Q. Does this point a little lower down?

A. You can see a part of it from there. I can't tell anything about this point 2 from the map. There is a point some distance below, where Major Reno made his stand, from which you can see the upper end of the village.

Q. If Major Reno was to be supported from the lower side, would the ford B be the proper place to do it?

A. You would have to go through the village to him, and I think that would be a poor place.

Q. Was there any evidence of any more determined stand at B than there was on the part of Major Reno at the point C?

A. About the only evidences are dead horses and men and I did not see any at the point B.

QUESTIONS BY THE COURT.

Q. Did you cross the river at B?

A. I did, personally. The command did not.

The witness then retired.

Then at 2 o'clock P.M. the court adjourned to meet again at 11 o'clock A.M. tomorrow, Wednesday, January 29th.

FIFTEENTH DAY

Chicago, Illinois, Wednesday, January 29,1879,
11 o'clock A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his counsel.

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

LIEUT. CHARLES DeRUDIO, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER and being first duly sworn to testify the truth the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

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

A. Charles de Rudio, 1st Lieut, 7th Cavalry, serving now at Fort Meade, Bear Butte.

Q. State what duty you were on on the 25th of June 1876: under whose command serving as commanding officer.

A. I was attached to Company A, 7th Cavalry, serving under General Custer.

Q. State if you were under command of Major Reno as commanding officer that day; if so where was it his command marched ahead of General Custer's column on that day?

A. On the 25th of June, about 11 or 12 o'clock, the command of General Custer was divided into three battalions. One was put under command of Captain Benteen, the ranking Captain of the 7th Cavalry; three other companies were put under command of Major Reno of the 7th Cavalry; I being attached to one of the companies of his battalion, served with him. We followed down a creek that emptied into the Little Big Horn, on the left hand side of the creek, the creek running east and west; and General Custer with five companies following parallel with us on the right hand side of the creek for several miles. Pretty soon we reached a vacated village where there was a tepee with some dead Indians inside. The impression was that the Indians had left that village very suddenly not long before. We passed that abandoned village at a trot. We were moving in column of fours. I was in the centre of the battalion.

Q. Was that the place where Major Reno's command marched ahead of General Custer?

A. Yes sir. General Custer diverged his command to the right after we passed that village. That was 4 or 5 miles from the ford.

Q. How far was that tepee from the place where Major Reno crossed the Little Big Horn?

A. About 4 or 5 miles. We were going at a trot over a broken country.

Q. How long did it take you to reach the crossing from the time you passed that tepee?

A. Probably half an hour.

Q. Do you know whether Major Reno gave any orders or instructions to the command, going to the crossing?

A. I heard none.

Q. Describe that crossing, and if there was any delay there, state for what purpose?

A. There was no delay that I remember. I remember that Major Reno was the first man to go into the river. My horse was stubborn and would not go into the river only on the jump, and when he jumped into the river he splashed water on Major Reno; and after I got across I could not hold my horse for about 100 yards. I there checked him and waited till the company came up.

Q. State if you saw the hostile Indians before crossing?

A. I saw a few.

Q. Where did you see them?

A. Going down the creek in the bottom.

Q. About how many?

A. I can't judge very well. I was not in position, I was in the middle of the column.

Q. Did you see them before you crossed the river?

A. Yes, just after we passed the abandoned village. We supposed they belonged to that village.

Q. How near to the crossing of the river were you when you saw those Indians?

A. I can't tell, it was very near.

Q. Did you notice what they were doing?

A. No sir. Some of our Rees were ahead too, and those Indian scouts scatter all over the country.

Q. Tell all you know about the advance of Major Reno's column, from the time it crossed the stream till it reached the point where it halted and was deployed as skirmishers.

A. As soon as we cleared the woods on the other side of the river, Major Reno called the battalion into line of battle. As soon as the line was formed, Major Reno moved them at a gallop. Major Reno was ahead of me, probably 10 or 15 yards. Major Reno was continually checking the men, keeping the line in good order. We probably galloped 2½ miles across the plain - it was sandy and full of sage brush, rather difficult for cavalry to go through. When we had got near to the woods on the right hand side of the line, I heard some bullets whistling, but not the noise of the explosion. In front of us there was an immense dense dust, and we could see the shadows of some Indians in that dust. Pretty soon Major Reno gave the command to dismount and prepare to fight on foot. The battalion halted promptly, and dismounted and deployed very nicely. It surprised me much, as there was a lot of recruits among them, and many of the horses were green. The battalion deployed, the right of the line at right angles with the woods.

Q. You say you saw Major Reno checking the men coming down. What horses do you refer to?

A. For instance, the horses of the right company were rather unruly and the men could not check their horses - one or two I noticed myself.

Q. Were the horses generally pretty frisky?

A. They were rather excited. They had never seen such service, and horses generally get excited after galloping a mile or two.

Q. After Major Reno's command crossed the river, state if there was any trumpet or bugle call sounded going down.

A. None that I heard.

Q. What were those Indians that you saw in the dust doing - advancing towards Major Reno or running?

A. They were running around raising a dust.

Q. Were they advancing towards him at the time he halted?

A. No they seemed to be standing waiting for the command to come up.

Q. How far was that from the line?

A. 5 or 600 yards.

Q. State the gait at which the command moved in going over the bottom.

A. The regular gait was at a gallop, soon after we cleared the woods.

Q. How long did it take you to go from the crossing to where the command was deployed?

A. The distance was about 2½ miles and (we) went at a gallop. I think we were 12 or 15 minutes.

Q. When was it the Indians opened fire after you crossed? Was it before you halted or as you were in the act of halting?

A. Some bullets had whistled past before.

Q. Few or many?

A. I heard several shots.

Q. Did the command halt right away after that?

A. Yes sir, right away, as soon as the command was given.

Q. Go on from the time the command was halted there, and describe in your own way, carefully, all that occurred to your knowledge as to the movements of the Indians and of the troops; what orders or instructions were given by Major Reno, stating all you know about his conduct up to the time the command left the timber or woods.

