the case that Indian bands do not camp together but in bands?
- A. I have been told so and that is my experience with friendly Indians.
- Q. State if you examined the route or trail of General Custer in the vicinity of the hostile village, if so, describe it with reference to the village, the stream and all the developments brought to your knowledge of the fate of General Custer's command.
- A. All I saw of the trail was on the morning of the 27th when we went to bury the dead. We found the tracks of shod horses on the same side of the river where we were, and on the same side Gen. Custer went down. We formed skirmish lines when we came close to where the battlefield was, so as to find all the bodies that might have been killed. We came upon a few bodies about  $3\frac{1}{2}$  miles from where we had position on the hill. Each

company had orders to bury the dead as they found them and as we came up to the first hill where they were at all thick, Major Reno called Capt. Moylan to see if he could recognize the bodies there. I went with him and we found Lieut. Calhoun who was in rear of the first platoon of his company. About 20 or 30 feet from there was Lieut. Crittenden lying in the rear of the 2nd platoon, both about 15 or 20 feet in rear of their platoons. I got permission to go ahead and see if I could recognize the bodies of several officers. By that means I left the line and went on till I came to Capt. Keogh's company. They were in an irregular line - my impression was that they had formed line on the left of Lieut. Calhoun and had fallen back and some had retreated faster than others. Capt. Keogh had evidently been wounded as we found that his leg had been broken and the sergeants of his company had got around him and were killed with him. There were no regular lines but still evidences that there had been a line. After I had recognized Capt. Keogh's body I went on towards a high point one or two hundred yards off and came to Gen. Custer's body, about 15 feet from him was his brother's body. A short distance from that was Lieut. Reily and then Lieut. Cook and there were bodies lying round as far as we could see in every direction in irregular positions.

Q. In regard to the men around General Custer's position?

A. There were a good many soldiers killed round there.

Q. Did they give any evidences of company organizations?

A. No, sir; it seemed to be a rallying point for all of them - I think that was where Gen. Custer planted the guidon - it was the last point - it was not as high as some other points around it. It was the highest point in that immediate vicinity.

Q. Did you examine from Gen. Custer's position down the ravine towards the river?

A. I did not go there.

Q. How near the river were there evidences of any fighting on the part of Gen. Custer's command?

A. I judge it was about half a mile from the ford B.

Q. There were bodies between the place where Gen. Custer was found and the river?

A. Yes, sir.

Q. State what to your mind were the evidences of the struggle, whether <sup>desperate struggle or of</sup> that of a panic or a rout without such resistance?

A. Knowing the men as I did I have no doubt they fought desperately for a few minutes.

Q. Did you notice the knolls over the field, whether they were rallying points for officers and men?

A. I did not go all over the field. There were evidences of rallying points

about Gen. Custer and about Capt. Keogh and Lieut. Calhoun were evidences of fighting, but not of being rallying points.

- Q. From your knowledge of the character of Gen. Custer and of the officers and men under his command, and from the evidences of the manner in which his entire command was annihilated, state whether or not in your opinion Gen. Custer could have fled the with a portion of his command by abandoning the others to their fate.
- A. I believe he fought very desperately.
- Q. State if there were any evidences of the company commanders abandoning their companies and leaving the men to their fate?
- A. I don't think there were any such evidences. There were no evidences of their abandoning their companies in disgraceful or cowardly manner.
- Q. Is it expected of officers and men in a desperate struggle of that character that the men will be found lying in perfect lines?
- A. No, sir; it could not be done.
- Q. State, if in charging an enemy the dead would appear in regular lines, or scattered?
- A. They would appear in scattered positions.
- Q. State if you can how far Major Reno's position on the hill was from the bulk of the Indian Village.
- A. I should say it was two miles and a half or three miles.
- Q. Where was the bulk of the village?
- A. Close to the bank of the stream beyond the timber near where we first saw Major Reno.
- Q. How near were the nearest dead men of General Custer's command to that village?
- A. The nearest one I found was about half a mile from the crossing B I think - I am not positive as I did not go over the ground.
- Q. Where was the bulk of the Indian village in reference to the ford B?
- A. At first it was higher up the stream, after that it was moved out to the left and a little down stream

QUESTIONS BY MAJOR RENO

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- Q. Am I right in understanding that you do not pretend to give the history of all that Major Reno did during those engagements?

- A. You are.
- Q. Situated as you were was it not necessary that each officer during these engagements should rely largely on his own personal experience?
- A. I think it was.
- Q. You never expected the Commanding Officer to be ubiquitous there?
- A. No, sir.
- Q. Was not the position such that necessarily a very large part of the duties to be done were left to be discharged by each officer?
- A. Yes, sir; I think I so stated.
- Q. Was not the engagement of such an elementary character it could proceed without any special directions from Major Reno?
- A. Yes, sir.
- Q. Were there not in that command a number of soldiers who had experience in actual warfare?
- A. Yes, sir.
- Q. Do you think they needed any special instructions?
- A. I think not.
- Q. Do you think Captain Benteen and many other officers needed special instructions?
- A. I think not.
- Q. I wish you to state in a general way whether at any time you saw any evidence of cowardice on the part of Major Reno?
- A. I did not.
- Q. You have spoken about excitement, you distinguish that from fear.
- A. I do most emphatically.
- Q. A man may be excited in charging an enemy and exhibit no qualities but that of the true soldier.
- A. Yes, sir.
- Q. That is a matter of temperament?
- A. Entirely so I judge.
- Q. With regard to the charge that Captain Benteen suggested to Major Reno, state whether or not Major Reno accompanied them in that charge.

- A. He accompanied the troops. I did not see Capt. Benteen accompany them. He stayed on the point.
- Q. What kind of weather was it at the time of those engagements?
- A. It was extremely hot. There were two or three little sprinkles of rain but it was intensely hot.
- Q. Do you remember whether or not Maj. Reno and some other officers before they left the boat at the mouth of the Rosebud exchanged their hats for a larger kind of hat for a better shelter for their heads?
- A. I don't recollect about it, it is liable to have been so.
- Q. Do you, or not, recollect whether Major Reno wore into that engagement in the timber a very large hat not the regulation hat of an officer?
- A. I don't recollect what kind of a hat he wore, though I saw him that morning.
- Q. You saw the village defile before you on the plain?
- A. Yes, sir.
- Q. Was it not so large that it was beyond the experience of any officer there?
- A. It was very much beyond any experience I ever had. I can't speak for other officers.
- Q. Was it not so large that officers accustomed to estimating large numbers of mounted men or men in motion would give widely different opinions as to their numbers with entire honesty?
- A. I think it was.
- Q. Go back to the point where Capt. Benteen diverged from the main column, what distance was that from the ford "A" where Major Reno afterwards crossed?
- A. I judge it was about 12 $\frac{1}{2}$  miles to the crossing.
- Q. How soon after Capt. Benteen received his order did he go out with his column.
- A. Immediately Major Reno had received his orders and halted for us to pass by.
- Q. What was Major Reno doing?
- A. He moved on towards the village.
- Q. Who gave the order?
- A. General Custer in person, I think.

- Q. You don't know what orders Major Reno received from General Custer after that?
- A. No, sir; I did not see General Custer after that.
- Q. You speak of the trail Capt. Benteen pursued as not diverging a very great deal from that General Custer pursued. How do you explain that?
- A. As I say, we went to the bluffs at the end of the valley and Lieut. Gibson would go on top of the hill, while we were skirting the sage and reporting there was nothing beyond but steep hills and no Indians. The idea I had was if they ran out of the village we would strike them on the left, and if to the right, then some other part of the command.
- Q. You do not desire to have it inferred that Captain Benteen was no further from General Custer's line than 2 miles and a half?
- A. No, sir. General Custer went faster than we did, as we were going on a line of hills.
- Q. General Custer diverged to the right?
- A. I don't know about that; I think he went nearly on a straight line to where Major Reno crossed the stream.
- Q. Where was Major Reno at the time the order was given by General Custer and who was close to him.
- A. I saw him about the time the order was given passing along at the head of the column. I saw Lt. Hodgson with him. He spoke to me as I was passing by. I don't recollect whether Lieut. Wallace was with him or not. He may have been.
- Q. When Trumpeter Martin brought the order the conversation he had with regard to the village and Major Reno's killing the men, women and children was with the orderly and not with Capt. Benteen was it?
- A. It was with the orderly back of us.
- Q. Did Capt. Benteen hear that conversation?
- A. I supposed he did.
- Q. Do you know as a fact that he did?
- A. I only know from the way that Trumpeter Martin told it as I would infer that everybody in the room hears what I say, so I supposed he heard what Trumpeter Martin said.
- Q. At what rate of speed did the column advance after the message was delivered by Trumpeter Martin?
- A. It was a fast walk by Capt. Benteen's column.
- Q. Would that throw part of the column into a trot?
- A. Part of the rear would be in a trot. My horse did not trot.

- Q. Did not Captain Benteen proceed as fast as he could, considering what the command had before it that day and what it had done before?
- A. It advanced as fast as I thought it ought to, though I was anxious to go faster.
- Q. Was there any reluctance or tardiness in going?
- A. No, sir; he was going at a proper rate of speed to keep the horses in good condition.
- Q. The orders were also to bring up the pack train?
- A. Yes, sir.
- Q. The halt on the hill was to enable the pack train to come up?
- A. When we got there we found Major Reno's command. I don't think we halted in reference to the pack train. We found the men crossing the river and the Indians firing at them.
- Q. If you do not know the exact purpose for which the halt was made, state if during that halt the pack train was not brought up.
- A. Yes, sir. I think Major Reno halted because he found a good position and Capt. Benteen halted because he found Major Reno with Indians firing at him.
- Q. The ammunition of the men engaged in the timber was replenished?
- A. I understood so.
- Q. And care taken of the wounded?
- A. Yes, sir.
- Q. Then the advance was made down the river?
- A. Yes, sir.
- Q. With regard to the orders being given, are you not largely unacquainted with the fact whether Major Reno did or did not give orders to Capt. Weir?
- A. All I know about it is what Capt. Weir told me.
- Q. Was Major Reno acquainted with the fact that Captain Weir left a wounded man?
- A. I don't think he was.
- Q. Were there not duties for company officers to discharge which they did irrespective of any orders from the commanding officer?
- A. There were.
- Q. Where was Major Reno when the wounded men were brought in?

- A. Where we took final position.
- Q. Was that a proper place for the commanding officer to be.
- A. Yes, sir.
- Q. How many orders did Capt. Benteen receive from General Custer and through whom did they come?
- A. I saw a person approach Capt. Benteen as I was riding with the second company and speak to him and ride away. Then the Sergeant Major came up and spoke to Capt. Benteen and rode away again after that a Sergeant of "C" Co. came to him with reference to the pack train and received his directions and rode back towards Capt. McDougall. Then Trumpeter Martin was the last man until we came near when Major Reno was then "Half Yellow Face" beckoned us.
- Q. Can you give the name of the Sergeant of Company "C".
- A. It was either Sergeant Knipe or Sergeant Hanley. I think the latter.
- Q. Where was the column when he came up?
- A. My recollection is about half way from where we started over the divide to where we met Major Reno. I am not at all definite in regard to the place. I know it was before Trumpeter Martin came up.
- Q. What was required by that order that was not done?
- A. Capt. Benteen thought there was some mistake in ordering him to bring up the packs, as Capt. McDougall was in charge of them.
- Q. Did not Capt. McDougall bring up the packs?
- A. Yes, sir.
- Q. You heard firing from the field below?
- A. Yes, sir.
- Q. The dust you saw was not from the Custer battlefield?
- A. No, sir.
- Q. Was it from the same side of the river that the Indian Village was?
- A. Yes, sir.
- Q. Do you not think it was caused by the Indians returning?
- A. Yes, sir. I said so at the time I did not think so.
- Q. Do you think so now?
- A. Yes, sir; that is my judgment now.
- Q. Is it not the practice according to Indian warfare to do a great deal

of firing after their enemies have been killed?

A. Yes, sir; after a successful fight.

Q. May not a large part of the firing have resulted from joy of the Indians at their victory?

A. I think likely a great deal came from that.

Q. At the time you heard the firing how far was Major Reno from the Custer battlefield?

A. About 4 miles.

Q. Was the pack train then up?

A. No, sir; it was not up till after we left and we did not leave till all the heavy firing ceased.

Q. I wish your opinion as an officer having in view the country, the position occupied and the number of Indians; what, in your judgment, was the length of time the command under General Custer was enabled to struggle against its fate?

A. I think they were all killed in about 20 minutes or a half an hour from the time the Indians first commenced the attack on them.

Q. Do you think they were killed within 20 or 25 minutes from the time you joined Major Reno on the hill?

A. Yes, sir; after the first firing I heard.

Q. How soon did you hear the first firing?

A. Immediately after I got there.

Q. Would ten minutes be too short a time?

A. I think it would be less than 10 minutes. My recollection is it was almost immediately. It may have been 5 minutes, but I don't think it was.

Q. You think then in 5 minutes after you reached the hill, if you fix the duration of the battle at 25 or 30 minutes, that in 30 or 35 minutes after you reached the hill the whole command was killed?

A. Not over that.

Q. Major Reno was 4 miles away.

A. Yes, sir.

Q. How long had Major Reno been on the hill when Capt. Benteen came up?

A. Only a short time. Some of the men came up after we got there.

Q. Was there any belief on the part of any person competent to form a judgment until General Terry came up, that General Custer and his command were destroyed?

- A. I think not.
- Q. Was it not a conjecture and indeed a belief on the part of a great many that General Custer had gone on down to join General Terry?
- A. It was.
- Q. With regard to the gaps in the line, I understand you got directions from Major Reno to fill them.
- A. He directed me to fill them.
- Q. How close was Major Reno to you at the time?
- A. He was quite close to me.
- Q. How close to the gaps was he?
- A. Perhaps about 15 yards.
- Q. Was not your position on the line such that you saw very few officers?
- A. Yes, sir; I said I saw only two officers.
- Q. There was nothing strange that you did not see them?
- A. No, sir; I was in a direction away from the majority of the line.

QUESTIONS BY THE RECORDER.

- - - - -

- Q. Would or would not an officer in an engagement of that kind where the troops were all in position be more liable to see the Commanding Officer than in an open field or in the timber?
- A. There being a ridge between where I was and other parts of the command it would be impossible to see him unless he came on the side I was.
- Q. Did he come on that side?
- A. He did when we first came back and I saw him after dark when he came there.
- Q. In an engagement of that kind and under those circumstances what do the subordinate officers expect on the part of a Commanding Officer - Coolness or excitement?
- A. Whether he would show it or not depends a great deal on the temperament of the man. He would be more or less excited depending on the temperament of the man and the way he looked at the fight whether favorable or not.
- Q. In that charge made by the troops when Capt. Benteen told them to go, state whether there were any casualties?
- A. I think one man was wounded.
- Q. When the village moved out state how it impressed you.

- A. What impressed me most was the great number of ponies.
- Q. How many wounded men were there on the hill when you came up?
- A. I made no observation at all and do not know.
- Q. You say when you saw that cloud of dust and the Indians you thought differently from what you testified today?
- A. Yes, sir.
- Q. You have changed your opinion about it?
- A. Yes, sir.
- Q. At the time how did it impress you and others about you?
- A. I can only answer for myself and my first Sergeant. We both thought that General Custer was charging the Indians.
- Q. About how far was it from Major Reno's position in the timber to the Custer battlefield?
- A. I can only guess, in a direct line I should say it was about 4 miles.
- Q. If the distance from Major Reno's position on the hill to where General Custer's body was found, was 4 miles and 160 yards, what would be the distance to the nearest part of the battlefield?
- A. I think it would be about 500 to 1000 yards closer to Major Reno.
- Q. Did you see any dead bodies at the ford "B"?
- A. I was not there until they were all buried.
- Q. How close was that to Major Reno's position?
- A. I would say about 2 miles.
- Q. Do you know how many effective men were with the pack train?
- A. He had 5 or 6 men and a Sergeant from each company and his own company was close to 50 men.
- Q. Did he have any packers?
- A. He had a few citizen packers, not many.
- Q. Is it customary for a command to go into a fight with a pack train on its hands?
- A. No, sir; it is not.
- Q. Might not the firing that you heard from below have lasted much longer than 20 minutes and you not heard it as it retreated from you?
- A. After I heard it at all I don't think there could have been any fighting that I would not have heard the sound of because I was listening for it and it did not have the indication of dying away.
- Q. State whether or not to your knowledge on the night of the 25th of June

Major Reno made any attempt to ascertain what had become of General Custer.

A. No, sir.

Q. Were there not scouts there that night?

A. Yes, sir.

Q. How long did those gaps you spoke of remain unfilled?

A. I would say about two hours and a half.

The witness then retired.

The Court then adjourned until Tuesday, Feb. 4th at 10:30 o'clock.

29th Day

Chicago, Ills. Feb'y. 4th 1879.

10:30 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. M. A. Reno and his counsel was also present.

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

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Captain F. W. Benteen being recalled by Major Reno Testified as follows:

QUESTIONS BY MAJOR RENO

- Q. Did a Sergeant come to you with any directions about the pack train if so, to whom was he directed and what was done by you in regard to it?
- A. He simply had verbal instructions to the Commanding Officer of the pack train and I did not consider that an order to me.
- Q. You were not Commanding Officer of the pack train?
- A. No, sir.
- Q. It was not a part of your column?
- A. No, sir.
- Q. Where was your command when the order was received at the hands of Trumpeter Martin?
- A. Half way between the burning tepee and the ford "A".
- Q. Did you see or hear Major Reno fire a pistol as you came up?
- A. No, sir; I did not.

QUESTIONS BY THE RECORDER.

- Q. How far do you estimate it from the burning tepee to the ford "A"?
- A. Very nearly three miles.

The witness then retired.

Lieut. W. S. Edgerly being recalled by Major Reno testified as follows:

QUESTIONS BY MAJOR RENO.

- Q. Any impression you might have had with regard to the part Major Reno was to take in those engagements was merely an impression of your own?
- A. That is all except the order given him to charge towards the village, that was the only command I heard given him.

The witness then retired.

B. F. Churchill, a citizen.

A witness called by the recorder and, being duly sworn to testify the truth, the whole truth and nothing but the truth, testifies as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, residence, and occupation.
- A. B. F. Churchill. I am a rancher at Tongue River, Ft. Keogh, Custer County, M.T.

- Q. Where were you and in what capacity serving on the 25th and 26th of June, 1876?
- A. I started from mouth of Powder River with the Custer expedition as a packer about the 25th. We were going from the divide between the Rosebud and Little Big Horn towards the Little Big Horn River.
- Q. How long had you been acting in that capacity at that time?
- A. I joined the expedition 5 days before that.
- Q. How far did you march with that command?
- A. From Powder River through to the Little Big Horn.
- Q. Do you know anything about the condition of the animals of the pack train and of the command on that march?
- A. I noticed nothing except that the mules were in very good condition.
- Q. How was the grazing on that route?
- A. We had very good grazing all the way to the Little Big Horn.
- Q. Previous to the 25th had the pack train moved rapidly, trotting or running?
- A. No, sir; we could not travel as fast as that.
- Q. Did you keep near to the command or far from it?
- A. Mostly right behind the balance.
- Q. State where the intelligence first came to you with the pack train that the command was engaged with the Indians.
- A. The first we heard of it was about 2 miles and a half from the Little Big Horn near a tepee.
- Q. Was that from the sound of firing or was it news brought to you?
- A. It was news brought to us.
- Q. What was in that tepee?
- A. A dead Indian.
- Q. What time was that?
- A. I think about half past 10 or 11 o'clock.
- Q. How do you get at the time?
- A. I judge by the distance we traveled that morning and by the sun I had no watch.
- Q. It was a mere guess on your part as to the time?
- A. Yes, sir; in regard to time it was.

- Q. What orders were given along that march from the time it started out on the march on the 25th and by whom?
- A. We had orders moving out that morning to move out and after that received no orders till we got about to that tepee, we then had orders to take the ammunition mules out and go ahead with them.
- Q. On other parts of the march had you the same usual orders?
- A. Yes, sir.
- Q. How many mules were in the pack train?
- A. I think 175 altogether.
- Q. There were citizen packers were there?
- A. I think there were six or seven.
- Q. Tell where it was the order came about sending the ammunition packs ahead? How far from that tepee?
- A. I think about half a mile after we passed it.
- Q. Were you on the trail or off it?
- A. On the trail.
- Q. Tell what was done with the ammunition packs; who went with them.
- A. Myself and a man named Manu took one-who took the other. I don't know. He led the mule and I licked it up as fast as I could. We kept it going as fast as it could with two boxes of ammunition on.
- Q. How far did you go from that place till you reached the command?
- A. About two miles.
- Q. How long did it take you to go over that distance?
- A. I don't think it took us over 8 or 10 minutes.
- Q. Did you have any trouble in going along?
- A. Not a bit.
- Q. Do you remember a watering place on that trail?
- A. Yes, sir.
- Q. Tell what happened there.
- A. I don't remember anything particular except that I saw one mule get mired there. Several got their front feet in, but were pulled out.

- Q. Was there any delay on account of that?
- A. Not particularly. Some got left and others went on.
- Q. Is it the custom to string a pack train out?
- A. Yes, sir.
- Q. How many mules did you see stuck in the mud?
- A. Only one very badly. I saw others pulled out but it took no more than a minute to do it.
- Q. Were you at the front of the pack train when it arrived at the watering place?
- A. I was near the front.
- Q. Did you see any troops there at that time?
- A. I did not notice any, I was busy.
- Q. How long did the pack train stop there?
- A. I don't think it made any halt at all. Some of the mules run into the water as they would do when reaching any water.
- Q. When you joined Major Reno's command on the hill, state what you saw in the bottom, if anything, with reference to the men of the command.
- A. I didn't notice whether any men were in the bottom or not; I saw some coming up the hill, some mounted and some on foot.
- Q. Had you any means of knowing whether that was their first trip up the hill or not, or whether they had come up and gone back and were coming up again?
- A. Only what they said, that that was their first arrival there.
- Q. Did you see any Indians at that time? If so, in what numbers?
- A. I saw a few perhaps 5 minutes after we got on the hill.
- Q. Where were they?
- A. They started from the timber to go up the river from where we were.
- Q. How many did you see?
- A. Eight or ten.
- Q. Did you see any other Indians in the bottom?
- A. No, sir; none but those.

- Q. Was there any firing on the command when you got there?
- A. They commenced firing from the top of the bluff.
- Q. Who fired?
- A. I saw several men, I know. Captain French was firing.
- Q. Where were the Indians?
- A. On the other side of the creek going up the river.
- Q. State what your duty as a packer is when you get through.
- A. It is to wait for orders in regard to unpacking and moving the unpacked <sup>the</sup> ammunition mules immediately and then <sup>had</sup> to pack them up again.
- Q. Who ordered you to pack them up?
- A. I don't know who gave the order it appeared to be a general order.
- Q. Did you hear any firing about that time and if so in what direction.
- A. I don't remember hearing any about that time. I think about an hour and a half after I got there I heard firing.
- Q. Where was the firing.
- A. It was down the river.
- Q. Describe the sound of it, whether in volleys or not.
- A. I remember hearing what I took to be volleys and spoke of it to some of the men. I heard about 4 or 5 volleys.
- Q. Where did it appear to come from and at what distance?
- A. It came from down the river and I thought at the time that it was  $2\frac{1}{2}$  or 3 miles away from the sound. It was not a very plain report of guns.
- Q. You have been down to the Custer battlefield?
- A. I was over part of it, not all of it.
- Q. Where was that firing in reference to that battlefield?
- A. That was the right direction for the firing to come from.
- Q. Where were Major Reno and Capt. Benteen's commands when you heard the firing?
- A. They were on a hill there.
- Q. Did you see any smoke or dust or other indication of a fight down the river?

- A. I did not notice any.
- Q. Could you see the Indians Village from where you were?
- A. A very few tepees.
- Q. How long did that fire last that you speak of as beginning about an hour and a half after you got there.
- A. I can't tell the only thing I could go by was the time the Indians came back on us on the hill. I think probably it lasted an hour and a half or 2 hours.
- Q. How do you judge by that?
- A. There were not many Indians attacking us at the time and when we came back they came in force.
- Q. During that time you saw no force of Indians about there?
- A. Not at that point.
- Q. From which end of the village did the firing apparently come?
- A. It appeared to come from the lower end of the village.
- Q. About that firing were there many sounds at a time?
- A. Yes, sir.
- Q. What appeared to be the general impression about the firing did any others hear it besides you.
- A. Yes, sir; others heard it and spoke of it.
- Q. Did you see any troops start down the river after you arrived on the hill?
- A. No, sir.
- Q. You don't know about Capt. Weir's Co.?
- A. I did not see it go. I heard that it did go.
- Q. Can you tell when it was that Capt. Weir's Co. came back?
- A. No.
- Q. Can you tell when the command made the move down the stream?
- A. It was after we packed up the ammunition we moved down the river.
- Q. How long were you gone?
- A. About an hour going down and back.
- Q. What was done with the ammunition you brought up at the time you brought it up?

- A. The boxes were unpacked at the time and we packed them up again.
- Q. Where was the other mule that was sent forward with ammunition?
- A. I did not see him.
- Q. Were the boxes of ammunition brought up at that time opened?
- A. Not at that time.
- Q. When were they opened.
- A. After we moved down the river and back again and the mules were unpacked.
- Q. What was the object of unpacking the ammunition when you first came there?
- A. We supposed they wanted it immediately and we unpacked it for their use.
- Q. Why was it not used, if you know.
- A. I don't know.
- Q. State how long you waited till the rest of the pack train came up?
- A. It came up pretty quick. They kept stringing along a few at a time, but it was only a short time till all were up.
- Q. Do you know what interval of time intervened between the arrival of Capt. Benteen's column and the arrival of those pack mules?
- A. I think Capt. Benteen's column got there a few minutes before we arrived there with the mules. I saw the command coming a little below where we struck the hill going on the bluff we went right on and came in pretty soon.
- Q. Whose command was that?
- A. I afterwards learned that it was Capt. Benteen's command.
- Q. Tell what was done with the pack train after it got up - in that movement down the river and back.
- A. We moved down very slow and came back on the same trail. We then corralled it and threw out a picket line and tied the mules to it and went on unpacking the mules.
- Q. By whose orders did you do that?
- A. By Capt. Mathey's order.
- Q. Was he in command of the pack train?
- A. Yes, sir; he gave us the orders to unpack.

- Q. Were you so busy with the pack train after its return that you did not notice anything else?
- A. I was for a little while.
- Q. Do you know how soon the fight commenced after you got back with the pack train?
- A. In about half an hour.
- Q. In moving down the pack train was in rear of the column?
- A. Yes, sir.
- Q. And in front coming back?
- A. Yes, sir.
- Q. From the time the pack train arrived you think it was about half an hour before the fight commenced?
- A. Yes, sir.
- Q. Did you see any fighting that day?
- A. Yes, sir.
- Q. Did you see Major Reno?
- A. I did not see him that afternoon.
- Q. Where were you during the fighting?
- A. After we got unpacked I was at A Co's skirmish line that afternoon.
- Q. You were a citizen then?
- A. Yes, sir.
- Q. Who seemed to be in command, giving directions, and giving orders to the men.
- A. The officers I saw were Capt. Benteen and Capt. Weir.
- Q. After having been on A Co's line when did you next see Major Reno and where?
- A. I saw him that night just after dark.
- Q. Before or after the fight was over?
- A. After.
- Q. Can you tell what hour it was you saw him?
- A. I judge it was somewhere between 9 and 10 o'clock.
- Q. Was anyone with you at the time you saw him?

A. Yes, sir.

Q. Who?

A. One of the packers.

Q. What was his name?

A. Mr. Fritz.

Q. Describe what occurred there that night to your knowledge.

A. We started out on the line to get our blankets and something to eat. We had been without anything the whole day. We went out to find our own mess, we thought we could not find it from everything being piled up together; the officers' mess kits and company kits were piled in together without any regard to whose they were. We went to the line and saw Major Reno standing there. We did not notice him till he spoke to Fritz at least I did not. I don't know whether he did or not. He spoke to Fritz and asked him what he wanted; Fritz said he was after something to eat. Major Reno then asked him if the mules were "tight". It sounded like tight but Fritz thought he meant tied and said yes. Major Reno again asked the question if the mules were "tight" and Fritz asked him what he meant by "tight", then some more words passed between them. I don't know what they were, but it seemed that Major Reno made a pass to strike Fritz and some whiskey flew over myself and Fritz, at that Major Reno stepped back and picked up a carbine, but whether he intended to strike Fritz with it I don't know. I took Fritz by the shoulders and pulled him away. That was the last I saw of Major Reno that night.

Q. Do you know where the whiskey came from?

A. I do not.

Q. Do you know anything about Major Reno's condition by either act or work of his there at the time further than you have testified?

A. Nothing but my impression.

Q. Give your impression at the time.

A. My impression at the time was that he was a little under the influence of whiskey or liquor.

Major Reno then without making formal objection to the testimony desired that his protest be entered upon the Record against going into this matter because it is not in any manner responsive to the charges he comes here to meet.

Q. When did you next see Major Reno after that night; where was he and what was he doing?

A. I saw him next day, the 25th, about 9 o'clock. He was lying down behind the pack saddles and hard tack boxes that we had piled up to the breastworks.

- Q. What was the balance of the command doing?
- A. As near as I could see and hear they were doing some pretty heavy firing most of them.
- Q. How came you there?
- A. I had just been down for ammunition among the horses to get ammunition out of the saddle pockets.
- Q. Could you see what Major Reno was doing, whether firing or not?
- A. No sir, I did not see him firing. He had a carbine lying on the ground under his head.
- Q. How long did the firing last that morning and how early did it begin?
- A. It began about the break of day in the morning and lasted till ten or about  $\frac{1}{2}$  past 10 o'clock.
- Q. Were you under command of Capt. Mathey at that time?
- A. Yes, sir.
- Q. He was in charge of the pack train, was he?
- A. Yes, sir; I received all my orders from him.

QUESTIONS BY MAJOR RENO.

- Q. When did you first hear firing from the direction of General Custer's battlefield?
- A. When we were packing up.
- Q. You moved down as soon as you heard the firing?
- A. I suppose they moved out when they heard the firing. I don't know what else sent them.
- Q. How long were you gone till you came back?
- A. I think about an hour going down and back, it may have been longer.
- Q. Then you state that the fire you heard on that battlefield lasted about an hour and a half?
- A. No, sir; I said I heard 5 or 6 volleys.
- Q. Did you not say the firing lasted an hour and a half?
- A. I said I judged by the time the Indians came back that was all I could judge by.
- Q. That the fire continued till the Indians came back?
- A. I did not hear it at that time.
- Q. How much firing did you hear?

- A. 5 or 6 volleys.
- Q. How long before you moved down?
- A. I think some were fired after we moved down.
- Q. Did you hear any volleys after you returned to the position occupied that night?
- A. Not that I recollect.
- Q. Do you think you could?
- A. I don't know. I heard plenty of firing and we had enough to attend to without listening to outside firing at that time.
- Q. Tell about what time it was you saw Major Reno in the condition in which you have stated.
- A. I think it was between 9 and 10 o'clock that night.
- Q. Who was with him?
- A. I don't know who it was.
- Q. Was any person with him?
- A. Yes, sir.
- Q. Was it an officer or a soldier?
- A. I can't say, I took no notice of him.
- Q. Who was with you?
- A. John Fritz, a packer.
- Q. Was there any trouble between Fritz and Major Reno before that time?
- A. None that I ever heard of.
- Q. Was there any trouble there except what you have described?
- A. No, sir.
- Q. Had not Major Reno had a great deal of trouble about the packers skulking and been trying to drive where they would be of some service?
- A. Not to my knowledge.
- Q. Don't you know he had had trouble with Fritz?
- A. No, sir.
- Q. About his being in the condition he was might it not have been the result of his efforts to drive Fritz to the line?
- A. I don't know anything about that.

- Q. Was he staggering?
- A. When he struck at Fritz whether he staggered or stepped forward I don't know.
- Q. Was he stammering?
- A. Not that I noticed.
- Q. He did not pronounce his words correctly, did he?
- A. I did not understand it correctly if he did.
- Q. It was the fault of his speech I suppose that he could not make himself rightly understood?
- A. I can't say when the man asked him what he meant by "tight".
- Q. Why did you not take Major Reno by the shoulders?
- A. I did not think it necessary. I did not think he was going to use the carbine.
- Q. You say that was between 9 and 10 o'clock?
- A. I think so.
- Q. Was he drunk the next day?
- A. I did not notice whether he was or not.
- Q. Did you have an impression he was drunk then?
- A. I could not judge, I did not see him on his feet.
- Q. Did you not really have an impression he was under the influence of liquor the next day?
- A. No, sir.
- Q. Where did he go when he left you?
- A. I don't know.
- Q. To what part of the line did he go? A. I don't know.
- Q. On what part of the line was he at that time?
- A. Little to the right of "A" Co's skirmish line.
- Q. Who commanded Co. A?
- A. Capt. Moylan, I believe.
- Q. Who were the other officers of that company?
- A. I don't know.
- Q. How far away from A Co. was that?

- A. I don't think the company was on the line at that time; there was probably a few on the line.
- Q. How far was he away from the position A Co. had occupied?
- A. Perhaps 50 yards?
- Q. Did you see him any other time that night?
- A. No, sir.
- Q. Did you say anything to the officers of any of the Co.'s of Major Reno's condition.
- A. No, sir.
- Q. Not a word?
- A. No, sir.
- Q. You saw only 8 or 9 Indians about the timber when you came up?
- A. That was all.
- Q. Don't you know that Major Reno had been very much annoyed by men going down and stealing provisions?
- A. I do not.
- Q. Don't you know he suspected this packer of an intention to steal rations?
- A. No, sir.
- Q. Don't you know he ordered them away from the rations so that each man should have his proper share of them?
- A. No, sir; I know there was no trouble in getting rations, there was plenty of them there.

QUESTIONS BY THE RECORDER.

- Q. It is very evident you were there employed in a responsible place to help take care of 175 mules, I wish you to state what your duty as packer having charge of those mules required you to do, to stay with the mules or fall in with the men when the command was going into an engagement?
- A. My duty was, when the packs were on the mules to be with them. After the packs are taken off I did have the privilege of going into the skirmish line or any place that needed my services most.
- Q. What were the terms of your contract with the Government, and what officer employed you?
- A. I was employed by Quartermaster Nolan.
- Q. What were the terms of your contract?

- A. Only that I should go into the pack train as packer.
- Q. State how long the pack train had been under Major Reno's orders until this occurrence that night?
- A. From the time it arrived on the hill I suppose.
- Q. Had he before that had anything to do with pack train?
- A. Not to my knowledge.
- Q. Was there not an officer in charge of the pack train?
- A. Yes, sir.
- Q. In regard to the time of day you stated you simply guessed at it?
- A. Yes, sir.
- Q. Where were you at daylight on the morning of the 25th, if you know?
- A. About 15 miles from the Little Big Horn.
- Q. What time did you start from there?
- A. I think about 7 o'clock.
- Q. In regard to the time you speak of, you simply guess at it?
- A. Yes, sir.
- Q. May you not be two hours out of your way in your guess?
- A. I may have been, I might have been longer. I don't think I would be two hours out of the way. I might be one. It might be an hour longer it was no shorter time.
- Q. State how long you continued in that employ.
- A. Till they got through and put the pack saddle on the boat.
- Q. Were you honorably or dishonorably discharge?
- A. I was honorably discharged and got a recommendation from Capt. Nolan.

QUESTIONS BY MAJOR RENO.

- Q. Did Major Reno committ any other crime while on the hill save that of drunkenness?
- A. I know of no other.

The witness then retired.

Lieutenant W. S. Edgerly being recalled by Major Reno testified as follows:

QUESTIONS BY MAJOR RENO.

- Q. Did you see Major Reno on the night of the 25th of June, 1876?
- A. I did.
- Q. At what hour?
- A. I judge about 9 o'clock, it was quite dark.
- Q. What was he doing at the time, what part of the line he was on, and what was his condition as to sobriety?
- A. He came along towards where I was from the direction of Captain Benteen's line and was perfectly sober.
- Q. Did you see any evidences at all that indicated that he had been drinking or was in a condition approaching drunkenness?
- A. He gave no evidences of any such condition.
- Q. State what he said to you about your duties at that time.
- A. Then I reported to him the condition of the gaps he told me to have them filled up.
- Q. Were there any indications to your mind that he had been drinking at all?
- A. There were none.
- Q. If there had been would you have observed them?
- A. I think I would.
- Q. Did you see him later that night?
- A. Yes, sir; about 2 o'clock.
- Q. What were the indications then?
- A. He was perfectly sober.
- Q. Was there anything to awaken a suspicion in your mind that he was not entirely sober?
- A. I had no such suspicion whatever.
- Q. Did the indications the day before show that he had been drinking?
- A. No, sir.
- Q. You had him under observation?

- A. Yes, sir; several hours during the 26th.
- Q. Was there any time among the men or officers any suspicion at all of Major Reno not being sober?
- A. Not the faintest. I never heard of it till I came to Chicago this time.
- Q. If there had been would you have heard of it?
- A. Yes, sir; I think so.
- Q. If he had been stammering and staggering and acting like a drunken man would the officers have permitted him to exercise command?
- A. If he had been in a state of intoxication they would not.

QUESTIONS BY THE RECORDER.

- Q. How often did you see Major Reno on the night of the 25th?
- A. At about 9 o'clock and about 2 o'clock.
- Q. How long did you see him at 9 o'clock?
- A. Short time about half a minute.
- Q. How long till you saw him again?
- A. About 5 hours.
- Q. How long before the first time you saw him that night had you seen him?
- A. When we first came back from the advanced position down the stream.
- Q. What time was that?
- A. A few minutes before dark.
- Q. You saw him no more till about 9 o'clock?
- A. No, sir.
- Q. And then saw him no more till about 2 o'clock?
- A. No, sir.
- Q. Were you present at any altercation between Major Reno and any packer that night?
- A. No, sir.
- Q. Do you know anything of it to your own knowledge?
- A. No, sir.

QUESTIONS BY MAJOR RENO.

- Q. The commanding officer is under observation of the officers of his command, is he not?
- A. Yes, sir.
- Q. Do you suppose if the commanding officer was drunk and staggering and stammering that some of the men and officers would <sup>not</sup> have observed him?
- A. I think not.
- Q. It was after dark you saw him?
- A. Yes, sir.
- Q. It might be later than 9 o'clock?
- A. I can't fix the time definitely; it may have been earlier or later than 9 o'clock. It was after dark.

QUESTIONS BY THE RECORDER.

- Q. Would not the knowledge of the men and officers depend on how often they saw the commanding officer?
- A. Certainly it would.

