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In the District Court in and for the Third Judicial District, Territory of Utah.

The Hilliard Flume and Lumber Company, plaintiff,
vs.
William H. Burriss and Louis Bennett, defendant.

The People of the United States, to the Territory of Utah, send Greeting:

TO William H. Burris and Louis Bennett, defendants. You are hereby required to appear in an action brought against you by the above named plaintiff in the District Court of the Third Judicial District of the Territory of Utah, and to answer the complaint filed therein within ten days, exclusive of the day of service, after the service on you of this summons, if served within this County; or, if served out of this County but in this district, within twenty days; otherwise, within forty days, or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to recover 30,000 railroad ties lying on Haydon's Fork of Bear River, in Summit County, Utah Territory, marked "B" or "B F," or for seven thousand dollars, the value thereof, and for five thousand dollars damages for the detention thereof.

And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will take judgment against you for the possession of said ties or for $7,000, the value thereof, and for $5,000 damages and for costs of suit.

Witness, the Hon. Michael Schaeffer, Judge, and the seal of the District Court of the Third Judicial District, in and for the Territory of Utah, this 15th day of July, in the year of our Lord one thousand eight hundred and seventy-six.

(L. S.)

C. S. HILL, Clerk.

Hempstead & Gamble,
Attorneys for plaintiff. d200

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EVENING NEWS.

Saturday, - July 29, 1876.

THE CUSTER SLAUGHTER.

What the Only Living Eye witness of the Fight Says.

Story of Curley the Crow Scout.

Lieut. Bradley, of the 7th Infantry, who led the advance of Gibbons command that rescued Reno, was in Helena Sunday (July 16), *en route* to Ft. Shaw. The *Herald* interviewed him and the following is the narration of Curley, the Crow scout, the only person who went with Custer into the fight and came out alive—

Lieut. Bradley, with his scouts, on the morning of the 27th of June, crossed to the opposite side of the Little Horn from which the command was marching, and deployed out through the hills in skirmish line. (The evening previous three Crow scouts had reported to the Lieutenant that Custer's regiment of cavalry had been cut to pieces. This report was not credited by Terry and Gibbon; yet it was known that they were approaching the Indian village, and the scouts were, if possible, unusually vigilant and active.) About nine o'clock a scout reported to Lieutenant Bradley that he saw an object which looked like a dead horse. The Lieutenant found it to be a dead cavalry horse, and, going a few yards further on to the brow of the hill, looking into the valley below, a terrible scene was presented to view. It was Custer's battle field, literally strewn with the dead of the gallant Seventh Cavalry. Lieut. Bradley rode hurriedly over the field, and in a few minutes time counted one hundred and ninety-seven dead bodies. Custer fell upon the highest point of the field; and around him within a space five rods square, lay forty-two men and thirty-one horses. The dead soldiers all lay within a circle embracing only a few hundred yards square. The Lieutenant immediately reported to Gibbon, which was the first intelligence of the battle received. A few moments later a scout arrived from Reno's command, asking for assistance, and Terry and Gibbon pushed forward to the rescue.

Not a single survivor of Custer's command was found, and even up to the time Gen. Terry made out his official report to Gen. Sheridan it was supposed that the last soul had perished. But when the command returned to the Yellowstone they found there a Crow scout named "Curley," who, as verified by Major Reno, rode out with Custer on that fatal day. He alone escaped, and his account of the battle we give below. It is interesting, as being the only story of the fight ever to be looked for from one who was an actual participant on Custer's side—Curley being, in all human probability, the only survivor of his command.

Custer, with his five companies, after separating from Reno and his seven companies, moved to the right around the base of a high hill overlooking the valley of the Little Horn through a ravine just wide enough to admit his column of fours. There were no signs of the presence of Indians on that side (the right bank) of the Little Horn, and the column moved steadily on until it rounded the hill and came in sight of the village lying in the valley below. Custer appeared very much elated, and ordered the bugles to sound a charge, and moved on at the head of his column, waving his hat to encourage his men. When they neared the river, the Indians, concealed in the undergrowth on the opposite side of the river, opened fire on the troops, which checked the advance. Here a portion of the command were dismounted and thrown forward to the river, and returned the fire of the Indians. During this time the warriors were seen riding out of the village by hundreds, and deployed across his front and to his left, as if with the intention of crossing the stream on his right, while the women and children were seen hastening out of the village in large numbers in the opposite direction.