A. As soon as the line was deployed as skirmishers, some Indians began to come out of the dust and started on their right and our left on the high bluffs. They came all round, and pretty soon after came on our flanks. The skirmish line advanced 75 or 100 yards during that fire, and then the fire being on that flank it turned. Our carbines did not carry that far; the bullets were striking short of the Indians. The Indians must have had rifles, as their bullets reached our line. They continued to come out in lots of 3 or 4 or 5 together. Pretty soon their fire was all around us on our front left and rear. The only side there was no fire was on our right next the woods. Probably the skirmish line remained about 10 minutes there, and during that time I saw Major Reno encouraging the men.

Q. Describe the act of encouragement.

A. He stood in his position that he ought to be in, and directed the men to direct their fire properly and steadily, etc. Pretty soon Lieut. Wallace, as we were sitting together, called my attention to the Indians coming in on the other side of the woods. I started right down a little path with 5 or 6 men on the right of the line, to go and see. That woods makes a kind of horse-shoe shape. There was a regular bench or bank, and then another woods that continued nearly to the river where Major Reno crossed over. The skirmish line was formed at right angles to the woods. They halted a little farther down, and advanced about 75 or 100 yards. There was a clearing inside in which there were some tepee poles and some meat drying. I came across that and saw some Indians through the woods.

Q. Was that looking down stream or up stream?

A. Down stream. We were facing the village. I stood there probably 10 minutes with my men. We were facing the Indians coming through the woods up stream. Probably 10 minutes after we were there, the trumpeter of my company brought up my horse and said "Lieut. here is your horse". I said, "I don't want my horse." I was then standing on the bank of the creek. The man said: "They are going out", and the men I had with me immediately mounted their horses. I tried to check them, but they would not listen to me but pushed on through. I stopped at the creek trying to keep the men steady as the last man passed me. I noticed the guidon of the company on the bank of the creek, and I told him to go get it before he went out. The man said it was too hot there for him, and continued on his way. I thought it was not very hot, and went and got the guidon myself. It was not more than 40 feet which I had to go back. I crawled up to the top of the bank and grabbed the guidon, and there were 20 or 30 Indians coming, not more than 40 or 50 yards from me, scattering as they saw the head of my horse over the bank. They fired a volley at me. The bullets came whistling about me and I dropped down.

Q. By that time had the command all got out as far as you know?

A. Yes sir, those that were with me. The woods were thick and dense and I could not see the men very far.

Q. Had the command gone at that time?

A. The left was going out.

Q. Did you hear any bugle or trumpet calls there in the timber?

A. No sir.

Q. Would you have been likely to have heard them if they had been sounded?

A. I think so.

Q. Did you see Maj. Reno about the time the command left the timber?

A. No sir.

Q. Did you hear any orders given by him?

A. No sir.

Q. Was the order that came to you from him in the usual way?

A. No sir. I had seen Lieut. Hodgson a few minutes before. He said his horse was wounded and was leading him, but I could see no wound and told him I thought it was a spent bullet.

Q. You saw Maj. Reno on the line?

A. Yes sir, and after that I did not see him again.

Q. What position was he in on the line?

A. He was standing on the skirmish line.

Q. What was the condition of the men you saw, when they were leaving the timber? Were they demoralized or not?

A. I could not tell. When I got back again on the south side of the bank up the creek - when I got the guidon - I struck through a dense woods I could not get up there.

Q. You tried to stop those men; were they demoralized or not?

A. It appeared to be a panic.

Q. How do you judge it to be a panic?

A. Because they would not obey my orders to stay there.

Q. How many Indians did you see at the place you speak of, coming up through the timber?

A. At that particular place probably 30 or more. I could not tell; the country was full of woods and they may have divided.

Q. You spoke of Indians that passed on the bluff to the left. How many Indians do you think you saw passing around there?

A. Probably 100 to 150, not all together: 3, 4, and 5 at a time. They were continually going across.

Q. During the first half hour did the Indians come to Major Reno's front or flank, and how near?

A. Some of the Indians came within 2 and 300 yards.

A. In force or body?

A. No sir - scattering as they always do.

Q. About how many did you see?

A. I only saw a few. They came to our left over the bluffs; but they were constantly coming through, and there were evidences of the Indians coming through the woods.

Q. Of those you saw 30 or 40?

A. Yes sir; that was in my immediate front.

Q. Looking down stream?

A. Yes sir.

Q. Did those 30 or 40 Indians come down to where Maj. Reno was?

A. They came on top of the bank, and when they saw me and fired, I struck across the thick woods, and unless you get a path there you cannot get through, it is so thick. When I had got only about half way, the Indians had got to the place where I took the guidon and fired on me.

Q. That was after the men had left?

A. Yes sir.

Q. What I want is before the men left - what Indians did you see coming in?

A. It was the same party probably. 2 or 300 were firing at us and we fired back again.

Q. At the time Maj. Reno's command left the timber, had the Indians got into that bunch of timber where Maj. Reno's command was?

A. No sir. I don't think any Indians had got in that timber at all.

Q. State if you know, what had become of the large number of Indians that were around Maj. Reno's command after he left the timber, and where did they go?

A. Soon after he left the timber and reached the hill, the firing commenced on the other side of the village. I heard immense volleys of firing and more than half the Indians around Maj. Reno left. Part of them went on the highest bluffs and part went down the river. Some of them picketed their ponies under the bluffs and lay down flat, watching Maj. Reno.

Q. From the time Maj. Reno deployed the men down in the bottom, how long was it before the command left the timber?

A. I judge it was 20 or 25 minutes; perhaps half an hour.

Q. How do you fix the time?

A. I had a watch; and as I was left behind I was anxious to know what time it was. I was looking for night to get out of there.