The witness then retired.

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Captain Benteen being recalled by Major Reno, testified as follows:

QUESTIONS BY MAJOR RENO.

- Q. What opportunities had you for observing the condition of Major Reno on the night of the 25th of June, 1876?
- A. I may say I was with him all the time - I laid down in his bed.
- Q. State what was his condition with regard to sobriety?
- A. He was as sober as he is now.
- Q. That you would regard as a condition of entire sobriety?
- A. I think he is entirely sober now and he was then.
- Q. Was there at any time during the 25th or 26 of June 1876 to your mind or to that of any person any indications of drunkenness on the part of Major Reno?
- A. No, sir.
- Q. Could he have been staggering and stammering during that time?
- A. Not without my knowing it.

QUESTIONS BY THE RECORDER.

- Q. Were you present on the night of the 25th of June at any altercation between Major Reno and a packer?
- A. No, sir.
- Q. You know nothing about any matter of that kind of your own knowledge?
- A. No, sir; not of my own knowledge, only by hearsay. I know they robbed the pack train and robbed me of some of my property and I know there was no whiskey there.
- Q. Did you see Major Reno immediately after the cessation of the firing that night?
- A. I was with him every 15 or 20 minutes nearly all night. I laid down in his bed for 15 or 20 minutes and then went back and kept my wick up all night. Perhaps I did not see him within 15 minutes after I left him the last time but there was not whiskey enough in the whole command to make him drunk.
- Q. About what time did you leave him the last time?
- A. I don't think I saw him from about half past two till probably three o'clock. The Indians opened fire the next day about three o'clock or a little after. There might have been a half or three quarters of an hour that I did not see him.
- Q. Before that during the night you saw him as frequently as you have stated?
- A. Yes, sir.

QUESTIONS BY MAJOR RENO.

- Q. If he had been drunk between 9 and 10 o'clock that night would you know the fact?
- A. I would have known something about it - I did not know he had any whiskey or I would have been after some.

The witness then retired.

Captain E. S. Godfrey, 7th Cav., a witness called by the Recorder and being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, regiment and where serving.
- A. Edward S. Godfrey, Captain, 7th Cavalry, now serving at Standing Rock, Dakota Territory.
- Q. State what duty you were on on the 25th and 26th of June, 1876, where and with what command and under what commanding officer or officers, if more than one.

- A. I was commanding K company under command of Gen. Custer who commanded the regiment. After about 12 o'clock that day I was under the command of Capt. Benteen and in the afternoon some time we joined the command of Major Reno and served under his command thereafter.
- Q. State as near as you can when and where Capt. Benteen's column separated from Gen. Custer's column, if it did.
- A. It was directly after crossing the divide between the Rosebud and the Little Big Horn. I was directed by Lieut. Cook, the Adjutant of the regiment to report to Capt. Benteen for duty with his battalion - that was about 12 o'clock.
- Q. Were you present when orders were given to Capt. Benteen or Major Reno or either of them?
- A. I was not.
- Q. Describe the march of Capt. Benteen's column from the time of its leaving Gen. Custer's column until it again struck his trail.
- A. We moved out to the left at an angle of about forty-five degrees to the direction of the trail. We marched generally about that way till we came to where the bluffs were so abrupt that we could not go over them without fatiguing the horses more than by going round the foot of the hills and that took us more in towards the trail. I presume our distance from the trail when we began our return march was about five miles; our gait was pretty rapid. My company was in the rear and I had quite often to give the command trot to keep up with the rest of the command.
- Q. About how far had you gone before you struck those bluffs where the command bore to the right?
- A. I should say 3 or 4 miles.
- Q. Was that march as near as you can judge continued at about the same angle from Gen. Custer's march as at the time you started?
- A. Not all the time - when we came to the bluffs it necessarily threw us more to the right.
- Q. The divergence was more to the right after that?
- A. A little more to the right.
- Q. About how far, if you can recollect, had you travelled from the time of leaving Gen. Custer's column till you again struck his trail?
- A. I should think we had traveled somewhere between 12 and 15 miles. The gait was so irregular it was impossible to gauge it.
- Q. After striking the trail how far was it followed till you halted and for what purpose?
- A. I can't recollect about how far it was, but we halted about 2

o'clock to water the horses in a little creek or morass that crossed the trail - I am unable to recollect the relative positions of the morass and other points on the trail.

- Q. You can't recollect about how far you had gone when you struck the morass?
- A. I cannot.
- Q. Was any halt made at that watering place?
- A. Yes, sir.
- Q. For how long?
- A. For 20 minutes or half an hour.
- Q. Where was the pack train at the time you pulled out to the left with Capt. Benteen's column?
- A. The pack train was closed up.
- Q. At the time of reaching the watering place or while there, how near was the pack train or any part of it?
- A. The head of it came up just as we started off.
- Q. State what occurred with reference to that pack train, if anything.
- A. They were very thirsty and some of them plunged into the morass and we had some difficulty in getting many of them out.
- Q. How many did you see stuck fast?
- A. I remember two that belonged to my own command, there was quite a rivalry among the men about which company would get their pack animals ahead. My company pack were ahead that day and two of the mules got into the morass.
- Q. Describe the march of that column from the water hole to the Little Big Horn River.
- A. Capt. Weir started out with his company in advance. He had been the second company before. I can't place that tepee with reference to the morass we passed, nor at what time, but just after we passed the tepee with the dead Indian in it we met a sergeant who came back going towards the pack train and he called out to some of the men in the company "We've got 'em" leaving the inference they had captured the village. I did not understand anything more he said to the men - he passed on to the rear. I afterwards saw Trumpeter Martin of "H" company coming towards the column. I don't know what he reported.
- Q. You saw him after passing the tepee between that another river?
- A. Yes, sir.
- Q. Can you form any estimate about how far the tepee is from the river by the trail that led to it?

- A. My recollection is that it is between 4 and 5 miles.
- Q. How long beyond that did you continue your march in that direction towards the river?
- A. We came to within about a mile of the bottom when we met some Crow Indians and they signalled us to go to the right and we followed their direction.
- Q. Whose trail were you then on?
- A. I don't know.
- Q. Did you go over the ground afterwards?
- A. I did not.
- Q. Do you know where that sergeant went after passing back?
- A. I did not watch him, I supposed he was going to the pack train.
- Q. At the place Trumpeter Martin came up how far had the pack train been left behind at that time?
- A. I think 3 or 4 miles behind.
- Q. Did you hear any firing?
- A. Yes, sir.
- Q. In what direction was it and describe it.
- A. It was in the direction generally towards our front as we were marching. - At first I only heard a few shots - then I heard quite heavy firing - Our gait was increased then to a trot and we kept that till just before we met the Crow Indians.
- Q. How near were you then to the Little Big Horn River there where you heard the firing?
- A. I could not tell.
- Q. Was it in close proximity to it?
- A. Yes, sir.
- Q. State what view you had of the bottom and describe the march from that place to where you joined Major Reno's command on the hill.
- A. I saw a good many horsemen in the bottom and saw smoke from the burning prairie - we did not stop long enough to take a good view but I thought from what I saw and what the sergeant had said that they were burning the village and did not look particularly to see.
- Q. Did you see troops on the hill about that time.
- A. Soon after bearing to the right and passing out there, I did - I suppose they were troops put out for a picket guard as a protection to the working parties.

- Q. Why did you have that impression?
- A. I knew from Gen. Custer's habit - he had put out troops to protect the command at other times.
- Q. State how far it was from where you left the trail till you joined Major Reno's command on the hill?
- A. I think it was 3/4 of a mile - perhaps not so far - my understanding of it was we were following the direction of the firing more than any trail.
- Q. Can you tell about what time it was when you joined Major Reno's command on the hill?
- A. I cannot.
- Q. Can you fix it by reference to any previous time?
- A. I should think it was between 3 and 4 o'clock.
- Q. What disposition was made of your company when you joined Major Reno and by whose order?
- A. I was ordered by Capt. Benteen to dismount my company and put in in skirmish line on the bluff towards the river.
- Q. Did you meet any officer and hear a report of the fight in the bottom - If so what officer and what was said as to the command?
- A. Lieut. Hare, the 2d Lieut. of my company, but who had been detached to serve with the scouts, came up and said he was damned glad to see me - that they had had a big fight in the bottom and got whipped like hell.
- Q. Did you see Major Reno about that time?
- A. I did.
- Q. What was he doing and what orders did he give?
- A. He gave me no instructions - Capt. Benteen gave me all my orders at that time. He seemed to be giving the commands. Major Reno, if I recollect right, was making arrangements to go down after Lieut. Hodgson's body or to get his effects.
- Q. Were the Indians making any demonstrations against the command when you joined it on the hill?
- A. There was some firing.
- Q. Describe that firing and from how many Indians and how near they were.
- A. I could not see many Indians - they were in the ravines. The most I saw were in the bottom.

- Q. Describe those you saw there.
- A. I judge there were probably not less than six or seven hundred Indians in that bottom, that I saw there - a great many starting upon our left, that is, going up the Little Big Horn above us. They soon came back and went down the river till finally the bottom was nearly cleared and I saw none at all.
- Q. Where did they all seem to go?
- A. Down the river.
- Q. How long did that occur after your arrival?
- A. Not more than 10 minutes.
- Q. When the other movement was made they vacated the bottom?
- A. Yes, sir.
- Q. Describe the firing about the command at that time, whether heavy or scattering shots.
- A. When my company was first put out it was pretty heavy firing, but the Indians that could be seen were so far away that it seemed like a waste of ammunition and I ordered the troops to stop firing.
- Q. The heavy firing was then on the part of the command or the Indians or both?
- A. On the part of the command principally.
- Q. State if you know where the pack train was at the time you joined Major Reno's command on the hill, or about how far it was to the rear.
- A. I looked back when we were going towards Major Reno's command for signs of the pack train but I did not see any dust from it. Soon after we joined Major Reno I saw the dust coming from the column and I judge it was 3 or 4 miles away in a straight line.
- Q. After that how long was it till the advance of it came up?
- A. Some of the ammunition packs came up, I think, in probably half or three quarters of an hour after we joined Major Reno. Lieut. Hare borrowed my horse and went there and brought the ammunition packs up on a run.
- Q. How long after your arrival there did Lieut. Hare borrow your horse to go back?
- A. Not long.
- Q. Do you know by whose order he went back?
- A. By Major Reno's, I understood.

- Q. State particularly, refreshing your memory if necessary, when on reaching Major Reno's command on the hill, did you first see that officer and where, what was he doing and what orders did he give and what did you observe at the time in regard to his conduct.
- A. I saw him soon after I got there, coming up to Capt. Benteen or perhaps they were talking together - he had a handkerchief tied round his head and seemed somewhat excited. I think he was making arrangements to go for Lieut. Hodgson's body or effects.
- Q. About how long did you notice him there?
- A. Not long, my attention was on the skirmish line.
- Q. State if you heard firing in the direction of Gen. Custer's battlefield, if so, describe that firing and how soon it was after your arrival, and what remarks, if any, were made at the time about it.
- A. I can't recollect the time exactly, except that it was after Lieut. Hare had returned from going after the packs that we heard firing from below. I heard two very distinct volleys still they sounded a long distance off. Then we heard scattering shots afterwards not very heavy.
- Q. What remark was made about the firing?
- A. Lieut. Hare and myself were together and I called his attention to it. I don't remember as there was any conversation between us.
- Q. How did you call his attention to it?
- A. I asked him if he heard that firing. The supposition was it was done by General Custer and his command.
- Q. Was that firing of volleys loud enough to be heard by the command generally?
- A. I think so.
- Q. What reasons have you for thinking so?
- A. I was about as far away from it as anybody in the command and besides I am a little deaf naturally.
- Q. Were you at that time?
- A. Yes, sir.
- Q. State whether any movement was made down stream by any part of the command before any of the pack animals came up. If so, what part of the command and by whose orders, if you know.
- A. I don't know by whose orders, but Capt. Weir with his company moved down below to a high point probably three quarters of a mile or a mile in advance of the command.

- Q. Locate, if you can on this map, the point to which Capt. Weir moved with his company as you have stated.
- A. The topography I do not think is correct. This point 9 seems to be the highest point - If it is that is the point he went to.
- Q. Did he reach that point before any other part of the command moved out?
- A. He did.
- Q. Then at that time were there any troops between Major Reno's command and Capt. Weir's company?
- A. The balance of the command was together on the hill.
- Q. State, if you can, how long it was after you came on the hill before that advance was made?
- A. It was some time.
- Q. Can you give any judgment?
- A. I cannot.
- Q. Can you tell about how long it was after he left the hill till the ammunition packs came up?
- A. No, sir; I cannot.
- Q. Did they come up soon after?
- A. Yes, sir.
- Q. State whether any movement was made down stream by the command - if so - how long after the advance pack mules came up and describe that movement.
- A. My recollection is the command was put in readiness to move soon after the ammunition packs came up and it was then stopped to wait till the whole train came up and take everything along. I know my company was taken from its position on the skirmish line and we were dismounted again to wait for the pack train to come up.
- Q. Go on and state by whose order the movement was made down the stream if you know.
- A. I don't remember by whose order we did move down.
- Q. Did the order come from Major Reno, either directly or through the usual channels?
- A. That I can't recollect - it did not impress me at all.
- Q. Describe that movement fully from the time it began till it returned - State all the facts and circumstances about it.

A. After the pack train came up the command mounted and moved down the river, till the advance company came to that high point on the ridge below to that point indicated by the figure 9. Three companies I think were up to that point - I know my company was about the third company and it was a little below on the hillside and I went to the top to take a view of the country. While I was up there the Indians started back from some position they had away ahead apparently about 3 or 4 miles. They started towards us and the companies were ordered to dismount. My company was placed in skirmish line on the crest of the bluff next the river and above that high point connecting I think with M company which was on the high point. Soon after getting into position I saw the pack train and part of the command moving to the rear. I remained in position however - I did not receive the order for the return movement. The general understanding is that when part of a command moves the rest follow if they don't receive orders to the contrary. I waited there some time. The companies on the ridge on the high point and below were firing. Lieut. Hare came to me and told me the command was ordered back and that I should mount my company and follow the command. About the time we were starting down the river Major Reno gave Lieut. Hare some orders and turned to me and said "Excuse me Capt. Godfrey I am going to use Lieut. Hare as my Adjutant", Lieut. Hodgson, my Adjutant has been killed". I then drew in the skirmish line, mounted my company and started back. I had gone but a short distance when Capt. French's company came down the hill, passing to the rear very rapidly and soon after Lieut. Edgerly with B Company came down the hill quite rapidly. The Indians followed them to the crest of the hill and began a very heavy fire on them. As soon as I saw the Indians I dismounted my company and threw it out as skirmishers and as soon as Lieut. Edgerly and his company passed I commenced firing on the Indians and drove them back behind the hill and they took position there behind the hill. Soon after that I received an order from Capt. Benteen through Lieut. Varnum to send my lead horses in and fall back. I was executing that movement and coming near a ridge. I directed Lieut. Hare to take 10 men and occupy a high point on the right facing down the river toward the Indians. He had just cut out the men and was starting to take the point when Trumpeter Pennell came to me with Major Reno's compliments saying I should fall back as quickly as possible. I recalled Lieut. Hare and the men and fall back to the line where the command was.

Q. How far down stream was the general movement made by the command?

A. Some of them went beyond where Capt. Weir went. I could not see how far they went because the hills would intervene. They went below down towards the ford B.

Q. When you got down to that advanced position were there Indians confronting the command or engaging it at that time?

A. No, sir.

Q. Who halted the command or why was it halted?

- A. I don't know.
- Q. What could be seen lower down the river?
- A. Lots of Indians.
- Q. What did they appear to be doing?
- A. I formed the impression at the time that their attention was directed down the river. I supposed hearing but little firing from them - only an occasional shot that General Custer's troops had been repulsed and they were watching his retreat.
- Q. How near was the command to the Indians when it went down the stream?
- A. I think about 3 or 4 miles.
- Q. They remained there till the Indians came up?
- A. Yes, sir; those companies did.
- Q. Was the engagement severe in and around there or was there any engagement at all resulting in any casualties?
- A. No, sir; no severe engagement at all.
- Q. What were the casualties during that advance before the troops started back?
- A. I don't think there were any before they started back.
- Q. How soon after that deployment if you can state till the troops in the rear or any part of that command started back?
- A. Quite soon after.
- Q. I believe you have stated that you don't know by whose orders the backward movement was made.
- A. I do not know.
- Q. Was there much firing on the part of the Indians down at that point up to the time the command started to go back?
- A. No, sir.
- Q. Was there any firing?
- A. Yes, sir; some.
- Q. Describe it.
- A. They were firing occasional shots.
- Q. You stated you were ordered to return with your company from that place. State what the orders were and what impression they made

on your mind at the time of receiving such orders.

- A. I was ordered to mount my company and follow the command.
- Q. Was it practicable for you to do so at the time the order was given?
- A. At the time the first order was given, yes sir.
- Q. Was it at the time the second order was given?
- A. No, sir; not at once, because the Indians were keeping up a heavy fire in front.
- Q. State if you saw Major Reno while you were at that advanced position down stream, if so, what was he doing, where did you see him and what orders did he give, if any.
- A. I don't remember to have seen him or to have heard him give any orders; he may have been there but I don't remember it.
- Q. At the time of moving back was Major Reno's command in view of your company while you were trying to hold the Indians in check?
- A. It was not.
- Q. Had it passed entirely from your view?
- A. Yes, sir; there was a rise between his command and myself, and I was in a low place below - there was a ridge and one side sloped towards his command and the other to where I was.
- Q. What was your position towards the Indians in reference to his command?
- A. I was between the Indians and his command.
- Q. With what troops?
- A. With my own company only.

Then at 2 o'clock p.m. the Court adjourned to meet at 10:30 o'clock tomorrow, Wednesday Feby 5th, 1879.

Chicago, Ill. February 5th, 1879.  
10:30 A.M. 21st day

The Court met pursuant to adjournment.

Present

Colonel John H. King,  
9th Infantry.  
Colonel Welsey Merritt,  
5th Cavalry.  
Lieutenant Colonel W. B. Royall,  
3rd Cavalry.

Recorder  
1st Lieutenant Jesse M. Lee,  
Adjutant, 9th Infantry.

Major M. A. Reno and his Counsel were also present.

The proceedings of the last session were read and approved.

During the reading of the testimony of the witness Churchill he desired to correct his testimony so that it shall read "I heard the volley firing down the river soon after we arrived on the hill with the packs".

During the reading of the testimony of Captain Godfrey, he said "I wish to convey the impression that when Lieut. Hare came back after the packs, he did not remain but went on a head and the packs came up on a run by themselves".

The examination of Captain Godfrey by the Recorder was then continued as follows:

QUESTIONS BY THE RECORDER.

- Q. What order did you receive on joining the command and from whom after returning from down stream?
- A. I was ordered to get into line quick by Maj. Reno.
- Q. In person, or through the usual channels.
- A. In person.
- Q. Who directed or supervised the getting of your men into position and what was their position?
- A. There was no regular position assigned to my company. I was ordered to fall into line. It was interpolated with other companies.
- Q. I understand your company formed no distinct part of the line.
- A. Yes, sir.
- Q. What companies was it mixed with?
- A. Companies "B", "H", "G" and "D".
- Q. How soon after did the attack begin on the part of the Indians?
- A. Immediately. It began before I got there.

- Q. When did the attack generally begin.
- A. The attack followed me right in.
- Q. Can you tell about the time of day it was when you got back and the attack began?
- A. I think it was after six o'clock.
- Q. How long did the engagement last that day?
- A. Till dark or rather till dusk.
- Q. State after you first joined Major Reno on the hill if the battalion organizations were kept up.
- A. I don't think they were.
- Q. During the fight that afternoon where was Major Reno. What was he doing and what orders did he give and what did you notice of his conduct in act or word?
- A. I don't remember to have seen anything of him or to have heard anything he said or to have any orders from him.
- Q. Do you recollect seeing him?
- A. I don't recollect it.
- Q. Or of saying anything to him?
- A. No, sir.
- Q. After the fight was over that day, what preparations were made to resist the Indians. What disposition was made of the troops or of your company.
- A. As soon as the firing on the part of the Indians ceased we began digging rifle-pits and putting the men in them.
- Q. State what disposition was made of the troops there at that time.
- A. The companies were changed so as to be put in regular order, each company assigned to a position.
- Q. Who gave the order?
- A. I don't remember who gave the order.
- Q. Who assigned your company to its position.
- A. I don't remember that any body placed it in position. "D" Co. was withdrawn from the rear part of the line to connect with the corral and "A" company and I fell into the position they vacated.
- Q. In regard to changing positions state if you can how it was brought about relating the circumstances as fully as you can, what was done and by whom?

A. There was quite a gap between the corral and the line we were occupying and after dark Capt. Weir came to where I was and we were holding a conversation and I told him I thought that gap ought to be filled in there. He said he was not in command and would not move out unless he got orders. Lieut. Edgerly came around afterwards and I asked him if he had orders to fill up the gap, to move the companies to the right, he said he had not. I told him if he were to move his company down there I don't think anything would be said about it, that he could see it ought to be done and perhaps if he would speak to Major Reno about it, it would be all right. He afterwards did speak to Major Reno as he told me and his company was moved.

Q. State what conversation, if any, you had with reference to the condition of the command there and what had become of General Custer and his command. What appeared to be the impression in regard to where he was with his command?

A. This conversation I speak of was with Captain Weir; we thought he had been repulsed and unable to make a junction with us, we thought that the command ought to move that night and affect a junction with him, as we had fewer casualties there to take care of than we would have in the future.

Q. State if you know where Major Reno was during that night, what was he doing, and what orders did you receive from him, if any.

A. I don't remember to have received any. I may have done so and not remember it.

Q. Do you remember having seen and talked with him that night?

A. I do not.

Q. State at what time the fight began on the day following?

A. As soon as it was light.

Q. What time was daylight in that section of country at that time of year?

A. We did not have the local time, our watches were not changed. I think it was about three o'clock or earlier.

Q. State whether on the morning of the 26th you heard any conversation on the part of Major Reno and Capt. Benteen in regard to the latter getting assistance to protect his line. If so, what was that conversation and what did Major Reno do or say about it?

A. Capt. Benteen came over to where our line was and stated that he was being hard pressed on his side and that it was necessary for him to have more troops over there, that he must have another

company. Major Reno, who was a few feet from my right in a pit with Capt. Weir said that the Indians were pressing us very hard on our side and he did not see how he could spare another Co. Capt. Benteen insisted on another company that he must have it, that his company was getting very thin from the number of casualties and Capt. French was directed by Major Reno to go over

on Capt. Benteen's line.

Q. Who took them over?

A. Capt. French.

Q. Where was Major Reno during the time it was going over?

A. He remained where he was.

Q. State, if you observed at that time or after that or at any time during the 25th or 26th any act of timidity or hesitation on the part of Major Reno, in regard to his duty as Commanding Officer. If so, describe those acts fully.

A. When Capt. Benteen came over to our line some time in the forenoon and said we would have to drive the Indians away from our front that they were firing over on the rear of his line and we would have to charge them and drive them away, I know he had to repeat the request a couple of times; that is as far as I can say about it.

Q. To whom did he repeat the request?

A. To Major Reno.

Q. What was done by that officer?

A. The charge was made.

Q. By whose order direct to the troops?

A. Capt. Benteen's.

Q. About what time of day was that?

A. I can't place it.

Q. How long before the general engagement of that morning ceased?

A. Soon after this charge was made the engagement ceased.

Q. Did you see Major Reno at any other time during that engagement or about its close, and if so, state all you know in regard to his acts or words, if there was any further.

A. Sometime after this charge was made he came on the rear of my line where I was and said he was going over to look up a new position and we started across together. I was going to the pack train. We started across some little distance between our line and the rise between us and the pack train the Indians set up a pretty heavy fire on us. When Major Reno dodged and said damned if he wanted to be killed by an Indian he had gone through too many fights, he said this in a laughing manner.

Q. How long were you with him at that time and after that continuously, and where did you separate or did you remain together?

- A. I don't think we remained together; he went on over to Capt. Benteen's line.
- Q. Did you see him over there after that?
- A. I did not.
- Q. State whether or not on the 25th or 26th of June you had any conversation with Major Reno in regard to what had become of General Custer's command; if so, state that conversation fully.
- A. I did not.
- Q. State fully and clearly your opinion of the conduct of Major Reno as Commanding Officer of the troops in that battle in regard to courage, coolness and efficiency as far as those matters came within your observation or knowledge, and state the facts upon which your opinion is based.
- A. I saw very little of him on the first day or night. I was not particularly impressed with any of the qualifications.
- Q. On the next day during the engagement how was it?
- A. There was very little to do the next day except to lay and shoot. There was no supervision required but what was done outside of the line was done by Capt. Benteen.
- Q. Is that your full answer to the question?
- A. Yes, sir; as near as I can understand it.
- Q. State whether his conduct was such as tended to inspire the command with confidence in resisting the enemy.
- A. I don't think it was generally.
- Q. State whether or not Major Reno to your knowledge appeared to be exercising fully the functions and duties of Commanding Officer or did they appear to be exercised by some one else; if so, who and state all the facts upon which your opinion is based.
- A. It was my opinion then that Capt. Benteen was exercising the functions principally of Commanding Officer.
- Q. Is that your answer to the question?
- A. Yes, sir.
- Q. Did you see the hostile village move off on the 26th of June?
- A. I did.
- Q. Describe it as it appeared to you, as to length, width and density as it moved away, and any circumstance in connection with that.
- A. It was about getting dusk and it seemed to be a very large mass; we made a comparison at the time and thought it was between two

and three miles long; its width we could not tell exactly, but on the outside of it were a number of Indians riding and also in the advance and on all sides mounted Indians were riding; it seemed to be very compact.

Q. Did that moving mass present the appearance of warriors principally or ponies?

A. We could not distinguish individuals in the mass, only on the outside.

Q. You could distinguish them on the outside?

A. Yes, sir.

Q. Inside what did it appear to be?

A. Just a moving mass.

Q. State whether you examined the place where the village had been and if so, state what your examination was and give your estimate of the size of the village, if you can do so satisfactorily to yourself.

A. I can't give any estimate as to the number of lodges. My company with several others were detailed on the 27th I think it was, to destroy the tepee poles and the camp material that was left in the village, and we could not begin to touch it.

Q. I understand by that that everything had been abandoned and left by the Indians?

A. A great deal, a large quantity of camp equipage and lodge poles and robes.

Q. Can you give any estimate of the number of lodges?

A. I can't do it possibly?

Q. Any estimate would simply be a guess.

A. Yes, sir.

Q. In regard to the effective fighting force of that village, give your estimate of it if you can, and on what you base it.

A. I made an estimate at the time, or rather a guess, from the number I saw in position and off at long distances, and it would take at least 3000 to cover the ground I saw.

Q. Did you make any examination of what is known as the Custer battlefield or the route General Custer had taken; if so, describe it fully and any developments that came to your knowledge as to the fate of his command.

A. I made no examination of the trail. I helped with my company to bury the dead on the 28th. My company was assigned to a certain line of march.

- Q. Where was that in reference to the river?
- A. It was far from it I think, there were one or two companies to my right.
- Q. Describe what you saw about the condition of the bodies and the evidences of a struggle.
- A. I made an examination where the different bodies were. I found a good many cartridge shells but no cartridges, that I remember. After remaining there a while I went off from the command to see if there were any evidences of the escape of anybody. I looked for the tracks of shod horses to see if there were any signs of escape and was away during the greater part of the time they were carrying on the burial.
- Q. What were those cartridge shells?
- A. Carbine shells, caliber 45.
- Q. The same as the troops used or different?
- A. The same as some of the troops used?
- Q. State if you made any examination of the point "B" or near it?
- A. I went down to that ford and thought I saw evidences of where shod horses had gone across the ford and I made up my mind at the time that General Custer had attempted to cross there.
- Q. How near to that ford did you find evidences of fighting?
- A. I saw no evidences of fighting near there; the first body was a long distance off from that, a half or three quarters of a mile.
- Q. In your examination could you discover traces or evidences showing that General Custer had attempted to fly that field and get away I mean General Custer's command?
- A. The bodies that I found where I found the shells were some distance from where General Custer's body was found. I think they had attempted to make a stand there, there were some 15 or 20 bodies buried in one place by my company. All the troops I found there appeared to have made a stand.
- Q. To what companies did those troops belong?
- A. To different companies, all were not recognizable.
- Q. What did the appearance of the bodies show, an apparent line or scattered and in utter disorder?
- A. They were scattered.
- Q. What were the evidences in the position there at the time that of a skirmish line?
- A. I supposed they had been dismounted there and been fighting.

Q State if you know what was the condition of the horses of General Custer's column, as compared with those of the balance of the command.

A The horses of all the companies with his column had been on a scout some days before joining us under Major Reno and were very much ridden down as compared with the rest of the stock of the other companies.

Q What were the general condition of the horses?

A The general condition of the horses was good.

QUESTIONS BY MAJOR RENO.

Q How long have you been an officer?

A Since June 1867.

Q You have been a captain how long?

A Two years.

Q What was the number of the troops that were under Major Reno on the hill top.

A I think a little over 300.

Q How many captains were there?

A 5 I believe.

Q Some of them had held high commands in the Volunteer Service during the war?

A Two had I believe.

Q They had been colonels?

A One had been a colonel and the other a lieutenant colonel.

Q They were experienced officers?

A Yes, sir.

Q Each one abundantly able to command a company?

A Yes, sir.

Q State whether there was anything in the position or character of the struggle there to which anyone of those men as company officers was unequal?

A I don't think there was.

Q State whether those officers did not have the confidence of Major Reno in that fight as far as you know.

A As far as I know they had.

- Q Were not the duties each captain had to perform of an elementary character, such as he would be abundantly able to discharge from his own knowledge?
- A Yes, sir.
- Q Was not the exigency such that all duties were of a simple kind consisting mainly of self protection and defense?
- A Yes, sir.
- Q Do I understand you to say that in the narrative you have given of those engagements you pretend to describe all that Major Reno said and did?
- A I do not.
- Q He might have done and said many things that you did not know about?
- A Yes, sir.
- Q Then you only described just that portion of your engagement in which you took a part and which came under your view?
- A Only the facts which came under my own observation.
- Q With regard to the opinion of yourself and Captain Weir about moving out that night, is it not a fact that there is generally a difference of opinion where there is a large number of officers with regard to the best way of conducting an engagement?
- A It is necessarily so.
- Q Any difference of opinion on the part of the Commanding Officer does not of itself indicate anything wrong on the part of the Commanding Officer?
- A No, sir.
- Q That was the opinion of Captain Weir and yourself?
- A It was.
- Q Did you have any complaints to make to Major Reno with regard to anything being wrong on your part of the line?
- A I did not.
- Q Everything as far as you know went along properly and you were able to take care of all the duties of your position were you not ?
- A Yes, sir.
- Q Major Reno was aware of that fact was he not from his knowledge of yourself and what was transpiring there?
- A I don't know.
- Q Had any reason to think otherwise?

- A He had not.
- Q With regard to the charge made under the order of Capt. Benteen, I wish you to be a little minute about it, did Capt. Benteen accompany that charge or only give the order?
- A He gave the order.
- Q Did he not give the order to make the charge because he was in position to see the Indians and Major Reno was not on account of the nature of the ground?
- A He was in position to see the Indians and Major Reno was not.
- Q Did Lieut. Edgerly accompany that charge?
- A Yes, sir.
- Q Did not Major Reno accompany the charge?
- A I think he did.
- Q In point of fact that was one of the acts you saw Major Reno do?
- A Yes, sir.
- Q With regard to Lieut. Hodgson's body, state if Major Reno sent any officer with men to recover Lieut. Hodgson's body and effects.
- A I know he started with a part of the command.
- Q That was at the river edge?
- A It was towards the river, I don't know where it was. I sent a trumpeter along to get some water.
- Q State whether at the time Major Reno went in the direction of Lt. Hodgson's body the nature of the ground through and over which he had to pass was such as to have prevented him from hearing any firing from the direction of General Custer's battlefield.
- A It might have done so.
- Q State whether the firing at any time that you heard it was sufficiently severe or sufficiently continued to make you or any person in the command have any belief that General Custer and his command was destroyed?
- A Such a thought did not cross my mind at all.
- Q What number of Indians were in and about Major Reno on the afternoon of the 25th and during that night, as far as you judge?
- A. I don't know; there were a great many.
- Q. A large number?
- A Yes, sir. During the day I think a few during the night.

- Q. During the night of the 25th did you hear any firing at all?
- A. I heard I think once or twice, shots fired outside of our line but there was a great deal of firing down in the village where there was a war dance; they were firing and yelling down there, they had a big fire.
- Q. That was on the other side of the river?
- A. Yes, sir; that was on the left bank.
- Q. Not on the bank where General Custer's battlefield was?
- A. No, sir.
- Q. During the night of the 25th there was no firing at all except as you have described?
- A. None that I recollect.
- Q. Do you think a large number of Indians were around you that afternoon and evening of the 25th?
- A. Yes, sir.
- Q. With regard to the ford B state how many horses were found on General Custer's battlefield; how many shod horses?
- A. I do not know how many.
- Q. Was there not a much smaller number of dead horses than the number of living horses the day before?
- A. Yes, sir.
- Q. That point "B" was a watering place or fording place, was it not?
- A. Yes, sir.
- Q. Might not the tracks of shod horses there have been made by horses captured by the Indians and driven into the village?
- A. They might have been.
- Q. State whether when a proposition is made to a Commanding Officer by the second in command or by an officer in whom he has great confidence any hesitation in accepting it and acting upon it is any indication in any way of cowardice.
- A. No, sir.
- Q. Does it not indicate to your mind consideration and reflection?
- A. Yes, sir; it would generally.
- Q. Then the hesitation of Major Reno in accepting the suggestion of Capt. Benteen was not indicative of cowardice?
- A. No, sir; I did not think it indicated cowardice.

QUESTIONS BY THE RECORDER.

- Q. State whether or not you were acting as captain in command of the company yourself?
- A. I was commanding the company.
- Q. State whether or not in Indian fighting the officers of the command of large experience had had any more experience in Indian fighting than other officers of the regiment.
- A. They had not.
- Q. In a place of that kind - in a place of great danger - where there is a difference of opinion among officers as to just what ought to be done, whose place is it to be present and decide those matters?
- A. The Commanding Officer.
- Q. You stated that Capt. Benteen came over and had spoken to Major Reno and said the Indians should be driven away or charged - Was Capt. Benteen in a safe or exposed position at that time?
- A. Exposed.
- Q. Describe it.
- A. It was so exposed that I told him he had better come away from the place he was, that he would get hit. He said something about the bullet not having been moulded yet to shoot him - that he had been through too many dangerous places to care anything about their shooting.
- Q. Was this the position from whence he could see the Indians?
- A. Yes, sir.
- Q. Could Major Reno see the Indians from where he was?
- A. I think he could not.
- Q. Could he have seen the Indians by going to the position where Capt. Benteen was?
- A. He could.
- Q. Was there any hesitation there in his adopting the suggestions of Capt. Benteen?
- A. I think there was - after Capt. Benteen told him that the Indians must be driven away, Major Reno asked him something about if he could see them and sat there some little time. Capt. Benteen said well if you don't get them out they will come in here and do something - I don't recollect what it was - It was to the effect that they would come inside the lines and then upon us. Major Reno then told him "all right" to give the command - Capt. Benteen gave a couple of whoops and the command started out.

- Q. Was any effort made on the night of the 25th to find out anything about General Custer or his command, either by courier, or otherwise, to your knowledge?
- A. Not to my knowledge - I heard that scouts had been sent out on the night of the 25th.
- Q. How did that information come to you? Officially - or was it a matter of hearsay?
- A. It was by grape vine.
- Q. Was there not in that command from the vast number of Indians around those troops some feeling of uneasiness in regard to General Custer and his command? If there was, state what it was or was there a feeling of utter indifference about him, as far as you observed?
- A. I think everybody thought he had been repulsed and the Indians had driven him away. There was such a feeling and I heard the men say during the night that they thought General Custer had abandoned them as he did not come back.
- Q. Was there in your mind or in the mind of others as far as you know, any impression that General Custer would abandon any part of his command if it were a possible thing for him to get to it?
- A. I don't think there was any such impression.
- Q. In regard to the ford B on which bank of the river did you see tracks?
- A. On the right bank.
- Q. Could you be positive where the tracks came out on the left bank?
- A. I went on the other side and saw no tracks there.
- Q. You state that at the time you came up in the first instance to Major Reno's position on the hill you did not observe any pistol firing? What was your position?
- A. The rear company in the battalion.
- Q. Do you mean to have it inferred that he could not have fired a pistol on coming to meet Capt. Benteen?
- A. I say I did not see him; I don't know anything about it.

QUESTIONS BY MAJOR RENO

- Q. Capt. Benteen had had considerable experience in Indian fighting had he not?
- A. Yes, sir.
- Q. That opinion that you and Capt. Weir expressed together was in the nature of a conversation between you?

- A. Yes, sir.
- Q. That was all?
- A. Yes, sir.
- Q. Not resulting in any communication to the Commanding Officer?
- A. No, sir.
- Q. Was not Major Reno exercising his own judgment in deciding the command ought to remain where it did?
- A. Yes, sir.
- Q. When did you go to the ford B?
- A. On the 28th.
- Q. With whom did you go?
- A. I don't remember.
- Q. Did you go with Capt. Benteen?
- A. I don't know - several of us were there.
- Q. Had not Capt. Benteen with a detachment of horses been there before?
- A. I don't know.
- Q. Don't you know he was the first to visit the field and that he went to the ford B?
- A. I do not.
- Q. Might not those marks you saw on the ground which indicated shod horses have been made by horses of Capt. Benteen's on his way to the battlefield?
- A. They might.

QUESTIONS BY THE COURT.

- Q. At the time you moved down to Capt. Weir's position to the point known as Weir's Hill, did you look in the direction of the place of massacre?
- A. Yes, sir.
- Q. Could you see it?
- A. I could see the general lay of the ground, but could not see any bodies or persons except Indians?
- Q. Could you see the point?

I believe I could - my recollection is I could.

Q. Was there anything in the way of fighting going on there at that time?

A. No, sir; I don't think there was - I saw no evidences of fighting at that time.

The witness then retired.

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John Frett, a citizen, a witness called by the Recorder and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

Q. State your name, occupation and residence.

A. John Frett - I am proprietor of the Commercial Hotel and billiard room at St. Paul, Minnesota.

Q. Were you present with the 7th Cavalry or any part of it at the battle of the Little Big Horn on the 25th and 26th of June, 1876?