During the fight at this point Curley saw two of Custer's men killed who fell into the stream. After fighting a few moments here, Custer seemed to be convinced that it was impracticable to cross, as it only could be done in column of fours, exposed during the time to a heavy fire from front and both flanks. He, therefore, ordered the head of the column to the right, and bore diagonally into the hills, down stream, his men on foot, leading their horses. In the meantime the Indians had crossed the river (some distance below) in immense numbers, and began to appear on his right flank and in his rear; and he had proceeded but a few hundred yards in the new direction the column had taken, when it became necessary to renew the fight with the Indians who had crossed the stream. At first the command remained together, but after some minutes fighting it was divided, a portion deploying circularly to the left, and the remainder similarly to the right, so that when the line was formed it bore a rude resemblance to a circle, advantage being taken as far as possible of the protection afforded by the ground. The horses were in the rear, the men on the line being dismounted, fighting on foot. Of the incidents of the fight in other parts of the field than his own, Curley is not well informed, as he was himself concealed in a deep ravine, from which but a small part of the field was visible.

The fight appears to have begun, from Curley's description of the situation of the sun, about 2:30 or 3 o'clock p.m., and continued without intermission until nearly sunset. The Indians had completely surrounded the command, leaving their horses in ravines well to the rear, themselves pressing forward to attack on foot. Confident in the great superiority of their numbers, they made several charges on all points of Custer's line; but the troops held their position firmly, and delivered a heavy fire, and every time drove them back. Curley says the firing was more rapid than anything he had ever conceived of, being a continuous roll, like (as he expresses it) "The snapping of the threads in the tearing of a blanket."

The troopps expended all the ammunition in their belts, and then sought their horses for the reserve ammunition carried in their saddle pockets.

As long as their ammunition held out, the troops, though losing considerably in the fight, maintained their position in spite of all the efforts of the Sioux. From the weakening of their fire towards the close of the afternoon the Indians appeared to believe that their ammunition was about exhausted, and they made a grand final charge, in the course of which the last of the command was destroyed, the men being shot, where they lay in their positions in the line, at such close quarters that many were killed with arrows. Curley says that Custer remained alive through the greater part of the engagement, animating his men to determined resistance; but about an hour before the close of the fight received a mortal wound.

Curley says the field was thickly strewn with the dead bodies of the Sioux who fell in the attack—in number considerably more than the force of soldiers engaged. He is satisfied that their loss will exceed 300 killed, beside an immense wounded. Curley accomplished his escape by drawing his blanket about him in the manner of the Sioux, and passing through an interval which had been made in their line as they scattered over the field in their final charge. He says they must have seen him, as he was in plain view, but was probably mistaken by the Sioux for one of their own number, or one of their allied Arrapahoes or Cheyennes.

In most particulars the account given by Curley of the fight is confirmed by the position of the trail made by Custer in his movements, and the general evidences of the battle field. Only one discrepancy is noted, which relates to the time when the fight came to an end.

Officers of Reno's command, who, late in the afternoon, from high points surveyed the country in anxious expectation of Custer's appearance, and commanded a view of the field where he had fought, say that no fighting was going on at that time—between five and six o'clock. It is evident, therefore, that the last of Custer's command was destroyed at an earlier hour in the day than Curley relates.

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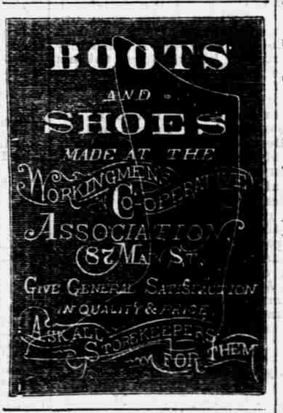

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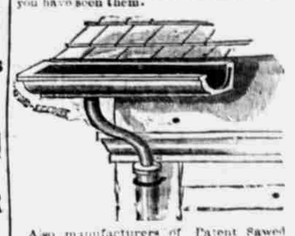

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North—Davis county, daily ..... 6 30 a m
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Cache and Box Elder counties, daily ..... 6 30 a m
Corinne and Kelton, daily .... 3 30 p m
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