Q. What time was it when you looked at your watch?

A. Some where about 2 o'clock as near as I remember.

Q. Did you look at the time just after the command left?

A. Yes sir; just after. I know it was between two and three o'clock. I can't remember the exact minute now.

Q. Was it after 2 o'clock?

A. Yes sir. I looked at my watch every ten minutes.

Q. State if you know about how many rounds of ammunition the men fired away before the command left the timber, as near as you can estimate it.

A. I don't think they could have fired over 30 or 40 rounds while in open skirmish line. They would probably fire more than in the timber when covered, when they had a chance to aim and fire whenever they pleased.

Q. How long did the skirmish line stay there before it came in?

A. 10 or 12 minutes.

Q. The greater part of the ammunition was fired up there?

A. I think so.

Q. How near did the Indians come to that line?

A. 2 or 300 yards from it, in front.

Q. How many?

A. Probably 2 or 300. Not in mass but in groups of 2 or 4 or 5. That is the reason I could not judge of the number.

Q. Was anybody hit on the line?

A. Yes, I saw a sergeant killed.

Q. Was he the only one?

A. No, I saw two or three others wounded. Sergeant White was wounded in the arm and afterwards went out with Maj. Reno.

Q. How did he got out; on horseback?

A. I suppose so.

Q. Was he able to ride a horse?

A. I suppose so.

Q. Did you see the wound?

A. He said he was wounded in the arm.

Q. Severe, or slight?

A. Very slight.

Q. How long did you remain in the timber after the command left it?

A. Till about 9 o'clock that night.

Q. From the time you got there till you left, what view had you of the Indian village?

A. I could not see the village well because the woods were in front of me, only in places. I did not go to see the village. The nearest tepee was probably 1200 yards from the position I was in.

Q. Was that position you were in the same as that the command was in?

A. Yes sir.

Q. You were as near to the village as the command had been?

A. Yes sir, just the same.

Q. About how many lodges did you see; or could you judge?

A. I could not judge. I could only see a few lodges where the river makes a bend.

Q. Go on and state if you heard any firing after Maj. Reno's command got to the timber. If so in what direction, and how long did the firing last?

A. The fire started soon after Maj. Reno got on top of the hill: at least a few minutes after, I could hear immense volleys on the other side of the village. It was down the river and the fire lasted probably an hour and a half; then died off at a distance with small shots and pretty soon the fire entirely died away. Before it died away entirely, the same Indians who left Maj. Reno soon after he left the timber, came right back again and part of them went on the bluff, and part of them went right across the plain and to the south of Maj. Reno's position on the bluff.

Q. From what you afterwards knew of the fate of Genl. Custer's command, state if that firing you heard came from his field of battle?

A. I think so. I was in the valley of the stream and could hear better than if I was in any other position.

Q. Give from the map if you can, a description of the timber Maj. Reno left, and state if it was a good defensible place, and if so why?

A. It is a bunch of timber which I have described as having a horseshoe shape. There was an opening; I believe the creek was a dry creek. The bottom was probably 25 yards wide and very thickly wooded. There was a very thick undergrowth and very large cottonwood trees on the stream. There was a clearing where I was. The bank was ten or twelve feet high, probably more; and there were but very few places that you could go down only on the pony paths. In other places you could not get down because the banks were almost perpendicular. On the bottom there were paths going in the same direction as the creek; not much wood on it. The banks were about the same on both sides.

Q. Then the plain came into the edge of the timber all round?

A. Yes sir.

Q. Then there was a jump off of how many feet?

A. 10, or 12.

Q. When and where did you join Maj. Reno's command after it left you in the timber?

A. I joined on the 27 of June, about 3 o'clock in the morning; on the same hill that he went to on the 25th.

Q. Did you see the Indian village moving away on the 26 of June?

A. I saw part of them. Part passed right by where I was at that time. I was in the woods near where we forded the river the first time.

Q. Was it there you saw them first?

A. We came out of the timber at the point "C" and attempted to join Maj. Reno's command the night before, and we found there were lots of Indians between us and the river and of course we could not pass through.

Q. State where it was you saw the Indians moving away?

A. I was down near the ford "A" on the morning of the 26th between 10 and 11 o'clock. I saw some moving away. I could hear the cries of the children and dogs.

Q. How far did they pass from you?

A. 5 or 600 yards.

Q. What was the size of the village, from what you saw?

A. They lasted several hours before they all passed. I could hear the noise of the travois and of the dogs and children.

Q. Could you see the travois?

A. Yes sir; some of them.

Q. Were they closed up or scattered?

A. They were scattered in some places, and in some places thick.

Q. Where they were thick, what did they appear to be?

A. Women and children that I saw.

Q. How many warriors did you see?

A. The warriors were round Major Reno the time they were moving out, and kept up a brisk fire.

Q. Did you see the warriors moving away?

A. Yes; about half past four on the 26th.

Q. Could you judge of their number?

A. No: those that I saw, went off at intervals and not all together. My attention was first called to it while I was in the woods near the point A. There was an Indian 50 or 60 yards from us on a point; at first I supposed he was watching us. The woods were on fire at the time all around us, except a bunch of bullberries, and the grass was green around it and we had withdrawn into it when the fire came, and remained there, and it was clear all around so we could see.