A. Yes, sir.

Q. In what capacity were you there?

A. As a citizen packer.

Q. What were your duties as packer?

A. To take care of the mules and pack and unpack them.

Q. Had you considerable experience in that?

A. Well, middling.

Q. On the morning of the 25th of June did you see the cavalry horses, most of them?

A. Yes, sir.

Q. What condition were they in?

A. They seemed in pretty good condition.

Q. How were the mules?

A. They were in average good condition.

Q. Did any of them have to be left on the road?

A. Not there.

Q. Were there any horses left on the road?

A. I think there was one shot on the 25th - that was all that was left.

- Q. Where did the pack train march?
- A. We generally followed up in rear of the column.
- Q. How does a pack train march usually - scattered out or closed up.
- A. When they are packed there is a bell horse ahead which somebody rides and the mules and the packers go behind driving them?
- Q. On the morning of the 25th where was it that you first heard of the engagement - what word came to you?
- A. We had several reports come which did not prove to be true till - I can't say the time exactly, but as near as I can guess, it must have been between eleven and one when we got the first report. We were at the watering place near the tepee - the last tepee that was there before we got to the battlefield - the one with the dead Indian in it - when a sergeant came from some company of the 7th Cavalry - I don't know what company, and said we should hurry up that General Custer was attacking the Indians.
- Q. Who gave you the order?
- A. We got our orders from the chief packer.
- Q. Who did he get his orders from?
- A. Sometimes direct from General Custer and sometimes from Major Reno.
- Q. Did Capt. Mathey have anything to do with the pack train?
- A. I know him - I don't know that he had much to do with us.
- Q. Were there any soldiers with the pack train?
- A. Some discharged soldiers.
- Q. Was there a company of soldiers with the pack train that day?
- A. Yes, sir.
- Q. How far did you move from the watering place till you halted?
- A. That I can't tell.
- Q. Where did you go and what did you do?
- A. We must have gone  $2\frac{1}{2}$  and 3 miles when we halted and were ordered ahead again.
- Q. What did you halt for?
- A. To get them all together.
- Q. How fast did you go?
- A. As fast as the mules could walk.

- Q. Were you pushing them?
- A. We were driving them along. We did not trot them any.
- Q. Where did you go then?
- A. We started towards the big hill before we got to the river and when we got about half way, orders were we should return.
- Q. Was that the big hill where you met the command?
- A. It was where we met a large part of the command - Major Reno's and Capt. Benteen's commands were both there.
- Q. From there you moved down the river and back again?
- A. Yes, sir.
- Q. Where did you move back to, near the place you stopped first?
- A. Right at the place we stopped.
- Q. After you got back what occurred - was there any fighting?
- A. We could see Indians around us firing - they were pushing us pretty hard - we were corralled there.
- Q. Tell what you did with the pack train when you came back?
- A. After we put it in that place we got orders to unpack and put the packs into breastworks.
- Q. What was done with the packs?
- A. Put into breastworks. Every pack that was there was put in.
- Q. Could you see what the troops were doing and what were you doing?
- A. We were busy unpacking the mules and putting things in shape as we were ordered to; and the troops were fighting.
- Q. Did you see Major Reno during the fighting that afternoon?
- A. I did not.
- Q. Did you see any officers down there?
- A. Yes, sir.
- Q. What orders did they give?
- A. We had no orders except to unpack the mules and put the packs into breastworks.
- Q. Did anybody come there and order the men on the line?
- A. Yes, sir; several of the officers, Lieut. Egerly and Lieut. Varnum and Lieut. Mathey, and, I think, Capt. French and Capt. Benteen and

Capt. Weir, but they did not come in to order the men out. They were generally on the line fighting - On the northeast corner was where I saw Capt. Benteen.

Q. You don't mean that those all came there but that you saw those officers?

A. Yes, sir.

Q. I refer to the officers who came there.

A. Lieuts. Varnum, Mathey and Edgerly.

Q. For what purpose did they come - what did they say?

A. They did not say much to us - Lieut. Edgerly encouraged the boys and told them not to be discouraged, that it would come out all right.

Q. Were you ordered to go on the line or were you engaged in other duties?

A. At the time Lieut. Edgerly was there I was holding my horse and two or three others.

Q. What became of your horse?

A. He was shot.

Q. When did you first see Major Reno on the 25th of June?

A. In the evening after the firing ceased.

Q. Go on and tell just what occurred - What you said, where it was - what was said and done and every fact in regard to it, according to your own knowledge.

A. In the evening after the firing ceased I went over towards where I had put the packs in the breastworks, I passed an officer but did not notice him till I was almost in front of him when I turned and saw it was Major Reno. I saluted him and said "Good Evening". The first he said was "Are the mules tight" I said "tight, what do you mean by tight?" He said "Tight, God damn you" and with that slapped me in the face with his hand. Then he took a carbine and levelled it at me and said "I will shoot you". At that time a friend of mine named Churchill pulled me back and that was the last I saw of Major Reno till the next day some time.

Q. Did you notice anything in respect to Major Reno's condition there - by act or word?

A. Yes, sir.

Q. Tell what it was.

A. He had a bottle of whiskey in his hand and as he slapped me the whiskey flew over me and he staggered. If any other man was in the condition he was I should call him drunk.

- Q. For what purpose were you going over to where the packs were?
- A. We went to get blankets and something to eat.
- Q. Why did you go there for it?
- A. We had nothing that day and we had no blankets. I had lost my horse and everything I had was stolen. I wanted something to lay on and that was why I went there.
- Q. What else did you lose?
- A. I lost my blankets, two shirts, a pair of pants and a blouse.
- Q. Where did you go after leaving the place where Major Reno slapped you?
- A. I went back to where Wagner the Chief Packer was, he was wounded there.
- Q. Did you get anything to eat that night?
- A. One of the packers opened a box of hard tack which he brought in - that was all we got.
- Q. How long had you been under Major Reno's command as Commanding Officer, if you know, up to the time this difficulty occurred? Who was Commanding Officer of the expedition?
- A. General Custer.
- Q. You were not with Major Reno's command till after you came on the hill that day as I understand.
- A. No, sir; we only followed it up.
- Q. You joined it there?
- A. Yes, sir.
- Q. Had he ever said anything to you before that or had any difficulty with you?
- A. Never. All I knew of him was when we used to break in the mules to packing he and Quartermaster Nolan used to come over and see us. There was where I saw what I did see of him.
- Q. State how long you continued in the employ there as packer with that command.
- A. I applied for a discharge about the 1st of July on the Yellowstone.
- Q. Were you with the pack train at that time going back?
- A. Yes, sir.
- Q. What kind of a discharge did you get?
- A. An honorable discharge.
- Q. Have you ever been in the service as a soldier?

A. Yes, sir; three years and four months.

QUESTIONS BY MAJOR RENO.

Q. When was it that Lieut. Egerly came over to the pack train and talked to the men there?

A. On the afternoon of the 25th some time.

Q. Was that the same afternoon that Capt. Banteen came there?

A. I don't recollect that Capt. Banteen was there at all.

Q. What other officers came over to the pack train that afternoon?

A. Lieut. Wallace came once and got a lunch and went away again and told the boys to go into the line and fight as much as they could and encouraged them and then Lieut. Mathey and Capt. French, I think, I am not sure, were over there.

Q. Did not Capt. Banteen come over there and drive out a lot of skulkers?

A. Not to my knowledge.

Q. Are you positive he did not?

A. I did not see him.

Q. Could he come there and drive out skulkers without your seeing him?

A. Not very well.

Q. Do you say he did not come?

A. I can't say - I can't give a positive answer to that.

Q. You say he could not have been there and driven out skulkers without your seeing him?

A. I think I would have seen him if he had been there.

Q. Do you say he was not there?

A. I can't give a positive answer; such a thing might happen and I not see it.

Q. There had been officers over that afternoon to drive soldiers to their duty?

A. Not to my knowledge.

Q. Had there been officers there before dark to send men back to their duty?

A. Not to my knowledge.

Q. Then none of the officers went to the pack train to have the men

come back and do their duty on the line?

- A. I don't know about that - There was one said said they wanted him to go out. He said he was not hired to go on the line to fight - that he was a citizen packer - that is what he told me and that is all I know about it.
- Q. Don't you know there was a good deal of trouble and a good deal of complaint of men stealing in the pack train?
- A. No, sir.
- Q. Do you know there was a good deal of complaint in regard to stealing?
- A. No, sir; not in the pack train - we got our rations regular.
- Q. Don't you know some of the officers lost things, by theft, from the pack train?
- A. No, sir.
- Q. Major Reno smacked you in the face?
- A. Yes, sir.
- Q. He was not a coward then, was he?
- A. I don't know whether I have a right to answer that question or not.
- Q. Do you say that after an affront like that you have no bitter feelings toward Major Reno?
- A. No, sir; not in a place like this.
- Q. How often have you and Churchill talked this matter over?
- A. We talked it over twice before our discharge and talked it over this morning.
- Q. Did you talk it over yesterday?
- A. No, sir.
- Q. Was it not your memory yesterday that the time you received knowledge of this fighting and the time you set forward to meet Major Reno was between eleven and twelve o'clock?
- A. I don't know anything of the kind.
- Q. Did you not have that impression yesterday?
- A. No, sir.
- Q. Have you made no alterations since yesterday in the time?
- A. No, sir.
- Q. Had you and Churchill agreed in your statements?

- A. No, sir; I generally go by my own knowledge.
- Q. Major Reno was quite drunk, was he?
- A. I would call a man drunk in the condition he was in.
- Q. Would you say he was very drunk?
- A. I would.
- Q. Did he stagger and stammer?
- A. Yes, sir; his language was not very plain.
- Q. How long do you suppose it would take a man as drunk as he was, to get over it?
- A. That depends on circumstances.
- Q. I ask you as an expert.
- A. If a man still keeps at it he will never get over it - If he stops he will get over it finally.
- Q. Did you see any evidences the next morning of his having been drunk?
- A. I did not see him the next morning. I saw him in the afternoon again.
- Q. Did you see any evidences of his being drunk at all except in that interview?
- A. Does that cover all the time I have been with him?
- Q. No; that time.
- A. That was the only time I saw him drunk there.
- Q. Where were you going at the time you met him?
- A. I made the statement that I went to where we had the packs to get a blanket and something to eat.
- Q. By whose order did you go?
- A. By the chief packer's - He said to go and see if we could get something to eat.
- Q. When Major Reno met you did he not say something about rations being stolen?
- A. No, sir.
- Q. Did he not say there were thefts of some things from the packs?
- A. No, sir; he could not say that.
- Q. Was he incapable of that amount of speech?

- A. Not easily.
- Q. He was pretty drunk according to your knowledge?
- A. Yes, sir; pretty drunk.
- Q. Almost incapable of walking?
- A. He braced himself against a pack.
- Q. Where did he go after that?
- A. I don't know - I went away, I did not like the looks of his gun.
- Q. Towards what part of the line did he go?
- A. I did not see him go away from there. I went away.
- Q. Did he stand till you went away or did he move first?
- A. Churchill and I went away and left Major Reno there.
- Q. Did you hear afterwards where he went?
- A. No, sir; I did not look after him.
- Q. For all you know he remained there all night?
- A. Yes, sir; he might have remained there.

QUESTIONS BY THE RECORDER.

- Q. How many citizen packers were employed in that train that Capt. McDougall was bringing up?
- A. There were five or six altogether.
- Q. Were the balance of the men in with the pack train soldiers or citizens?
- A. Soldiers.
- Q. What were your duties as a packer in regard to fighting or anything of that sort?
- A. We had no orders in regard to fighting and we had no weapons except revolvers.
- Q. None of the citizen packers had any weapons except revolvers?
- A. No, sir.

QUESTIONS BY MAJOR RENO.

- Q. Major Reno was not only very drunk but had a bottle of whiskey with him?
- A. It was either a bottle or a little jug - anyway the whiskey flew over me when he struck at me.
- Q. What is an honorable discharge for a packer?

A. Generally when a citizen packer is discharged and get his pay as agreed upon, we call it an honorable discharge.

Q. When he is paid and dismissed?

A. Yes, sir.

QUESTIONS BY THE RECORDER.

Q. Were you discharged from the service as a soldier?

A. Yes, sir.

Q. Did you get an honorable discharge?

A. Yes, sir.

Q. And you consider your discharge as a packer in the same way?

A. Yes, sir.

QUESTIONS BY MAJOR RENO.

Q. You had something to attest your discharge as a soldier?

A. Yes, sir; I had my discharge.

Q. Do you mean that a discharge as a packer gives a man a certificate of good character?

A. No, sir; not at all.

QUESTIONS BY THE RECORDER.

Q. What was your discharge from the regular army or the volunteer service.

A. From the volunteer service.

QUESTIONS BY THE COURT.

Q. Did you know who stole your clothing?

A. No, sir; I would give ten dollars for a memorandum book I lost.

Q. Did you ever find out?

A. No, sir.

Q. Why did you expect to find any blankets down there?

A. The blankets that were under the pack saddles were down there.

The witness then retired.

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Captain F. W. Benteen being recalled by Major Reno testified as follows:

QUESTIONS BY MAJOR RENO.

- Q. State whether during the engagements of the 25th and 26th of June, 1876 you had occasion to go to the pack train in order to drive out from it skulking soldiers.
- A. I had.
- Q. Once or many times?
- A. Many times.
- Q. State if you went there on the afternoon of the 25th?
- A. I don't know that I went there for that purpose that afternoon.
- Q. State if you went there towards evening on the 25th?
- A. Not for that purpose.
- Q. On the 26th and night of the 25th, state if you did.
- A. I was around there very often and very much both on the evening of the 25th and many times during the day of the 26th for the purpose of getting skulking soldiers and bringing them up to their duty.
- Q. State whether or not there was very considerable complaint with regard to stealing rations and other articles from the pack trains?
- A. They stole everything I had.
- Q. Were there not also complaints that different articles were being stolen?
- A. Yes, sir.

The witness then retired.

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Captain E. G. Mathey, 7 Cavalry, a witness called by the Recorder and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, regiment and where serving.
- A. E. G. Mathey, Captain, 7th Cavalry, serving at Fort Totten, Dakota Territory.
- Q. State on what duty you were on the 25th and 26th of June, 1876, where, with what command and under what commanding officer or officers if more than one.
- A. I was in charge of the pack train from the 22nd to the 28th of June under the command of General Custer and afterwards of Major Reno.

- Q. State if you know where the pack train was on the morning of the 25th of June, 1876; how far was it from the main column when Capt. Benteen's column diverged to the left of Gen. Custer's column, if you know.
- A. Early in the morning we were in some timber where we stopped just before daylight. We marched some distance - I judge about two hours and then a long halt was made. During that long halt I went to sleep - somebody woke me up and said officer's call had sounded and I went to see what were the orders. The officers were coming away. Gen. Custer had given them their orders I supposed and I had no further orders to ask and I went back to the pack train. Everything got ready to move and I followed the command. After we had gone I suppose two miles, Capt. Benteen turned to the left with his column.
- Q. Was that near the divide?
- A. Yes, sir.
- Q. State what order, if any, you had received in regard to the pack train and from whom?
- A. I received orders from General Custer. I reported to him every evening and received orders from him what to do. That morning Lieut. Cook came back and brought me an order to keep the mules off the trail they made so much dust. I sent a man to see about doing it and while he was gone was when Lieut. Cook came and asked me if I had received the order. I said yes and I was about doing it and when the man came back from giving the order I asked Lieut. Cook how that was. He said that was better - they were not kicking up so much dust. That was the last order I ever got from that source.
- Q. Of how many animals did the pack train consist, and how many men, with it, including the escort?
- A. About 160 mules and I was supposed to have an average of 5 men from each company - I suppose in number I had about seventy men.
- Q. In addition to that how many citizen packers did you have?
- A. I forget exactly - I judge there were 4 or 5.
- Q. Did you have a chief packer or head packer?
- A. Yes, sir; I had a man acting in that capacity - I forget his name.
- Q. Go on and describe the movements of the pack train from the time Capt. Benteen diverged to the left up to the time you joined Major Reno's command on the hill, if you joined it, and state all the orders you received and all the halts made and all the circumstances?
- A. We followed the main trail. Capt. McDougall was urging me to get the packs along as fast as possible. I did so but we had to repack a great deal. When a mule became unpacked I would leave two men to pack him and go ahead with the train and

leave them to bring up that mule. We pushed along with a good deal of trouble as our command had not had much to do with that before. After I had gone I suppose a little over an hour and I had a horse that was very warm and I changed him for another one and went to the head of the train to see how it was getting along. In a short time I came to where a mule had been in the morass - Something was said about the mule being there. I don't recollect what I said - something about coming up as soon as possible and rode ahead. The packs were very much scattered I judge it scattered two or three miles from the front to the rear of it.

- Q. How many mules were reported stuck in the mud there?
- A. Three or four.
- Q. Did you come in sight of Capt. Benteen's column at that place?
- A. I did not see it.
- Q. Was there any delay at that watering place or did the general movement keep on?
- A. I don't know that it was delayed any - it was not reported that it was. It seemed to move right along.
- Q. In repacking did you delay the general movement?
- A. No, sir.
- Q. Do you know what time of day it was when Capt. Benteen diverged to the left with his column.
- A. I judge it was near 12 o'clock.
- Q. About how far was it from there till you came to the morass you speak of?
- A. It was four or five miles, I think.
- Q. Whose trail were you then following?
- A. I supposed it was General Custer's and Major Reno's together.
- Q. What other object did you pass after passing the morass?
- A. After passing the morass I judge about three miles we came to a tepee - someone said something about a dead Indian inside of it, but I did not look inside.
- Q. Who did you meet near the tepee and what orders if any were received?
- A. After passing the tepee probably two or three miles, I don't remember the distance, I saw somebody coming back, one I remember was a half-breed and I asked him if Gen. Custer was whipping them and he said they were too many for him. I saw a great deal of smoke. When I first knew they were fighting I stopped the head of the pack train and sent word to Capt. McDougall that they

had been fighting and I would wait for him to bring up the rear. When it came up we went ahead.

- Q. How long was that halt?
- A. Probably ten or fifteen minutes. It was not long.
- Q. Did you receive orders from General Custer or Major Reno or Capt. Benteen on that march?
- A. No, sir; only such as I received from Capt. McDougall.
- Q. Did any sergeant report to you with orders?
- A. No, sir.
- Q. From that point where you made the halt how far were you from Major Reno's position on the hill, if you know?
- A. Where I made the halt it was probably 2 or 3 miles.
- Q. What did you see in the direction of where the village was supposed to be?
- A. I saw smoke and I thought I saw men on the hill; they turned out to be the command of Major Reno.
- Q. Did you meet any officer there with orders?
- A. After we started I met Lieut. Hare who said he wanted the ammunition and I detached two mules from the train and ordered them to go with Lieut. Hare.
- Q. How much ammunition did a mule carry?
- A. Two boxes, each with 1000 rounds in a box.
- Q. Did you see that ammunition taken out of the boxes.
- A. Not that I remember.
- Q. State what was done then about the pack train?
- A. We moved on till we got to Major Reno, was at a pretty fast walk.
- Q. After starting the ammunition pack mules with Lieut. Hare, how long was it till you arrived with the pack train? What time of day was it?
- A. Something less than a half an hour probably 20 minutes. I think it was about 3 o'clock when we reached Major Reno's command.
- Q. How do you fix that as the time?
- A. I judge we started about 11 or 12 from where the long halt was made; we then marched six or seven miles to the morass, and about 3 miles from there to the tepee, and from the tepee to where Major Reno was, was about 4 or 5 miles, and I think it would be about that time that we got there.
- Q. What hostile Indians did you see on your arrival and how did you ac-

quaint yourself with it and where did you see them?

- A. I saw a few scattered Indians in the bottom not in any numbers at all.
- Q. Was there firing around Major Reno's position?
- A. No, sir.
- Q. Did you observe at that time any movement of Indians at a distance?
- A. Someone gave me a glass and I saw off at a distance of three miles or more and could see Indians circling around, but no soldiers.
- Q. Where was that?
- A. Down stream about where the village was.
- Q. Could you tell on which bank it was?
- A. On the left bank.
- Q. Did you see Major Reno on your arrival on the hill?
- A. Yes, sir.
- Q. When?
- A. Soon after my arrival.
- Q. What was he doing and what orders was he giving?
- A. He was standing there and giving some orders to Captain French about going to bury Lieut. Hodgson, and some men at the foot of the hill. I remember Capt. French rather seemed to want more men to go with him and Major Reno told him to go on and he went on. Shortly after that he gave an order for Capt. French to come back. I heard Major Reno say we must try and find General Custer. I don't remember his words, but something about going in the direction where General Custer was.
- Q. How long after Capt. French was ordered down the hill till he was ordered back again?
- A. Only a few minutes.
- Q. What did you do with the pack train?
- A. We got no orders there till the command started to move down the river then the pack train followed; I observed the movements of the troops and followed them.
- Q. How long after your arrival on the hill before the command moved down.
- A. I think about half an hour.
- Q. Do you know what they were waiting for?

- A. I don't know exactly. I remember Capt. Moylan said it would be difficult to go along with his wounded men. We made the movement very slowly.
- Q. How many wounded men did he have?
- A. I don't remember. I remember a sergeant they were carrying. I don't remember what others.
- Q. Do you know who ordered the movement down the stream?
- A. No, sir.
- Q. Who ordered you to move out with the pack train?
- A. I don't remember receiving any orders, I just followed the command.
- Q. Describe the movement down the stream as far as it came within your knowledge.
- A. There was one company in front which I heard was Capt. Weir's when we got near the top of the high hill there seemed to be some halt made, finally I saw the troops turning back with the pack train. I judge we had gone over a mile with the pack train, I don't know exactly.
- Q. Do you know anything about the movement of Captain Weir's company down the stream?
- A. Nothing only what I heard.
- Q. Was he there when you first got on the hill?
- A. I was under the impression he was but I don't remember distinctly.
- Q. Do you know he was down to that advanced position?
- A. Yes, sir.
- Q. State where you went after you turned back with the pack train; what was done with it?
- A. When we got on top of the hill it seemed to be a good position and they halted as I was about to corral the mules and to tie them, when I received orders from Captain Benteen to put the men on the line, and I gave the order for the men to go on the line and let the mules go. I went out to see the line and one man was wounded and brought back about to that place and boxes were put around to afford protection and after that the other wounded were brought to that place.
- Q. What men were ordered to the line, the men of different companies?
- A. The men of the different companies. I heard Capt. Benteen say put all the men out on the line, the firing became heavy as soon as we halted.

- Q. Go on and state anything about that matter that you recollect.
- A. The firing kept on and we remained there. Sometime after dark Major Reno gave me an order to put boxes out to cover the front, there was quite a depression and the firing was heavy from that direction. With help I put all the boxes in the place where I was directed. Capt. Moylan's company was in that position.
- Q. Did you order all of the men with the pack train out on the line?
- A. Yes, sir.
- Q. What facilities had you for taking care of the mules?
- A. Not much, only the men that I could pick up among the mules?
- Q. Did you have any citizen packers?
- A. Yes, sir; one or two of them helped me unpack the mules.
- Q. What were the duties of the citizen packers?
- A. To help pack and repack and they did so - I had no special instructions about them. I supposed them were there to instruct the men how to pack and to assist. I think they did a great deal of packing around Headquarters.
- Q. Were the citizen packers armed, if so, with what?
- A. Some came to me for carbines and I told them to pick them up if any of the wounded men had left them or any where they could find them.
- Q. Did you have any trouble with the packers?
- A. No, sir.
- Q. What was their general conduct?
- A. I had no trouble and there were no complaints made in the command that I remember.
- Q. Who selected the place to put the wounded men in that you speak of.
- A. I don't remember that any one did. I put the boxes there myself with Dr. Porter. I don't know whether Dr. Porter or myself made the suggestion. I know the first man was brought there and then the others were brought there.
- Q. When did the firing cease on the afternoon of the 25th?
- A. Not till about dark, as near as I remember.
- Q. Did you see Major Reno immediately after the cessation of the firing or before that?
- A. After we came back from that position I don't remember seeing Major Reno till after dark when I received those orders from him.

- Q. Did he give that order in person or by his Adjutant?
- A. In person.
- Q. What was done that night about the pack train and by whose order?
- A. Nothing more that night. The next morning I got what lariats and ropes I could and fixed some kind of a picket line tying it to the dead mules and horses to tie the living horses and mules to. Lieut. Edgerly tied some of his horses to it. There was not quite room enough to tie all the horses and mules of the command, but some were tied and then the firing commenced early.
- Q. What time?
- A. Soon after daylight. There were but few shots fired while I was fixing the line. It took me probably half an hour to fix the line at that time.
- Q. By whose orders did you do that?
- A. I had no orders to do it.
- Q. Did you see Major Reno that night after he gave you that order?
- A. No, sir; I know about where he was lying.
- Q. Where was that?
- A. Near the pack train rather southwest of it.
- Q. How far from the line where the troops were engaged?
- A. I think 30 or 40 yards from the line right where the pack mules were.
- Q. How often did you see him there that night?
- A. I don't remember seeing him only when he gave the order - probably I passed near him.
- Q. Was he lying down when he gave the order?
- A. I think he was standing up when he gave the order.
- Q. State when you next saw Major Reno, what was he doing and what orders did he give?
- A. On the morning of the 26th I saw him by where Capt. Moylan's company was in front of the pack train I judge that was about 10 o'clock. He was apparently walking around the line.
- Q. Was there a general engagement going on?
- A. Yes, sir; the firing was pretty heavy then.
- Q. Was it about as heavy as it had been before?
- A. Yes, sir; about the same.

- Q. When did the fire from the Indians slacken?
- A. Sometime in the afternoon about 3 or 4 o'clock.
- Q. I don't mean ceasing but slackening.
- A. That is what I mean, probably about 3 it kinder slackened up. I heard some few shots after that.
- Q. What time did the fire entirely cease?
- A. It was probably 5 or 6 o'clock as far as I remember.
- Q. Can you state that from the time you arrived on the hill on the afternoon of the 25th till the evening of the 26th how often you saw Major Reno?
- A. About three or four times.
- Q. After the close of the engagement what orders did you receive from Major Reno?
- A. I received orders to move everything down to another position down towards the creek that would be in a South or Southwest direction.
- Q. After the close of the engagement how often did you see Major Reno till the close of that day?
- A. I saw him frequently.
- Q. You arrived on the hill with the advance of the pack train?
- A. Yes, sir.
- Q. You don't mean with the ammunition packs?
- A. No, sir.
- Q. Did Capt. McDougall arrive soon after?
- A. Yes, sir.
- Q. How soon after?
- A. I don't remember. I paid no attention, he must have come very soon after. It was a little while after I met Lieut. Hare that we moved on after I made that halt.
- Q. In regard to taking the packs off that night, were they put by the companies?
- A. They were not put by companies; they were put in a depression. Some

of the packers and men of the companies took some of the boxes and put them in front of the companies and I used some for the hospital.

- Q. How were rations distributed to the command that night?
- A. I don't know that any distributions were made that night. I don't think anybody ate much that night, we had no orders.
- Q. Was there any regular distribution or did the men help themselves?
- A. I heard talk about men stealing rations. I suppose they helped themselves. I saw nobody issuing any.
- Q. Had the packers stolen all the rations?
- A. No, sir; they may have taken some.
- Q. Did you hear any special complaint about things being taken.
- A. Not any more by the packers than by the soldiers, if they were hungry they helped themselves. There was nobody to prevent them.
- Q. You would not consider it your duty if you had seen men eating a piece of hard tack to take it from them and drive them away?
- A. No, sir; as the packs got mixed up it was hard to tell what companies they belonged to before that each company had their own packs. It would be difficult for the men to find out what belonged to their Co's.
- Q. State without reservation your opinion of the conduct of Major Reno on the 25th and 26th of June, 1876 in respect to coolness, efficiency and courage, as far as it came under your observation and state all the facts on which your opinion is based.
- A. When Major Reno first came up he was as any man would naturally be under the circumstances, somewhat excited. I suppose it was not long since he had come out of the fight and that would be the natural condition for a man to be in. I did not see much of his conduct, only as I have described where he gave me orders. I did not think to question his courage. I saw no action on his part to indicate want of courage or indicating cowardice.
- Q. Did he seem to be exercising the powers and duties of commanding officer in a place like that? Was he around stirring up things generally?
- A. As I stated, I only saw him three or four times. I stated what he said to me and where I saw him.
- Q. You received orders from someone else beside Major Reno?
- A. Yes, sir; I received orders from Capt. Benteen. He was the next officer to Major Reno and I supposed he was acting under orders from Major Reno.
- Q. Had you in any way been put under Capt. Benteen's orders?
- A. Not by orders.

- Q. That was a mere inference of yours?
- A. Yes, sir; I obeyed his orders as he was the second in command.
- Q. State whether any effort was made on the night of the 25th after the cessation of the firing on that day or on the 26th to ascertain what had become of General Custer's command, if so, what was done and by whose order, if you know?
- A. I don't remember anything being done. I remember on the night of the 25th I understood that Major Reno was trying to get someone to go out.
- Q. How did you get that understanding?
- A. I don't know. It seems to me something was said about it. I heard from someone, I can't say from whom, they they could not get the scouts to go.
- Q. Were there any other scouts there but Indians?
- A. Herendeen was there; I don't know whether any others except Indian scouts.
- Q. What impression, if you know, prevailed in the command on the night of the 25th as to what had become of General Custer and his command?
- A. I don't know that I heard any expressions. My impression was that General Custer was surrounded as we were and had wounded men and would not abandon them, that probably he was in the same fix we were.
- Q. Was there any impression that he had gone to join General Terry?
- A. I don't recollect hearing any expression of that kind. It was not my impression. I thought if General Custer could get away with his wounded he would certainly break for his own command. I don't know what others thought.
- Q. You were with the pack train; state, if you know, if there was any whiskey in the command.
- A. I heard nothing said about any.
- Q. Did you see any?
- A. On the 26th I saw Major Reno had a bottle with a little in it. Someone spoke of being thirsty and he said he had some whiskey to wet his mouth with and to keep from getting dry to quench his thirst. It was a flask, I don't know whether a quarter or a pint, there was very little left in it then.
- Q. When was that?
- A. On the morning of the 26th.
- Q.

QUESTIONS BY MAJOR RENO.

- Q. Did you ever see any indications of drunkenness on the part of Major Reno during those two days?
- A. No, sir.
- Q. Did you ever hear any intimation that he had been drunk?
- A. Not until last spring.
- Q. Did you ever hear any officer charge Major Reno with having been under the influence of liquor during those engagements?
- A. No, sir.
- Q. No evidence ever came to your knowledge of his having been under the influence of liquor.
- A. No, sir.
- Q. He was giving away that whiskey he had?
- A. I don't remember his giving any of it away.
- Q. At the time you saw him did he look as if he had been drinking?
- A. No, sir; I saw nothing wrong about his having it.
- Q. Is it not common on long expeditions and is it not proper for officers to carry a small amount of liquor with them?
- A. Yes, sir.
- Q. Fully as proper as for travellers on railroads?
- A. Yes, sir.
- Q. You had been gone how long from where you could obtain supplies?
- A. I suppose some supplies could have been got on the Rosebud, perhaps Powder River was the last place we left the steamboat on the 22nd.
- Q. It was the 26th you saw that flask?
- A. Yes, sir.
- Q. It was not larger than a quart?
- A. No, sir.
- Q. And there was a little in it on that morning?
- A. Yes, sir.
- Q. If he drank all that liquor during that time it would not be a large quantity for a man undergoing fatigue?

- A. No, sir; it would not be much.
- Q. Lt. Hare came to you with orders to hurry up the packs?
- A. Yes, sir.
- Q. Did he say he gave the order?
- A. No, sir.
- Q. Don't you know he was sent back by Major Reno?
- A. No, sir; I supposed he was but, I did not question him.
- Q. How far away from the hilltop did Lieut. Hare find you?
- A. I judge it was about 2 miles.
- Q. Then from not only what knowledge you had then but what you have since acquired, do you think Lieut. Hare was sent back to communicate with as soon as Major Reno reached the hill?
- A. I don't know; I never spoke about it. I would suppose that was the time he was sent if I was supposing.
- Q. You speak of evidences of excitement, do you distinguish that from fear?
- A. Yes, sir; a man may be excited but not be afraid, a brave man may be excited.
- Q. You were able to discharge all the duties that were left for you to attend to?
- A. I think so.
- Q. Don't you think every officer was equally able to discharge the duties left for him to attend to?
- A. I should think so.
- Q. As far as you know did they not have the confidence of Major Reno?
- A. They did not express themselves.
- Q. You don't know they did not have?
- A. No, sir. Captain Nolan on the 27th asked me about Major Reno's conduct, someone seemed to have said something about it. I declined saying anything to him, though he seemed to have information from someone.
- Q. Have you anything to say about his conduct now?
- A. No, sir; the most they seemed to question was his conduct in the charge and I know nothing about that.
- Q. Was Captain Nolan in the charge?

- A. No, sir; he was not with the command. He seemed to have heard something but I don't know from whom.
- Q. Do you pretend in the story you have given to detail all that Major Reno did and said?
- A. No, sir; I saw but little of him.
- Q. With reference to Capt. French had not the company under his command moved out in the direction of General Custer's battlefield before the entire pack train came up?
- A. I don't know; I suppose most of his company were there when I came up.
- Q. When the rear of the pack train came up, had not Capt. Weir gone down the river?
- A. That I can't say. When the pack-train-came moved off I know Capt. Weir was in front.
- Q. Was there any belief in the command that night that General Custer needed assistance any more badly than Major Reno's command did itself?
- A. I don't know what the supposition was, we had so many wounded I don't think we could have moved away with safety.
- Q. Was there a belief on the part of anybody that General Custer and his command had been destroyed?
- A. Nobody seemed to think he had been destroyed.
- Q. How far down the river on the afternoon of the 25th did the command move.
- A. I judge a little over a mile. It was a short distance.
- Q. Was there any evidences seen of General Custer and his command?
- A. I saw none.
- Q. In fact, had not an effort been made to communicate with General Custer that afternoon been made and it failed?
- A. Yes, sir.
- Q. Did not the command that night by reason of the position it was in and their unprepared state for an attack by a number of Indians about them, have as much to do to as it was able to?
- A. We had a great deal to do, about as much as we could attend to.
- Q. Were not the entire efforts of the command directed to the protection of themselves against what should happen the next morning.
- A. I did not see the work that night. I was around putting up boxes

and was so tired that I went to sleep standing up. I went to where Capt. Moyle was, and laid down near him and went to sleep and did not see anything more till morning.

- Q. Were you not asleep on the night of the 25th through exhaustion?
- A. I think I was pretty well worn out when I went to sleep standing up.
- Q. Major Reno might have been doing many things that night and the next morning without your knowledge?
- A. I was up early the next morning.
- Q. You speak of his walking around on the afternoon of the 26th, were not all the officers moving around?
- A. Yes, sir.
- Q. Was there much walking back and forth while the saucer like enclosure was being raked by the Indian fire?
- A. Not very much.
- Q. Did not every officer of the command understand his duty?
- A. I think so.
- Q. It consisted of defense and excluding the Indians from that enclosure?
- A. I think they would do as well as they could in their positions; there was no particular use in exposing them.
- Q. From all you saw and all that came within your knowledge, have you any charge of cowardice to make against Major Reno?
- A. No, sir.
- Q. You speak about an officers' call on the morning of the 25th, state if that was a bugle call or not?
- A. I was asleep when someone told me officers' call had sounded. I think I went to sleep again and someone awakened me the second time, and I went up, and the officers were all gone to get their orders.
- Q. Can you state whether there was a bugle sounded that morning?
- A. I can't say, someone said "officers' call" had sounded.
- Q. You don't know whether it was bugle or not?
- A. No, sir.
- Q. Do you know whether or not Dr. Porter had orders to prepare the hospital from Major Reno?
- A. I don't know; I did not hear him say.

Q. You can't say he did not?

A. No, sir.

Q. Did you hear a rumor among the command that Lt. Calhoun had been wounded?

A. No, sir.

QUESTIONS BY THE RECORDER.

Q. You say it is customary for officers to take liquor out on expeditions?

A. I don't know that it is the custom, I have done it.

Q. If he does take a bottle and it is emptied, is it not the custom to refill it?

A. Yes, if he has anything to refill it with.

Q. Was it any part of the duty of a captain of one company to command men of other companies and give orders to other captains, he not being in command himself?

A. I should think not unless he was ordered to or something very important took place and he took the responsibility of giving orders.

Q. Would it not be confined to cases where there was urgent necessity?

A. I think so.

Q. What movement down the stream did you see?

A. I was in the rear and could not see what was going on.

Q. Do I understand that there was no necessity for a commanding officer there to give directions as at any other place?

A. After they were once posted and in line it was very easy to know what to do.

Q. Were there not some reasons for a commanding officer?

A. He might see some necessity for a movement.

Q. Was there a trumpet call in the command on the morning of the 26th?

A. There was a trumpet call sounded on the hill, but I forget the time.

QUESTIONS BY MAJOR RENO.

Q. By whom?

A. I suppose it was by Major Reno's order.

Q. Do you know the trumpeter?

A. No, sir.

Q. Don't you know from what Co.?

A. No, sir.

Q. Captain Benteen was the senior captain?

A. Yes, sir.

Q. The next officer in rank to Major Reno?

A. Yes, sir.

The witness then retired.

The Court then adjourned to meet at 10:30, Feb. 6, 1879.

22nd DAY

Chicago, Illinois  
Thursday, February 6, 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  
3rd Cavalry

Recorder

First Lieutenant Jesse M. Lee,  
Adjutant 9th Infantry.

Major Reno and his counsel were also present.

The proceedings of the last session were read and approved.

Captain Mathey being recalled by Major Reno, testified as follows:

QUESTIONS BY MAJOR RENO.

Q. Yesterday I asked you whether you ever heard any intimation on the part of anybody before you came to Chicago that Major Reno had been using liquor while on the hill?

A. Yes, sir.

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- Q. You stated that you heard one intimation?
- A. Yes, sir.
- Q. When was that?
- A. It was in the spring of 1878 while camped at Fort Lincoln.
- Q. From whom did the information come?
- A. Girard spoke to me about it.
- Q. Was that Girard the Indian interpreter?
- A. Yes, sir.
- Q. Did you hear any bugle calls on the hill the night of the 25th?
- A. I don't think there was on the night of the 25th; I think it was the night of the 26th.
- Q. Do you remember whether you heard any on the 25th?
- A. No, I don't think I heard any on the 25th. I had thought it was on the 25th but after studying the matter over, I am almost positive it was on the night of the 26th.
- Q. By whom were the calls sounded?
- A. I don't remember by what trumpeter - He sounded several calls.
- Q. Do you know whether it was Trumpeter Martin or not?
- A. No, sir.
- Q. By whose order was it done?
- A. I suppose by Major Reno's.
- Q. You remember there were bugle calls?
- A. Yes, sir.

