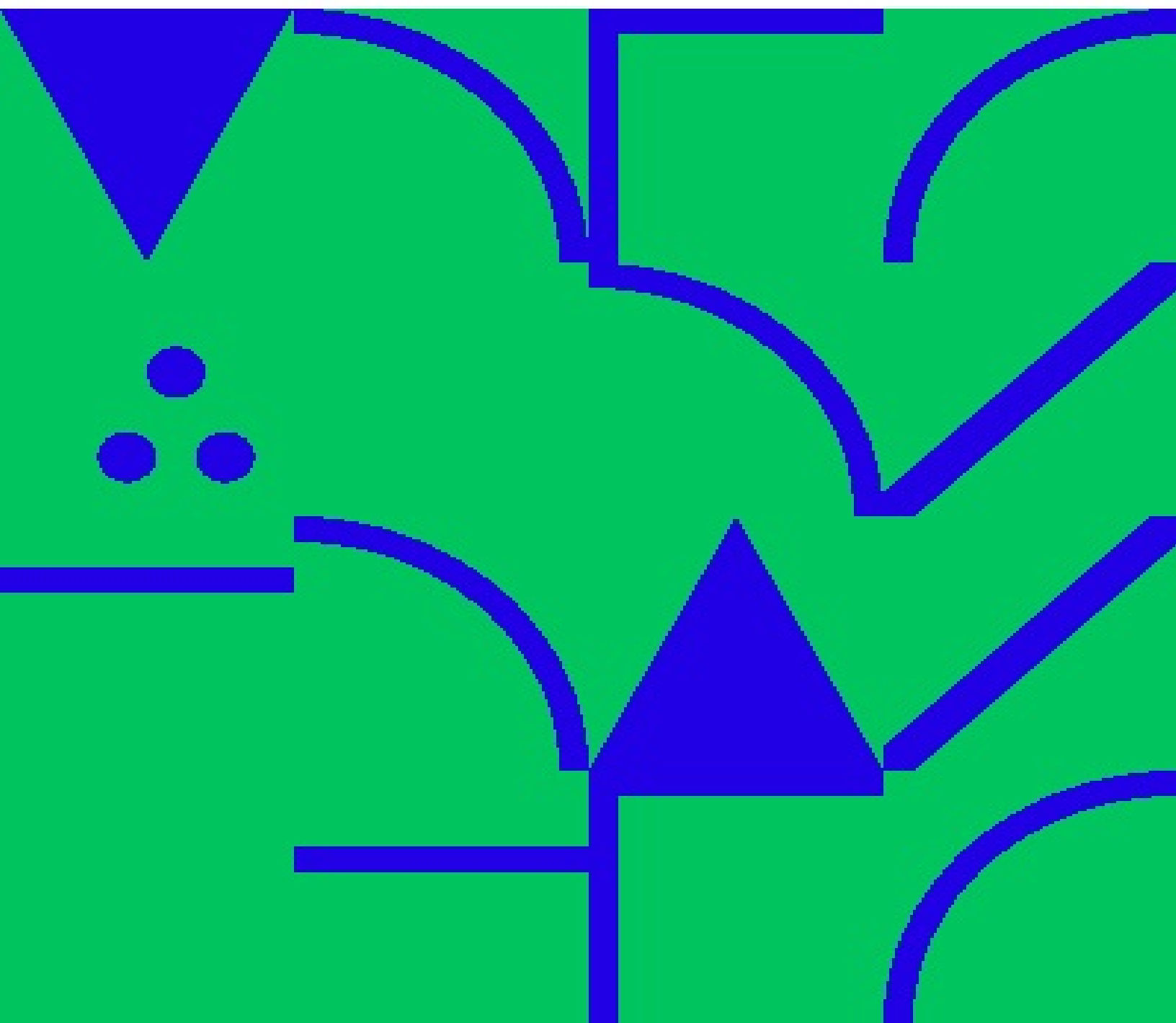


Sioux Indian Courts

An address delivered by Doane Robinson before the South Dakota Bar Association, at Pierre, South Dakota, January 21, 1909

Doane Robinson



Rights for this book: [Public domain in the USA](#).

This edition is published by Project Gutenberg.

Originally [issued by Project Gutenberg](#) on 2008-07-10. To support the work of Project Gutenberg, visit their [Donation Page](#).

This free ebook has been produced by [GITenberg](#), a program of the [Free Ebook Foundation](#). If you have corrections or improvements to make to this ebook, or you want to use the source files for this ebook, visit [the book's github repository](#). You can support the work of the Free Ebook Foundation at their [Contributors Page](#).

The Project Gutenberg EBook of Sioux Indian Courts, by Doane Robinson

This eBook is for the use of anyone anywhere at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.net

Title: Sioux Indian Courts

An address delivered by Doane Robinson before the South
Dakota Bar Association, at Pierre, South Dakota, January
21, 1909

Author: Doane Robinson

Release Date: July 10, 2008 [EBook #26021]

Language: English

*** START OF THIS PROJECT GUTENBERG EBOOK SIOUX INDIAN COURTS ***

Produced by The Online Distributed Proofreading Team at
<http://www.pgdp.net> (This file was produced from images
generously made available by The Internet Archive/American
Libraries.)

SIOUX INDIAN COURTS



AN ADDRESS DELIVERED BY

**DOANE ROBINSON
OF PIERRE, SOUTH DAKOTA**

BEFORE THE

SOUTH DAKOTA BAR ASSOCIATION

AT PIERRE, SOUTH DAKOTA

JANUARY 21, 1909

**R. C. SESSIONS & SONS
SIOUX FALLS S. D.**

SIOUX INDIAN COURTS

In their primitive life the Sioux Indians of North America had an intelligent system of jurisprudence, varying somewhat in the different bands, as our court practice varies in the several states, but nevertheless recognizing the same general principles throughout the confederacy.¹

It is not an easy thing to determine the laws or the practices of an unlettered people, who have abandoned the wild and primitive life to live under regulations prescribed by their conquerors, and who must depend upon tradition and recollection for the practices of the old life; but fortunately intelligent observers have from time to time, during the past two and one half centuries, noted their observations, and these, supplemented by the recollections of the older men now living, give to us a fairly clear understanding of the courts and the legal practices of these people.