Q. About what was the width and length of the moving Indians? How many did there appear to be of the warriors?

A. I could see Indians standing on the bluffs and lying flat down on the bank of the bluff. They extended all around. We were at least two miles and a half from Major Reno's command. We could not see it, but we heard their firing and heard some cheering once or twice, but did not know what it was for at the time. About half past four o'clock, that Indian standing at the point there, fired four shots with his pistol in the air, which I considered a signal. Pretty soon an Indian Chief whom I could not see, but whose voice I could hear, commenced calling; and a lot of Indians on the bluff left their places and passed where I was. They went away singing; but still there were lots of Indians left on the bluff and they kept up a firing. About half an hour after, the same Indian fired four more shots in the air, and the same Indian that had called out the first time called out again; and another party of Indians came down from the bluff. Then there were but a few Indians left on the bluff. By the time that all had left, it was about six o'clock in the evening. I thought at the time that probably the command had left. I knew nothing about General Custer's defeat and thought we had better stay there till dark, when there would be

no fear of meeting Indians as we had done the night before. As soon as it was dark I dropped into the river, did not look for the ford at all, as we could not find it the night before. The water was about up to my armpits. We finally got across the river and got onto the bluffs. It was a moonlight night, but cloudy. When the moon was out of the clouds, it was pretty bright, and we were afraid there were still some Indians in there. When we got nearly to the top of the bluff I said, "we had better not rise on the bluff suddenly, because if there are Indians there they will fire." Then we laid down flat and rolled over.

Q. Did you after that, visit the place where the Indian village had been located?

A. Yes sir.

Q. When was it?

A. On the 29th of June I think it was.

Q. Tell what you know about the size and location of that village.

A. The location was all along the bank on the western side of the river and was 3 or four miles long.

Q. About how wide?

A. Probably about a mile and a half in some places, and in some places the bluffs came nearer together, and there it would not be so wide.

Q. Did you make any count of the places where the lodges had been?

A. I did not.

Q. Did you make any examinations - find out how many lodges had been there?

A. I did not, but my opinion was there were twelve or fifteen hundred, because where lodges have been, there are marks, even if they have only been there twenty-four hours, and there were lots of lodges left there.

Q. Is that estimate your supposition or have you any means of arriving at it?

A. It is a mere guess. I know it took nearly half a day to destroy the things left there. Some of the tepees were left standing and some were taken down. Our orders were to go up the river and look for caches. We found several places where meat was cached. We went about 12 miles up the river.

Q. What is your estimate of the effective fighting force of the village?

A. I think somewhere about three or four thousand warriors.

Q. How do you get at it?

A. Simply by the number of tepees and wickiups.

Q. You guess at those?

A. Yes sir; and I guess at the number of men entirely.

Q. Was that your estimate then at the time, or is it your estimate now?

A. It is my estimate now - at that time I probably estimated larger.

Q. You have testified that you heard firing for some time from the direction in which General Custer's battlefield was ascertained to be. State how long after that firing ceased before you heard firing like a general engagement towards Major Reno's position on the hill?

A. The fire on Major Reno's hill was almost continuous, and soon after the fire ceased on the other side of the village, a quantity of Indians came back there and surrounded Major Reno, and reinforced those they had left there before.

Q. You heard very heavy firing down stream?

A. Yes, sir.

Q. You said when Major Reno moved out, it seemed as if most of the Indians had moved out and gone down to some point below?

A. Yes, sir.

Q. State from the time the heavy firing died away, how long was it till there was a sound like a general engagement round Major Reno?

A. As soon as the Indians came back.

Q. About how long?

A. I should say about 20 minutes.

Q. Did you go over General Custer's battlefield before the bodies were buried?

A. Yes sir; the same day I came in.

Q. Describe all you saw in reference to that field.

A. Captain Benteen was ordered by General Terry to take a company with Lieutenant Bradley and explore that battlefield. I volunteered to go with Captain Benteen, and asked for a horse which he gave me; and we started for the place. Capt. Benteen, Lieut. Bradley, Capt. Nolan and myself went up to that place. We struck a ford on the north side of the village on the right bank of the river. It appeared to be a natural ford, though there were no signs of the cavalry having forded there at all. We saw tracks of cavalry horses going over the bluff diagonally at that point. The lines on the map describe it about right. Probably 500 yards from the ford we found a dead body; that was the first dead body we found, lying in the bottom of a little cooley. He was so much disfigured that I did not know who he was, only the marks on his pants showed he was a trumpeter. I followed Lieut. Bradley and soon we found more dead bodies. They were scattered all over in all positions. Wherever there was a chance to make a stand in the cooleys. You could see that they had attempted to fortify themselves, but the formation of the country was such that they could not protect their rear. At last we got to (the) top of the knoll where General Custer and several others were; and the horses I should say from my observation at the time, had been killed to form barricades for defence. There were higher points all around where they could not defend themselves in both front and rear, and they appeared to have been overcome by overwhelming numbers.

Q. Did you see any cartridge shells?

A. I saw a few - I am informed that the Indians pick them up.

Q. Don't you know they do it?

A. Yes sir, I know it. There were but few shells found. On the knoll where General Custer lay, there were a few shells found of our calibre.

Q. Did you visit the place marked as D, where Lieut. Calhoun's body was found?

A. Yes sir, I saw that.

Q. What were the evidences of fighting there?

A. The dead bodies of men and horses.

Q. Did you examine the ravine where several dead bodies were found?

A. Yes, sir.

Q. How many bodies were found there?

A. I don't remember. I remember it was a part of the gray horse company.

Q. How near the river was that?

A. The ravine was 40 or 50 yards from the bank of the river.

Q. Near the position of General Custer's body in a straight line to the river, did you notice any ravine there with dead bodies in it?

A. Yes, sir.

Q. How near was that to the river?

A. From 150 to 200 yards from the river.

Q. What were the evidences of fighting there?

A. There seemed to have been a resistance there. Their position was lower than that of the Indians, and they had to defend themselves from the enemy in front and rear.

Q. State from the sounds of firing which you heard in the timber after Major Reno's command had left, which came from the direction of General Custer's battlefield, how long was it from that time till General Custer's command must have been annihilated?