The witness then retired.

Captain Thomas M. McDougall, a witness called by the Recorder and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, regiment and where serving.
- A. Thomas M. McDougall, Captain, Commanding Company B, 7th Cavalry, serving at Fort Yates, Standing Rock Agency, Dakota Territory.
- Q.\* Where were you serving on the 25th and 26th of June 1876, with what

command and under what Commanding Officers?

- A. I was serving under the command of General Custer on the 25th and 26th of June 1876, commanding the rear guard in rear of the pack train.
- Q. Under what other commanding officer did you serve?
- A. During the 25th I fell under the command of Major Reno, 7th Cavalry.
- Q. State to what special duty you were assigned on the morning of the 25th by whom and what were your orders?
- A. On June 25th about 11 o'clock a.m. I reported to General Custer for orders - He told me to take charge of the pack train and act as rear guard.
- Q. Where was that?
- A. That was on the divide between the Rosebud and the Little Big Horn.
- Q. What effective force had you with the pack train that day?
- A. My company was composed of about 45 men and there were about 30 men belonging to the pack train and 5 or 6 citizen packers.
- Q. State where it was, if you know, that Captain Benteen's column diverged to the left from General Custer.
- A. I can't say - I was bothered with straggling mules and did not see Capt. Benteen till he was 7 or 800 yards from where he started. The regiment was divided into three columns and I kept as near as possible to the centre with my pack train. After they got seven or eight hundred yards ahead I saw no more of any of them till I got on the hill.
- Q. From that point where the regiment separated state all that happened in regard to the manner of movement, the halts, the orders received and every circumstance and fact within your recollection up to the time you joined Major Reno on the hill.
- A. We started about twenty minutes after the command left - Lieut. Mathey in advance with the pack mules made the trail and we followed in the rear. Whose trail he followed I don't know, whether an Indian trail or that of General Custer. We proceeded along the trail till we came to a kind of marshy watering place where I found 5 or 6 mules mired. I dismounted my company to assist the packers and we got them out in about 20 minutes. We adjusted the packs and started on. About 4 miles from there we came to an Indian tepee. I dismounted and looked inside and found three dead Indians and a fire built round. From that point I saw in the distance a very large smoke and I told Lieut. Mathey to halt for a few minutes till we could close up the entire

train and prepare for action, which he did. About a mile from that point Lieut. Mathey sent word to me that the fight was going on. I told him to hurry up with the mules as fast as possible. I went on about 2 miles and saw some black objects on the hill in a mass and I thought they were Indians. I told my company we would have to charge that party and get to the command. We drew our pistols. I put one platoon in front of the pack train and one in the rear and charged to where those persons were. I found out then that it was Major Reno and his command. I should state that about a quarter of an hour before reaching there I heard firing to my right and as soon as I arrived I reported to Major Reno that I had brought up the pack train all right, without losing any of the animals and that I heard firing on my right?

Q. Describe that firing and in what direction it was.

A. I was going towards the Little Big Horn and to my right would be north.

Q. Would that be down or up the stream?

A. I did know at the time but when I got to the command I knew it was down stream.

Q. Describe that firing.

A. It was just two volleys. I told Major Reno about it and he said "Captain I lost your lieutenant and he is lying down there". Then I left Major Reno and went to my company and threw out a skirmish line. I waited about half an hour when I heard the bugle sounded to mount. I mounted up and followed the command in single file towards a high mountain down the stream. After going about a quarter of a mile Captain Moylan met me and said his men could not keep up with their wounded. I told him if he would take the responsibility, I would let him have one of my platoons. He said "All right" and so I took the second platoon in person down to where he was. Upon returning to joining the first platoon of my company I saw the men left about to go back to our original position. Captain Benteen then put me in position on a kind of ridge facing this large hill or down the river facing the Indian village. Then Major Reno came there by my company and said "Captain be sure to hold that point at all hazards". The troops were then being assigned to the different places and the general engagement ensued. Very heavy fighting commenced and we fought till about 9 o'clock that night. The heaviest kind of fighting and officers and men displayed great courage. Then I went at nightfall and got some hard tack for my men and a box of ammunition. The engagement began the next morning about half past two o'clock being very heavy towards 10 o'clock when they made a general sally on us, but we stood them off and drove them back. At about 2 o'clock Capt. Benteen came down bare-headed to me with his hat in his hand and said to me, Captain you will have to charge the Indians with your company as they are firing into me pretty heavily, both with arrows and bullets, so get your men ready and start out - which I did, going about 60 yards when the firing was so heavy on my right and rear that I had to retire to our original position. Major Reno then came up to where I was and said "Captain, how

are you getting along?" I told him very well. He asked me which way I thought the Indians were going. I informed him I thought they were going down stream, he then invited me to take a walk around with him, which I did - He then informed me that he wanted to change the position that night as the stench, the flies and the filth were so great that the men would probably get sick. The Indians withdrew about five o'clock when Major Reno put us in a new position. The next morning, the 27th, Gen. Terry's command<sup>of</sup> arrived and we were informed of the annihilation of the other portion ~~of~~ the regiment. That is all the statement I have to make.

- Q. State if you can, about how far it was and how long it took you after this division was made by General Custer to reach that watering place you have described.
- A. I can't form any idea of the time as I was in the rear sometimes with one mule or sometimes with five. I was troubled about losing animals and resisting an attack and I have no idea of distance or of time.
- Q. Can you form no idea at all of the distance?
- A. I can't state, I only remember that from this morass to Major Reno's position I think it was about 8 miles.
- Q. Did you receive any orders during that march from the place where you received General Custer's orders till you reached Major Reno's command on the hill?
- A. No, sir; the only thing was Lieut. Mathey said the engagement was going on.
- Q. You received no notification to hurry up the pack train?
- A. No, sir; I think Lieut. Mathey got that order - He told me about it and I told him to hurry up - I was very anxious about it, ~~and~~  
I told me.
- Q. How far were you from the hill when you observed those black objects thinking them to be Indians?
- A. I judge it was about two miles.
- Q. Describe at what gait the pack train was moving?
- A. The front part of the mules were going at a sort of dog trot, the rear were being pulled with lariats and whipped with black snakes to get them along.
- Q. State about what hour in the day it was you joined Major Reno on the hill?
- A. I think it was a quarter to four or four o'clock in the afternoon.
- Q. You afterwards visited the Custer battlefield?

- A. Yes, sir.
- Q. Where was Major Reno's position in reference to that firing you heard before reaching him?
- A. The firing was down the Little Big Horn from him and as I was going toward Major Reno, the firing was on my right.
- Q. He was between you and the sound of the firing?
- A. He was in the angle.
- Q. As near or nearer to the firing than you?
- A. He was about four or four and a half miles from the firing and I was about the same. The sound could resound through the hills.
- Q. Was the sound loud?
- A. No, it was a dull sound - just two volleys - I thought it was some of the command?
- Q. What command did you believe it pertained to on arriving on the hill?
- A. I thought it must be Gen. Custer and the Indians.
- Q. How many times did you report that firing to Major Reno?
- A. Only once, as soon as I arrived with the pack train.
- Q. How near were you to him?
- A. I walked right up to him, close enough to report to him.
- Q. Did he make any reply in regard to the firing at all?
- A. He just said "Captain, you have lost your Lieutenant, he is lying down there". I then walked off and formed a skirmish line.
- Q. Did he give you orders to do it?
- A. No, sir; I did it as any officer would do.
- Q. What was the disposition there of the troops when you arrived?
- A. All were quiet - the same as at a halt - I did not know anything was going on at all with the command till I had thrown out the skirmish line and went back and heard the officers talking about it.
- Q. After deploying your company as skirmishers what did you do?
- A. I went and talked with the officers till the order to mount was given and then I mounted as I have stated.
- Q. That call was sounded by the trumpet was it?

- A. Yes, sir; Trumpet signals were sounded right along that march and reveille next morning.
- Q. Did you observe anything about that time down the stream to the left in the bottom, if so, state what?
- A. I saw a very large herd of ponies and tepees - it seemed to me like a regular city of them.
- Q. To the left of the command in the direction of where Major Reno had been engaged in the timber, what did you see?
- A. Only a few men - I don't know whether Indians or not.
- Q. About how many?
- A. I don't know - I was too busy.
- Q. Where there enough to impress you that there was a large force there or only scattering?
- A. There was a large force in the village. We saw no large number till we took position on the hill finally.
- Q. When you came up was there any engagement going on?
- A. No, sir; as far as I remember everything was quiet.
- Q. Did you receive any notice or order as to where you were going at the time the signal was sounded?
- A. No, sir; I knew we were going in the direction of the village.
- Q. Do you know by whose order the return movement was made?
- A. I do not - I was coming from Capt. Moylan and saw the left about and I continued on and Capt. Benteen put me in position.
- Q. How long were you in going down the stream?
- A. I can't tell.
- Q. About how far did you move down the stream?
- A. I ~~was~~ the tail end of the command and I suppose I moved not over a quarter of a mile.
- Q. Can you tell how much time intervened from the time you arrived on the hill till that movement was made?
- A. About half an hour.
- Q. You stated you saw Major Reno on your arrival on the hill?
- A. Yes, sir.

- Q. Where did you next see him and when?
- A. When I joined my company when it was in position and the next time was when he came and invited me to take a walk with him on the afternoon of the next day.
- Q. Was the firing ceasing at that time?
- A. No the bullets were flying fast.
- Q. You saw him how often during those two days?
- A. Three times.
- Q. What time in the afternoon of the 26th did the fire of the Indians decrease?
- A. I think about half past three or four o'clock.
- Q. On the night of the 25th of June what preparations did you make, if any, to resist the Indians?
- A. I told the men to take their butcher knives and tin cups, We had no axes, and throw up some dirt and make some kind of barricade for their heads so the Indians could not see our heads - we had no breastworks - merely a shelter for our heads.
- Q. By whose order were those preparations made?
- A. By my order.
- Q. Did you receive any orders that night from Major Reno or his adjutant?
- A. No, sir.
- Q. What was the position of your company with reference to that of Capt. Benteen.
- A. I was facing toward the Indian village and could not see anything in my rear, Capt. Benteen was behind a knoll and I did not see his position till the afternoon when I walked round with Major Reno.
- Q. Your company was not connected with his in any way?
- A. No, sir; I was facing the village.
- Q. In that charge you speak of having made can you state whether any other companies participated in it than your own?
- A. I was only paying attention to my own company, but on retiring I saw Lieuts. Varnum and Hare and Capt. Weir.
- Q. State fully your opinion of the conduct of Major Reno as commanding officer in that battle in regard to courage, coolness and efficiency, as far as they came within your knowledge.
- A. When I found him he seemed to me to be perfectly cool. He had nothing

to say and during the day I did not see him till I went round with him - He was perfectly cool then - he had no enthusiasm as far as I could observe, but he was as brave as any man there in my opinion - The officers and all the men were brave - I saw no man show the white feather or show any indications of fear at all.

- Q. State if Major Reno's conduct was such as to inspire his command with confidence and courage in resisting the enemy or the reverse - Give your opinion fully and the facts upon which it is based.
- A. I think he would make as stubborn a fight as any man, but I don't think he could encourage the men like others. Men are different - some are dashing and others have a quiet way of going through. I think he did as well as anybody else could do - that is my opinion, having so small a command fighting Indians, every man was taking care of his own duties.
- Q. State if you saw enough of Major Reno during those days to have a conclusive opinion in your own mind as to his conduct?
- A. I thought after he came the next afternoon and asked me to take a walk with him that he had plenty of nerve - the balls were flying around and the men were in their entrenchments firing away - We took it easily and slowly.
- Q. Did you see the hostile village moving away on the 26th?
- A. Yes, sir.
- Q. Describe it.
- A. It seemed to be about a mile and a half away - an immense village passing along with all their traps; it seemed to me like there were five thousand persons, it looked like a division or two of mounted men.
- Q. It looked like that number moving?
- A. Yes, sir; about that many moving.
- Q. Do you include the men, women and children?
- A. I don't think there were many children.
- Q. Do you include the men and women?
- A. Yes, sir.
- Q. How about the pony herd?
- A. It presented a large appearance.
- Q. How long was that mass?
- A. Two or three miles and very broad - it looked like an immense mass.

- Q. What did the bulk of that mass appear to be?
- A. I could not tell at that distance.
- Q. State whether the ponies were all mounted or principally driven.
- A. I think three thousand were mounted or perhaps four thousand - It is hard to judge - I know we gave them three cheers as they moved away.
- Q. Did you examine the place where the village had been?
- A. Yes, sir; I went there with my company.
- Q. What evidences did you see as to its size or number of lodges?
- A. I made no careful examination. I went to get implements to bury our dead comrades of General Custer's command.
- Q. What do you estimate was the effective fighting force of that village and upon what do you base it?
- A. I base it upon the immense herd that they had. I think there were about three thousand fighting men - probably over that, I did not see many indications of children.
- Q. You think from what you saw there were 3000 warriors and two or three thousand women?
- A. I think there were three or four thousand warriors and about a thousand women. I think they had 5000 Indians.
- Q. In regard to the number of tepees did you make any estimate of them?
- A. No, sir; I did not. There was an immense city of them.
- Q. Did you examine the Custer battlefield or the route General Custer took? If so, state all the circumstances that came under your observation in regard to the fate of General Custer's command.
- A. I only went to where I presume the skirmish line was killed. Major Reno then ordered me to take my company and go to the village and get implements to bury the dead. On returning he ordered me to bury Company E, the one I had formerly commanded for five years and to identify the men as far as possible - I found most of them in a ravine.
- Q. Here is a ravine marked H on the map - State if that is the one.
- A. That is where the most of Company E were found to the best of my recollection, about half were in the ravine and the other half on a line outside.
- Q. What appeared to have been the nature of the conflict there?
- A. I have no idea - All the men were lying on their faces and appeared to have been shot mostly in the side.

- Q. Were the evidences such as indicated to your mind a stand had been made there?
- A. I thought they fought the best they could and probably were attacked from both sides.
- Q. Where was the skirmish line you speak of?
- A. About a hundred yards from the ford where I crossed.
- Q. Can you locate that ford?
- A. I think that is the place marked B.
- Q. How far was that skirmish line from the river?
- A. I can't tell that. I can't give even a good guess.
- Q. On the knolls and ridges as far as you observed did there appear to have been an organized resistance or to have the appearance of a rout of panic?
- A. I did not see any bodies but of the one company in the ravine. I did not go over the field at all. I buried that company and started on the march to where Gen. Terry was encamped.
- Q. State whether, to your knowledge, there was any uneasiness or solicitude in Major Reno's command as to what had become of General Custer and his command?
- A. I did not converse much except with Capt. Godfrey. During the night of the 25th I think the conclusion was that he had met the same crowd and they were either following him or else he had gone to join General Terry. We could not judge very well there - that was only my opinion.
- Q. What was that based upon?
- A. We had heard firing down there and all the Indians had come back after us, and I thought perhaps he had retreated to Gen. Terry and they had come back to finish our command.
- Q. Was there any reason to believe that Gen. Custer would leave a part of his command if it was a possible thing for him to get to it?
- A. That is hard to say - it would depend upon the way he was fixed entirely. I can't state.
- Q. State if an attempt was made by Major Reno or by his order to obtain any information on the subject of where Gen. Custer was with his command during the 25th or 26th?
- A. I think during the night of the 25th I understood he was going to send a scout through - it was just hearsay - and I can't say who I heard it from, it may have been some of the men were talking about it.
- Q. Do you know of your own knowledge whether any attempt was made or not?

- A. I do not.
- Q. Do you know about how many men Major Reno had on the hill with him after you joined?
- A. I think he had about two hundred and sixty or two hundred and eighty men, something like that.
- Q. Do you know what force started in with his own column?
- A. No, sir; I do not.
- Q. Can you form any idea?
- A. I think the companies averaged some forty-five men perhaps a little more.

QUESTIONS BY MAJOR RENO.

- Q. Was there at any time any belief on the part of the command under Major Reno that General Custer and his command were destroyed?
- A. No, sir; we had no idea they were destroyed.
- Q. Was it any more reasonable to think that they were destroyed than that the command of Major Reno was?
- A. No, sir.
- Q. You regarded their positions as about similar?
- A. I presume so.
- Q. There was no knowledge of General Custer's fate until after General Terry's command came up?
- A. No, sir; we did not know what had become of him at all.
- Q. When you reached the top of the hill where Major Reno was, Captain Benteen and his command were already there?
- A. Yes, sir; they were resting there.
- Q. Were they already in skirmish line?
- A. I saw none at all, I went to where Capt. Benteen was after I threw out my line. I did not visit the whole command.
- Q. There was no firing just then?
- A. I heard none.
- Q. In throwing out your skirmish line you regarded that as part of your duty as company commander?
- A. Yes, sir; because I thought I would be ready if an Indian attack came on. I was always taught to look out for myself.

- Q. You did not see the location of Capt. Benteen's company till the afternoon of the 26th?
- A. No, sir.
- Q. You were earnestly engaged with matters in front?
- A. Yes, sir; I was firing towards the village. Everything in the rear I did not go back to see. I knew they were holding their places by the firing.
- Q. That showed that the line was being kept in position?
- A. Yes, sir.
- Q. State what Major Reno said to you on the 25th just before the engagement became general.
- A. Be sure to hold that position at all hazards or words to that effect.
- Q. Did not the duty you discharged follow as a part of that command?
- A. Yes, sir; he knew I would hold that place or would send him word I could not.
- Q. What you did was necessarily in obedience to that general direction?
- A. Yes, sir; I would hold that place unless I was whipped out or got orders to go somewhere else.
- Q. Was there any occasion for inspiring the officers or men there?
- A. Some men need it and others don't.
- Q. Did that command fight well?
- A. Yes, sir; no command ever fought harder.
- Q. Was there any evidence of cowardice on the line?
- A. No, sir.
- Q. There was no necessity for encouraging words?
- A. Some commanders go round to see their troops and others do not.
- Q. That is a matter of temperament and disposition?
- A. Yes, sir.
- Q. Was there any need of inspiring the men there?
- A. No, sir; not on the part of the line where I was.
- Q. Before you moved out from the hill Capt. Weir's company had moved on down the stream?
- A. I don't know - I did not see much of him. I remember seeing him pass back by me soon after I got into position.

- Q. Don't you know from evidence that afterwards reached you that Capt. Weir moved down the river with his company in advance of the command?
- A. I don't know positively how he got there.
- Q. You were almost in the rear of the command?
- A. Yes, sir; next to the rear company.
- Q. You were a less distance down the river than those in advance?
- A. Yes, sir.
- Q. State if an effort was not made that afternoon by the whole command to open communication with General Custer, and it failed.
- A. We advanced in that direction. We would all have been killed if we had got to the top of the hill where Capt. Weir was. We had the best position we could get in that country.
- Q. You retired because you were unable to go any farther?
- A. I presume so.
- Q. Did not a large number of Indians immediately after attack you?
- A. Yes, sir; I had not been in position over 5 or 6 minutes till there was a terrible racket there.
- Q. State what, if anything, you saw that indicated that Major Reno was drunk.
- A. Nothing - I saw no whiskey in the command.
- Q. Did you hear he was drunk?
- A. No, sir.
- Q. If such had been the fact, don't you think it would have been known?
- A. I think someone would have known it.
- Q. If he was drunk, staggering and stammering on the night of the 25th do you think it would have remained unnoticed by the officers?
- A. I think if he had been drunk someone would have found it out of course.
- Q. Would it not have been impossible in your judgment for the commanding officer to have been in that condition without its being known to the command?
- A. I don't know - some men can hide whiskey pretty well - that is a hard question for a man to answer.
- Q. If they hide whiskey pretty well, they are not staggering and stammering are they?

- A. I don't suppose they are.
- Q. You never heard any reflection on his conduct in that respect?
- A. No, sir; I never heard anything of the kind - I did not know there was any whiskey along.
- Q. You could see the men were cool when you got on the hill?
- A. Yes, sir; they were all cool, to my judgment.
- Q. Do I understand you to say that you came on the hill, you reported to Major Reno, and then threw out your company in skirmish form?
- A. I reported to him that I had brought up the pack train all right and then I said to him I had heard firing to my right; then he said "Captain, your Lieutenant has been killed and is lying down there". Then it was that I threw out a skirmish line.
- Q. After you threw out the line and returned to the officers it was then for the first time you learned what had taken place in the timber?
- A. I saw Capt. Benteen and he said they had had a fight down there. I did not ask him the particulars and it was but a short time till we were mounted up.
- Q. During the time you were on the hill provision was made for the care of the wounded?
- A. To the best of my knowledge it was. I did not go near the wounded men till we were on the march, when I went to Capt. Moylan's assistance.

QUESTIONS BY THE RECORDER.

- Q. State how many companies were on the hill with Major Reno when you arrived?
- A. He had seven companies.
- Q. How many had General Custer with him?
- A. He had five.
- Q. You say you were placed in position by Captain Benteen.
- A. Yes, sir.
- Q. It was then Major Reno came along and told you to hold that position at all hazards?
- A. Yes, sir.
- Q. Was there any danger there at that instant - was there any firing there at that time?
- A. No, sir; but about 5 minutes after there was.

- Q. Do you know how many wounded Capt. Moylan had?
- A. I think there were seven men, some were being carried in blankets and some on horses.
- Q. Those were all the wounded you observed?
- A. Yes, sir; I did not pay much attention.
- Q. Was there an engagement with the Indians going down the river?
- A. Not to my knowledge.

QUESTIONS BY MAJOR RENO.

- Q. You were in the rear of the column?
- A. Yes, sir; next company to the rear.
- Q. When you came to the top of the hill, the command of Major Reno had lost men by death and also had wounded men?
- A. Yes, sir; to the best of my knowledge.
- Q. How many men does it take to carry a wounded man?
- A. From four to six?
- Q. There were about seven wounded men?
- A. Yes, sir; I believe so.

The witness then retired.

The Recorder then offered and read in evidence an official copy of Major Reno's report, dated July 5th, 1876 which is appended hereto and marked Exhibit No. 4.

The Recorder also offered and read in evidence an official copy of a letter from Major Reno to Gen. Terry dated June 27th 1876, which is appended hereto and marked Exhibit No. 5.

The Recorder also offered and read in evidence an official copy of the list of casualties in the 7th Cavalry at the battle of the Little Big Horn River on the 25th and 26th of June, 1876, which is appended hereto and marked Exhibit No. 6.

The recorder then announced to the Court that he had no further testimony to bring before the Court in his capacity as Recorder.

Major Reno then asked that the Recorder be empowered to telegraph to Capt. Moylan and Lieuts. Varnum and Hare and get their statements regarding the indication of drunkenness on the part of Major Reno on the 25th and 26th of June, 1876.

Lieut. Wallace being recalled by Major Reno, testified as follows:

QUESTIONS BY MAJOR RENO.

- Q. State if you kept the itinerary?
- A. I did.
- Q. Give it for the 25th of June 1876, showing the time the march was commenced and the halts and the duration of them.
- A. The march commenced at 8.45 in the morning, the first halt was at 10.07; we started out at 11.45, at 12.05 it halted and the division into battalions was made and it moved on at 12.12. That is the only record of time I have, there were no more halts made till we went into the fight.
- Q. What time do you fix as the commencement of the fight in the timber?
- A. I estimate it at about 2.30.
- Q. Your estimate was made in reference to accurate observations previously made?
- A. Yes, sir.
- Q. What time do you fix as the time the division of the command was made, what was that division, and at what point was it made?
- A. The division was made at 12.05. We had crossed the divide about a quarter of a mile, probably Capt. Benteen was given a battalion, Major Reno was given another and General Custer went on with the balance.
- Q. At what point were you with reference to the crossing "A"?
- A. We were so 12 or 15 miles from there.
- Q. The entire regiment was together at the time that division was made, was it not?
- A. Yes, sir; moving as one regiment.
- Q. How was that division made and what followed and what orders affected that division?
- A. The only part I heard was Lt. Cook, the Adjutant, coming to Major Reno and saying his battalion consisted of such companies, I don't know what other orders were given. I know our order was to move on.
- Q. Where were you on the morning of the 25th with reference to Major Reno up to the time he crossed the Big Horn and went into the timber?
- A. After the division was made I rode with Lieut. Hodgson who was Major Reno's Adjutant and he was riding at the left of Major Reno.
- Q. State whether during all that time you were in accurate hearing distance of Major Reno?
- A. I was within a few yards of him all the way till we crossed the river.

- Q. Who gave the order to cross the river and charge the fleeing Indians?
- A. The Adjutant, Lieut. Cook.
- Q. At what point and at what time?
- A. A little time after we passed the burning tepees about  $2\frac{1}{2}$  miles from the ford "A". Before Lieut. Cook used the words the Indians are about  $2\frac{1}{2}$  miles ahead and I could see the dust there.
- Q. What was the difference in time and distance from the time and place the division into battalions was made?
- A. It must have been 9 or 10 miles and it was after two o'clock.
- Q. Did General Custer communicate in person any orders or directions to Major Reno?
- A. Not that I saw or heard.
- Q. After Capt. Benteen received his battalion what did he do, if anything?
- A. I saw him move to the left.
- Q. How soon after that did he pass from sight?
- A. It was not a great while, the country was broken and he soon disappeared from sight.
- Q. How long before Major Reno received through Adjutant Cook the order to make the charge?
- A. It was nearly two hours.
- Q. Then Capt. Benteen had diverged to the left about 2 hours before the separation of Major Reno's column from General Custer's command?
- A. Yes, sir.
- Q. State whether you at any time heard any order to Major Reno to unite with Capt. Benteen's column or whether you heard any statement to Major Reno that Capt. Benteen's column was to act in concert with him?
- A. I did not.
- Q. There was no communication at all between General Custer and Major Reno save through the Adjutant?
- A. Not that I saw or heard.
- Q. If there had been would you not have heard it?
- A. I think I would.
- Q. Would you not have noticed any meeting between General Custer and Major Reno?

- A. I think so.
- Q. You rode to the ford with Major Reno did you not?
- A. Yes, sir.
- Q. Were there any axes with Major Reno's column when it crossed the river?
- A. No, sir.
- Q. Speak with regard to the taking the ammunition out of the boxes on the hill; were the boxes taken off the mules and then replaced on the mules without being opened?
- A. I saw one box brought up, the lid was fastened on with screws, someone called for an ax and the box was split open about in half and the men came up and helped themselves to what they wanted till it was all gone.
- Q. That was before the command moved down the stream in the direction of General Custer's battlefield?
- A. Yes, sir.
- Q. State what evidences you saw of insobriety on the part of Major Reno during any of those engagements.
- A. I saw none.
- Q. Did you ever hear any intimation that he was under the influence of liquor at any time during the 25 or 26 of June or at any time during the entire advance?
- A. No, sir; I never heard it till the 2nd day of this month.
- Q. Where was the first mention you heard of it?
- A. In this hotel in Chicago?
- Q. State as far as you can the character of the ground on which the final stand was made during the afternoon and night of the 25th and first part of the 26th.
- The witness made a pencil sketch of the ground and the position of the troops and explained it to the court.
- Q. Then in a vague way the position can be described as being an elevated piece of ground with a little rise in the center, and the men grouped around that?
- A. Yes, sir.
- Q. Was not the position occupied such that one officer, or the men of one company could see only a part of what was being done by the remainder of the command?
- A. They could only see a portion.

- Q. State what, if any thing, you saw of Major Reno during the struggle on the hilltop.
- A. I saw him once on the afternoon of the 25th after we came back from the movement down stream. That was soon after we got back. He was on his horse and went over the ridge. I did not notice him any more that afternoon.
- Q. Then that night or the next day what did you see of him?
- A. During the night of the 25th I did not see him because soon after dark I went to sleep; the next morning Major Reno came to the rifle pit I occupied and spent the greater portion of the day<sup>there</sup> or about there.
- Q. State if there was a general expectation on the part of the command or on the part of Major Reno that that part of the line was the one the Indians would attack in greatest force.
- A. That was the impression.
- Q. State if you saw Major Reno fire a revolver at the time you got on the hill.
- A. No, sir; I don't remember seeing him.
- Q. If he had fired a revolver about the time Capt. Benteen came up, do you think you would have observed it?
- A. I might or might not.
- Q. State if you heard Capt. Benteen come to Major Reno and consult him in regard to giving orders, if so, when and under what circumstances.
- A. On the 26th I heard something, I don't remember just what passed between them about making a charge on some Indians on our side of the line - that was the east side. I can't give the exact words but he told him he could make the charge or something to that effect and the charge was made soon after.
- Q. State whether you observed at any time any failure on the part of Major Reno to do the duty that was expected and required of a Commanding Officer?
- A. No, sir; I did not.

QUESTIONS BY THE RECORDER.

- Q. Is that memorandum you refer to the original itinerary?
- A. No, sir; that is a copy I did not compare it but Lieut. Maguire said it was an exact copy.
- Q. Did you make any notations of time from the place where the division was made to the river?
- A. No, sir; I only looked at my watch once.

- Q. Are you quite positive that you were continuously with Major Reno near enough to him at the crossing to know what was said and who talked to him?
- A. I had a pretty good idea of what was going on, I heard the order of Lieut. Cook.
- Q. Are you positive that at the time of that division or after there were no orders given by General Custer himself to Major Reno?
- A. I am positive General Custer gave him no orders in person.
- Q. Are you positive the only order he received was from Lieut. Cook?
- A. I am pretty positive about it; I saw no one approach him but Lieut. Cook and I saw and heard no other order given.
- Q. Do you know where it was that General Custer beckoned Major Reno to come on the opposite side of the tributary?
- A. Yes, sir; I remember the time, that was the time I pulled out my watch and looked at it.
- Q. Did you see General Custer beckon him over?
- A. Yes, sir; and it is my impression an orderly came about the same time with General Custer's compliments and asked him to go over on the other bank.
- Q. Did Major Reno go over?
- A. Yes, sir; he moved over with his battalion.
- Q. Did he go to General Custer?
- A. No, it was to bring his battalion over.
- Q. How far was it from General Custer when he went over?
- A. The two battalions went along from 10 to 15 yards apart, the heads of the column about opposite to each other.
- Q. Where was General Custer?
- A. At the head of his column.
- Q. Where was Major Reno?
- A. At the head of his column.
- Q. Was there not more or less mingling together of the men and were not some of General Custer's officers along with Major Reno's battalion?
- A. Some of them started with us.
- Q. Did you keep that relative position towards Major Reno and Lieut. Hodgson?

- A. No, sir; Lieut. Hodgson was sent back.
- Q. You were in that relative position towards Major Reno all the way down?
- A. Yes, sir; I was within a yard or so of him.
- Q. You gave an answer as to what Major Reno expected, do you know that was what he expected or was that an impression of your own?
- A. It seemed to be the impression of two or three officers around there.
- Q. Was Major Reno one of them?
- A. Yes, sir.
- Q. What did he say about it?
- A. In a general conversation between Major Reno, Capt. Weir and myself and I know it was thought that would be a good place for the Indians to come.
- Q. Was that point more dangerous than other points on the line?
- A. I don't know that it was, I think they were all about alike.
- Q. You have given a description of the position of the troops there was a hill or ridge which separated one part of the command from the other, you could only see part of it.
- A. I could not see all of it.
- Q. If you wanted to see the other part of the command how could you do so?
- A. By passing over the ridge.
- Q. How often did you see Major Reno pass over that ridge during the time the command was engaged?
- A. I have only one time impressed on my memory. He said he was going over the ridge, and when the Indians opened fire on him to return it and try to keep them down as much as possible, and, I remember they did fire on him pretty heavy.
- Q. When was it he was with you on the line?
- A. On the 26th.
- Q. Was he there during the entire fight?
- A. He was there the greater part of the time. He left them once or twice. That one time I remember particularly.
- Q. Was there any firing going on at that particular time?
- A. Yes, sir; some. It was not quite as heavy as it had been but the

moment he started the fire was opened again.

Q. During the afternoon of the 25th where was your position?

A. The same as on the 26th.

Q. How often did you see Major Reno there?

A. Only once - soon after I got in position.

Q. When did you next see him?

A. I don't remember, till the next morning.

Q. Then you know nothing of what may have occurred between him and any packer or others in that interval?

A. No, sir; I never heard of it.

Q. How long had you been in the service as an officer at that time?

A. Four years.

Q. What was your rank at that time?

A. Second Lieutenant.

Q. Then in that position, if the commanding officer desired to see his command frequently, he would only do so by going over the ridge frequently?

A. Yes, sir. There may have been one point from which he could have seen the whole of it. I was not there, but that is my impression now.

#### QUESTIONS BY MAJOR RENO.

Q. You are a graduate of West Point?

A. Yes, sir.

Q. Do you pretend to relate all that Major Reno said or did during these engagements?

A. No, sir; only what I heard and saw.

Q. He might have said and done many things you don't know of?

A. Yes, sir.

Q. Were there not opportunities for a commander, with his command placed as Major Reno's was, to inform himself whether any part of the command was doing its duty without passing around the line?

A. Yes, sir; by the firing and reports of officers and other ways.

Q. QUESTION BY THE RECORDER.

Q. Then there would be a necessity for the commanding officer to know what was going on, and if he did not go out, the officers should come to him. Is that what I understand you to mean?

A. Yes, sir; about that.

QUESTION BY MAJOR RENO.

Q. If there was any doubt about it?

A. If there was anything going wrong he would find it out pretty soon.

QUESTIONS BY THE RECORDER.

Q. Would the company officers be expected to report the doings of their companies, or would the commanding officer, or someone acting for him be expected to inform themselves?

A. I don't think there was any necessity for that. All there was to do was to lie there and wait.

The witness then retired.

Lieut. Col. M. V. Sheridan being called as a witness by Major Reno and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY MAJOR RENO.

Q. State your name, rank and official designation and where stationed.

A. M. V. Sheridan, Lieut. Col. and Military Secretary to the Lieut. General, stationed at Chicago, Illinois.

Q. Did you ever visit what is known as the battlefield of the Little Big Horn River?

A. Yes, sir.

Q. When?

A. In July 1877.

Q. For the purpose of making an examination?

A. For the purpose of bringing away the bodies of officers killed there.

Q. State the result of your examination of the position and of that point B on the map.

A. I was there for nearly three days and crossed at the point B several times. I suppose seven or eight or ten times myself - and went over from that point to the point E and over the whole country in that vicinity, out to a point called Cedar Bluffs, some four miles to the right, back of the stream I suppose I went over a circuit of 10 or 15 miles.

Q. What difficulty, if any, did you find in crossing the stream at the point B?

A. I found no difficulty at all, it was a good ford.

- Q. Was there any difficulty in crossing the stream at that point with a wagon?
- A. No, sir; I sent a wagon across there several times.
- Q. What was the character of the country approaching the ford on the right bank of the stream?
- A. Right at that point or about fifty yards from it was a dry ravine that had been the bed of an old creek - for about 50 yards it sloped down gradually and was nearly level - Perhaps a wagon could not cross but there <sup>would</sup>/<sub>be</sub> no difficulty in horsemen crossing it.
- Q. What was the character of the country adjacent to the ford B for purposes of defense or for covering the crossing?
- A. I think it would be good - there was a high point in the angle between the dry ravine and the Little Big Horn that rises up with shelving banks and it was good to cover the crossing either for going over the stream or resisting an attack.
- Q. What number of men could efficiently protect the crossing against a body of men advancing <sup>from</sup>/<sub>the</sub> other side?
- A. I think twenty-five men could cover the ford perfectly.
- Q. Against a very large number of advancing Indians?
- A. I think so - I don't think they would cross with those men lying there in that position.
- Q. Did you observe the timber on the left hand side of the stream - if so, does this map correctly represent it?
- A. No, sir; it represents very much more timber than there was.
- Q. State if you have a sketch made of the place where the command of General Custer was killed and whether it shows with reasonable accuracy the positions where the men and officers were killed?
- A. Yes, sir; I have a sketch made by Capt. Nolan - It is a rough sketch not made with reference to any scale and was made for me to exhibit to the Lieut. General when I came back.

Major Reno then offered in evidence the sketch referred to by this which is appended hereto and marked Exhibit 7.

- Q. What does that map represent?
- A. It represents the position in which the bodies were found. The first point on the dotted line is where the first body was found back from the ford B - it is nearly half a mile back. I did not notice any more bodies, or more than one or two, before we came to the crest of the ridge and there we found Lieut. Calhoun's company, or I was informed they were his company - there I found the men at intervals as though there were a skirmish line or resistance had been made there; there was no other place that showed evidence of resistance having been made.

There were other men killed in various positions and in every direction. Behind the position in which I found Lieut. Calhoun's body was that of Lieut. Crittenden who was attached to the regiment at that time. From a quarter to a half a mile in rear of that I found Capt. Keogh's body - then they continued in a scattered condition to the point of the ridge where we found the remains of 40 or 50 officers and men, among others those of General Custer, Col. Custer, Capt. Yates, Lieut. Smith and perhaps one or two others, I don't remember who.

- Q. What was the character of the place where Gen. Custer and the officers about him were found?
- A. It was a rough point or narrow ridge not wide enough on top to drive a wagon on - it was not a position where successful resistance could be made - across that ridge were 5 or 6 horses apparently in line and looked as though they had been killed for purposes of resistance but the remains were found in a confused mass.
- Q. If you were able to form an opinion from the position of the bodies and the nature of the ground with regard to the nature of the struggle, I wish you would give it.
- A. From the position of those bodies of Capt. Calhoun's company it looked to me as though that was the only point where resistance was made at all. I don't think the struggle could have lasted over an hour. Of course that is merely an opinion and I merely give it for what it is worth.

#### QUESTIONS BY THE RECORDER.

- Q. How long after the battle till you visited that field?
- A. About a year after.
- Q. The positions of those bodies as you found them was where they had been buried was it not?
- A. Yes, sir.
- Q. You don't know that that was the position in which the men had fallen on the field?
- A. No, sir; I do not.
- Q. State whether in a cavalry charge or in troops advancing, the dead bodies on the field will appear in line showing resistance, or scattered.
- A. I think in a charge they would show rather in a scattered condition.
- Q. Did you make an examination of the river below the ford B?
- A. Yes, sir; I crossed at one place below, perhaps a half or three quarters of a mile - there was a good ford there.

- Q. Were there indications that it had been used by the Indians?
- A. Yes, sir; it had evidently been used either by Indians or buffaloes.

QUESTIONS BY THE COURT.

- Q. From what direction did you approach that field?
- A. I came from the north - I came up the valley.
- Q. You did not go over the trail the troops probably pursued in going there?
- A. I went up to the point known as ford A and rode over it and went over what was known as Reno's position, but not back beyond A.
- Q. How was the crossing of the river between A and B say for some hundreds of yards up from B?
- A. I don't think it possible for a command to cross there if resistance were made - not only was the crossing bad but the approach to it, on account of the precipitous bluffs. It would be difficult for a command to get down there even without resistance.
- Q. Don't you know that fords sometimes change and that what may be a practicable ford one year is not certain to be practicable another year?
- A. That would be the case in a stream with a soft bottom that had a hard gravelly bottom and I don't think it would change much.