A. I don't think it lasted over an hour and a half - the heavy firing.

Q. Can you state whether the same Indians who engaged Major Reno down in the timber where the command was deployed were the same Indians who afterwards went after General Custer?

A. I can't tell. I saw Indians going down the river. Whether they got there in time to assist the others or not, I can't say.

Q. Did they go before that heavy firing commenced?

A. No, as soon as the heavy firing commenced they started.

Q. What became of that heavy body of Indians after Major Reno left the timber?

A. There were plenty all around there.

Q. Did they remain there?

A. Some remained there and some went on the bluffs through the ravines and were in a situation to fire on Major Reno. I could see them, but from the position Major Reno was in he probably could not see them. They had picketed their horses below. The great bulk of the Indians went down the river as soon as they heard the heavy firing and returned soon after the firing began to die away, but returned in much greater force than they went away.

Q. State whether Major Reno's position threatened the Indians in that village?

A. I think it did.

Q. Why do you think so?

A. It was right near by and a short charge would have taken us right into it.

Q. To what extent would it threaten it? What I mean is, would it hold a large force there?

A. It would hold all that part of the village to defend it. While that command was so near, they would not leave it in that position so near their village.

Q. Did you see enough of Major Reno there in the timber to form an opinion as to his conduct?

A. As I said before, I saw him about ten minutes on the skirmish line and during that time I admired his conduct.

Q. Did you see him all of that time?

A. Yes, sir.

Q. Were you looking at him all the ten minutes?

A. I did, and at other officers.

Q. What were the men doing at that time?

A. They were acting very well. Men and officers and all.

Q. Were the men engaged in firing at that time?

A. Yes sir.

Q. Now (How?) do you know that there was any general notice given to that command that it was going to leave the timber?

A. I don't know anything about that. The only knowledge I had of the retreat was through the trumpeter who brought me my horse.

Q. Did you see any Indians on the 25th or 26th of June that had been fighting General Custer?

A. Yes sir.

Q. What were the evidences and how did you see them?

A. On the morning of the 26th about the break of day, from the position I was in on the left bank of the river, I heard a party of mounted men fording the river below us. I could hear the clanking of the horseshoes and the splashing of the water. I expected the command to come back there about the break of day, to renew their attack upon the village. Not knowing what had become of General Custer, I thought he was with Major Reno all the time. I crawled up the bank of the river to see who they were and to my surprise they were going out instead of coming in. They were crossing 15 or 20 yards below. The river makes a bend near there, and I could not see the party crossing; but when they got across they came right opposite where I was, through a path going up the bluff. I recognized some of the horses of our regiment and some of the men had on white hats and blouses. I noticed one man coming along, - it was just break of day and still dark under the bluff, and I noticed a man whom I took to be Captain Tom Custer. He had on a buckskin jacket, a white hat and rode a sorrel horse, and I was certain it was him, and I stepped on one side and said "Tom, send your horse across here". There was an Indian there, but I took him to be one of our Ree Indians, as Tom Custer generally had some of the Indian scouts with him. They stopped and looked all around, but they could not see where I was, because the branches fell down and concealed me. I said again "Here I am, don't you see me". Then some of the Indians

noticed where I was, and gave a yell and sent a volley back at me. Then I thought I was mistaken. Those men had evidently been engaged in the attack on General Custer, and had taken their clothing and horses.

Q. State if you know whether that large force of Indians did not pursue Major Reno's command to the top of the hill?

A. The time Major Reno's command went out of that timber the Indians were following him; but when they got near the river some of the Indians yelled and all stopped running, and some of the Indians pointed up the stream. When I saw and heard that, I expected Captain Benteen was coming, and I looked up and saw Captain Benteen's column coming towards the same ford where we crossed; but when the troops got to a certain place I saw the rear of the column turn around and disappear over a bluff on the right bank. The Indians watched that column probably ten minutes, and as soon as that column disappeared, the heavy firing commenced on the other side and they left.

QUESTIONS BY MAJOR RENO

Q. What number of Indians do you suppose were in the neighborhood of Major Reno's command when it left the timber and went to the hill?

A. In the direction I was, I would say there were probably 200. I could not say how many there were on the left.

Q. How long had you been away from the skirmish line before the column left the timber?

A. I was all the time with the skirmish line - it withdrew into the woods the same time I did.

Q. To what part of the timber did you go to get that guidon?

A. On the top of the bank on the east side.

Q. Where was the skirmish line at the time?

A. It was in the woods on my left.

Q. Where was the line halted and dismounted?

A. Just on the east side of the curve, almost at right angles with the woods.

Q. How close to the point C?

A. The right of the skirmish line was near the woods and extended out into the plain.

Q. How long before any advance was ordered of the line?

A. It was ordered soon after it was dismounted. It advanced about 75 or 100 yards, and from there withdrew into the woods.

Q. What point on the map represents the advance of the skirmish line?

A. The advance of the skirmish line is very nearly represented by the dotted line on the map. It was more at right angles with the timber.

Q. To what company were you attached?

A. To "A" Company as one of the company officers.

Q. How did you come to leave that company and go into the woods?

A. I did not leave the company. The company was at the right of the line - right at the timber.

Q. You went into the timber?

A. Some of my men went into the timber and I went with them.

Q. By whose orders did you go in the timber?

A. No one's. Lieut. Wallace said some Indians were coming there, and I went in.

Q. You separated yourself from your command?

A. No sir; the command came into the woods with me. Some of the men were in there when I went in.

Q. Did you follow them or lead them in?

A. I followed them.

Q. By whose order did the men start to go into the woods?

A. I don't know of any order.

Q. Did Major Reno give an order to leave the line and go into the woods?

A. Not that I know of.

Q. Did you not have time to get out of the woods if you had not lingered to pick up the guidon?

A. I suppose I had.

Q. The trumpeter brought you your horse?

A. Yes, sir.

Q. Then you could have got out with the command?

A. Yes sir, if I had gone with the men as soon as my horse was brought me, I could have got out as soon as the men did.

Q. It was your own act that you were left in the woods?

A. Yes sir, it was a delay of a couple of minutes that cut me off.

Q. Was there any necessity that there should be bugle calls sounded with a command of that size, and going that distance towards the timber?

A. I think so - it could be better heard than a verbal command where there was so much firing.

Q. Going from the point A to where the line was deployed, was it necessary there should be any bugling?

A. Usually the bugle is used, but a verbal command is as good if it can be heard. Major Reno gave the commands in a strong voice. He has the reputation of being a first rate drill-master, and has a good voice to command.

Q. Was not the entire command under the orders of Major Reno till the point was reached where the men were dismounted?

A. Yes sir, they obeyed his orders as commanding officer.

Q. Can you indicate the spot where the firing commenced which you think came from General Custer's battlefield?

A. No sir, I only heard the sound of firing.

Q. Did it seem to grow very much more distant?

A. Yes sir, the first volley was very plain - then it got farther on - and then it died out.

Q. Did it seem to go very much farther away?

A. No, not much. I could hear the volleys and tell they were going away.

Q. Was there such a decrease in the volume of sound as to indicate a very great change of position?

A. The firing was steady for a long time and in volleys; and after that it was scattering and lasted but a short time.

Q. Was there anything to indicate that during the time that firing lasted, that the men engaged in it at that point had travelled any considerable distance?

A. I could not tell about the distance, they could have gone over during that time.

Q. You speak of the point B as a fording place?

A. Yes, sir.

Q. How soon after Major Reno left the timber did the heavy firing commence?

A. Almost simultaneously. Major Reno was about at the top of the hill when that fire started.

Q. Any diversion that Major Reno's column might have effected lasted until that heavy fire commenced?

A. Yes, sir.

Q. What distance was it from Major Reno's position on the hill to the place where that firing took place?

A. Between 4 and 5 miles.

Q. What was the distance between the place where this firing occurred and Major Reno's position in the timber?

A. Probably about the same distance, maybe a little shorter.

Q. Then when the diversion ceased, the Indians that were diverted or detained by him were distant about 4 miles from the place of firing?

A. Yes sir, about that.

Q. You heard the firing at the point Major Reno occupied on the night of the 25th?

A. Yes sir.

Q. Making allowance for the greater distance between the firing you heard on the afternoon of the 25th and that which you heard on the night of the 25th, have you any reason to think that the column under Major Reno was assailed by any less number of Indians than the column under General Custer?

A. I think probably Major Reno had more - the Indians about General Custer I do not know anything about, as I did not see (them?). Those about Major Reno I did see, and I make my estimate from the number of Indians in the village, and I think Major Reno had the most of them around him.

Q. When you saw the Indian clad in part of the costume of Captain Custer, how long was that after Major Reno had left the timber?

A. That was on the morning of the 26th at daybreak.

A. Did you see any evidences of a struggle at the ford B?

A. No sir, none at all. At the right side of the river, there were marks of two horses feet. Then they swung around: you could see the swinging of their shoes. We followed their trail up and the first thing we struck was the dead body of a soldier.

Q. With reference to the bodies you found in a gully some distance from the river, did not they present the appearance of men trying to escape or to get under cover for protection?

A. I could not tell.

Q. What is your judgment?

A. I think they were in a position to make a stand.

Q. Did that position indicate that the men had stood there or were separated?

A. It looked like they were separated from the main body, and made a stand for themselves.

Q. The character of that country was what?

A. Very broken.

Q. Was it such as to present opportunities for prolonged defence?

A. No sir, it was a poor country for that.

Q. As far as you saw Major Reno from the time he crossed the river till he left the timber, and so far as you may have seen him at any time after that during the engagement, state if you saw any evidences of cowardice on his part?

A. No sir, none at all.

Q. Did you see any evidences of want of skillful disposition of the men?

A. No sir; I thought at the time he halted, and said, "Good for you". I saw that we would have been butchered if we had gone 500 yards further.

Q. You perfectly approve the wisdom of his halting where he did?

A. Yes, sir, I do.

Q. With regard to the cartridge shells, did not some of them indicate the cartridges used in the Winchester rifle?

A. Yes sir, some of them.

Q. They were used by the Indians?

A. Yes, sir.

Q. The arms the cavalry used were what?

A. 45 calibre Springfield carbines.

Q. State if you believe that from the length of time the Indians were there, and the amount of fighting they were compelled to do, and the dead and

wounded they had to care for, they had any time to pick up the cartridge shells or any disposition to do so?

A. Yes sir, they had time to mutilate the bodies and take their dress away.

Q. Had they any disposition to do it?

A. I think their disposition would be to gather the shells - they would desire to preserve the shells to fit the carbines.

Q. They did not pick them all up?

A. No sir, they left some.

Q. If they had time to pick them up at all, had they not time to make a clean job?

A. I think so; but a few shells can be very easily overlooked.

QUESTIONS BY THE RECORDER

Q. Do you think the Indians in gathering up the shells, would hunt the ground over for one or two missing shells?

A. No, of course not.

Q. What men were with you on the 26th?

A. Private O'Neill of G Company.

Q. Only one person?

A. That was all.

Q. You were asked about a charge from the point A to the point C. Was there any charge made going there?

A. No sir; as soon as we cleared the ford and got out of the woods, the command was brought into line of battle; and as soon as the line was formed, Major Reno gave the command to gallop.

Q. Was there any charge made going down there?

A. No sir; there was no order to charge.

Q. Was there anything to charge that you could see?

A. No sir.

Q. When you got opposite that timber the command halted?

A. Yes sir.

Q. You did not charge?

A. No sir.

Q. What is the object of having trumpet or bugle calls in cavalry?

A. According to tactics, it is to sound every command, and the call is given in drills so as to habituate the men to know all the calls given.