QUESTIONS BY MAJOR RENO.

- Q. What was the character of the right bank of the stream from the point A to the point B?
- A. I think it was pretty generally a cut bank. I tried to cross it at several places and I don't think it would be practicable to cross it if resistance were made at any point between A and B.

QUESTIONS BY THE RECORDER.

- Q. Following the banks of the ravine from B did you notice the approaches to it?
- A. Yes, sir; I went down the ravine on what may be known on the left bank of it I suppose two miles and then crossed it.
- Q. There are bluffs on the right bank following it from the mouth up?
- A. After you get above the mouth 30 or 40 yards it would be difficult to cross it till you went up nearly two miles - it had steep cut banks.

The witness then retired.

The Court then adjourned to meet at 10 o'clock a.m. tomorrow Friday, February 7th, 1879.

23d Day.

Chicago, Friday, February 7, 1879.  
10:30 A.M.

The Court Met Pursuant to adjournment.

Present

Colonel John H. King,  
9th Infantry.

Colonel Wesley Merritt,  
5th Cavalry.

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

Recorder

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

Major Reno and his counsel were also present.

The Court was then cleared to decide upon the request made by Major Reno yesterday that certain questions be propounded to certain witnesses by telegraph and after mature deliberation the Court was again opened, Major Reno and his counsel being present, and the decision of the Court was announced by the Recorder that the request of Major Reno that certain witnesses in this case answer certain questions by telegraph is not granted.

The proceedings of the last session were then read and approved.

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Captain Mathey being recalled by the Recorder, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. Please state what opinions have been expressed to you by any officer or officers who were with the command of Major Reno on the 25th and 26th of June, 1876, in regard to the conduct of that officer as commander of troops while engaged in the timber on the left bank of the river. Give as nearly as you can the exact words and when and where spoken.
- A. Since the time of the battle of the Little Big Horn I have heard officers talk about the battle, some seemed to think it would have been better to have remained down below and officers have expressed their opinions in different ways. I don't remember exactly what all of them said or who were present. Sometimes there were two or three, I don't remember the time but on one occasion I heard an officer express an opinion that made such an impression on my mind that I have remembered it ever since, and I remember who the officer is that said it. He said if we had not been commanded by a coward we would all have been killed. These are his words as near as I can remember. I don't

know

/that I have to state who the person was, he was an officer of the Army. I have heard officers in talking about the matter say they thought Major Reno lost his head or words to that effect. I can't remember who the officers were who said that, I only remember this particular one.

Q. When and where was that?

A. That was last summer while in camp near Bear Butte that this particular thing was said.

Q. Was he an officer who participated in that battle?

A. Yes, sir.

Q. State his name.

A. Lieut. De Rudio.

#### QUESTIONS BY MAJOR RENO.

Q.\* When did he express that opinion?

A. Sometime last summer, the summer of 1878.

Q. He was not under oath?

A. No, sir.

Q. It was not a sworn statement?

A. No, sir; the officers were talking.

Q. Have you heard him say anything else in regard to Major Reno?

A. I don't remember any particular words that made such an impression on my mind, that, I remembered it.

Q. Have you not heard him say since that he saw no evidence of cowardice on the part of Major Reno at that time?

A. I don't remember.

Q. Has Lieut. De Rudio always agreed in his statements about the conduct of Major Reno in the timber?

A. He always stated about the same thing to me.

Q. Has he always agreed in regard to his own conduct about there?

A. I don't know about that.

Q. Have you heard him vary in his statement as to how he got left in the timber?

A. I have heard him say that he dismounted to get the guidon and his horse got away from him, I never heard him say any different.

- Q. Have you not heard him say that he got the guidon on foot and at other times that he got it while dismounted?
- A. No, sir.
- Q. Has there not been a question among officers as to the manner Lieut. De Rudic behaved himself in that timber?
- A. I don't know that there has been much.
- Q. Has there been any question?
- A. Yes, sir.
- Q. Has there not been a question in regard to his bravery?
- A. I have not heard much of it; I have heard officers probably say they doubted how he was left there, it was a question in their minds. I don't remember who the officers were that were talking it over. There were not many.
- Q. Was there not a very considerable difference in belief as to the manner he was left there on the part of the officers of the 7th Cavalry?
- A. I don't know that I ever heard many express that.
- Q. Have you not heard some disbelieve him?
- A. I have heard some question it, they had doubts about his story.
- Q. With regard to the conduct of a battle is it not always the subject of conversation and criticism among the officers who participated in it?
- A. Yes, sir; a battle is always talked over.
- Q. Is there not frequently a wide diversity of opinion on the part of those who participated in it in regard to the wisdom and prudence and management on the part of the Commanding Officer?
- A. As a general thing it is a matter more or less discussed, each one giving his opinion.
- Q. Don't those opinions differ?
- A. Yes, sir.
- Q. Military criticism is wide is it not?
- A. Yes, sir.
- Q. Take an engagement of one hour's duration in 1876 and a criticism occurring in 1878 would not that be according to your mind wisdom after the fact?
- A. It was wisdom after the fact of course.

- Q. Have you not heard Lieut. De Rudio give several descriptions of his behavior in that battle.
- A. I have generally heard him give about the same when I have heard him as to how he got out of there.
- Q. I mean in regard to the manner in which he was left there, and the way he recovered the guidon.
- A. I have always heard him tell it about the same.
- Q. Did he bring the guidon out of the bottom with him?
- A. I don't know.
- Q. Don't you know he did not?
- A. I don't know positively. I did not see it.
- Q. Did he exhibit it?
- A. I don't know that he ever did.
- Q. Would he not have done so if he had brought it out?
- A. I suppose he would, I don't know.

The witness then retired.

Captain McDougall being recalled by the Recorder, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State if you know who buried Lieut. Hodgson's body.
- A. On the night of the 26th of June 1876 I took Privates Ryan and Moore of my company and we went and got Lieut. Hodgson's body and carried it to my breastworks and kept it there until the next morning the 27th. After sewing him up in a blanket and a poncho I proceeded with those two men to bury him.

QUESTIONS BY MAJOR RENO.

- Q. That was after the fight?
- A. Yes, sir.
- Q. Where was the body lying?
- A. Near where Major Reno crossed from the woods.
- Q. On which side of the river?
- A. On the side we made our stand, the right-hand side.
- Q. Do you know whether Major Reno went to that body on the afternoon of the 25th?

- A. I know he was going to send some one, I don't know whether he went himself or not.
- Q. Don't you know some valuables were recovered from his body on that afternoon?
- A. I don't know, I heard of it.

The witness then retired.

General John Gibbon, a witness called by the Recorder, being duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, and official designation and where serving.
- A. John Gibbon, Colonel, 7th Infantry, serving at Fort St. Paul, Minn.
- Q. State whether you arrived on the battlefield known as that of the Little Big Horn river, if so, when and under what circumstances.
- A. I reached the battlefield on the morning of the 27th of June, two days after the commencement of the fight. I was in command of the column directly under the directions of the Department Commander, General Terry.
- Q. State what examination, if any, you made of that battlefield, or any part of it, with a view to determining the defensibility of the position; if so, describe that position as fully and clearly as you can, showing its advantages or disadvantages of the position.
- A. I made very little examination of the position held by Major Reno though I was on the ground probably an hour or two. My own camp on arriving there was in a bend of the river, a little way below where he crossed the river going back I examined the river banks from there down to the point of woods where it was generally understood his charge terminated. My attention was particularly directed to the position where it was said he had his forces dismounted a while commonly known as the point of timber. I don't know how I can describe it better than by stating that just below where he crossed the river going to the bluffs there commences a series of crescent shaped curves on the left bank of the river and beyond those curves occur what is called the second bench of the valley, the main open valley extending off to the bluffs, these curves are somewhat irregular in shape evidently formed by the body of water when much larger than it is at present and these curves extended in crescent shape generally connecting with each other. This point of timber had enclosed in it a considerable space of ground which was open, the connecting slope between the second bench and what I would call the first bench was covered with timber and thick brush, some of the timber was of considerable size. The lower end of this crescent shaped slope very nearly reaches the present stream to what is called a cut bank to where the stream has worked in to what is called the second bench, and there the stream is probably ten or twelve feet lower than the level of the

country just behind this position the water is very deep. I judge from appearances, and a short distance above that was a ford which I crossed on coming back from a trip down the river. The bend in the river opposite this is filled with tangled brush and fallen timber and directly behind that and close to the bank of the river there was some more timber, some tolerably good sized trees in which we found a number of dead horses. The upper curve I speak of just below the ford I speak of, where Major Reno crossed, was occupied by my troops when we first reached the ground, the next curve below that was occupied by the 7th Cavalry when they came down on the morning of the 28th from burying the dead and came to our camp. I think the third one was the point of timber I speak of, it was the 3rd or 4th crescent shaped curve below the ford.

- Q. In regard to that lower place you speak of as opposite where Major Reno had his command, how was it on the other side of the river in regard to bluffs?
- A. The bluffs are some distance back from there. There was a wide flat there through which this stream passes in a very crooked way and the bluffs directly opposite that position were considerably back from the river. I don't know how far the way I happened to see that position was. General Terry and myself started from my camp to go to the scene of the Custer fight and we crossed opposite the camp and made our way to the foot of the bluffs and in coming back we got involved in brush wood and were obliged to come back and cross it just above that point of timber. I don't think this map pretends to be correct in the curves of the river and does not represent the position of those places.
- Q. Were those bluffs within range or did they command the position in the timber at the lower point?
- A. No, I think not, probably they were within very long rifle range. I would not say they commanded it for any practical purpose.
- Q. I believe you examined or went to the position Major Reno occupied on the hill.
- A. Yes, sir; I went there in about an hour after we arrived there.
- Q. Did you notice what had been the location of the hostile village?
- A. We passed right through it on the march up, there were buffalo robes, tepee poles and furniture of many kinds lying there. I don't think this map represents the village at all correct. I think most of the tepees were down near the stream or a short distance from it. I saw no signs of tepees up to the left except two about the middle of the plain which were filled with dead Indians I understand.
- Q. From what you saw of the village or where it had been how near was it to the position indicated as Major Reno's position?
- A. I can't answer the question because I made no examination of the nearness of those tepees there may have been scattered tepees, I do not know. The main camp was below that deep gulch, judging from appearances.

- Q. As a place for defense or from whence to threaten this village how did that place on the left bank of the river which you have described as the one occupied by Major Reno compare with his position on the hill?

Major Reno objected to this question and to the going into this matter because if expert testimony is to be given by persons not present during the engagement, it may necessarily enlarge this enquiry by calling for other expert testimony.

cleared and

The court was then/closed and after mature deliberation was reopened, Major Reno and his counsel being present when the decision of the Court was announced as follows:

By direction of the Court the question is amended as follows:

Please state what examination you made of Major Reno's position on the hill and describe that position fully, showing, if any, its advantages or disadvantages as a defensible position.

- A. I spent probably 2 hours up on the hill conversing with the officers and attending to official business. I did not go into a very extended examination of the position. I don't even know where all the troops were posted. I saw some rifle pits and examined the position generally. My conclusion in regard to it was that it was an exceedingly weak position for defense. Naturally it was commanded at tolerable long range by the hill which bordered it on the down stream side. The country was quite broken by a succession of little rolling hills and valleys behind which attacking forces could conceal themselves. Then the manner in which the animals were exposed was very bad for the command. I think I counted 48 dead horses in one little valley and then the fact of them being cut off from water not entirely so as I understood, but very much cut off from an ample supply to render the point weak for a prolonged defense; this opinion however, must be taken as a very general one because I did not even go over the whole line, I just had a general view of it from the top of the hill.
- Q. Describe that crescent shaped portion of timber as to its length and width at the place represented as being the one in which Major Reno had his forces in the bottom; give as careful a description of that place as you can as to the water, the banks of the river, the underbrush and timber.
- A. This map is not correct at all in regard to the timber. My decided recollection of that point of timber is that it was just above where the stream cuts into the second bench a considerable way so as to leave the bank almost as high as the ceiling of this room above the water. Around this bend there is no timber at all, the extent of this piece of timber I don't know and can give no definite idea all with reference to it. I noticed inside of that piece of timber there was a considerable open space, probably 50 yards wide where there were evidences of there having been an old indian camp. The distance from the front of the curve, that is, the part farthest to the south from the stream, varied of course very much from the point where we crossed the river to the ford must have been two or three

hundred yards, then there was another open glade looking toward the prairie to the left and rear of the position. I would not like to give any estimate of the size of that enclosed space on the lower side I don't think there was any connection with the timber on the upper side. There was more or less scattered timber up the river, on the opposite side of the river there was very little of what you would call timber. There was brush-wood and small trees, very thick and tangled in some places, with a good deal of fallen and dead timber amongst it.

QUESTIONS BY MAJOR RENO.

- Q. You came up on the 27th?
- A. Yes, sir.
- Q. Which direction did you come?
- A. Right up the valley on the left hand side of the river on the left bank.
- Q. You came up with the entire command of General Terry?
- A. Yes, sir.
- Q. That examination you made leisurely and deliberately?
- A. Yes, sir.
- Q. What was the character of the banks on the right side of the river, say from Major Reno's position down to the point B?
- A. That I can't tell you, except the point where I crossed from my main camp there I found a good ford and the points were easily passed over.
- Q. How about the bluffs, were they high or not?
- A. Yes, sir; all the bluffs were high from just below Major Reno's position to some distance down the stream.
- Q. Did not the bluffs extend almost down to the point B?
- A. I suppose they did. I know they extended as far as I went down towards that position.

QUESTIONS BY THE COURT.

- Q. Did you give the length of this curve you have described?
- A. No, sir; I don't know that I could give any very definite description of its length. It was a place where you could not see any great distance as long as you were in the timber. I rode down through a mere path and I had to stoop on my horse to get through. I did not go to the lower end of it and only know they were cut banks by approaching it from the other bank of the river.
- Q. What would you judge to be the length of that curve?

- A. Having seen only one end and not knowing where the other end was I can't express an opinion. I express the opinion that the cleared space inside of it was some 50 yards wide. It may have been greater, that would not fix the length of it.
- Q. I would like to know about the bank of the river on the other side whether higher or lower than that position.
- A. It was considerably lower. Right in the bend of the river opposite that position was probably a little flat from there to the stream; it swept around and the bank was probably not over two feet above the surface of the river. We had to ride a good distance up to get into the river and cross it.
- Q. How about cover for an enemy as far as concealment is concerned?
- A. If the enemy had got possession of it before that point was occupied they would have to be driven out because the brush was thick and tangled and as far as sight was concerned they would be almost perfectly concealed.

The witness then retired.

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Major Reno then asked for the advice and the decision of the Court, as to whether he should himself be examined as a witness upon this enquiry.

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

The Court decides that Major Reno cannot appear before it as a witness, except at his own formal request as set forth in the law.

The Court is of opinion that in no wise would his position as an officer be prejudiced by a failure to make such request nor would it in the opinion of the Court be indelicate in any sense for him to ask to appear as a witness.

The counsel for Major Reno then asked that the record might show that Major Reno by direction of his counsel was called before the court to testify.

The Court then without being cleared, decided that that would not be a compliance with the law.

The counsel for Major Reno then asked that the entry upon the Record should be "Counsel for Major Reno in open Court directs him to make request to appear before the Court as a witness" and asks the decision of the Court upon this request.

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

The Court again decides that Major Reno cannot testify as a witness except at his own formal request.

Major Reno then presented to the Court his formal written request that he be allowed to testify which is appended hereto and marked "Exhibit Number 8".

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Major M. A. Reno, 7th Cavalry being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified in his own behalf as follows:

QUESTIONS BY RECORDER.

- Q. State your name, rank and official designation.
- A. Marcus A. Reno, Major, 7th Cavalry, U. S. Army, the headquarters of the regiment stationed at Fort Lincoln. I am accounted for on the returns of the regiment at that place.

QUESTIONS BY MR. GILBERT, Counsel for Major Reno.

- Q. Commence from the morning of the 25th of June 1876 and describe what you did as major of the 7th Cavalry.
- A. On the morning of the 25th the regiment was lying in some sage bush - I don't know the time exactly and we had something to eat there and I remember that Col. Benteen came over to where I was - when he came over there I discovered the column was moving - I was not consulted about any of those things. The organization into battalions and wings had been annulled before we left the Yellowstone River - I never received any orders direct myself. I exercised the functions of what I imagined to be those of Lieut. Colonel. I was at different positions in the column - sometimes on the flanks and sometimes in the rear. The column moved out and I followed it. I think the next halt that we made was after we had marched some distance. It was daylight in the morning and I was informed only that the commanding officer of the regiment had gone to the top of a mountain to make observations in regard to the Indians which the scouts had reported in sight. He called the officers together and I attended of course. He said the Indian scouts had reported there was a large Indian village in view from the top of the mountain. He did not believe such himself as he had looked with his glass. He then announced that the column would be formed by companies in accordance with the manner in which they reported themselves ready and it was so done. I still continued moving with the regiment as I had done, I suppose for 2 or 3 hours. I am not accurate as to time, I was not a company officer and my position gave me latitude as I was understood to belong to the field officers. We moved on down in that way. As Lieut. Wallace states, it was about 10 o'clock when Col. Cook came to me and said "The General directs you to take specific command of companies M, A and G". I turned and said to him "Is that all". He said "Yes". I made no further inquiries but moved with my column to the second ridge and between myself and the column commanded by Gen. Custer was a small ravine which developed further down into a tributary of the Big Horn River. I moved my column nearly parallel to Gen. Custer for some time. Previous to that Capt. Benteen had

started to the left up the hill. I had no instructions in reference to him and I asked him where he was going and what he was going to do. I don't recollect his reply exactly, but it was to the effect that he was to drive everything before him on the hill - that was all that passed between us.

Q. How many companies did he have and what direction did he take?

A. He had 3 companies, H, D, and K and went over to the left of me, over to the hills and was very soon out of sight. The other two columns continued moving on opposite banks of the stream until we got down within sight of the Indian tepee that has been referred to - I can't tell the distance. We were moving almost parallel when the commanding officer beckoned me with his hat to cross over to the bank on which he was. The crossing was a little difficult so that when I got on that side the battalion was somewhat scattered, and I was about opposite the rear of the column commanded by General Custer. I there received an order from Lieut. Cook to move my command to the front. When I got up there, there was a tumult among the Indians that were with us as scouts - They were stripping themselves and preparing for a fight. I afterwards understood that they would not go forward and Gen. Custer had ordered them to give up their guns and horses. I moved forward in accordance with the orders received from Lieut. Cook to the head of the column. Soon after that Lieut. Cook came to me and said "Gen. Custer directs you to take as rapid a gait as you think prudent and charge the village afterwards and you will be supported by the whole outfit".

Q. Who was with you at the time?

A. My battalion Adjutant Lieut. Hodgson was on my left and Lieut. Wallace was on his left. He came up and said he was going with that battalion as volunteer aide - laughing - and took his place on my left. He was not at the time on any company duty. I took a trot which I thought a prudent gait and proceeded to carry out my orders. I crossed the creek and then formed my battalion with two companies in line and one in reserve. I had been a good deal in the Indian country and I was convinced that the Indians were there in overwhelming numbers. I sent back word twice. First I sent a man who was known in Army parlance as my striker, named McIlargy to Gen. Custer with my compliments and to say that the Indians were in front of me and in strong force. Receiving no instructions in response to that I sent a second time - a man named Mitchell, who was about me in the capacity of cook - They were the nearest men I could get hold of quick. That was some minutes after and I was convinced that my opinions were correct. I still heard nothing to guide my movement and I went on down the valley to carry out my orders.

Q. Did you form your companies and how did you go?

A. When that company was put in the rear, I thought the charge would be made in that shape with the two companies and I would hold the third one as a point to rally on afterwards. Proceeding further, I knew the number of Indians and sent my Adjutant to bring that company into the line. The three companies were then in line of battle and I was in front. I suppose near the center, perhaps a little to the right.

The Indian scouts had run away except three or four and we did not see them again until we got to Powder River, which was about 90 miles from where we were.

Q. After you had all the companies in line and you were in the center, what gait did you take and how far did you go?

A. We were then at a gallop. I suppose I must have been forty paces in advance and I could see a disposition on the part of the Indians to lead us on and that opinion was also confirmed when a little afterwards on advancing a little further I could see the Indians coming out from a ravine where they evidently had hid themselves.

Q. Where do you locate that ravine?

A. I think ravine as I saw it was 8 or 900 yards in front of me and on what were called the foot hills on the left bank of the river. There were straggling parties of Indians making around to my rear. I said to myself at once that I could not successfully make an offensive charge. Their numbers had thrown me on the defensive.

Q. Where was the village at that time?

A. It was stretched along down the bank of the river to my front and right. There were times going down that I could not see the village.

Q. The Indians you speak of as going to your rear were leaving the village and going to your rear, were they?

A. Yes, sir; they were coming out and going to my left and rear.

Q. When did you dismount and how did you give that order?

A. I dismounted by telling the company officers. Lieut. Hodgson gave the order to company G and I gave it to companies M and A. I gave the order to dismount and prepare to fight on foot and their horses would be sheltered in this point of timber.

Q. At the time you gave the order to dismount and deployed the men in skirmish line, how many Indians had you seen and what indications had you seen as to their numbers and disposition?

A. I had an (idea) of the number of Indians from the trails in the first place and I saw distinctly with my own eyes five or six hundred Indians, all the evidences through the bottoms and over the trails showed there were Indians there. The dust on the trail I followed must have been from 4 to 6 inches deep, and there were several trails showing that numbers of animals had gone there.

Q. In making your estimate did you have as one of the ingredients the fact that the Indians were circling to your rear instead of remaining in your front?

A. Yes, sir; I knew they were going there in small parties - at the

same time there were many in my front.

Q. After the men were deployed in skirmish line what did you do, and what orders did you give?

A. We had been out there about fifteen or twenty minutes under a pretty hot fire. I was on the line near Captain Moylan when word came to me from out the timber that the Indians were turning our right. I left Lieut. Hodgson, my adjutant, to bring me word what went on there and I went with company G to the banks of the river. I suppose there were forty men in it. When I got there I had a good view of the tepees and I could see many scattering tepees. It was plain to me that the Indians were using the woods as much as I was myself in sheltering themselves and creeping up on me. I then rode out on the plain. There was firing there that I could hear but not see. Lieut. Hodgson came to me, said the Indians were passing to our left and rear, and I told him to bring the skirmishers in round the horses. After going down to the river there and seeing the facilities they had, I knew I could not stay there unless I stayed forever. The regiment had evidently got scattered or someone would have sent me an order or come to aid me and in order to secure a union of the regiment which I thought absolutely necessary, I moved to the hill to get where I could be seen and where I thought I could so dispose the men that they would hold their own till someone came to aid us.

Q. What amount of firing was there on that line and in the timber before returning to the hill?

A. Among some of the men the firing was very rapid. Others fired more deliberately. It was what I call a quick fire for about twenty minutes while the line was on the plain and they continued firing afterwards when brought to the woods there.

Q. How were the men armed and with what amount of ammunition did they cross the river to go to the timber?

A. I did not make an inspection of the battalion when it was assigned to me and only know from the company officers. They reported to me that the Commanding Officer of the regiment was that the men should have 100 rounds of ammunition 50 on their persons and 50 in their saddle bags. That was the first I knew anything about his order.

Q. At the time you were in the timber where was the pack train?

A. I had no idea.

Q. Had you any idea where Capt. Benteen was with his column?

A. Not the most remote. There was no plan communicated to us if one existed. The subordinate commanders did not know of it.

Q. How did you come to leave the timber, with what orders and in what manner?

A. I left the timber sending orders to Capt. French by Lieut. Hodgson and giving the order in person to Captain Moylan and Lieut. McIntosh to mount their men and bring them to the edge of the timber where they

would be formed in column of fours. I had no other means of accomplishing that formation except through their action.

- Q. What halt was made at the edge of the timber?
- A. Where Bloody Knife was shot I think I stood some ten minutes while the formation was going on. I had nothing to do with it. They had orders to form the men in column of fours out of the timber. I had made up my mind to go through those people and get to the hill for the purpose I stated, to get the regiment together and such of the officers and men as did get through, I would get a chance to save them. There was no use in my staying in the timber as I could assist no one and could make no diversion. When I left there I acted on my best judgment and I think events proved I was right.
- Q. Were the Indians increasing or decreasing?
- A. Increasing, particularly on the right bank of the river, skipping from tree to tree, keeping themselves as much under shelter as they possibly could. They were making use of that timber for shelter as much as I possibly could and maybe more. They were more cunning in woodcraft than the soldiers.
- Q. What number of Indians were in and about the timber within range of the command at the time you left the timber?
- A. The Indians are peculiar in their manner of fighting - they don't go in line or bodies - they go in parties of from five to forty - You see them scattering in all directions. My opinion is there were six or seven hundred there and I had a hundred and twelve men - I have since had my opinion confirmed.
- Q. Before you left the timber was it in your judgment your duty to communicate with the rest of the regiment or put yourself in a place you could be communicated with?
- A. Yes, sir; I thought it my duty to give those men the best chance I could to save themselves and it was impossible to have a victory over the Indians.
- Q. Did you think it your duty to do so as a military movement?
- A. Yes, sir; and I took the responsibility.
- Q. In what way did the command move from the timber to the river and from there to the hilltop?
- A. The column was formed so as to go through the Indians on that side. I felt sure that more or less of us would go up - we were bound to - that some of us would be hit in going through the Indians - that I would lose part of the command.
- Q. What was your reason for being willing to do that?
- A. That the rest might possibly save their lives from the desperate position we were placed in.

- Q. What casualties did you know of in the timber at that time?
- A. I saw Bloody Knife, one of the scouts shot and a man from "M" Company wounded, to whom the attention of the doctor was at the time directed.
- Q. Where was Bloody Knife killed?
- A. Within a few feet of me. I was trying to get from him by signs where the Indians were going.
- Q. At the time he was killed almost at your side, did you immediately dart from the glade and go out of the timber and go on a gallop to the river?
- A. No, sir; I had given orders to the company commander to make the formation and I went through the timber of out on the plain to satisfy myself in regard to the Indians there.
- Q. Was Capt. Moylan with you at the edge of the timber?
- A. He was immediately at my side. After the Indian had fallen I was sitting by the side of Capt. Moylan observing the formation.
- Q. At the time Bloody Knife was killed at your side had you made up your mind to leave the timber?
- A. Yes, sir; and had already given the orders to the Company Commanders.
- Q. Before Bloody Knife was killed?
- A. Yes, sir.
- Q. What was the organization of the command in the movement back to the river?
- A. It was in column of fours, with A Company in front, M Company in the rear and G Company in the centre.
- Q. What was the gait at which you moved and what was your position?
- A. I was at the head of the column and the gait was a rapid one.
- Q. Why did you take that position?
- A. I thought my duty was there, to see about the direction of the column and have facilities for observing the ford and the hill on the other side and I would be on the top of the hill to rally and reform the men.
- Q. What did you do at the river when the column reached there?
- A. I stopped at the river a moment. The men were crossing hurriedly and that threw the rear of the column into some confusion. They were exposed to a heavy fire from the Indians and I lost a good many men there. The Indians had Winchester rifles and the column made a large target for them and they were pumping their bullets into it.

- Q. You did not regard the march from the timber to the hill as a triumphant march?
- A. No, sir; nor I did not consider it as a retreat.
- Q. After the command reached the top of the hill what was done and by whose orders?
- A. After a glance about I thought it as good a position as I could obtain with the time at my disposal. I immediately put the command in skirmish line dismounted, a movement that was accomplished through the company commanders.
- Q. At the time you left the timber, could you see Capt. Benteen's column?
- A. No, sir.
- Q. Did you see him?
- A. No, sir.
- Q. Had you any reason to expect him to unite with your command?
- A. Not the most remote.
- Q. How soon after you arrived on the hill did you meet him?
- A. In a short time I rode out to see him, he was not far off. I told him what I had done and I was glad to see him. He then moved his battalion up to where my battalion was. I rode up with him myself. In crossing the ford Lieut. Hodgson who was my Adjutant and a great favorite and friend of mine, I was told had been shot. With the hopes that it might be only a wound or that I might be able to do something for him, I went to the river after Capt. Benteen's arrival with some men I called together, but whose names I can't remember. Sergeant Culbertson I remember was one I had to go, and went to the ford. I suppose I was gone a half an hour. Capt. Benteen was the senior officer in command when I went down and he was a man in whom I had the greatest confidence.
- Q. At the time you met Capt. Benteen were you informed of the order that had been sent by Lieut. Cooke?
- A. He showed it to me.
- Q. What was that order?
- A. It has been repeated here in court. I can't recollect the exact phraseology, it was to about this effect "Benteen come on - big village - bring packs" and then a postscript "Bring packs" and signed "W. W. Cooke" He had not time to put his official designation as Adjutant.

- Q. Did you get anything from Lieut. Hodgson's body?
- A. I took a ring from his finger and from his pocket a bunch of keys - the body had been rifled of the watch. I came back on the hill, - the Indians withdrew from my front and around me except a scattering fire.
- Q. What number of wounded did you have there?
- A. Ten were able to get on the hill with their horses.
- Q. What was done with regard to making them comfortable?
- A. All that could be done. I told Capt. Moylan to whose company the greatest number of wounded men belonged as he was in the front coming across - I told him to take such measures as were attainable to make the men comfortable and I knew it would be done.
- Q. When you came up from examining Lieut. Hodgson's body where was the pack train?
- A. Not yet in sight. One of the men was sent to it. I told him to go down to the packs - to get out some ammunition mules and get there with them as quickly as possible.
- Q. What order was sent to the pack train and by whom?
- A. When I had time to look around I said to Lieut. Hare, I wanted him to act as my Adjutant. I could not make myself omnipresent. I sent him to the pack train to hurry it up all he could. At that time it was not in sight.
- Q. Did he return?
- A. He did and reported to me what he had done.
- Q. How long after did the pack train come up?
- A. I think about an hour - I am not positive. I had a watch but I had something else to do than be looking at it.
- Q. After the pack trains came up what was done?
- A. Before the pack train came up the command was put in position. It was on this hill which I thought would enable everybody to see it and I kept it there as a nucleus about which these scattered parties could gather, till they all came together. That was the purpose for which I went there.

When Lieut. Hare returned from the pack train, I told him to go to Capt. Weir who on his own hook had moved out his company and tell him to communicate with Gen. Custer if he could and tell him where we were. I knew in what direction to send him because Gen. Custer's trail had been found. It was back of the position I took when I went on the hill.

- Q. What was done with the main body of the troops?

- A. They were kept in hand.
- Q. In what direction did it march?
- A. After the pack train came up I formed the column with three companies on the left, the pack train in the middle, two companies on the right, and started down the river.
- Q. How far did you go and where were you?
- A. Perhaps a mile or a mile and a half I was at the head of the column there were skirmishers thrown out at some distance from the flanks some men were on the river bank. I regarded Capt. Weir's Company as the advance guard and if anything came there he would check it and give time for the other companies to get into position.
- Q. Why did you not go on?
- A. Lieut. Hare came back and said he had taken the responsibility of using my name and ordered the return of the command on account of the number of Indians he saw. The orders were communicated to other officers in the line. Capt. Weir I was afterwards told left one of his men down there. I had been impressed with the position I first reached on the hill. I had looked at it a little, it was nearer water than where I was, and if the companies who were thrown to the rear could hold the Indians in check we could get there all right.
- Q. By whose command did the column move down the stream and return?
- A. By mine; both orders.
- Q. Where did you go after the column halted?
- A. I remained at the rear the column was put about by fours. I thought as the Indians were coming there I would be there so as to get the first information. I remained there, the column moving back at a walk and after a few minutes I galloped to the head to make disposition of the troops on their arrival. Captains French and Godfrey were sent to Capt. Benteen, who gave directions to them himself while I was gone to the head.
- Q. Why did you go to the head?
- A. To dispose of the men on the line and make what disposition I could for the shelter of the men and horses.
- Q. Who made the selection of that position?
- A. I did.
- Q. Why did you select it?
- A. It appeared to me in the hurried manner in which I had to select that it was the best place I could get into. I knew I would have to fight the Indians dismounted and I would have all I could do to take care of myself.

- Q. After reaching that point what disposition was made of the troops and by whose order?
- A. I said to Capt. Benteen, you look out for that side and I will of the other. I took "D" Co. with me, I spoke to the men and told them to come with me, it was the strongest Co. we had and I put that company in position, and as I had an impression at the time that the main attack would be made there I remained there most of the time. I knew the other flank was in good hands.
- Q. What reason had you for thinking the main attack would be made there?
- A. From the configuration of the country I thought the Indians would come there in greater numbers than from the river side and I never could account for why they did not come there.
- Q. What time were the troops put in position there on the hill and what time did the firing commence?
- A. The horses were put together hurriedly. We had hardly time to get in line dismounted before they came at us in large numbers. The men threw themselves on the ground. They had no shelter there was no protection except a growth not exactly of sage brush but it was what is called "grease weed" forming no protection whatever.
- Q. When did the fire commence?
- A. Immediately; as we got on the line.
- Q. Can you fix the time?
- A. Nothing, except that I remember the sun was high enough to enable me to see it over the hills below us, when we got in position so that it could not have been very near the horizon.
- Q. How long did the fighting continue and with what severity?
- A. It continued till dark as long as they could see to shoot that was the 25th of June and we were between 46 and 47 north latitude and that was about the longest day in the year. Twilight lasted till about 9 o'clock, that is the way I get at the duration of the fight.
- Q. How severe was the firing?
- A. It was a very severe fire. They had position where they could see us, and the Indians never fires by valleys at every man for himself.
- Q. During the time between 6 and 9 o'clock, what if anything, was done by yourself?
- A. I went twice over to the flank of "D" Company and went farther on and saw the whole line. I was perfectly satisfied with the position. I knew the men could hold it at least I thought they could, and that I had better be on the other side. I went back there and remained there during the afternoon and evening. I think I was on the left of "D" Co.
- Q. When did the firing

- Q. When 9 o'clock came did the fire slacken or not?
- A. Yes, sir; they went back from our command and made a huge bon fire down in the village by which I could see them dancing and scampering about. I didn't know what they were doing.
- Q. After 9 o'clock what did you do?
- A. I went round and made other dispositions.
- Q. What were they?
- A. I moved some of the companies and told the company commanders to protect themselves all they could and give themselves all the shelter they could, that they had to stay there. I remember distinctly saying that a good many times that we could not leave those wounded and we had got to stay there until some relief came that I knew could not be long, as I knew General Terry was in the country and I was sure to get information soon.
- Q. General Terry was in what direction at that time.
- A. I had been informed by one of General Terry's Staff officers that there had been a plan agreed upon between himself and General Custer to meet in the vicinity of the Little Big Horn.
- Q. In what direction was he supposed to be coming?
- A. Up the Little Big Horn River.
- Q. Then you expected to be relieved by General Terry or by General Custer?
- A. Yes, sir.
- Q. State whether at that time or at any time during that day there was any belief or suspicion on your part that General Custer and his command had been destroyed.
- A. Not the slightest. The men and officers were very tired; they had been hard marched. It had been harder on the men than on the horses. The men were badly in want of sleep because they had been up in the saddle. That evening the whereabouts of the commanding officer of the Regiment was the subject of conversation between Capt. Benteen and myself while he was lying on my blankets.
- Q. Was there any suspicion on the part of anyone that General Custer and his command had been destroyed?
- A. No, sir; there was no such impression at all. It was supposed he could take care of himself as well as we could. He had nearly as many men as I had; more than when I opened the fight.

- Q. What did the Indians do after you had fortified yourself?
- A. They withdrew from us at about 9 o'clock.
- Q. Did they renew the attack?
- A. Yes, sir; on the morning of the 26th. I had been all round the line and could see them moving up the valley. It was just about the break of day. I arrived at that time in the same manner as I do at 9 o'clock.
- Q. With reference to the time you have fixed for various matters in your report how did you fix it?
- A. Well it was gathered by me from various persons in the command. I got the best impression available at the time.
- Q. Does that remark apply to other periods of time than the one you are now testifying to?
- A. No, sir; I think I am nearly right about the 9 o'clock and the 2: 30.
- Q. But I mean the other time.
- A. They were fixed by the best information I could get.
- Q. When did the attack commence?
- A. About half past two. Before that I saw many of them going up the bottom, forming a circle around me.
- Q. In what way was the attack commenced and how long did it continue?
- A. The first thing I heard was two rifle shots and as everything was quiet at that time it was something which attracted attention. It was immediately succeeded by firing from all round the position. It was only when they fired that their position was indicated by the puffs of smoke and by the sound. There was one point behind which there was I think 25 Indians and they would fire together. They were the nearest Indians to us. They were the men who hit most of the horses.
- Q. Was the firing severe or not?
- A. It was as severe as I ever experienced.
- Q. Could you form any estimate of the number of Indians that attacked you during that engagement?
- A. I stated in my official report that from the best information at my command and thinking I would be on the safe side I put it down at twenty-five hundred. I think now I was below the mark.
- Q. What number of Indians do you suppose engaged the command on top of the hill?
- A. I think they were all there.

- Q. How long did the firing continue?
- A. In intensity till about half past ten. I am not sure of the time.
- Q. Then did it slacken any?
- A. Yes, sir.
- Q. In what way?
- A. The Indians removing down the bottom towards the village - I thought they were going for ammunition or to get relief and would come back again. They were raising quite a dust and smoke having set the prairie on fire, and it was difficult to distinguish what they were doing exactly because when they got behind this smoke and dust I lost sight of them. I think now that they went that afternoon to meet General Terry's column, which on the night of the 26th encamped eight or nine miles from there. I think they went to meet him, in fact I know they did.
- Q. When did the Indians withdraw from the neighborhood of your position on the 26th?
- A. There were some high points which perfectly sheltered some of their sharpshooters, and they remained there all day. There were a few Indians left to annoy the command and they remained there till the evening of the 26th annoying us, particularly in the matter of getting water. They moved up closely to where we had to go out to get water.

The Court then adjourned to meet at 10:30 a.m. tomorrow, Saturday, February 8, 1879.

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24th day.

Chicago, Illinois, February 8, 1879.  
10:30 a.m.

The Court met pursuant to adjournment.

Present

Colonel John H. King,  
9th Infantry.

Colonel Wesley Merritt,  
5th Cavalry.

Lieutenant Colonel W. B. Royall  
3rd Cavalry.

Recorder

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

Major Reno and his counsel were also present.

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The Proceedings of last session were read and approved.