Q. State if it is not especially important in battles or engagements that calls should be sounded so that the men can hear them?

A. Yes sir, it is more important then than in drills.

Q. Was there any necessity of sounding the calls in the timber?

A. I think it would have been better, because the men could not see each other well.

Q. Did you see all of the Indians that were around Major Reno's position when he was in the timber?

A. No sir; I could only see those on my right.

Q. Do you know how many Indians were going ahead between him and the village?

A. No sir.

Q. Do you know what force was there?

A. No sir.

Q. How many Indians might have been there and you not know it?

A. There might have been a thousand.

Q. Were there not a great many Indians passing round and kicking up a dust between him and the village?

A. Yes sir, there were.

Q. Do you know what became of the Indians that were in the village after Major Reno left?

A. I do not. I was looking out for a chance to get out myself. My intention was to join Major Reno; and if I could have crossed the stream, I could have followed the river to the bluffs and joined him.

Q. What effect did the sight of Captain Benteen's column coming seem to have on the Indians?

A. It had the effect of stopping them from going any farther, and to watch and see if that column was coming across the river. At first it looked as if they were going to come across the river; but the column swung around and went off. I don't know what caused it.

Q. What was the further effect it had upon the Indians?

A. They stopped pursuing Major Reno; and as soon as that column disappeared, the fire on the other side commenced and the Indians left and went there.

QUESTIONS BY MAJOR RENO

Q. Is not the purpose of bugle call to give information of what is going to be done?

A. Yes sir; the command is given to the trumpeter by the commanding officer and the trumpeter sounds it.

Q. Then when the troops are doing what the commanding officer wants done, there is no need to have the bugle sounded?

A. That is a queer question to put. The bugle is tactically for that purpose; to sound a command because cavalry generally occupy a large space of ground, and very few men have sufficiently strong voices to make themselves heard along the whole line.

Q. Do you know whether orders were given by the commanding officer of the 7th cavalry that bugle calls should not be sounded?

A. Yes sir; that was on the 22d of June, and was for the purpose of not calling the attention of the Indians to us.

Q. Was it not to prevent any unnecessary noise at any time?

A. No sir; it was to prevent the Indians discovering us; but when we were in the fight, there was no necessity for any further precaution.

Q. Where was Girard on the night of the 25th; and when did he become separated from you?

A. He and a half breed named Jackson were with me, and both were mounted. We went together from the first woods. I was holding on to the tail of Girard's horse. We were hunting for the ford, and the plain was full of Indians. We struck into a band of Indians who were evidently waiting for us, as they could hear the tramping of the horses feet. I was holding to the tail of Girard's horse so I could go at the same gait. The first thing we heard was a "How"; and at that Girard swung his horse to the left and struck for the woods at full speed and I had to let go. The other man did the same thing.

Q. Did you see him after that?

A. The next time I saw him was when I joined Major Reno's command.

The witness then retired.

SERGEANT EDWARD DAVERN, COMPANY F, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER, and being first duly sworn to tell the truth the whole truth and nothing but the truth testified as follows:

QUESTIONS BY THE RECORDER.

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

A. Edward Davern, Co. F, 7th Cavalry, serving at Ft. Totten, D. T.

Q. What duty were you on on the 25 and 26 of June, 1876, on what duty were you on and where and with whom?

A. I was orderly for Maj. Reno near the Little Big Horn River.

Q. What officer were you with when the command was moving down the bottom after crossing the river?

A. Lieut. Hare.

Q. Were you with Maj. Reno when his column was with that of General Custer on that day?

A. Yes sir.

Q. What was the condition of your horse on that morning?

A. He was in tolerably good condition.

Q. What was the condition of the other horses of the command, if you know?

A. They were in tolerable good condition.

Q. State whether you heard Adjutant Cook give any orders to Maj. Reno when he was moving towards the Little Big Horn River?

A. I heard Adjutant Cook give him an order.

Q. Tell what that order was, and where you were when it was given.

A. The order was - "Girard comes back and reports the Indian village three miles ahead and moving. The General directs you to take your three companies and drive everything before you". Those I believe were the exact words.

Q. Was anything else said?

A. Yes sir; "Colonel Benteen will be on your left and will have the same instructions".

Q. Are you sure those were the orders?

A. Yes sir.

Q. Do you remember passing a tepee when with Maj. Reno's column, before crossing the river?

A. Yes sir. We halted a short distance from that tepee.

Q. How far was that from where the command crossed the river?

A. A mile and a half or 2 miles.

Q. Was that the place where the orders were given that you heard?

A. Yes sir.

Q. Did you go with the command to the crossing and cross with it?

A. Yes sir. I stopped a short distance before I got to the river to fix my curb strap, as my horse was becoming unmanageable.

Q. What were the Indians doing after you crossed the river, and the command was moving down the bottom?

A. I first saw a few Indians away down the bottom. They appeared to be riding around in circles.

Q. About how many do you think you saw there at that time?

A. I cannot say: there may have been 20 or 30 or 40.

Q. Where were you when you saw those few Indians?

A. I saw those before I got to the ford.

Q. How far from the ford were you when you saw them?

A. But a short distance.

Q. After you crossed the river, tell what was done with the command going down the bottom, and what you saw in regard to Indians going down there?

A. I am not sure whether the whole command was deployed in skirmish line or not. There was a mounted skirmish line thrown out.

Q. Where was that?

A. Across the river.

Q. How far after you crossed the river?

A. It might be 200 yards.

Q. Was that the whole command, or just some of the men?

A. I don't know whether the whole command or not; it was by order of Maj.Reno.

Q. Did you form in line of battle?

A. Yes sir; in skirmish line.

Q. What were you doing at that time?

A. I got permission from Maj. Reno to go with Lieut. Hare, and went in advance of the line about 200 yards.

Q. What did you do?

A. I moved on down the bottom about 200 yards ahead of the skirmish line to get a shot at some Indians about 200 yards to our left.