The examination of Major Reno by his counsel was then continued as follows:

- Q. I wish you to state the kind of weather you had on the 25th of June and how you covered your head.
- A. It was very warm. The sun was shining brightly. Previous to leaving the mouth of the Rosebud I had been wearing a felt hat and it was dusty and dirty and some officers went on a boat to where a trader had some broad brimmed straw hats, which we paid 25 or 50 cents for, they had no band but they were a very good shelter from the sun. I wore one of those.
- Q. Where did you lose it?
- A. In the bottom, or in the timber.
- Q. State if you brought your carbine with you to the top of the hill.
- A. Yes, sir; I did.
- Q. Did you ever tell any person you lost your carbine in the bottom?
- A. No, sir; I don't think that matter would be a subject of conversation under the circumstances. I had no time to talk about it.
- Q. State if you fired your revolver on the top of the hill when the Indians were a considerable distance from you.
- A. No, sir; I fired my revolver several times coming across the bottom. I don't think when I got on the hill I had a charge in it.
- Q. State whether it was cowardice or not that prompted you to leave the timber and the bottom.
- A. No, sir.
- Q. Have you already sufficiently stated your motives in leaving the timber?
- A. Yes, sir. My idea was, we had an immense force against us and nobody came to our assistance. I was not certain that anybody knew where I was, unless directed by the firing the position in my judgment was not tenable and I thought that by placing my command on the hill the scattered portions of the regiment could get together.
- Q. That was your motive?
- A. Yes, sir; and it continued so all the time. It was my opinion that was the only means of getting anybody away alive.
- Q. Do you remember about a guidon being placed at a point termed Capt. Weir's Hill?
- A. It was done.

- Q. For what purpose and when?
- A. It was thought it might be discovered by the scattered men and detachments. It was done at the suggestion of Capt. Benteen. I think he did it.
- Q. What time was that?
- A. I can't state the hour it was after the command started down the river on the 25th of June 1876.
- Q. State with respect to the amount of firing you heard and the impression it made on your mind at the time.
- A. I heard no firing till after we moved down some distance. Then I heard a few scattering shots. I could not locate them. I would not swear whether they were from the direction in which General Custer's body was afterwards discovered or from the village, I thought it was from the village.
- Q. Was it so severe as to give you the impression of a general engagement?
- A. No, sir.
- Q. Did the firing or any other circumstance on the day or night of the 25th or the 26th or that night make you believe that General Custer and his command had been destroyed?
- A. No, sir.
- Q. Did any person intimate to you any belief of that kind during the 25th or 26th as far as you recollect?
- A. No, sir.
- Q. How did you make up your official report from evidence?
- A. From the best information I could obtain in the manner official reports are generally made. There must have been matters in it of which I had no personal knowledge, though I considered my information perfectly reliable.
- Q. Some of the statements were not made on your personal knowledge?
- A. Yes, sir; and especially in regard to time, except the 9 o'clock and the 2:30 o'clock on the 26th, those I think are nearly accurate.
- Q. In regard to the question of your sobriety, I wish you to speak fully now with regard to the amount of liquor you had and the amount you took.
- A. I had some whiskey which I obtained at the mouth of the Rosebud.
- Q. How did you carry it?
- A. It was carried in a flask.

- Q. Where did you carry the flask?
- A. In the inner breast pocket of my coat.
- Q. What kind of coat did you have on?
- A. I had on an ordinary uniform sacque as prescribed for officers.
- Q. How much do you suppose the flask could possibly have contained?
- A. I think between a pint and a quart. Probably nearer a pint than a quart--I don't know.
- Q. State what amount of liquor you drank on the hill on the 25th, if any, and at what time you drank it.
- A. I did not drink a drop of whisky until the firing had ceased--about 12 o'clock at night.
- Q. State whether you were sober or not on the afternoon and night of the 25th.
- A. I was, strictly sober.
- Q. Entire so?
- A. Entire so.
- Q. When was that flask emptied?
- A. On the morning of the 28th, when we were on the battle-field of Gen. Custer. It was a very disagreeable sight, and officers and men were a good deal affected. The stench was sickening. Capt. French came to me and said, "Have you got any whisky?" I answered that I had a little, and he said, "Give me a drink for I am sick at the stomach," and I did so.
- Q. Then that flask was still unemptied on the morning of the 28th?
- A. It was; I think it was the only whisky in the command, except what the doctor had.
- Q. How did you come to take this drink on the night of the 25th and with whom did you take it?
- A. I cannot recall whether I took a drink with Capt. Weir or not. I sent for him, however, and told him I was tired and that I wanted him to keep up, and he said he would do it. It is barely possible that I asked him to drink. I know I took one myself about that time.
- Q. Was it a large or small drink?
- A. I don't know--a drink.
- Q. Did it affect you in any way?
- A. No, sir. I was in such circumstances that a drink would not make any impression on me. I wanted to get a few minutes' sleep if I could, but I did not get it.

- Q. How were the pack animals ranged?
- A. They were put in a depression. During the afternoon, when the Indians first came upon us, I had no time to fasten them. They were put in the position I have stated, which was the best I could see.
- Q. Did you visit the pack-animals during the afternoon or night of the 25th, and if so, how often and for what purpose?
- A. I remained on the line with company D the first hour, because the attack then was very severe--very hot, and I did not feel justified in leaving there. I then went round the line and came into the pack-train, and I found a good many men and packers who were skulking, and I drove them out. I did this several times. I thought the mules and horses were safe and that those men had no business there. The last time I went there the packs had been taken off. That was the time I saw those men. I had been there several times to drive out men and I felt annoyed, and so I asked one of the men what he was doing there. I cannot recall the words of his reply, but I know they angered me more, and, as I thought that was not exactly the time for moral suasion, I hit him, and I may have told him that if I found him there again I would shoot him.
- Q. What hour of the evening was this?
- A. It might have been 10 o'clock or it might have been between 9 and 10 o'clock.
- Q. It was not later than 10 o'clock?
- A. No.
- Q. Where had you the flask of whisky at that time?
- A. I had it with me.
- Q. Where?
- A. In the inner pocket of my coat.
- Q. Could there have been any escape of whisky?
- A. If it escaped at all, it seems to me that the coat must have got it.
- Q. State whether at any time you received any intimation that Capt. Benteen would support you in your attack on the bottom.
- A. No, sir; I did not know where Capt. Benteen was.
- Q. I wish you would commence now and state as accurately as you can recollect your action on the 26th--how the men and officers were placed and just what you said and did.
- A. Well, sir, the line was completed by myself during the night. I moved some of the companies, and I told all the company commanders to shelter themselves as well as they could--that we would have to stay there, as it would be impossible for us to leave. I went round

the line several times. The Indians that were firing into the herd were enabled to reach the animals best through the depression, and I tried to fill that up with everything belonging to the packs--hard-tack, boxes, blankets, and everything that goes to make up the loading of a pack train. I had ammunition boxes taken and opened and put along the lines of the different companies, so that the men would have all they wanted. I think those were about all the orders I gave. I went round afterwards to see that they had been complied with. On the 26th I moved about, but most of the time I was with D company, near to Lieut. Wallace. I crossed the ridge behind our position several times. I remember being out in front of Capt. Benteen's line--I remember being in Capt. Moylan's line--in fact, I was round all. After the severest portion of the firing--I had better say the heaviest firing--was over, I was outside the lines in front of Capt. Benteen's position with Sergt. DeLacy. We each had our carbine, and we saw some Indians sneaking round there in small parties. There were two knolls, as near as I could see, and every now and then four or five Indians would gallop round there. This valley was in range from my position but not from the line. I had gone further down the line to look down the knoll. I told DeLacy that there was a chance for a good shot, and as I thought I could shoot very well, I went down there to shoot at those Indians.

- Q. State whether you took every means to inform yourself that the officers and troops were behaving as well as possible under the circumstances?
- A. I did.
- Q. Was the position of the command such that frequent orders were necessary?
- A. Not at all. After the morning of the 26th I did not think an order was necessary. Most of the officers were lying in the pits, and I think Capt. Godfrey had additionally covered himself with his bedding. It was only when I went there that they could see me. But I do not want to reflect on them<sup>at</sup> all. It was their proper position, and they could not see me.
- Q. Did they behave well or bravely?
- A. Well, I saw no occasion for encouraging either officers or men.
- Q. State whether you remained in command after Gen. Terry came up.
- A. I did.
- Q. State whether Gen. Terry sent you to discharge any duty.
- A. He sent me to bury the dead. I thought that was a proper duty for the 7th--that we should take care of the wounded and go and bury our comrades because we would be best able to recognize them.
- Q. State whether at the crossing "A" you received any communication through a man named Girard?

- A. Never; he had no right to make any communication to me--officially, I mean.
- Q. What effort, if any, did you make to communicate with Gen. Custer's command on the night of the 25th?
- A. It was as much to let him know where we were--as much for the welfare of the men under my own command as for Gen. Custer and those under him.
- Q. Did you have any more concern about him than you had for your own men?
- A. No, sir; not so much, really.
- Q. What effort did you make to communicate with him?
- A. There were some Indians in the command, Yellow Face and another Crow that was wounded, and I thought that they, knowing the country, might be able to get there. I would not order a soldier to go there.
- Q. Why not?
- A. Well, I would not send him to what I knew would be death.
- Q. Were the Indian scouts willing to take any message?
- A. They talked about it, but they would not go.
- Q. What effort, if any, did you make on the 26th to communicate with Gen. Terry?
- A. I made another effort by means of a Crow scout. He went out of the lines, but he did not stay very long. He came back again and brought the note, which I afterward saw in the hands of Lieut. Varnum.
- Q. What became of it afterward?
- A. That I do not know.
- Q. You have not got it?
- A. I have not got it.
- Q. Did you succeed afterward in sending a message to Gen. Terry?
- A. I did on the morning of the 27th after the Indians had certainly left us.
- Q. Is that the communication (showing witness a document)?
- A. It seems to be; it states the sentiments I had at the time.
- Q. I wish you to read this communication and say whether it corresponds in substance with the communication you attempted to send to Gen. Terry on the 26th.
- A. Yes, that is about the substance of the communication that I sent on the 26th, and which was returned. I was anxious about

the wounded, and wanted medical aid. The doctor's supplies were very limited.

- Q. State whether the communication of the 26th, which you have not got, contained any statement that you could hold your position.
- A. Yes, sir; it must have done so. I know that I felt that I could.
- Q. State whether you have any knowledge as to the rations the men had on their persons on the night of the 25th.
- A. The men were ordered to carry their own rations for three or four days, I think. I am not positive about that, because, as I say, I was not consulted. It was in order that the pack-train, which was limited as to its capacity of transportation, should be relieved as much as possible. For that reason the rations were taken and were in the hands of the men and on the horses. The rations in the pack-train were under the charge of the company commanders.
- Q. What expectation of support had you at the time you entered the timber and from what direction did you expect that support to come?
- A. From the manner I received the order I could not conceive of any other manner of being supported except from the rear.
- Q. I wish you to state whether, under all the circumstances, you felt that you failed in any manner in the discharge of the duty that was expected of you on the day and night of the 25th or the 26th?
- A. I did not fail. I think the results of those two days ought to justify what I did.
- Q. Was there ever any difficulty between you and Mr. Girard?
- A. Well, I thought he was stealing from the government and I discharged him.
- Q. When was it you discharged him?
- A. I think the reports of the quartermaster will show that I discharged him in the fall of 1875--perhaps in the last month of that year.

QUESTIONS BY THE RECORDER.

Recorder Lee--You spoke in regard to the dust on the Indian trail. Where was that?

Witness--Well, sir, we <sup>had</sup> passed Indian camps and big trails from the time we left the mouth of the Rosebud. In one vacated camp we counted four hundred fires--that was perhaps two weeks old. As we passed up the Rosebud those trails enlarged for miles before we got to the Little Big Horn.

- Q. This dust was in the vicinity where the camps had been?
- A. Yes, and where the trails were.

- Q. Did you notice the dust two and a half inches thick on the trail you were on on the 25th?
- A. Yes, sir; I remember that because Adj. Cook came and put a portion of the command off the trail because we were making so much dust. I did not see that done--he did not tell me about it.
- Q. What portion of the command did he put off the trail?
- A. He did not tell me; I was afterward informed about it.
- Q. Would not any column marching in that country raise considerable dust?
- A. Not off the trail.
- Q. You were in advance when you saw the dust you speak of?
- A. I was in different parts of the column. I was second field officer. I remember leaving the column and going with Lieuts. Wallace and Hodgson to a spring to get a drink of water.
- Q. In regard to the ammunition that the men were required to carry, I wish you to state whether or not it is a general order always when troops are on an expedition of this kind to take one hundred rounds of ammunition?
- A. Yes, if they expect to meet anything.
- Q. Do you know whether the men had that quantity that day?
- A. I stated yesterday that I did not know--that I had no time to inspect.
- Q. Believing that to be the amount, was it necessary you should inspect?
- A. I heard that was Gen. Custer's order, and I thought it would be complied with.
- Q. As far as you know, the entire command must have had about the same quantity of ammunition?
- A. I do not know it, sir.
- Q. Would you presume that the three companies that fell to your lot would have a less amount of ammunition than the five companies which fell to Gen. Custer?
- A. No, sir; I should think they had the same amount.
- Q. You stated in your testimony that no plan was "communicated to us" Please explain what you mean by "us"--yourself or others?
- A. I mean the whole regiment. I might say there that I do not think there was any plan.
- Q. You received an order from Gen. Custer through his adjutant?
- A. Yes.
- Q. I would like you to repeat that order again.

- A. "Gen. Custer directs you to move forward at as rapid a gait as you think prudent, and to charge afterward, and you will be supported by the whole outfit." I think these were the exact words.
- Q. You were, of course, expected to charge the Indians?
- A. Yes; certainly.
- Q. Then that part of the plan was communicated to you by his adjutant?
- A. I don't know that that was any part of it.
- Q. It was part of the attack, was it not?
- A. It was the opening of the fight.
- Q. You refer to those Indians being accustomed to timber and woods. I would like you to state whether they are regarded as what are called the Indians of the plains or as Indians of the forests?
- A. That is a closer distinction of Indians than I have been able to draw after twenty years' service. After you go a few miles on the Little Big Horn, you find plenty of timber and it is a part of their country.
- Q. Do you consider the country as timbered, or is it only a plain where there is no timber, except on the stream?
- A. In the mountains there is timber. It is a very mountainous country.
- Q. Do those Indians habitually remain in the mountains?
- A. I have never lived among them.
- Q. I merely ask for information.
- A. Well, my opinion is that they do. I don't know anything about it. I never lived with them.
- Q. You state that you had gone to the hill and found that Gen. Custer's trail passed near there. Explain when you found that trail.
- A. After coming up from the bottom my attention was called to it.
- Q. Who called your attention to it?
- A. That I cannot say. It was after returning from Lieut. Hodgson's body that it was reported, and I went to see it.
- Q. Did you recognize it to be his trail?
- A. Not at all; I recognized it to be the trail of shod horses.
- Q. Capt. Benteen had arrived before that time?
- A. Yes, sir.

- Q. Then in all probability it could not have been that of any other column but Custer's?
- A. I think so.
- Q. You read the order that Capt. Benteen received from Gen. Custer?
- A. Yes.
- Q. You omitted two words in repeating it. I would like you to state the exact words.
- A. I do not remember the exact phraseology. As near as I can remember it was. "Benteen: Come on; big village; big thing; bring packs. P.S.--Bring packs."
- Q. Do you remember the words "be quick?"
- A. Yes, I do, now that you call my attention to it.
- Q. Would you, as an officer, regard that as a direction that he would bring the packs on into the fight, or bring them within easier reach to put them in a defensible position?
- A. I think the latter supposition would be correct.
- Q. Then how did that portion strike you if you reflected upon it?
- A. It did not make any great impression on me at the time, because I was absorbed in getting those packs together, and did not intend to move until I had done so,
- Q. From the number of Indians you saw around you and your estimate of the number that were there, did it occur to you at the time that with only 225 men he might need some one to "be quick?"
- A. It never occurred to me at all. Two hundred and twenty-five could hold off quite a number of Indians if they are properly disposed.
- Q. What number of Indians do you refer to?
- A. The number that I saw.
- Q. Did you examine the country on the right bank of the river?
- A. I did afterward.
- Q. Was there any timber on that side, down as far as Custer's battle-field?
- A. No, sir; there was no timber where I was.
- Q. You stated that Capt. Weir went down without any order--went "on his own hook," I believe was the expression?
- A. Yes, sir.
- Q. How far did he advance without orders?
- A. Capt. Benteen told me he went off on his own hook. I cannot locate the distance. I suppose it was a mile and a half or two miles.

- Q. When was it that you sent the order to him to communicate with Gen. Custer?
- A. Immediately after I got hold of the pack-train and the wounded had been cared for.
- Q. Where was the command then?
- A. All there on the hill.
- Q. Who took that order to Weir to communicate with Custer?
- A. Lieut. Hare. I held my command as a nucleus that these people could get around to come to.
- Q. Where were the hostile Indians at the time?
- A. More or less in the bottom, but I did not see as many as in the former part of the day. I do not know where they had gone.
- Q. Please state in what way you expected him to communicate with Gen. Custer?
- A. He would have his company to overcome any opposition that might be between the two commands. I did not think that any one man could go through, but I thought he could cut through with his command.
- Q. Did you receive--either through your adjutant or any other proper channel--any word from Capt. Weir at the time as to this order?
- A. Lieut. Hare, who was acting as my adjutant, came back to me and said Weir had taken him out to show the impracticability of going any further, and that was the time that he (Hare) used my name and told them to come back.
- Q. Was any support sent to Capt. Weir at the time this order was sent?
- A. At that time the whole column started toward him. He was regarded as the advance guard.
- Q. Was not your official report made when everything was fresh and more liable to be correct than statements made two years afterwards?
- A. The date shows when it was made.
- Q. Were not the details more liable to be correct than to depend on recollection for two years?
- A. As I stated, there was embodied in that report many things of which I had no personal knowledge. I think official reports are always reliable as far as reliable information will make them so, but there must of necessity be many things of which the author has no personal knowledge.
- Q. Would it not be more reasonable to expect a report made at that time would be more correct than a report based upon recollection two years after?

A. No, sir.

Q. The twenty-five Indians nearest your command - how far away were they?

A. About five or six hundred yards.

Q. State how you determined the number to be twenty-five.

A. I said about - it was from the number of shots they seemed to fire together.

Q. The Indians as far as you observed were armed with Winchester rifles?

A. Yes, sir.

Q. Do you know that they had had any other arms?

A. No, sir.

Q. Could you tell by an examination of the animals to see what kind of bullets they were killed with?

A. No, sir.

Q. After the fight was over and knowing that Gen. Custer had been killed and that the Indians had the guns of his command - was any examination made into that matter?

A. No, sir; we got out as soon as we could - in fact we moved away from the dead horses.

Q. State what was the effective range of a Winchester rifle at that time - I don't mean the improved Winchester arm made since that time.

A. Their range was from 800 to 1000 yards.

Q. Did you ever experiment in regard to that?

A. No, sir; but I have seen an antelope killed at a distance which measured about 900 yards.

Q. Was it before or since that fight you saw that experiment?

A. It was before - I think it was in 1873.

Q. Did you ever notice any further experiments?

A. Yes, sir; I saw the Winchester rifle tested at the Springfield Armory and it was about the same there. That is the extreme range.

Q. Is it your opinion that the Winchester rifle had a greater range than the carbine with which your command was armed?

A. No, sir.

- Q. You stated that all the Indians engaged you on the hill - do you mean they engaged you simultaneously or what was the greatest number that engaged you at any one time?
- A. I don't think there was room enough for all, they completely surrounded us. There were anywhere from 1800 to 2500 I think engaging us at one time. I think they all came there. I have no means of judging. They fired from all around the command.
- Q. Can you give about the length of the line or circle the Indians covered?
- A. I don't know - I suppose you would have to take a diameter of 1000 to 1200 yards and multiply that by three to get the circumference.
- Q. About what was the circumference?
- A. About 4000 yards - perhaps more.
- Q. The Indians were along that circle?
- A. Yes, sir; and were all the way from ten yards to 1200 yards from my position.
- Q. State at the time you received the order from Gen. Custer through Lieut. Cooke what your reply was to that order, if you made any?
- A. I made no reply whatever, I proceeded to carry it out.
- Q. Did you ask any question of Lieut. Cook as to whether you would be supported or not?
- A. No, sir; I had official information that I would be supported by the whole outfit.
- Q. Had you any reason for believing General Custer would not support you in any other way than by following in your rear?
- A. None, sir; in my opinion there was no other way to support me.
- Q. An attack on the flank would not be a support?
- A. No, sir; not under the circumstances.
- Q. Did you not state in your report that he intended to support you by an attack on the flank?
- A. I may have said that.
- Q. Did you not know at the time you crossed the river that Capt. Benteen was on your left?
- A. I did not know where he was. I never saw him after he left the column - he might have gone to the mouth of the Rosebud for all I knew.
- Q. Had you any reason to believe that Capt. Benteen might have gone to the mouth of the Rosebud?

- A. No, sir; I knew nothing about it.
- Q. You saw his column after it started to the left?
- A. Yes, sir; it disappeared in a few minutes.
- Q. Had you any reasons for believing that Capt. Benteen had been sent so far away that he would not be up and join in the fight?
- A. I never gave the subject a thought - I knew whatever orders he got he was capable of executing.
- Q. Did you go into that fight with feelings of confidence or distrust in your commanding officer, Gen. Custer?
- A. No, sir; our relations were friendly enough and if my own brothers had been in that column I could not have done any more than I did.
- Q. The question is, whether you went into that fight with feelings of confidence or distrust.
- A. My feelings towards Gen. Custer were friendly.
- Q. I insist that the question shall be answered.
- A. Well, sir; I had known Gen. Custer a long time and I had no confidence in his ability as a soldier. I had known him all through the war.
- Q. In your official report, if I remember correctly--and if I do not please correct me--I believe it is stated that you drove the Indians down the bottom. Describe what force you drove down the bottom?
- A. I suppose they were some forty or fifty--perhaps less. They were decoys sent out there.
- Q. Did those forty or fifty fire upon you soon after crossing the river?
- A. No, sir.
- Q. Was your command firing at all on the advance down there to where it was halted?
- A. Not by any order.
- Q. Were not Indians driving ponies around at the time you got in sight of the bottom?
- A. No, sir, they were not; every pony I saw had an Indian on him.
- Q. Was it reported to you by some one in your command that the Indians were driving the ponies in the bottom about the time you crossed the river?
- A. No, sir.
- Q. I wish you would state how many Indians were to your left and rear when you started from the timber on your retreat to the hill.

- A. I suppose there were from six hundred to nine hundred.
- Q. About what number were in front, between you and the village, at that time--can you give an estimate?
- A. No, I cannot. There were plenty of them.
- Q. Were they in any force on the other side of the river at that time?
- A. They were.
- Q. In about what numbers?
- A. They had good shelter over there, and I could not tell how many there were. They were within close range of us--less than one hundred yards.
- Q. State what had been the casualties in your command when you decided to get out of that place?
- A. I do not remember exactly.
- Q. Do you remember that there were any at that time?
- A. I know a scout was killed. Sergt. Hynes, of A company, was hit; and two or three men in company M were hit.
- Q. Was that before or after you had mounted?
- A. That was before I had mounted.
- Q. What was the name of the scout that was killed?
- A. Isaiah, a negro, who had lived among the Sioux for a while. He had a Sioux wife I think.
- Q. Did you make any observation of that place in the woods with a view to holding it or determining its defensibility?
- A. I did.
- Q. Please state what it was.
- A. I found myself in that clearing which was surrounded by a fringe of timber, and to have held that position would have necessitated six hundred or seven hundred men, because of its extent. You would have had to hold the outer edge of the timber, otherwise they would have crept up and sheltered themselves behind the timber and come right up to us.
- Q. What is the least number of troops that could have been put round that position?
- A. I think the regiment could have done it.
- Q. You think one hundred and twenty men could not do it?
- A. I did not have one hundred and twenty men; but I think one hundred and twenty men could not do it.
- Q. At what intervals would you have had to deploy your command to

surround that position with a view of holding it? I do not mean the entire stretch of timber up to the bank of the river where you crossed, but that position there?

- A. Well, sir, I could not cover it at all without putting the men so far apart from one another that their shooting would not be any support. In fact, they could hardly be within speaking distance and make a circle. I mean the timber it would be necessary to cover.
- Q. State what became of the wounded men that were left in the timber.
- A. I suppose the Indians killed them.
- Q. What steps were taken to bring them out of there?
- A. I could not make any efforts; none were made.
- Q. What became of the wounded men who were left in the bottom on crossing?
- A. I do not know. The Indians would not permit me to take care of them.
- Q. I have this understanding of your testimony--I may be wrong--that when Bloody Knife was killed you halted ten minutes and formed the command?
- A. I think I said I was in the edge of the timber about ten minutes.
- Q. Did you remain in the timber ten minutes after Bloody Knife was killed?
- A. When he was killed we rode out. I was opposite to Capt. Moylan when he was killed. The orders had been given for the movement before Bloody Knife was killed.
- Q. Did not the movement begin just at that time?
- A. No, sir.
- Q. How soon after did it begin?
- A. When I got the report that the column was ready.
- Q. Who reported the column ready?
- A. Capt. Moylan. He came up from the rear where he had been up to his own company.
- Q. Were there not a number of recruits in the command who were not good horsemen?
- A. Yes, sir.
- Q. Please state what precautions were taken to enable them to get on their horses in the woods and to keep up with the command.
- A. A good many did not get on their horses.
- Q. State what precautions were taken to enable them to do so.
- A. I do not know what precautions the company commander took. He was responsible. He was ordered to form his company in columns of fours and lead it out of timber.

- Q. Did not Sergt. Davern report to you on the top of the hill that he had lost his carbine and that his horse had fallen in trying to get out of the timber?
- A. I do not remember.
- Q. Can you say that he did not report this?
- A. I can say that he did not.
- Q. At no time on the hill that day?
- A. Not that I remember. He was holding my horse, and I did not go to the horses again until I started to move down.
- Q. Do you know that he did not make any report to you about his carbine?
- A. Yes, sir. It was not a time I could be bothered with or listen to such reports as that.
- Q. The man might have said something about it?
- A. Well, do you think it is a thing that would remain in your mind?
- Q. With regard to firing your pistol on the hill, are you positive you did not fire one about the time that Capt. Benteen's column came up?
- A. I am, sir.
- Q. This guidon you speak of being planted as a rallying point for someone--where was it planted?
- A. On the top of the highest hill. It was thought its fluttering might attract attention sooner than a horse.
- Q. How long did it remain there?
- A. I don't know. I cannot be accurate as to time. I do not think anyone can.
- Q. Didn't your orderly, Davern have habitual charge of your flask or bottle?
- A. He had not on that day.
- Q. Had he the previous day?
- A. Yes, sir.
- Q. Did he not on the morning of the 25th give it to you?
- A. No, sir.
- Q. Previous to that where had it been carried, say on the 24th?
- A. I think he carried it.
- Q. On the 25th you had it yourself I understand.

- A. Yes, sir.
- Q. Didn't he have charge of that bottle on the night of the 25th?
- A. No, sir; I had it in my own pocket.
- Q. Is it not customary to refill a flask when it is empty, on an expedition of that kind?
- A. It is, if you have anything to fill it with.
- Q. You say you received no communication from Girard down at the crossing-that you would not permit him to communicate with you-was he not there in the capacity of interpreter?
- A. From the manner in which you ask the question, it would seem to indicate that he came to me in an official capacity which I would not recognize. Of course if he had any information to convey to me I should have listened to him, but I would not have believed it.
- Q. How else could he communicate with you under such circumstances-he could not communicate with you socially.
- A. We were not in the fight and I would not let Gen. Custer send an order to me through such a channel.
- Q. Any information that Girard may have had about the Indians or what some scout may have told him - would you have considered it improper for him to report to you?
- A. As I say, I should have listened to it, and as I say again, I should not have believed it.
- Q. State whether or not you named Girard as a witness in this case.
- A. I don't remember-I sent a list of the witnesses to you. I understood that he was the basis of the information against me and I wanted him to be seen so that people might know what kind of a man he was.
- Q. There was no communication sent out from your command to Gen. Terry or anyone else, till the Indians had left?
- A. It was sent out on the morning of the 27th. An attempt was made on the night of the 25th and also on the 26th - I was quite as anxious to get General Custer to aid me as I was to aid him.
- Q. Was there any attempt made under the cover of darkness on the night of the 25th to get any communication out?
- A. Yes, sir.
- Q. Were any volunteers called for to go on an undertaking of that kind?
- A. No, sir; I said in my testimony I would not order anything of that kind. I believed that sending a man out on a mission of that kind would be sending him to his death. I would have sent an Indian out because of his peculiar abilities in that direction you know, which enable him to skulk along and get through the country without being seen, where a white man would be seen.

- Q. How many days' rations had the men, carried on their persons and horses?
- A. We started from the mouth of the Rosebud with fifteen days' rations, and I understood that there were four carried on the men's persons, and the remaining eleven on the pack-train.
- Q. How much rations had the men when they went into that fight in the bottom under your command?
- A. They must have had two days' rations when we went into the fight on the morning of the 25th. Their rations were not used up until the morning of the 27th.
- Q. You have stated that you would consider that the results of that battle have justified your every act?
- A. Yes, sir.
- Q. Is it justified to the extent that you have made no mistake there whatever?
- A. Well, sir; I should do the same thing over again under the same circumstances, and with the same knowledge I had then.
- Q. State whether or not some part of that result may have been brought about by your act intentional or otherwise?
- A. No, sir; I am convinced now that there was no command down there when I got out of the woods, that they were all dead.
- Q. What command do you refer to?
- A. The remaining five companies of the regiment.
- Q. When you left the woods, that command had been annihilated at that time?
- A. Yes, sir; that is my belief from after information; I did not know at the time of course.
- Q. Please state what officer reported to you on the hill, after the pack-train came up, that he had heard firing to his right.
- A. I don't remember such a report being made to me.
- Q. If such a report had been made to you at that time, would you then have believed that Gen. Custer's command had been annihilated, or that it was engaged?
- A. If I had heard the firing, as they represent the firing--volley firing--I should have known he was engaged while I was on the hill; but I heard no such firing.
- Q. Were you in a position, down at the river for half an hour, to have heard that firing?
- A. Possibly not, although I was nearer to what is termed the battle-field than the command.

- Q. You received an order in your subordinate capacity--in the sense of there being a commanding officer of the regiment--from Gen. Custer, to take three companies and charge the enemy?
- A. Yes, sir.
- Q. Did you obey that order?
- A. Yes, sir.
- Q. Describe just how.
- A. Well, sir, ten men can be ordered to charge a million. There is some discretion left in the hands of the commanding officer. I can give you a very brilliant illustration of that in the Battle of Balaklava.
- Q. Had there been any casualties in your command at the time you halted and deployed it as skirmishers?
- A. Just one man had been hit. That made no difference, however, in regard to my action. I should have done the same thing.
- Q. Then you consider that you charged the enemy there?
- A. I don't consider that I charged the enemy, but I went near enough to discover that it was impossible to do it. I knew nothing about the topography of the country. It was afterward developed that if I had gone two or three hundred yards further I should have thrown my command into a ditch ten yards wide and three or four deep.
- Q. The Indians were in that ravine?
- A. Yes, sir; saw them coming out of it.
- Q. Did you make any examination of that ravine afterward?
- A. Yes, sir. I crossed it in two or three places afterward, I think.
- Q. Was it a possible thing for a dash made by cavalry to have gone through that?
- A. I suppose you might get horses now and then that would jump that ditch.
- Q. The Indians being in it and coming out of it, it was not possible for troops to have gone in there?
- A. The troops would not have got that far. By the time they would have got within a few yards of it most of the men would have been dismounted, most of the saddles would have been emptied, and most of the horses killed.
- Q. After leaving the timber and going on the hill, you did expect to reunite with the scattered portions of the regiment?
- A. Yes, sir.
- Q. Did you think at that time you were in any sense responsible

for the scattering of the command?

- A. I was responsible for the union of my own battalion with the rest of the regiment, and I could not think they would come to me, because I was not in command.
- Q. Then you had no expectation of finding the command on that side of the river?
- A. I put my command on a higher plain where they could be more easily seen, and before going there I convinced myself that they were not on my side of the river.
- Q. Then you thought you might find some portion of the command there?
- A. I didn't know where else they could be than on that side of the river, because I couldn't see them on my side of the river. M. A and G companies were the only companies that got on that side of the river.
- Q. Were you in a position to have seen troops on your side of the river while you were in the bottom?
- A. Yes, sir; to the rear or on the left.
- Q. Could you have seen down in front along about the centre of the village?
- A. I could not; it would have been impossible.

QUESTIONS BY MAJOR RENO'S COUNSEL.

- Q. How many men did you have under your command when you crossed the river on your advance to attack at the timber?
- A. I had one hundred and twelve soldiers and officers. I speak of it positively because I sent to the company commanders to send me a report of the number of men they had in the saddle, I think some little distance before we got to the ford where we crossed. Then as soon as we could get any report from the scouts--I thought there were about twenty-four or twenty-seven of them, but they didn't remain with me any length of time. As soon as the Indians commenced firing they cleared out, and I didn't see them any more except when we went to the mouth of the Powder river, about ninety miles away.
- Q. You said you entered that fight with friendly relations to Gen. Custer?
- A. I certainly did.
- Q. You said you did everything to assist and co-operate with Gen. Custer as fully as if your brother had been in his place?
- A. Exactly.
- Q. Didn't you cross to make your charge with as much earnestness as you were capable of?
- A. Never in my life did I feel more interest in the success of a

engagement than I did in that because it was essentially my own regiment.

Q. Were not your prospects of promotion bound up in the success of the fight by your regiment?

A. I don't know that I could say that. It might have given me some reputation, of course, as being a member of a regiment that had been successful in a contest with a large body of Indians.

Q. Didn't every motive that was of value to a soldier make you desire success instead of defeat?

A. Certainly, beyond a question.

Q. Do you not feel now that you did everything to support Gen. Custer short of sacrificing your command?

A. Yes, sir.

Q. When you returned to the hill was it not with a view of reuniting with Gen. Custer instead of leaving him unsupported?

A. That was the action--that was the principle that actuated me entirely. I went out of there as much to aid him as to secure aid myself.

Q. In your report, to which reference has been made, you said words to the effect that you were convinced that Gen. Custer intended to support you by an attack in flank?

A. Yes, sir.

Q. Wasn't that a conviction after the fight was over?

A. Yes, sir.

Q. That was not your belief at the time that you crossed to attack?

A. No, sir.

Q. You say that you were without support on the left bank of the river. You say you could see there was no support, because you could look to your rear and to your left?

A. To my left and to my rear.

Q. You expected the support to come from the direction that you had crossed?

A. Yes, sir; I did not see at the time how any other support could have been rendered me.

Q. Did you observe the character of the high land on the opposite side of the river?

A. I did.

Q. And how far down that extended?

A. ~~I did~~ Yes, sir; I did. A rapid glance, of course.

- Q. And you felt that support, to be effective, could not come from that direction?
- A. I did not think they could get down there. I didn't think it was practicable to get down below me.
- Q. And, therefore, when you took that look from the timber, when you found you needed support, you had not only your rear and your left in view, but you also had the character of the country on the right side of the river?
- A. Yes, sir.
- Q. Was your stoppage at the timber or failing to continue the charge due to the number of dead or wounded men in the command?
- A. That had no influence on my actions at all. I should have done the same thing if a man had not been hit.
- Q. Then it was due to other things than the actual loss the command had then sustained?
- A. Yes, sir.
- Q. Was there any communication on the part of anyone to you that Gen. Custer's column had been seen while you were in the timber?
- A. No, sir; never.

QUESTIONS BY THE COURT

- Q. In approaching that river, how was it you took that route you did?
- A. Because I followed the main trail to the village.
- Q. Did you see any practicable route to your right?
- A. No, sir.
- Q. At the time you commenced your retreat from the bottom did you have any idea as to where Gen. Custer's command probably was?
- A. I had not. I knew he was not on the bank of the river where the village was, and if there was any chance for him to see me it was on this hill where he could see me.
- Q. Did you have any doubts of your ability to explain to your commanding officer your retreat from your position afterward?
- A. I knew I could explain it.
- Q. You thought you would have to?
- A. I didn't know I would have to. I can't say. I thought I knew I could explain it, but I know now I could explain it, and that I knew it at the time, but I never gave it a thought. I never thought it would be questioned.

The witness then retired.

Major Reno then offered and read in evidence that part of the report of General Sherman, which reads as follows:

"In this engagement the five companies of the 7th Cavalry led by Lieut. Col. Custer in person, viz: 'C', 'E', 'F', 'I' and 'L' were literally obliterated, and the remaining seven companies were saved by the brave and prudent conduct of Major Reno, and the timely arrival of General Terry."

Major Reno then offered and read in evidence certain papers, copies of which are hereto appended and marked respectively. Exhibits No. "9", No. "10" and No. "11".

Major Reno then announced that he had no further testimony to offer before the Court and asked until Monday morning next at 11 o'clock, in which to prepare his written statement, which request was granted.

And thereupon the Court adjourned to meet at 11 o'clock A.M. Monday, February 10, 1879.

25th day

Chicago, Illinois

Monday February 10, 1879 - 11 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.

Major Reno then presented, through his counsel, his written address which was read to the Court and is as follows:  
to wit:-

MAY IT PLEASE THE COURT:

Almost my first utterance in your presence was one of distrust of myself, and of request for your indulgence, and in this my last utterance, I acknowledge with gratitude the patient courtesy and delicate consideration you have shown me during this tedious trial.

During its proceedings, I have several times spoken with pleasure of the honorable manner in which the Recorder has discharged his official duties. Like myself, he has, I know, felt that an inquiry where the conduct of an officer was in question could not be a personal contest for victory, but that our mutual efforts should be to have it end in the establishment of truth.

The case has been wider than I anticipated. It commenced as an examination of the courage shown by Major Reno, during a time

when General Custer and his column could be affected by his conduct.

It extended itself until it included his behavior long after General Custer and those under him had ended with honor their lives as soldiers, and it ended with a question into the sobriety of Major Reno, at a time when the Indians were with savage joy holding their scalp dance over their defeat of Custer and his command.

These charges so varied and unlike, so distant and remote from the real charge which provoked this Court of Inquiry, have been the subject of testimony from many witnesses. These represent different degrees of character and will I am sure be properly discriminated between by the Court. It is not so much of them as of the principle which underlies testimony applicable to all cases of a military character that I wish to speak. A military Court is always, so far as I am informed, composed of officers higher, or at least equal, in grade to the one who is interested in its proceedings. The reason for the rule is I think plain - It is found not merely on the greater impartiality which higher rank confers, not merely in the greater knowledge and ampler experience which attends it, but also in the fact that the independence of every officer requires that those who live in the suburns of the Army to whom he must give peremptory orders to which the only answer is unquestioning obedience shall not be his judge in matters which concern his life, or his honor.

Apply the reason which governs the selection of military Courts to the kind of testimony by which you, as members of this Court, would be governed, and you will see that some of the testimony requires a rule of rigid construction -

Let it once be understood that an orderly - a private soldier of limited intelligence, who follows at the heels of his commanding officer is evidence to establish an important order, as much as the officer who rides by his side; that an Indian Interpreter on his first expedition can give reliable testimony upon military matters, or after being dismissed for stealing can sit in judgment on the courage of his superior; or that a mule-packer struck in the face by an officer for being where it was thought he had no duty to be, can originate a charge of drunkenness against that officer, and unsupported by any other witness, save that of another mule-packer, can insist on this story in a Court of Inquiry - let it once be understood that name and character and fame lie in the keeping of these followers of an army, and the sense of subordination is gone - and the desire to conciliate becomes stronger than the desire to command. The character of an officer will then depend on the favor of the camp followers and they will profit by that knowledge.

The charges against Major Reno rest largely on the testimony of two mule packers, a doctor, an Indian Scout, a sergeant, and an Indian Interpreter. When we remember that about three hundred men saw his behavior at the times when these witnesses have objected to it, we are appalled by this number.

The Indian Interpreter, like the mule-packer, exhibits a forgiving disposition under injuries beneath which most men would rankle, which is rare in more civilized surroundings than his own.

He represents a class familiar to the Army, but a word about the figure he presents in this case may illustrate the value of his testimony.

He informs General Custer that the Indians are running like devils, and then counsels Major Reno that they are not running away but advancing upon him. He is surprised at Major Reno stopping in his advance at the timber, and yet censures as an excess of bravery the attempt to leave it - He observes, this searcher of Indian trails - nobody but Major Reno, and is unable to remember who rode by his side. He - who has told this story so often - makes a mistake of an hour, not only in one but in a number of places, and corrects them when the cross examination is about to begin. He does not see the column leave the woods, and fails to find or to join the soldiers who left the timber with Herendeen. He fixes no time for many things connected with the firing, its beginning and end, notwithstanding his accurate watch, which he told Sergt. Culbertson he lost in the water on the afternoon of the first day. His place he said at the beginning of the testimony was with the Indian Scouts, but when left in the timber he bewails to Lieut. DeRudio that he is a non-combatant, and that he regretted he was not with the pack-train where he belonged. This character he sustains with fidelity when he leaves De Rudio in the plain, when surrounded by Indians, and tells Culbertson that he had thrown away his rifle on the afternoon of 25th June. He was a non-combatant, as he shows when on the 27th day of June he scalps the dead Indians he did not shoot, and his place was really with the Scouts, those at least who fled to Powder River. But his testimony is valuable in some points when it corresponds with his fears.

Herendeen - a Scout, who was "as one", as John Randolph would say - "as the center seed of a cucumber" tries to draw an opinion unfavorable to Reno's courage without seeing his countenance, after having him in view for but a moment - It was a noble ambition to try to draw character from that fleeting glimpse. Even the photographer at Central Park, who tried to photograph an elephant complained that the animal was expressionless when he turned his back to the instrument. He states that Reno darted from the glade, when Bloody Knife was killed at his side, and without hesitating at the timber's edge, galloped at once to the river. In this he is flatly contradicted by Capt. Moylan, who testifies to Reno stopping at the edge and assisting in getting the column in order.

There is an old saying "What will extinguish the fire, when the extinguisher itself takes fire"? Possibly Herendeen might have been excited, and unable to judge Reno with coolness.

Dr. Porter, within the limits of his duty I greatly respect. But if he has the gift of courage, he did not have it with him at all times on the 25th day of June. He lingers by the side of the wounded men, when Capt. Moylan says he was in his company, and sees no halt made to organize the column, when Moylan distinctly remembers that he was near him. The men whom Falstaff saw in Kentish Green never multiplied themselves so rapidly to his vision as did the Indian lodges to the Doctor's eyes when he saw 1000 lodges from the timber.

His judgment of the military movement differs from that of many of the officers and perhaps its value would have been understood by John Randolph who when Chairman of the Military Committee in Congress said in answer to a member, formerly a watch-maker, who criticised the bill, that the gentleman might understand tick-tacs, but certainly did not understand tactics.

Of the two mule-packers who try to establish the drunkenness of Reno on the night of the 25th of June, 1876, but little shall be said - The one who confirms the story had need on cross-examination to alter the time he fixes for the arrival on the hill, the time when the firing begun and ended. He whose duty it was to be with the packs says the ammunition boxes were not opened when other witnesses testify to the opposite being the fact, and Lt. Wallace gives the circumstances of their being opened with an axe, on account of the haste needed at that time.

The other one, the one struck by Reno, has never heard of any stealing from the packs, and yet has lost his own things by theft. Having lost his blanket he goes, as he testifies, without any orders from any officer, to get one belonging to someone, whether(?) to any one else.

Mark their story - Reno is drunk, is staggering, is stammering; and yet beside Girard - the non-combatant - no one of all that command on the hilltop even imagines him to be in that condition until they reach Chicago more than two years and a half after the time they fix. They made a mistake in making him too drunk. Drunkenness has a beginning, an existence, and an end, and with the frequent contact Reno had with officers and men he must, if in any of the stages of it, have been detected and exposed. He staggers, and yet hit the man without being disturbed in his position. He has to brace himself against the packs, and yet without difficulty stoops and picks up the carbine. And with a whisky-bottle in one hand, and a carbine in the other one he stands an object of dread to Frett, who so safely affects courage in the court-room.

It was hardly necessary to summon Edgerly, and Benteen, and Wallace, and Mathey and McDougall to contradict them and to propose to have Hare and Varnum and Moylan telegraph their knowledge upon this subject. It was only dignifying falsehood and putting honesty to unnecessary labor.

The question of time and distance about which such differing evidence has been given is not to my mind of great importance except as it determines the relation of one command to another. And this relation and position can, as the court has no doubt already observed, be fixed independently of watches - Where Custer's column was with reference to that of Reno can be definitely placed without regard to the time of day - There will be I think but little difficulty upon that point.

The Court will also, I am sure, remember that Reno's duty was made difficult by the fact that surrender was impossible,

and therefore the whole course of his conduct was different from what it would have been against a civilized foe.

The history of this case presents some difficulty with regard to distance and to time, but none so serious but that a very little consideration will remove them all. As far as the testimony exhibits the Seventh regiment of Cavalry was on the 25th day of June 1876 moved from the divide between the Rosebud and the Little Big Horn rivers in the direction of the latter stream. With several halts it reached a point at about 12 o'clock upon that day where a division of the command was made into battalions. One battalion, consisting of three companies was placed under the command of Col. Benteen, A second battalion of the same number of companies was placed under the order of Major Reno, and five companies remained under the command of Gen. Custer. If we rely, as I think we can, with the greatest safety, upon the testimony of Lieut. Wallace who kept the itinerary, this point of division was about fifteen miles distant from the Little Big Horn river, and the point where Maj. Reno afterward crossed it. Immediately after the division was made, Col. Benteen diverged to the left, and after going a distance which no one states to be greater than two miles, was lost to the view of the rest of the column. The command thus diminished in number by the separation of Col. Benteen continued in the direction in which it had been marching until it reached a point about ten or twelve miles lower down, where there was a burning tepee containing the body of a dead Indian. At this point Reno received an order from Gen. Custer as commanding officer which governed his future action. It has been stated in several ways, but all of them unite in declaring that he was to charge the Indians, who had already been discovered in the bottom on the left side of the Little Big Horn, under a promise of support from Gen. Custer's command. At the time that Reno received this order, he was accompanied by Lieut. Wallace, whose testimony the court has heard, and by Lieut. Hodgson who so bravely died in the charge. An orderly by the name of Davern, at that time a private soldier who was in the rear of Major Reno, has testified to a recollection that is different from that of either Maj. Reno or of Lieut. Wallace, and which is also different from the recollection of Capt. Benteen; he has sought to convey the impression that at the time this order was communicated a statement was made, that Col. Benteen would be on Maj. Reno's left and would have the same instructions that he had. It is hardly necessary for us to linger to see how impossible this statement must be, for when he was asked where Benteen was at that time in order to receive instructions, Davern could not place him, and the whole testimony shows that Benteen had long before this been sent to the left and was already far out of sight. Besides Capt. Benteen himself says that no such word was given him after he left the main column and none such ever reached at any later time.

For the purposes of this case I think we can assume that the orderly either misunderstood what the adjutant of Gen. Custer had stated to Major Reno or else he wilfully stated what is not the fact.

After the command was received Reno gave the order to trot and his battalion moved down to the crossing of the river. The Indians had already been seen on the river bottom. Lieut. Varnum had had a glimpse of them from the top of the knoll near the tepee; and Girard, the Indian interpreter, had also seen them and had told Gen. Custer in a loud voice that there were the Indians and they were running like devils. The trail that Reno followed led straight to a crossing which from the nature of the country and from the character of the troops, who were mounted, the Indians would expect the command to use. When the crossing was reached without any delay whatever the battalion went to the other side of the river, and passing through a fringe of timber such as follows the water courses on the Western prairies, halted to reform. Before them lay an open stretch of prairie covered slightly with sage bush, with grass eaten by Indian ponies and the ground cut up by their hoofs. Before advancing from this point Maj. Reno saw enough of the Indians who were approaching him, to judge of their numbers and their disposition. He knew as Benteen knew, as Girard says he knew, that Gen. Custer believed that the Indians were retreating, and he could fairly presume that the order he had received from Gen. Custer had predicated on wrong information. He sent back word by a private soldier who served him in the capacity of a body-servant, whom Sergt. Culbertson saw on his way back over the river, that the Indians were all before him and that they were very strong. Not receiving an answer as he had expected he again sent back word by a man named Mitchell, and as neither of them ever returned or were ever again seen alive it is fair to infer that they succeeded in reaching the main column. Girard himself testified that he saw Indians advancing up the valley in such large numbers that he called Maj. Reno's attention to the fact; and not satisfied with that, that he turned back from the river's edge and met Adjt. Cook and told him of that fact, and that the Adjutant promised to inform Gen. Custer of it. Adjt. Cook died on the lower hills with Gen. Custer and it is safe to say that he performed his promise.

Major Reno was justified in sending back this word to his command, because he believed that he was being followed by him; and Lieut. Wallace testified that Gen. Custer's Adjutant and Capt. Keogh, who also fell with Custer, accompanied Reno's command until within a very short distance of the river. Without any further delay, Maj. Reno formed two companies into line and throwing the third company in their rear in line, moved down the valley. On his right was the river with its growth of trees, on his left was a line of foot-hills that stretched and lost itself far to the southwest. There was a large column of dust before him and there were Indians coming out of the dust to meet him. He skirted the timber and went a distance that, according to the statements of witnesses, varies from a mile and a quarter to about two miles. He was then satisfied that the Indians were not only not fleeing but that they were preparing an ambush to receive him, and therefore he ceased his charge, and ordered the men to dismount and deploy as skirmishers.

Was he justified in doing so? He was already at a considerable distance from the point from which he expected to receive his support. The Indians instead of continuing on

his front had commenced to separate and were already circling along the hills on his left in order to cut him off from the crossing. This circumstance in itself, I submit to the court, justified an officer who was responsible for the lives of his command in believing that the enemy, so far from fleeing from him, were in such force that they invited an attack, for Reno was then between the village and the river, and the love of the hearthstone, though different in degree, is the same in principle in civilized and uncivilized men; and the Indians if they had felt distrustful of their strength would undoubtedly have presented a united resistance to any approach toward the village, but when they gave way and invited an attack, that if successful would have destroyed their homes, they declare to the commanding officer that they were not only able to protect themselves but were able to destroy his command. In this act of judgment Maj. Reno is confirmed by the opinions of the officers who accompanied him. Lieut. Hare says, "I knew that before we got to the village there were lots of Indians there. If Maj. Reno had continued to march in the direction of the village I do not think he would have got a man out of there and I do not think the column would have lasted five minutes." Lieut. DeRudio said: "When he halted I said 'Good for you' because I was sure we would be butchered if we had gone five hundred yards further." Capt. Moylan stated "I think there was a sufficient number of Indians at the time--they were within five hundred yards of him--to warrant him in halting and dismounting."

The wisdom of Reno's action is still further seen in the fact that as soon as he did dismount, Indians to the number of four or five hundred, as testified to by several officers, appeared in his front from out a ravine into which his command must certainly have plunged if he had continued charging. Not only does the result which we now see would have followed prove that he acted rightly in dismounting where he did, but it was his duty as an officer who expected not merely to be supported by another portion of the command, but to support it by making a diversion, not to throw away the lives of his battalion until the supporting column was near enough to him to receive the benefit of the attack that he would make. If he had continued on at this point his entire command would have been destroyed without any benefit being received by any supporting command. He deployed the men on skirmish line, and if we can believe the officers whose duty called them to that part of the field, the command continued to advance on foot and fired as they advanced.

What now was Reno's position? The Indians were close to him and increasing in number. They were on his front and were circling to his rear between him and that point from which the expected support must come. The river was close to the edge of the timber. On its other side rose high bluffs which stretched a number of miles to such a height that from them no assistance could come. Between the hills on the opposite side and the river, there was some low land covered with timber and brush into which the Indians had already commenced to come, and from which they were sending a fire into the timber. He had one hundred and twelve men under his control not counting the Indian scouts and the noncompetents. The force was too small to occupy the timber

with any hope of resisting the number of Indians that he saw attacking and preparing to attack him. At this point his attention was called to a fire that was being received on the side of the timber next to the river, and with part of his force he enters the timber with a view to dislodging the Indians. While there word is brought to him that the Indians have turned his flank, and he goes out with Capt. Moylan to see the situation for himself. He becomes convinced that it is his duty to retire the men from the skirmish line and bring them into the timber, and in that act he is abundantly confirmed by the judgment of those who were with him. All testify that the number of Indians was constantly increasing and Sergt. Culbertson has given it, as his opinion that if the skirmish line had not been retired, within three minutes of the time it was, he did not think any man would have gotten off the line. Reno, unsupported as he was, was then forced to decide what duty he owed his command and his commanding officer, and he decided to leave the timber.

Lieut.

Was he justified in this act? Wallace says: "We were surrounded and in a bad position to defend ourselves", and he approved the going to higher ground. He said that it was about the only thing that could have been done under the circumstances. Lieut. Varnum testifies that "at the time of the retreat, a good many bullets had begun to drop from the woods from our rear. Whether the bullets came from the bluffs above or from the bottom I do not know, but I know that quite a lively shower came in from our rear toward the river." He further says: "The position we held in the timber-- I do not know exactly its size, but it was large enough so that with the number of men we actually had in the timber those three companies that were under Col. Reno - it does not seem to me they could cover the entire position which they must necessarily hold in order to keep the Indians out of the timber. We could not let them come in there with us. We had to occupy the position as the ground lays in order to hold it at all. It does not seem to me that we had men enough to hold the entire circle of the timber".

He testifies again in another part of the proceeding to the same effect. Capt. Moylan, in answer to whether a formation could not have been made in the timber to have held it, says - "With a formation of that kind with the number of men at Maj. Reno's disposal the line would be necessarily so short that it would not extend to the bank at the outer edge of the timber. In my opinion had such a formation as that been made the Indians could have possessed themselves of this bank at the edge of the timber and been on such higher ground than Maj. Reno's men could have been on the bottom. Therefore it would have made the position there perfectly indefensible." He says in another place "I think the most judicious course was to leave the timber if possible. Had the command staid there thirty minutes longer, I doubt if it would have gotten out with as many men as it did". Again he says "The command was virtually driven but not exactly driven. It would have been driven from the timber in a very short time". Lieut. Hare testifies that Maj. Reno's command remained in the timber until all hope of support from Gen. Custer had vanished. Again he says - "The impression produced upon my mind by the movement from the timber was that Maj. Reno thought that we

would be shut up in there and the best way out would be to charge. The whole business impressed me that if he was going to get out of there, that was the best way to do it."

A number of questions were asked the witnesses with regard to Maj. Reno's ability to continue in the timber if he had been joined by Col. Benteen. A sufficient to this is that Maj. Reno knew that Benteen had been ordered away from the column before he (Reno) had been directed to make his charge - that he was in entire ignorance of the orders given to Benteen and therefore had no reason to expect him to support him; and Benteen further says, that Reno was not justified at all in expecting that he (Benteen) under orders given him by Gen. Custer, could render him any support whatever.

In addition to the increasing number of Indians and the threatening positions that they occupied on his rear and flank, Maj. Reno found another difficulty. And that was the want of ammunition. It is in evidence that Lieut. DeRudio heard him tell the men while on skirmish-line to use their ammunition with care, but it is also true as Capt. Moylan states, that some of the men had already expended half the number of cartridges that they had brought across the river, and therefore that if there was to be a prolonged resistance, that long before it could be successful the troops would be left with empty carbines.

Up to this point let us inquire what had been Maj. Reno's conduct. He had certainly led the charge up to the point where the men were dismounted. Capt. Moylan testifies that he heard Reno caution the men about overriding, for he would soon give them work enough. It is in evidence that it was by his order that the skirmish line was thrown out, and Lieut. DeRudio states that not only was Reno on the line, but that he admired his conduct as a brave and skillful officer. Lieut. Wallace gives as his opinion that Reno's conduct as an officer in the timber with respect to judgment and courage was all that could be expected of any one. Capt. Moylan testifies that the skirmish line was deployed by Maj. Reno's order. He was there on the line and he occasionally heard his voice. Lieut. DeRudio testifies that he saw Maj. Reno encouraging his men and standing in a position where he ought to be as commanding officer.

In the face of this testimony the opinions of George Herendeen, the Indian scout who saw Reno's back but for a moment and from that fact endeavors to draw an opinion unfavorable to his courage, and Dr. Porter, who afterward confessed to being so scared in the timber, and who in point of fact, forgot that he had halted at the edge of the timber with Capt. Moylan before he went back to the river with the column, are hardly entitled to a passing respect. The mere act of leaving the timber was in itself an evidence of courage. A timid man would have remained there. Even Girard testified that with the number of Indians in the bottom he thought it was an excess of bravery to leave the timber, and he staid behind because he expected the command would return.

Now if there was nothing more in this case than this we would claim that Maj. Reno was certainly open in no way to censure as an officer and a soldier. But it is claimed that

he showed cowardice in the way in which his command started from the timber to go to the hilltop. It is said that no bugle calls were given and that was an evidence of fear. It will be observed that no officer was left unless, like DeRudio, he had retired from the skirmish-line without orders, or unless like several others, he was unattached, and they were using their discretion in seeking different places and discharging different duties in the timber. Unless Capt. Moylan is virtually incorrect Maj. Reno came to the edge of the timber and there consulted with him before any movement of the troops was made, and that it was their joint judgment that a higher point should be sought on the other side of the river at which the force under Maj. Reno could contend on more nearly equal terms with the force that was brought against him. It is evidence through a number of witnesses that the command was passed down along the line for the men to mount and to make a charge. It is in evidence by Capt. Moylan that the column was undoubtedly formed before the men left the timber, and that if they all had been in their places, as it was the expectation of the commander that they should be, they all would have returned in as good order as his company did.

Maj. Reno led the charge to the river. He was justified in thinking that after the company officers had received the word to mount and charge the men in their companies would be properly informed and fully obey him. He was seeking to cross an unknown river, and over country to which he was a stranger, to find a place where he might ascend the high land on the other side of the river. It is a matter of dispute where his place should be; but Capt. Moylan says, it was as proper for him to be at the front as at the rear, and in this opinion he is confirmed by that of other officers. To me it seems plain that where a ford is to be selected and a crossing is unknown, it is the duty of the commander to be there to use his discretion and his judgment with regard to the manner in which the troops shall pass from one side of the river to the other, and rise to the new place that they shall occupy for defense. It is a strange thing in this case that those eyes which saw the most demoralization in the column as it moved to the river, were not those of military men, and it is undoubtedly true that the column may not have been in perfect order, but the circumstances forbade it being so. It was not a triumphant march. It was the departure of a command from a place in which destruction was believed to be sure to a spot in which it was hoped the danger would be less great. If Reno was doing his duty at the head of the column, I submit that he should not be charged with want of duty at its rear.

At this point it may perhaps be well to pause and to meet another charge that Reno in some way failed of his duty because of the untimely fate which befell Gen. Custer and his command, and which it is claimed would have been averted if Reno had continued in the timber. I think there is no truth in this belief. The Indians were certainly there in number that in the minds of military men justifies the belief that they were able to overcome at one and the same time each portion of the command that then engaged them. Lieut. Wallace says,

"I do not think that the entire force of the village was attacking us while we were in the woods. When we were on the hill the entire force of the Indians was never engaged against us, because I could see crowds a long way off". He again says "I would not like to take half the warriors they had and take the command we had with us and fight them." Col. Benteen said, in answer to a question whether Reno's withdrawal did not leave many Indians at liberty to go down and attack Custer, "Doubtless it did; but I do not think that they had any use for them down there". In answer to a question whether if he had succeeded in joining Maj. Reno in the timber and held a force of Indians there it would have contributed to the safety of Gen. Custer, Benteen replied "It would not have made a particle of difference. Those seven companies would have been completely hived there, and Gen. Custer would have had to look out for himself just the same." The fact that Reno's withdrawal from the timber had no influence whatever upon the fate of Gen. Custer is seen by two considerations. It is plain from the testimony that Reno was at least forty five minutes in the timber. During that time Gen. Custer with his command was thrice seen. Lieut. Varnum saw the Gray Horse Company on the bluffs above the right bank of the river about thirty minutes before Reno left the timber. He believed that Custer had certainly time to reach the point on the map known as ford B before Reno reached the top of the hill. DeRudio, who saw with straining eyes Custer with Cook standing on the high land overlooking Reno in the timber, states that the firing he heard down the river was almost simultaneous with Reno's reaching the top of the hill. If that proves anything it proves that the diversion that Reno made lasted until Custer had reached within striking distance. Martin, the trumpeter, testified that he left Custer at a considerable distance lower down the river than the point where Reno made his stand - that he had time to go a number of miles to Benteen, to return with the column, and on his return to see Reno and his command reach the top of the bluff. Custer having promised to support Reno and having had a view of him attacking the Indians under his order would undoubtedly in turn have charged the Indians at the first point where he could have reached them. That point was the ford B.

It cannot be doubted by this court that the testimony that they have heard, not merely from officers of Reno's command, but also from the evidence given by Lieut. Col. Sheridan, who made a careful examination of that point and found a gravel bottom at the river there over which he several times sent a wagon, that there was a proper point for Gen. Custer to give his promised support to Reno, if it was in the power of his command to support him at all. If the mind can believe testimony and draw any inferences from it, it is overwhelmingly clear that Custer had reached the ford B where he could have crossed to the Indian village before the Indians whom Reno was diverting by his attack in the timber could have reached that point; and from the known character of Custer for valor and for bravery, it was equally plain that notwithstanding the thousand Indians whom Reno detained at the upper end of the village, there were Indians at the ford B in such overwhelming number as to make it a matter of madness for Custer and his command to engage them there. That explains the fact of the sleeping village which Martin says that Custer saw.

So far then as Reno's retreat from the timber was concerned it had no effect whatever on the fate of Gen. Custer, for not a man nor a horse were found dead at the ford B, and the first indications that Custer had found his enemy was at least eight hundred yards below the ford on the right bank of the river.

Another consideration proves this Custer and his men were found in such position, with such separation and with such disorder that it proves that whatever resistance they made, brave and heroic as it was, was in the nature of a defense and not of an attack. Competent judges have shown, not merely that the struggle could not have lasted more than an hour, but that from its very beginning it was hopeless. So far, then, as Reno is concerned, we hold that he was justified by the appearances as they presented themselves to him at the time he halted in doing what he did; that he was further justified in this conduct by the result as it afterward declared itself; that he showed no cowardice whatever in the timber, that his retirement from it was not only within his discretion as a commanding officer but was the result of consultation with one of his tried and approved officers and endorsed by many of the officers of his command; but that both on account of the number of the Indians and the manner in which Custer and his command were destroyed it had no effect whatever upon any other command than his own.

It has not escaped the attention of the Court that when Benteen came up to the point where he afterwards joined Reno he saw the Indians still in the bottom and that he thought that they were at least eight hundred or nine hundred in number. Sergt. Culbertson, a most careful witness fixed their number at about a thousand; Lieut. Varnum said that a great many Indians remained in the bottom, when he came up with Benteen; and it is the statement of Lieut. DeRudio, who watched them from the timber in which he had remained, that they did not retire because Reno left the timber but because Benteen was seen to approach on the other side of the river. And it is the belief of Benteen that, although a considerable number left when he approached they were not only unneeded to destroy Custer and his command but that they promptly went and hid themselves on the right bank of the river in order to await Reno if he should march down in the direction of Custer. Benteen, a soldier in whose judgment this Court can place, I think, as much confidence as in his courage, declares it to be his belief that Custer and his command were destroyed before the order that Martin carried had reached him.

When Reno reached the river he decided, and told one of the witnesses that this was no place to halt and reform the men. It was his duty as a commanding officer to select the new position from which the new struggle should be made, and he accordingly went to the top of the hill.

Much has been said of the manner in which the men followed him. It is needless for me to say to this court that in no other way than a straggled way, even under circumstances of perfect peace, can a battalion of Cavalry climb a steep bank.

And yet, it was not demoralized. Capt. Moylan says his skirmish-line was thrown out a few minutes after the command reached the top of the hill. Lieut. Hare says the men were scattered on the top of the hill but were not demoralized, and again he testified to that same effect. And even Davern said they seemed to be retreating in as good order as could be expected. It is true that Reno had lost a large straw hat which he wore in the timber, but he had not forgotten to tie a handkerchief around his head for protection. Benteen testified that the command was quiet when he came up a little time afterward, and Capt. McDougall did not know they had been engaged until he talked with the officers after he had deployed his men as skirmishers.

What was Maj. Reno's conduct? Certainly not that of a coward or he would not have been in command of his troops; he would not have ridden to meet Benteen and have returned to go at the head of a body of men to see if Lieut. Hodgson was living whose body he found at the river's edge. Even if he had been excited he could hardly have been sufficiently so after having been joined by Benteen, to have fired his pistol as Edgerly thinks he did when he came up sometime after he had been joined by Benteen.

What now was the duty of Reno? He had had three companies engaged in the timber whose ammunition had been largely expended and needed to be replaced. He had wounded men whom he could not then leave at the mercy of the Indians. He certainly ordered Hare back to the pack train to hurry the ammunition, and after receiving his report and making direction with regard to the care of the wounded, he sends an order to Wier, who had already moved out with his company, that he should endeavor to communicate with Custer. If, as we believe, Custer and his men had by this time been destroyed anything else that was done thereafter could have no possible effect upon that command.

But it is urged that the message carried to Benteen by Martin exacted of him a duty. If it did, it was the duty of assistance and that he prepared to render it in the most effective way. He did this by replenishing his ammunition and by bringing up the pack-train which the order to Benteen twice commanded him to do. The fire that had been heard in the direction of Custer's battlefield was not such, as was proven by every witness who gave testimony upon the subject, as to excite any grave distrust of Custer's condition. The volleys were few and faint and retreating in sound, and the scattering fire was such as Indians usually indulge in, even when not actively engaged in fight; and the dust that was seen in the village and the Indians circling in the bottom below did not attest to anyone any severe struggle down the river.

I have not time to analyze the testimony on this point, but I am sure that the Court will find that I have fairly stated in the few words into which I have compressed it.

After the pack-train came up, after the wasted ammunition

was replaced and the wounded - seven or eight in number - were properly cared for each with six attendants, the main column by Reno's order and with him at the head moved down the right bank of the stream to follow the advance guard of Capt. Wier. It reached a point where it was met by Lieut. Hare, Reno's acting Adjutant, who returned from giving the order to Wier to say that the Indians were so many in Wier's front that he had used Reno's name to order a return.

Of the ability of this command to force its way further down the river, there is but one opinion, all unite in saying that a forward movement would have been its destruction.

There was no firing to indicate an engagement below. That which had already been heard had ceased, and it had not awakened any belief whatever that Custer's command was any less able to take care of itself or had met with any greater opposition than the command under Reno. And yet, at the last moment at the furthest point in the advance, Benteen placed the guidon of the 7th Cavalry. It was at a place where, as he afterward said he was so far from Custer's battlefield that the point could not from there be seen. But even if visible it would have carried no message to those who had fought on the hills and valleys below because they had passed away from the region of human sense.

Slowly, and compelled by overwhelming numbers, the command moved back to a point which Reno selected and made its final stand. The <sup>dis</sup>position of the troops was made under the Indian fire and by Reno and Benteen, and then commenced a struggle which for tenacity and bitterness has never I believe been surpassed in the history of Indian warfare. The depression in which the troops fought, the manner in which they were arranged and the success that attended them, are familiar to this Court. All save Gen. Gibbon unite in declaring that it was the best position that could have been selected for the purpose of this fight; and to his objection there is the overwhelming answer that a resistance was made from the afternoon of the 25th day of June until the evening of the 26th, and that when Gen. Terry came up with Gen. Gibbon and his force on the 27th they found that portion of the 7th regiment in position on the unsundered heights.

I shall not linger to describe that height. The character of the place, the arrangement of the troops, were such that no man could have a full view of the acts and conduct of the commanding officer. His duty was of a simple kind. The commands that he gave were abiding ones, and after their places had been taken the duties of the soldiers and of their officers were of a simple and an elementary kind. They were those of self-defense. Every witness who has been called has stated only a fractional part of what was done by other officers, and if the testimony of some was alone to be considered you would have thought that not only was Reno absent but that very many officers and men had no part whatever in this engagement. And yet Lieut. Hare testified that he heard Reno select the position where the stand was made. Sergt. Culbertson testified that Reno was exercising control over his men on the afternoon of the 25th. He saw him also near the pack horses that after-

noon - in a position of very great danger. He saw him the same evening on the left where the line of breastworks was built - also a dangerous place. He saw him in the morning of the 26th about 8 o'clock coming from the direction of D company's line down to the breastworks where Capt. Moylan was. He saw him moving around at times during that day back of A. Company and passing from one line of the command to the other. He heard him speak with regard to sending for water. Capt. Godfrey testified that when the officers and men were in their places of protection that he and Reno walked over the knoll exposed to the Indian fire, and although Reno in a laughing way dodged a bullet, he continued on to the place where Benteen's company was - a position of great danger. Capt. McDougall speaks of walking along the line with Reno when he considered it an act of danger. Martin testified that Reno about 12 o'clock on the night of the 25th sent him orders to have reveilles sounded in the morning. It is unmistakable that he was with Company D at that part of the line where it was expected that the severest attack would be made. It is undoubtedly true that when Benteen, because he saw the Indians which Reno could not, gave the order to charge them Reno went with the charge. It is testimony of Varnum that on the 26th of June Reno attempted to send a letter which he afterward succeeded in sending to Gen. Terry stating his ability to hold his position but asking for aid and stores for the wounded.

And on the score of courage there is but one voice. Lieut. Wallace, in answer to a request to search his memory and recall the events of the two days and state in what point, if any, Maj. Reno exhibited any lack of courage as an officer and a soldier said "None that I can recall or find fault with"; Lieut. Varnum says "Certainly there was no sign of cowardice or any thing of that sort in his conduct and nothing special the other way". Capt. Moylan in reply to a question whether during any period of the time he saw Reno in the timber he betrayed any evidences of cowardice, said "No, sir; there was a certain amount of excitement I suppose visible on his face as well as that of any body else, but any trace of cowardice I failed to discover." Lieut. Hare testified, "I think Col. Reno's actions and his dispositions there saved what was left of the regiment. I saw no evidences of coward in Maj. Reno". DeRudio said he saw no evidences of cowardice at all. Benteen said that "Reno's conduct was about right sir;" and a man who can afford to forget to mention the charge he made to the river's edge for water for the wounded can afford to speak with quietness of the bravery of a brother soldier. Benteen said again in answer to another question that he saw no evidences whatever of cowardice on the part of Reno. Egerly said "When I first came up Reno was excited but he did everything that was necessary to be done", and further said that Reno was fully exercising the functions of a commanding officer; - Capt. Mathey in answer to the question "From all you saw and all that came under your knowledge had you any charge of cowardice to prefer against Maj. Reno?" answered "No, sir". Capt. McDougall testified that there was "No evidences of cowardice or weakness on the part of Maj. Reno."

Testimony like that no award can obtain. It is a record of duty done with quietness, but with effect, without display, but with success. His command needed no inspiring. The promptings of their own high natures sufficiently told them their duty - Think who gathered around him on the hilltop. Men who had the endorsement which one great Military University gives only to soldiers. Others were there, graduates of that trying school, the Civil War, to whom death was a familiar thing and bravery an instinct. Moylan was there who on the charge from the timber, dropped back in the Indian fire to strengthen his line; McDougall, who, with Mathey, had guarded the pack-train with such determined courage; French, who lost on the hilltop none of the credit he had gained in the timber; Weir, fresh from his march down the river; and Godfrey, who has since so greatly enlarged his fame; Wallace, whose soldierly knowledge is as impressive as his courage, was with them; and Hare, whose conduct on the bottom and judgment on the advance on the right bank of the stream so greatly offered(?) themselves to his command. Edgerly was there, who rode with such hot haste to enter the battle; and Varnum - who has forgotten the brave acts that are told of him? And, Benteen was there - that soldier of soldiers, clear cut as a cameo, with face kindled with smiles as he stood amid the rain of Indian bullets. And with these, I gather up and bring to remembrance those who lowlier in place fought with such prodigious constancy, men like Culbertson whose type is found in the two regiments who gathered about the wounded Keogh and died with him - And with them all and over them all was Reno; not surpassing them in bravery, but in that not unequal to them, and better record than that need no man make.

Many times I have wondered as I sat before you whether if Custer could come back he would own those who standing in his shadow claim to represent him; whether to the survivors of the 7th Cavalry he would not say, as they would say to him, "our efforts failed to be mutual supports because of the overwhelming force that confronted each of us, and your honor takes no stain" - Of the report made a few days after the battle and now submitted in evidence I need say nothing to a court familiar from long personal experience, with the manner in which such reports are written. They give a general statement of many matters of which the Commanding Officer cannot have a personal knowledge, and which may prove under the minute examination of a court-of inquiry to rest on the recollection of others than himself, and for which he is not entirely responsible -

Thus at greater length, because of sickness, I have tried to put before you some of the facts bearing upon the conduct of Maj. Reno during the period of time to which you have directed your attention.

The statement of Gen. Custer made to his officers before Benteen diverged from the column, showed that after fullest care he disbelieved in the presence of the Indians. The announcement made by Girard just before Reno left the tepees, a short distance from the river, disclosed the belief that the Indians were running away. The sleeping Indian village seen by Martin, and, as he testifies also, by Gen. Custer, when the

command of the latter was so close to the place of its heroic but final struggle further attests the ignorance of the number and plans of the Indians, and of the preparations they were making for resistance.

The large number of Indians, about 1500, seen by Giard to be advancing up the valley to meet Reno while at the ford; their sudden disappearance; the small number that appeared then in his front; the dust behind them indicating a still larger number in their rear; the circling of the Indians away from the village which they would not have left if in feeble strength, and their effort to reach Reno's rear, and to intercept his crossing, and the support he expected to reach him, told to the practised eye of an Indian fighter the story of an Indian ambush. The halt before the ravine which was then seen four hundred yards away in the front, the skirmish-line deployed after the firing begun, were overwhelmingly justified even before the Indians in number about three or five hundred commenced to emerge from the ravine into which they had hoped the command would plunge in its continued charge.

The withdrawal of the skirmish-line, when its continuing on the plain would have been its quick destruction, the charge through the timber by Reno himself to see the position of the Indians on his flank, attest the excellence of his wisdom and judgment. The retreat from the bottom, not made because of loss of life, but to save life, when its destruction was without value to any command; made not merely according to the discretion which belongs to a commanding officer, but after consultation, as Capt. Moylan knows, with him, and with his fullest approbation, is unmarked, as every reliable witness knows, by any act of cowardice. The support expected as Wallace and Moylan testify from the rear had not come, and could not come from the other side of the river except after a delay on account of the character of the country, which would have rendered it worthless.

The diversion made by Reno lasted until the brief battle which Custer and his men heroically fought against such prodigious odds had begun, and the Indians, he had detained so much longer than if in one brief mad rush he had sacrificed his command, were unneeded to complete it, and too far away to effectively take part in it. The well chosen place on the hilltop; the attempted march to Custer, whose fate appalled by its surprise, the whole Army as well as the country; the sustained valor with which the position was defended, until it was delivered unsundered to Gen. Terry, the second day thereafter, are part of Reno's history. And through it all, differing as were the demands made upon his character and capacity as a soldier, no man entitled to credit in any human Court seeks to say ought against his courage. Aye, even the privates and non-commissioned officers, on what was almost the field of battle, with one voice commend him and his brother officers for promotion for soldierly bearing - And the General of the Army receives with approbation their high praise of his conduct.

This, may it please the Court, is an imperfect sketch of the case as it has appeared in the testimony to which you have

listened. And, we now submit it to your consideration and decision with an abiding confidence in your wisdom and sense of justice.

The Recorder then asked the Court to adjourn until 3 o'clock P.M. today for time in which to prepare his statement in reply to the one presented by Maj. Reno which was granted and the court adjourned until 3 o'clock P.M. today.

MONDAY - Feb. 10, 1879 - 3 P.M.

The Court met pursuant to adjournment.

Present.

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 Court then adjourned to meet at 10:30 o'clock A.M., Tomorrow, Tuesday, February 11, 1879.

26th DAY

Chicago, Illinois  
Tuesday, Feb. 11, 1879 - 10:30 A.M.

The Court met pursuant to adjournment.

Present.

Colonel John H. King	9th Infantry.
Colonel 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 were read and approved.

The Recorder then presented and read to the Court his written reply to the statement of Major Reno, which is as follows, to wit

MAY IT PLEASE THE COURT:

The evidence adduced in this case is doubtless so fresh in the minds of the members of the Court that it scarcely seems necessary that I should attempt to give an exhaustive summary of all that has been presented;

but at the same time there are some points in connection with this inquiry to which it may not be amiss for me as recorder to invite the attention of the Court.

It would be useless for one unaccustomed as I am to that which pertains to the legal profession to attempt to rival the eloquence and learning displayed so brilliantly by the gifted counsel of Maj. Reno. I make no pretensions in that direction, and it were useless for me to have any ambition of that character; but I shall be content to present my views to the court in as clear and plain a manner as possible.