Q. Was that near where the line halted?

A. It was where the line was advancing.

Q. Was it down near the timber where the fight was made?

A. No, it was a good way out on the left of the line across the bottom. I don't know whether the right rested on the timber or not.

Q. You saw Indians 2 or 300 yards to the left of the line?

A. Yes sir.

Q. Were those the nearest Indians you saw?

A. Yes sir.

Q. Were they firing at you?

A. No sir.

Q. Were the Indians firing at anybody about that time?

A. I heard no bullets at that time.

Q. Where did the command halt - how far from the crossing?

A. I don't know how much line(?) the skirmish line went over. It went at a gallop part of the way. (The sixth word "line" is obviously an error in transcription. Witness probably said "ground" or "distance". W.A.G.)

Q. Where did it halt?

A. It halted in the bottom near a point of timber to the right.

Q. Where was the right of the line; near the timber?

A. I don't know whether the right rested on the timber or not. It was near the timber.

Q. When the line halted there, what were the Indians doing and what were you?

A. When the line halted I came back.

Q. What were the Indians doing?

A. Still circling around and getting thicker in front.

Q. Were any of them moving to the left?

A. Yes sir.

Q. How many?

A. I could not say they were moving to the left all the time.

Q. In squads or together?

A. Mostly singly.

Q. Where did you go and with whom; and what did you do after the line halted?

A. After the line halted I came back and saw Maj. Reno near the woods. The left of the line had swung round to the woods.

Q. What was Maj. Reno doing when you reached him?

A. He was on the skirmish line firing at the Indians with a carbine.

Q. How far were the Indians away then?

A. 7 or 800 yards.

Q. About how many Indians were there?

A. I don't know; there was a regular cloud of dust.

Q. Were the Indians firing much?

A. No sir; our own line was firing very fast.

Q. What did you do at that place?

A. I did not stop there long. I went into an open glade in the woods with Lieut. Hare, and saw some Indian tepees.

Q. What did you do with your horse?

A. I tied him with "G" company. The line was dismounted when I got back.

Q. Why did you tie him with "G" Company?

A. I knew some of the men of that company that were holding horses. I was the orderly for Maj. Reno, and was supposed to be holding his horse.

Q. You went with Lieut. Hare?

A. Yes sir.

Q. Where were those horses put?

A. In the timber.

Q. You say you saw some tepees there. How far were they from the glade in there?

A. I think, to the best of my recollection, 1000 yards to the nearest tepee, I could just see the tops of them.

Q. Could you see many or few?

A. I saw a good many.

Q. Were they scattering or thick?

A. Scattering.

Q. About how many did you see?

A. 8 or 10.

Q. Who was with you when you were on the line at the edge of the timber?

A. A man named Clair, orderly for Lieut. Hare; a man of "G" Co.

Q. Were there any citizens there?

A. I don't recollect seeing any there.

Q. Did you say anything to anybody in there about the Indians whipping the command; and if so what did you say, and to whom?

A. I heard the fire pretty heavy on the skirmish line, and I made the remark to Lieut. Hare, "It can't be possible that the Indians are driving us."

Q. Did you see Maj. Reno about that time?

A. I did; he came out on the line about that time.

Q. What was he doing at that time?

A. He was firing at the Indians.

Q. Do you know who gave the order for G company horses to go into the timber?

A. Maj. Reno.

Q. How was the order given?

A. He told them to take their horses under cover from the fire of the Indians.

Q. How was it under cover from fire of the Indians?

A. The timber protected them, and there was a rise in the bank there.

Q. Did you go down or up to get to the horses?

A. Down; the slope was not very steep right at that point.

Q. State if you saw the skirmish line on the plain break up, and if so, describe how it was done.

A. I don't remember seeing the skirmish line on the plain break up.

Q. Where did you see it?

A. In the woods.

Q. Where was it in the woods, along the edge of the timber or upon the plain?

A. The men were mixed up and huddled together.

Q. State whether the command left the timber; and state how it left; if you knew it was going to leave, and how you knew it was going to leave?

A. The only way in which I knew it was going was seeing G Co. men run for their horses. Then I went to look for my own horse; that was the only way I had of knowing.

Q. Was anybody holding their horses?

A. Number fours were holding the horses.

Q. How did they go?

A. They ran through the brush.

Q. What happened then?

A. The bullets came along pretty thick, and but very few of "G" Co. got out mounted.

Q. Where was the balance of the command?

A. I did not see it.

Q. Tell what you saw and what you did there.

A. I looked round till I found my horse; and when I found him there was another horse tied to the check piece of his bridle. I led them both out and met a Sergeant of "G" Co. and gave him the "G" Co. horse. When I got there, I saw the command running as fast as they could.

Q. Were they going at a trot, a gallop or a run?

A. At a run.

Q. State whether the men in the timber had time to get their horses and get out; all of them?

A. I believe they had time to have got their horses.

Q. Then why did they not get them?

A. I don't know.

Q. Were they mixed up?

A. Yes sir.

Q. Was there anybody there directing them what to do?

A. I believe they were so demoralized was the reason they did not get the horses. All that did get the horses got out.

At 2:30 P.M. the Court adjourned to meet at 10:30 A.M. tomorrow.

SIXTEENTH DAY

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

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

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

LIEUT. CHARLES DeRUDIO BEING RECALLED BY THE RECORDER testified as follows:

QUESTIONS BY THE RECORDER

Q. State whether you saw the column of General Custer, or any portion of it, at any time after Maj. Reno parted from him at the abandoned tepee. If so where, and what effect did what you saw have on you?