First; permit me to say that in any comments I may make in regard to any persons who have been connected with this case either as witnesses or otherwise, I trust that nothing may be misconstrued, for most certainly I have no personal interest in this case, and whatever I may say will be from a sense of duty, and if I err, I hope it will not be attributed to any bias or prejudice. As far as I am able to discover this investigation has brought out all the material facts - if any remain undeveloped it is certainly no fault of mine, for I have endeavored to elicit everything that might have a bearing on this matter. There are doubtless a great many persons who could give testimony in this case who have not come before the court, but enough witnesses have been called to cover all the ground, and the summoning of other witnesses would only be to give a repetition of facts and details which have been fully laid before the court.

The testimony of twenty-three witnesses has been taken - Of these, fifteen were subpoenaed at the request of Major Reno as follows:

Lieut. Col. M. V. Sheridan,	Mily Secy.;
Capt. F. W. Benteen,	7th Cavalry;
" Miles Moylan,	7th Cav'y;
" Thos. McDougall	7th Cav'y.
" J. Scott Payne	5th Cav'y.
Lieut. W. S. Edgerly	7th Cav'y.
Lieut. C. A. Varnum	7th Cavalry,
Lieut. L. R. Hare	7th Cavalry,
Lieut. George D. Wallace	7th Cavalry,
Lieut. Edward Maquire	Eng. Corps,
Citizen F. F. Girard,	

Dr. Porter, late A. A. Surgeon;

Sergeant Culbertson, Co. "I", 7th Cavalry.

Trumpeter Martin, Co. "H", 7th Cavalry., and

Maj. M. A. Reno, 7th Cavalry, who testified in his own behalf; Of the foregoing names the majority were also furnished me on my application from Headquarters Department of Dakota, and from the Headquarters of the Seventh Cavalry.

In my capacity as recorder I subpoenaed the following additional witnesses:

Capt. E. S. Godfrey, 7th Cavalry;  
Capt. E. G. Mathey, 7th Cavalry;  
Lieut. C. C. DeRudio, 7th Cavalry;  
Sergt. Edward Davern, Co. "F", 7th Cavalry;  
Citizen B. F. Churchill,  
Citizen John Frett,  
Citizen George W. Herendeen,  
Col. John Gibbon, 7th Infantry,  
Citizen Frederick Whittaker.

Of this number all have testified before the Court except Mr. Whittaker. Of all the witnesses who have testified eleven were officers who were participants in the events of the 25th and 26th days of June, 1876. Four were officers who visited the field of battle afterward. Three were enlisted men who were actually present, and five were citizens who were also present at the time. I mention these matters to show that as wide a scope as possible has been taken in regard to the number of witnesses and their sources of information bearing upon the subjects of enquiry.

The order convening this court issued from the War Department at the request of Maj. M. A. Reno to investigate his conduct at the battle of the Little Big Horn River on the 25th and 26th of June, 1876, and the Court is ordered to "Report the facts and its opinion as to whether from all the circumstances in the case any further proceedings are necessary". Major Reno's request is accompanied by a copy of a letter emanating from Mr. Frederick Whittaker, of Mount Vernon, N. Y., and addressed to the Hon. Mr. Corlette, of Wyoming Territory urging a similar request to the House of Representatives. Major Reno in his application refers to that letter, and asks an investigating thereon; thus making it the very basis of his application. That letter charges Maj. Reno with various military offences, all of which are within the scope of this inquiry as ordered by the War Department, and that letter has been taken as the basis in part of this investigation, which however, under the order constituting the court extends to the whole of Major Reno's conduct as an officer on the days mentioned.

Before going into the merits of this case it becomes necessary to notice briefly the attack made by Maj. Reno on the credibility of certain witnesses who are not officers of the Army, and especially that directed against Girard. I conceive it to be my duty to respectfully invite the attention of the court to the fact that the testimony of no witness can be impeached under the law, save for certain specified causes. Not one of the witnesses who has appeared before this court has been so impeached, and even in the case of Girard, no evidence whatever has been introduced showing that he is not to be believed. The only imputation against him is one made by Maj. Reno himself, who states that he discharged Girard because he, Maj. Reno, "believed he was stealing from the government", and nothing is submitted in evidence substantiating that belief. It is in evidence, however, that Gen. Custer restored Girard to the place from which he had been dismissed by Maj. Reno. The well-known incorruptibility of Gen. Custer's character forbids the supposition that he would have restored Girard to duty without satisfactory proof of his honesty, and the fact that Girard now occupies a position of trust and confidence under the government, exhibits the weakness of Maj. Reno's imputation against his character.

I have no attacks to make on any witness before this court, and my honest conviction is, that every witness examined has told the truth as to the facts within his knowledge as he saw them, and his opinions are more or less correct in proportion to his means of information, and perhaps his prejudices too, and I do not think the opinions in any case will weigh with the court beyond their actual value.

I believe it to be my duty, however, to represent to the Court, and counsel for Major Reno as well, that prejudice either for or against a witness on account of his relations to the Army, whether officer, enlisted man or citizen, cannot for an instant be allowed to influence this enquiry in any manner whatever. To believe or disbelieve a man on account of his position solely would pervert the ends of justice and render a trial or an inquiry a farce. I imagine that this Court will divest its mind of all such distinction and will decide this case on its merits as disclosed by the testimony.

The bias, interest, or prejudice of witnesses as far as they appear in the testimony are proper subjects of consideration in weighing the evidence, but I believe that no extraneous matters can sway this Court in giving its opinion as to Major Reno's conduct. The evidence of even mule-packers as to matters of fact, such as words, blows, threats to kill, and the presence of whiskey, is as good as that of anyone, however exalted, until it is contradicted. There is no material contradiction in this case, even by the testimony of Maj. Reno who gives evidence in his own behalf.

The opinions of the packers as to sobriety have nothing to do with this case, except as they are founded on facts.

With these prefatory remarks I now proceed to the subject matter of this inquiry.

The question before the Court reduced to the simplest form is as follows:

Was the conduct of Major Reno at the battle of the Little Big Horn, that of a brave, efficient, prudent, and obedient officer?

This question involves:

- First - The orders under which he was acting, and his obedience to those orders.
- Second - His responsibility in any manner for the defeat of the 7th Cavalry in that battle and the massacre of Gen. Custer and his troops.
- Third - Whether he manifested cowardice, timidity, or misbehavior in the face of the enemy in that battle, or any portion of it.
- Fourth - Whether he knowingly or through negligence, abandoned Gen. Custer to his fate?
- Fifth - Had he any means of informing himself as to the danger in which Gen. Custer's command was placed, and did he take all measures and make proper efforts to obtain information and act upon it?
- Sixth - Were his relations or feelings toward Gen. Custer, his commanding officer, such as would lead him to

obey the orders he received from that officer in a hearty spirit of vigorous and unhesitating support, or - were they those of distrust and suspicion, leading him to criticise and evade those orders, or neglect his duty; and

Lastly - Was Major Reno's conduct during those two days in any other respect unofficer-like and contrary to what should be expected or required of an officer occupying such a responsible position and at such a time?

To settle these points a large mass of testimony has been taken, consisting to a very considerable extent of opinions pro and con to which the Court will of course give only the weight which properly belongs to the facts upon which such opinions are based. I therefore think it unnecessary to occupy the time of the Court in recounting these opinions at length, but will proceed to state mainly the facts themselves as brought out by the testimony.

Where the facts are uncontradicted they will be stated first, and in their proper order as nearly as possible, and followed by such other facts, or matter as may be subject to conflicting testimony. First. The question as to the orders under which Maj. Reno was acting is settled by the concurrent testimony of a number of witnesses all of whom swear to having heard the words. These witnesses mainly agree as to the terms of the order, though there is some variance as to the exact phraseology. These witnesses are Lieut. Wallace, Dr. Porter, Interpreter Girard, Herendeen, the scout, and Maj. Reno himself confirming them as to the main facts, while his orderly, Davern, swears to substantially the same thing but with an additional statement.

Lieut. Wallace, Dr. Porter, Maj. Reno, and his orderly, agree that this order came from Adjutant Cook. Girard and Herendeen, who perhaps were not so near as the others, give their impression that the order came from Gen. Custer in person. Two facts may account for this discrepancy. Girard and Herendeen may have heard Gen. Custer himself give the order in the first instance to Adjutant Cook, or the similarity in the dress of Gen. Custer and his Adjutant (to which I believe Lieut. DeRudio testified) may have caused them to mistake the identity of the person giving the order.

The terms of this order as heard by Lieut. Wallace and repeated from memory are as follows: "The Indians are two miles and a half ahead; move forward as fast as you can and charge as soon as you find them and we will support". Davern, the orderly who at the time had nothing to say and everything to hear, gives nearly the same words with the prefix: "Mr. Girard comes back and reports 'the Indians' etc.; and the addition, "Col. Benteen is on your left and will have similar instructions". Dr. Porter thinks that the words about supporting were in answer to Maj. Reno's question, "Will the General support me?" and Maj. Reno says that he heard that he was to be supported "with the whole outfit".

Both Herendeen and Girard state that the addition - "Take the Scouts with you" was made to the order, and as a matter of fact it appears that the scouts did go with Maj. Reno on his ad-

vance toward the Indian village.

When we take into consideration the lapse of time-over two years-since these events occurred, it is reasonable to believe that the witnesses who heard this order, have stated its purport as correctly as it is possible to state it in the nature of human recollection; and it is undisputed that the tenor of the order was a clear and explicit direction to Maj. Reno to attack the Indians, with no provision expressed in words for a retreat at the discretion of that officer. The only allowance for discretion as stated by Maj. Reno himself, was with reference to the rapidity of the advance- "at as fast a gait as you think prudent". In all other respects the order was positive and peremptory.

Was not Maj. Reno as a subordinate commander bound by all the obligations imposed on an officer to obey that order? Did he hesitate to obey that order? DeHart says that "Hesitancy in the execution of a military order is clearly, under most circumstances, a serious offense, and would subject one to severe penalties; but actual disobedience is a crime which the law stigmatizes as of the highest degree" and Benet says substantially the same thing.

I think it is O'Brien, a military authority, who says: "A subordinate on receiving an order must obey promptly and implicitly. No time is left him to reflect or deliberate. He must at once comply with the commands he has received; and perhaps a moment's hesitation or flatering may destroy plans of much importance and extent. In presence of the enemy more particularly is this mechanical obedience due." I might quote still further but I think these citations will suffice.

We need go back no further than our late war to illustrate the vital necessity of full and complete obedience to orders. The failure of one subordinate commander has not infrequently brought disaster and defeat to an army. Boldness, vigor and confidence have, times without number, won victory over an overwhelming foe, and seldom can it be shown that these essential qualities of a soldier have brought defeat. But it is urged that there was no plan that Maj. Reno was not consulted; that he did not know the ground. Now a plan to attack an Indian village must of necessity be quick of conception and rapid in execution. Gen. Custer's plan seems to have been to strike his enemy wherever he found him. The plan of attack was communicated to Maj. Reno as soon as matured by his Commanding Officer and the part assigned him was definitely stated in the order to "move forward as fast as you can and charge them as soon as you find them, and we will support." Did Maj. Reno obey that order as fully as he could, taking into consideration the means at his disposal and the resistance opposing him? Here also the testimony is comprehensive and the uncontradicted facts are as follows:

The military witnesses are Maj. Reno, Capt. Moylan, Lieuts. Wallace, Varnum, and Hare, with Sergts. Culbertson and Davern. The other witnesses are Dr. Porter, Girard, and Herendeen. All agree that the advance to the ford was made rapidly, that a short halt was made at the river, some of the horses were watered there. After crossing, the companies were soon formed in line, and ultimately galloped toward the village in line of battle, three companies abreast. This advance does not seem to have met with any serious opposition, though three witnesses, Capt. Moylan, Herendeen and Culbertson, agree that

the Indians fired a few shots at the line, but without effect. Maj. Reno in his official report says - "I deployed and with the Ree scouts on my left charged down the valley driving the Indians with great ease for about 2½ miles".

Dr. Porter says that he saw some Indians driving their ponies down the valley, but Maj. Reno says every pony he saw had an Indian on it. After advancing down the valley Maj. Reno halted near a point of timber and deployed a dismounted skirmish-line in the open within long range of part of the Indian village. This line had a support for its right flank, in the timber, which bordered the stream, but its left was in air and liable to be turned. Meantime the enemy seems, from all the testimony to have been hovering on his front, and the only positive testimony given - that of Lieut. Varnum and orderly Davern as to the moment when the Indians began to advance, fixes it at the time the line of skirmishers was deployed and halted.

There is some conflict in testimony as to whether the skirmish line advanced after it deployed, but as there are positive statements that a part of it did advance, it seems that at least the right company moved forward for a short distance, but very soon after this the left of the line swung back and the weight of the testimony seems to show that this was done without orders, though I believe it is not claimed by any witness that the enemy actually drove it back. The concurrent testimony of several witnesses shows that straggling parties or squads of Indians were passing to the left through the bluffs.

During the swinging back of the line Maj. Reno seems to have been on the right in the timber with a carbine and among the men on foot. It further appears that after the withdrawal of the line from the open or the plain, the Indians who had been circling at long range became emboldened and closed in nearer the timber, passing the command and crossing its line of retreat. A party of Indians seems to have circled entirely around the command, concealing themselves in some timber very near the bank of the river in rear of this second position of the command. A very short contest then ensued at the edge of the timber after the left of the line fell back, and then Maj. Reno ordered the company commanders to withdraw their men to their horses in a small opening in the midst of the timber and to mount in column of fours, the column headed up stream and away from the Indian village. During the execution of this movement the fire of the command seems to have entirely ceased and no definite means appear by the testimony of any witnesses, to have been taken to cover the movement or keep back the Indians. No examination of the timber, by any person, appears to have been made by Maj. Reno's order; and he himself by his own testimony visited only that portion facing the Indian village. He states that he had made up his mind to leave the timber and get back to the right bank of the river to a high position from whence he might see the rest of the regiment or be seen by them. This he says was his determination before the men mounted, and Dr. Porter testifies that he heard him say to Capt. Moylan "We've got to get out of this--to charge the Indians", or words of like import.

At or about the moment of starting, the party of Indians who had concealed themselves in the timber near the river,

fired into the column, killing Bloody Knife and wounding a soldier. The uncontradicted testimony of Herendeen is that Maj. Reno then shouted, "Dismount!" and immediately after "Mount!" when the whole command, or what was there, left the timber without further orders, Major Reno taking the lead. Herendeen's statement that Maj. Reno stuck spurs to his horse and led a wild stampede of the entire command is denied by Maj. Reno.

The manner of leaving the timber and reaching the hill is a matter of dispute among the witnesses. The companies of Capts. French and Moylan seem to have left in column of fours, headed by Maj. Reno, but "G" Company, which was originally on the right bank of the skirmish-line appears to have received no definite orders to mount, beyond a rumor that the balance were leaving the timber. Maj. Reno states that he gave the order for "G" Company to Lieut. McIntosh, but there is no evidence to show that it was properly communicated to the company, except by rumor, the result being that many of the men of that company did not succeed in mounting and joining the column.

Lieut. Varnum testifies that he heard some men say "They are going to charge! They are going to charge!" and that is the way he got the information the troops were going to leave the timber! The horses were reported to be in danger but Lieut. Varnum found them all right. It is an undisputed fact that one officer (Lieut. DeRudic) at least fourteen soldiers and two citizens (Herendeen and Girard) - were left in the timber or ran back to it from the plain upon finding they had no chance of escape, and another officer - Lieut. Hare - would have been left but for the merest chance or accident of having a faithful orderly. Some who attempted to escape and overtake the rapidly receding column were ridden down and butchered by a savage foe.

It is also a fact not controverted that no Indians barred or met the front of that column on its way to the river, but they harassed its right flank and rear - killing 27 men and wounding seven or eight more who succeeded in clinging to their horses until they reached the top of the hill. Maj. Reno in his official report says- "I succeeded in reaching the top of the bluff with a loss of three officers, 29 enlisted men killed and seven men wounded." Maj. Reno says nothing in his report of the wounded men left in the timber nor of the 14 soldiers who also remained there for some time. It is quite clear that every wounded man who could not cling to his horse and every man who was dismounted by having his horse killed under him, fell an easy prey to the Indians and are doubtless accounted for under the heading "killed". Upon reaching the river at an unknown ford, considerable confusion ensued - says Maj. Reno - Indians circled above stream within easy range and deliberately shot the men in the river and on the banks. No formation is made on the opposite bank to protect the men whose horses are plunging and rearing to get out. Even a sergeant asks why somebody don't form and keep those Indians back.

The movement to the river is described by Dr. Porter and Herendeen as a disorderly route; by Lieut. Varnum as orderly at the head but a rout in the rear - Capt. Moylan calls it a "fast gallop" and Lieut. Hare a "fast retreat". Maj. Reno did

not consider it a retreat. Lieut. Wallace does not designate its character. All the witnesses agree that there was confusion at some part of the column, that it suffered heavily in the rear, that all the killed and wounded on the left bank of the river were abandoned to the enemy, that nothing was done to cover the crossing, and that the movement ceased on the hill when the Indians no longer pursued. It is also not disputed that Maj. Reno headed the movement as far as the river and that he was among the first to reach the top of the hill.

Was this movement a charge, a retreat, or a stampede? Major Reno ordered it and it was executed under his direction. He alone is responsible for that movement and no officer nor man under his command can be held accountable in the slightest degree for any result of that move from the timber. There is no stigma or discredit that can be placed upon an officer or man - the officer who ordered the move is alone responsible. The plan was Maj. Reno's and he should have all the credit or discredit which attaches to it. It is but natural however that almost every officer and soldier who survived that disastrous move from the timber to the hill would in his own mind by imperceptible degrees, ultimately arrive at a conclusion that after all it was the best thing to do - and results which could not be foreseen at the time may have been taken into consideration to excuse or palliate. Esprit de corps is a strong inducement to participants to do this, notwithstanding they may have no responsibility in the matter. There is necessarily in the minds of the participants a sort of community of interest and most certainly their judgment and opinions cannot remain absolutely impartial. Especially is this liable to be the case after a long lapse of time when many things are forgotten - and opinions become insensibly modified or changed.

It is for the Court to weigh all this evidence and to determine whether the testimony, after fair consideration, shows that Maj. Reno obeyed the peremptory order that he had received from Gen. Custer to the full extent of his ability. Maj. Reno took the responsibility of disobeying Gen. Custer's order. He left the timber not on account of the losses that had occurred, but of what might occur. The ammunition was not half gone, though there had been a free use of it at long range. Lieut. Wallace says had the Indians in the bottom closed in on the retreating column, they would have made short work of it - Lieut. Varnum said it would never have reached the top of the hill. Lieut. Hare says "had the Indians pursued us to the top of the hill, the command would have lasted about ten minutes." Fourteen men remained in the timber and though the Indians saw some of them run back from the plain and take refuge in the timber, they were afraid to follow them in there, and that is characteristic of Indian warfare.

Capt. Moylan said he thought Capt. Benteen might come in on the left - in the sandhills - and he supposed Gen. Custer would come to their support from the rear. Maj. Reno must have known as much as his officers about the support - in fact he knew that Gen. Custer said he would be supported - but Maj. Reno could look to the rear and seeing no support, he made up his mind "to get out of that". He did not wait - he stood not upon his order of going, but went at once. His casualties did not occur in charging toward the village but in going away from it! His position in the timber threatened the village and

held the bulk of the warriors, perhaps nearly all - in the vicinity of his command. He had but few casualties while there, and with a judicious use of ammunition might have remained there for several hours.

Second, the question whether or not Maj. Reno is responsible for the defeat of the 7th Cavalry and the annihilation of Gen. Custer and his five companies can only be determined by such facts or indications as appear in the testimony, as to the plans and movements of Gen. Custer.

From the testimony of Maj. Reno, Capt. Benteen, and Girard, it appears that Gen. Custer was informed of the presence of Indians in the valley before he entered the battle, and the only positive testimony (Girard's) showing the nature of the information is that he was told there were at least 2500 Indians in the valley.

It is settled indisputably that Gen. Custer ordered the witness, Capt. Benteen, to scour the country to the left of the main trail and that he sent him three successive orders prescribing or limiting his movements in that direction. It is also undisputed that after Gen. Custer had given Maj. Reno his orders to attack the Indians he continued his course down the river on the right bank. The last words from Gen. Custer to Maj. Reno were, "we will support you". From the time Maj. Reno started to obey the order, Gen. Custer must have been possessed of that idea, that intention; not for one moment did he forget it. His route down stream lay behind the bluffs or ridge next the river, mainly unexposed to the view of the hostile Indians. He was hurrying on at a rapid gait to strike the foe. Maj. Reno's support might not come from the rear, but he would be supported still with the sound of Custer's guns and the cheers of Custer's men in front. Maj. Reno himself says that he had no reason to believe that Gen. Custer would remain out of the fight with his five companies. Had he reflected for a moment he must have been satisfied that Gen. Custer was near the foe and had Maj. Reno waited twenty or thirty minutes before giving the fatal order to put the river between himself and the enemy, he would have seen Capt. Benteen with his column coming from the rear - and might have heard Custer's men in front. With Reno holding the Indians near him - Benteen coming up with 250 men and Custer striking in front, there was a glorious change for a thrice glorious victory. Maj. Reno slipped his hold and all was lost!

But Maj. Reno says he had no confidence in Gen. Custer. With that feeling could he have gone into the battle stronghearted? It scarcely seems possible that one could do so.

It is only occasionally that we see men under such circumstances rising high above all danger and by a heroic example infusing confidence and courage and thus grasping the laurel of victory from the very midst of defeat. When Gen. Custer waved his hat from the bluff, he had confidence that Maj. Reno would hold on, and down the bluffs rode Custer's column to support Maj. Reno by a strong attack in flank - or rear of the village. Ancient proverbs tell us that "Obedience is not truly performed by the body of him whose heart is dissatisfied".

True obedience neither procrastinates nor questions, but it is the "mother of success wedded to safety."

The testimony of three witnesses, Lieuts. Varnum and de Rudio, and Mr. Girard, establishes the fact that Gen. Custer passed within sight and hearing of Maj. Reno's command while that command was engaged with the Indians, and I believe the further testimony of all witnesses who afterward followed Gen. Custer's trail, is that it continued down the right bank of the stream toward the lower end of the village, till Gen. Custer attacked the Indians by going down a ravine, near the spot where his body was found.

These facts taken, in connection with the order which Gen. Custer's Adjutant sent back to Capt. Benteen, indicate the conclusion at which Maj. Reno himself arrives in his official report made only a few days after the battle, that Gen. Custer intended to support him by attacking the enemy in flank; and, the urgent summons to Capt. Benteen to "be quick" shows that he expected that officer to co-operate with him in his attack; and the further summons "bring packs", reveals with equal clearness Gen. Custer's desire to secure the cooperation of all the forces of his command. The place for concentration was on the field of battle against the enemy and nowhere else.

The unimpeached testimony of all the witnesses who were left in the timber by Maj. Reno is in effect that Gen. Custer went into action near the place where his body was found as indicated by the direction from whence the sound of firing came and at a period of time distinctly after Maj. Reno had left the timber. The nature of the country as described by all the witnesses prevented Gen. Custer from seeing Maj. Reno's command after the time at which Lieut. DeRudio saw the General and his Adjutant on the bluff.

The inference from the testimony is therefore perfect that the last view had by Gen. Custer of Maj. Reno's command was when the latter was engaged; that he waved his hat signaling to Maj. Reno's command, his own cheering words to his brave men "Courage boys". He did this doubtless with the hope of being seen by someone and then went back to his own column to make a flank attack in support of Major Reno. It is undisputed save by opinion that Gen. Custer's engagement did not commence till after Maj. Reno had left the timber to retreat to the hill.

It is an undisputed fact that Gen. Custer received no support whatever from the seven companies of his regiment which remained on the hill under Maj. Reno's command. It seems that there was indecision and tardiness, and that the move that was made down stream was not begun by Maj. Reno's orders until after the pack-train had arrived. Two pack-mules were sent for, each carrying 2000 rounds of ammunition, the packer (Churchill) testified that he unpacked and packed the two boxes in his charge and that none was issued at that time on the hill from what he had brought up. Lieut. Wallace testifies that he saw one box opened and men helping themselves - So it appears that Maj. Reno's command was not so badly in need of ammunition after all - In fact, Maj. Reno does not allege that as his reason for leaving the timber.

the timber. Maj. Reno says he did not intend moving down towards where Gen. Custer was supposed to be until after the arrival of the pack-train. It was then too late; the field was lost, and Gen. Custer and the last of his men were weltering in their gore.

The true character of the struggle on Gen. Custer's field can only be definitely ascertained from Indians and their statements are generally unreliable in such matters - Leaving out mere matters of opinion it appears to me from all the testimony that Gen. Custer's column never attempted a crossing at the Ford "B" - He must have gone around the head of that ravine and evidently sought to cross and attack the village lower down. The route to Ford B was inaccessible from the bluffs except for about fifty yards at the mouth of the ravine. It seems conclusive that his struggle began soon after Maj. Reno reached the hill.

The well-known capacity, tenacity and bravery of Gen. Custer and the officers and men who died with him forbid the supposition of a panic and a rout. There was a desperate and sanguinary struggle in which the Indians must have suffered heavily. From the evidence that has been spread before this Court it is manifest that Gen. Custer and his comrades died a death so heroic that it has but few parallels in history. Fighting to the last and against overwhelming odds, they fell on the field of glory. Let no stigma of rout and panic tarnish their blood-bought fame. Their deeds of heroism will ever live in the hearts of the American people and the painter and the poet will vie with each other in commemorating the world-wide fame of Custer and his men.

It is for the Court to decide on all the facts whether Maj. Reno is in any way responsible for the defeat of the 7th Cavalry and the massacre of Gen. Custer and his command.

Third. Whether or not Maj. Reno exhibited cowardice in the battle at any time is a matter which must be more in the nature of presumptive evidence than of direction or positive proof. Though the majority of witnesses have testified that they themselves saw no direct indication of cowardice yet it must be remembered that these statements are very much in the nature of opinions. Three uncontradicted witnesses, Dr. Porter, Herendeen, and Capt. Godfrey, swear to actions manifesting confusion, fear, and nervous timidity. Lieut. Edgerly testifies as to the aimless firing of a pistol by Maj. Reno, at a thousand yards from the enemy, which he construed as an act of defiance - defiance at three-quarters of a mile with a pistol is neither evidence of coolness nor courage. The direct evidence of Churchill and Frett as to the nature of Maj. Reno's conduct on the night of June 25th may be taken as an illustration of Maj. Reno's character. The testimony of all three is substantially denied by Maj. Reno, and the Court must decide as to credibility. Dr. Porter testifies that Maj. Reno offered him his carbine when going into the fight; when reaching the hill Dr. Porter refers to the demoralization, to which Maj. Reno replies "that's a charge". Lieut. Varnum rushes to the head of the flying column to take charge of it, sees Maj. Reno there and says nothing more.

Upon reaching the hill, or soon after, Maj. Reno orders Lieut. Varnum to go and bury Lieut. Hodgson's body, but there are neither picks nor spades, as the pack-train had not arrived.

He orders Capt. French to go, and in ten minutes he orders him back. Maj. Reno goes down himself and remains away half an hour and it turns out that after all, Lieut. Hodgson's body is not buried until the 27th and then by Capt. McDougall, Sergt. Davern reports the loss of his carbine and he swears that Maj. Reno said he had lost both his carbine and pistol. Maj. Reno denies this. When advancing down the bottom Maj. Reno tells some of his men that he will let them hot work enough. Is this any evidence of courage and coolness? Was such a remark to a recruit calculated to inspire confidence and fearlessness? Lieut. Hare I believe it was who testified that a bugle was sounded on the advance - but no signal note warned the command that it was to leave the timber.

When Maj. Reno arrived on the hill and saw Capt. Benteen's column approaching he says - according to Lieut. Hare's testimony - "We have assistance now and we will avenge our dead comrades". No attempt was made until the pack-train came up which was nearly an hour afterwards.

In considering the opinions advanced by officers and men two things must necessarily be taken into consideration: Esprit de corps, and the personal interest which witnesses feel - these may uncounsciously shape their opinions or bias their judgment and the testimony of impartial witnesses unbiased by either must always weigh heavily against such opinions.

#### Fourth.

Were Gen. Custer and his command through the cowardice or negligence of Maj. Reno abandoned to their fate? The uncontradicted evidence shows that Gen. Custer did in point of fact receive no assistance from Maj. Reno who was in command of fresh troops on the hill. The question as to culpable negligence is a matter of opinion and will be referred to in the next heading.

#### Fifth.

Could Maj. Reno have known Gen. Custer's danger? The means of information at command of Maj. Reno as to the danger of his commanding officer are settled by the testimony of every witness save himself and Capt. Benteen.

Maj. Reno stands alone in denying in 1879 that he was informed that there was fighting down the river after he arrived on the hill, June 25, 1876. He now states that he neither heard firing nor was it reported to him at that time. In his official report he states "We had heard firing in that direction and knew it could only be Custer". Capt. Benteen heard disputes about firing though he heard none himself from the Custer field. Even Capt. Godfrey, who admits to be somewhat deaf, swears that he heard more or less firing from that direction. The Indians had nearly all left Maj. Reno's front and great dust and smoke were seen by several witnesses in the direction of the hostile village.

It thus seems clear from the evidence and from the fact that Maj. Reno, by his own admission, already knew the presence of a heavy force of the enemy between himself and Gen. Custer that he had every reasonable means of knowing that his Commanding Officer was in great danger.

Sixth.

The question as to the spirit in which Maj. Reno entered the battle is settled by himself in his own testimony; he says: "I had known Gen. Custer as a soldier for a long time, and I had no confidence in his ability as a soldier; I had known him all through the war". It is for the Court to determine from his own open statement and from the facts developed from the evidence whether he heartily supported his commander. Obedience is born of confidence and respect and for some reason Maj. Reno seems to have entertained toward Gen. Custer neither of these generous sentiments. When we remember the brilliant record of the gallant Custer; the continued confidence reposed in him during an eventful war; his rapid ascension in rank and esteem in the hearts of the American people we naturally pause with astonishment that any of his subordinate commanders should despise his ability as a soldier.

The final question, as to other matters affecting Maj. Reno's conduct during the battle of June 25, and 26, is plain and clear as to facts, while opinions are as various as it is possible for them to be. The bravery of the officers and men under Maj. Reno's command during the fighting on these two days is without question. The gallant charges made by Capts. Benteen, Weir, McDougall, and others, merit the highest praise; but whether the conduct of Maj. Reno was all that could be expected or required of a Commanding Officer is for the Court to determine from the evidence adduced.

I desire to especially invite the attention of the Court to the great diversity of opinions as to the number of hostile Indians - the estimates vary all the way from 1500 to 9000 warriors, one witness thinks there were from three to six warriors to a lodge. The moving village is described as  $2\frac{1}{2}$  miles long and about  $\frac{1}{2}$  mile wide - a dense mass as closely packed as could be to move along. Now allowing 54 square feet for each pony, that area would contain 1,134,220 ponies; but allowing 216 square feet for each pony would give 283,555. If there were 28,000 ponies each one would have a space of 2160 square feet which would make them appear somewhat scattered. Major Reno in his official report says: "I think we were fighting all the Sioux Nations and also all the desperadoes, renegades, half-breeds and squaw men between the Missouri and the Arkansas and east of the Rocky Mountains, and they must have numbered at least 2500 warriors". It will thus be seen that there are no means of arriving at anything like a reasonably correct estimate of the number of warriors in that hostile village. Judging from the variety of opinions that matter can never be settled. I fear it will forever remain involved in doubt and obscurity.

In conclusion I wish to invite the attention of the Court to a few brief extracts from the official report of Maj. Reno.

In speaking of the division of the regiment into battalions he says: "I assumed command of the companies assigned to me and without any definite orders moved forward with the rest of the column and well to its left". "I saw Benteen moving farther to the left and as they passed he told me he had orders to move well to the left and sweep everything before him." After describing the moving off of the Indian village on the 26th, Maj. Reno says "We now thought of Custer, of whom nothing had been heard and nothing seen since the firing in his direction about 6 p.m. on the evening of the 25th and we concluded that the Indians had gotten between him and us and driven him toward the boat at the mouth of the Little Big Horn River". Capt. Benteen, in reference to his move to the left states in his report which accompanies that of Maj. Reno that "I had then gone about fully ten miles, the ground was terribly hard on horses so I determined to carry out the other instructions, which were that if, in my judgment, there was nothing to be seen of Indians, valleys, etc. in the direction I was going to return with the battalion to the trail the command was following."

The Court has patiently investigated all matters coming within the scope of this inquiry, and is now in possession of a number of established facts upon which its opinion is to be based.

I believe that my duty is done and I wish to express to the Court my thanks for its patience and forbearance and to the talented and accomplished counsel who has so ably represented Maj. Reno in this inquiry, I wish to say that his connection with this case has been to me most pleasant and instructive.

The Court was then cleared and closed for deliberation, and after maturely considering the evidence adduced, reports the following facts and its opinion in this case.

The Court of Inquiry assembled by Special Orders No. 255, dated Headquarters of the Army, A.G.O. Washington, November 25th, 1878, reports in obedience to that order the following facts involving the conduct of Major Marcus A. Reno, 7<sup>th</sup> Cavalry, in regard to the Battle of the Little Big Horn fought June 25 and 26<sup>th</sup>, 1876:

1st. On the morning of the 25<sup>th</sup> of June 1876 the 7<sup>th</sup> Cavalry, Lieutenant Colonel G. A. Custer commanding, operating against the hostile Indians in Montana Territory, near the Little Big Horn River, was divided into four battalions, two of which were commanded by Colonel Custer in person, with the exception of one company in charge of the pack train, - one by Major Reno and one by Captain F. W. Benteen.

This division took place from about twelve (12) to fifteen (15) miles from the scene of the battle or battles afterwards fought.

The column under Captain Benteen received orders to move to the left for an indefinite distance (to the first and second valleys) hunting Indians with orders to charge any it might meet with.

The battalion under Major Reno received orders to draw out of the column, and doing so marched parallel and only a short distance from the column commanded by Colonel Custer.

2nd. About three or four miles from what afterwards was found to be the Little Big Horn River where the fighting took place, Major Reno received orders to move forward as rapidly as he thought prudent until coming up with the Indians who were reported fleeing, he would charge them and drive everything before him, and would receive the support of the column under Colonel Custer.

3rd. In obedience to the orders (given by Colonel Custer) Captain Benteen marched to the left (south) at an angle of about forty-five degrees, but meeting an impracticable country, was forced by it to march more to his right than the angle above indicated, and nearer approaching a parallel route to that trail followed by the rest of the command.

4th. Major Reno, in obedience to the orders given him moved on at a fast trot on the main Indian trail until reaching the Little Big Horn River, which he forded, and halted for a few moments to reform his battalion.

After reforming he marched the battalion forward towards the Indian village, down stream or in a northerly direction, two companies in line of battle and one in support, until about half way to the point where he finally halted, when he brought the company in reserve, forward to the line of battle, continuing the movement at a fast trot or gallop until after passing over a distance of about two miles, when he halted and dismounted to fight on foot, at a point of timber upon which the right flank of his battalion rested.

After fighting in this formation for less than half an

hour, the Indians passing to his left rear, and appearing in his front, the skirmish line was withdrawn to the timber and the fight continued for a short time, half an hour or forty-five minutes in all, when the command, or nearly all of it, was mounted, formed and at a rapid gait was withdrawn to a hill on the opposite side of the river.

In this movement one officer and about sixteen soldiers and citizens were left in the woods besides one wounded man or more, two citizens and thirteen soldiers rejoining the command afterwards.

In this retreat Major Reno's battalion lost some twenty-nine men in killed and wounded, and three officers, including Doctor De Wolf, killed.

5th. In the meantime Captain Benteen having carried out as far as was practicable the spirit of his orders, turned in the direction of the route taken by the remainder of the regiment and reaching the trail followed it to near the crossing of the Little Big Horn, reaching there about the same time Reno's command was crossing the river in retreat lower down, and finally joined his battalion with that of Reno on the hill.

Forty minutes or an hour later the pack train which had been left behind, on the trail, by the rapid movement of the command, and the delays incident to its march, joined the united command, which then consisted of seven companies, together with about thirty (30) or thirty five (35) men belonging to the companies under Colonel Custer.

6th. After detaching Benteen's and Reno's columns, Colonel Custer moved with his immediate command on the trail followed by Reno to a point within about one mile of the river, where he diverged to the right (or northward) following the general direction of the river to a point about four miles below that afterwards taken by Major Reno, where he and his command were destroyed by the hostiles. The last living witness of this march, Trumpeter Martin, left Colonel Custer's command when it was about two miles distant from the field where it afterwards met its fate. There is nothing more in evidence as to this command, save that firing was heard proceeding from its direction, from about the time Reno retreated from the bottom up to the time the pack train was approaching the position on the hill.

All firing which indicated fighting was concluded before the final preparations in Major Reno's command for the movement which was afterwards attempted.

7th. After the distribution of ammunition and a proper provision for the wounded men, Major Reno's entire command moved down the river in the direction it was thought Custer's column had taken, and in which it was known General Terry's command was to be found.

This movement was carried sufficiently far to discover that its continuance would imperil the entire command, upon which it returned to the position formerly occupied, and made a successful resistance, 'till succor reached it.

The defense of the position on the hill was a heroic one against fearful odds.

The conduct of the officers throughout was excellent and while subordinates in some instances did more for the safety of the command by brilliant displays of courage than did Major Reno there was nothing in his conduct which requires animadversion from this Court. -

OPINION.

It is the conclusion of this Court in view of all the facts in evidence, that no further proceedings are necessary in this case, and it expresses this opinion in compliance with the concluding clause of the order convening the Court.-

Jno. H. King,  
Colonel 9<sup>th</sup> Infantry  
President.

J. M. Lee  
1<sup>st</sup> Lieutenant & Adjutant 9<sup>th</sup> Infantry  
Recorder.-

There being no further business before it, the Court at 5 o'clock P.M. adjourned sine die.

Jno H. King  
Colonel 9<sup>th</sup> Infantry  
President

J. M. Lee  
1<sup>st</sup> Lieutenant & Adjutant 9<sup>th</sup> Infantry  
Recorder.-

Headquarters of the Army Washington D.C. March 5th, 1879.  
The findings of the Court of Inquiry in the case of Major Reno are approved & the proceedings are respectfully forwarded to the Hon. Secretary of War.

W. T. Sherman,  
General.

The proceedings and findings are approved by order of the President.

Geo. W. McCrary,  
Secy of War

March 5, 1879.