Primarily the Sioux government was by clans,—patriarchal; but within the clan it very nearly approached the representative republican form. The council was the representative body which gave expression to the will of the people. True the council was selected by the chief of the clan, but his very tenure of office depended upon his using the nicest discretion in inviting into his cabinet the men of character, valor and influence, so that the body was almost invariably entirely representative of popular views and interests. Caste cut a considerable figure; indeed it has been said by those most intimate with Sioux life that there is as much caste among the Dakotas as among the Hindus.² Only high caste men of course would be permitted to sit in the deliberations, but when a council was to be convened the ordinary practice was for the chief's crier to go out and announce to the camp that a matter was to be considered in council, and the head men at once assembled and seated themselves in the council circle as a matter of course and of right.³ The chief, unquestionably a man of courage and physical power, was an executive officer who rarely asserted arbitrary rule, particularly in civil affairs, for the Sioux were too high spirited a people to tolerate anything savoring of despotism. Usually he was suave, diplomatic and tolerant, and enjoyed the affection and veneration of his people. Most public affairs were determined in the general council, including many subjects naturally falling within the jurisdiction of courts of justice, but aside from the council were two distinct courts, one exercising jurisdiction in matters civil and criminal in times of peace; the other taking the broadest and most comprehensive jurisdiction of all things military, and in time of war assuming jurisdiction in all of the affairs of the people, arbitrarily placing the camp under martial law.

The judges of these courts were usually twelve in number and held their places by hereditary right, though occasionally some low caste man, through some brilliant exploit would break into this exclusive and aristocratic circle and sometimes even exercised dominating influence which the aristocrats dared not oppose, though he was still regarded as a plebian upstart, and was despised by the upper ten, and his rank died with him. Ordinarily from seven to twelve judges sat for the trial of causes, but sometimes even a greater number were permitted. The civil court in time of peace took cognizance of civil and criminal matters arising in the band. Civil actions usually grew out of disputes about the ownership of property and the court patiently heard the testimony of the parties and witnesses and at once determined the ownership of the article, delivered it to the successful litigant and the decision was never reviewed or questioned. A majority of the court determined the judgment.

Criminal matters of which the court took cognizance were assaults, rapes, larceny and murder; all crimes against persons; and if committed against a member of the tribe were severely dealt with. Sometimes it was necessary to prove the crime by competent

witnesses, and the court was the judge of the credibility of these who testified, but rarely, however, was it necessary to summon witnesses, for if the accused was really guilty it was a point of honor to admit the offense and take the consequences. Thus the real responsibility resting upon the court in most cases was to determine the penalty. Usually a severe penalty was imposed which could be satisfied by the payment of a certain number of horses or other specific property to the injured party, or his family, but if the offense was peculiarly repellent to the better sentiment of the camp the court might insist upon the summary infliction of the sentence imposed. This might be the death penalty, exile or whipping; or it might be the destruction of the teepee and other property of the convict. These latter penalties were, however, usually reserved for another class of offenses; crimes which were against the community rather than against an individual. These offenses were generally violations of the game laws and the offender could expect little mercy. How reasonable this policy was will be readily understood when we recall that the subsistence of the entire nation depended almost entirely upon the preservation of the wild game. The individual, who would wantonly kill game fit for food, or frighten it away needlessly from the vicinity of the camps was a public enemy and was treated accordingly. He was fined, his property destroyed, he was whipped, or if a persistent offender, he was reduced from his position as a hunter and made to do the menial duties of a squaw; the latter being the most humiliating and terrible sentence which could be imposed, deemed much worse than death and if the convict was a man of ordinary spirit he usually chose to commit suicide in preference.⁴

For some offenses a convict was exiled from the camp, given an old teepee and a blanket, but no arms, and was allowed to make a living if he could. Sometimes he would go off and join some other band, but such conduct was not considered good form and he usually set up his establishment on some small hill near the home camp and made the best of the situation. If he conducted himself properly he was usually soon forgiven and restored to his rights in the community. If he went off to another people he lost all standing among the Sioux and was thereafter treated as an outlaw and a renegade. The entire band of Inkpadata, once the terror of the Dakota frontier, was composed of these outlaws.⁵

The camp policeman was a most important officer of the court and he frequently took upon himself the adjudication of petty quarrels and the summary punishment of small offenses committed within his view. He was appointed by the chief for one or more days' service and he made the most of his brief span of authority. In addition to executing the orders of the court he was always on watch to preserve the tranquility of the camp during the day and he stood upon guard at night. When ordered to do a thing it was a point of honor to accomplish it or die in the attempt. He was a peace officer, delighting to fight for

peace' sake at any time.⁶

While the civil court was composed of the "elder statesmen" the military court was composed of the war chief and his most distinguished braves, and, as has been before suggested herein, exercised unlimited power in time of war and was implicitly obeyed. It took jurisdiction of all matters growing out of infractions of the "Articles of War" and of all the civil and criminal affairs of the tribe as well. There was no appeal from its judgments and its sentences were summarily executed. An anecdote will illustrate something of its practice: In the campaign of 1876, after the affair at Little Big Horn, Grey Eagle, a Hunkpapa headman of good family and with a good military record, was charged with stealing a horse from another warrior of the Sioux forces. He denied the charge but the property was in his possession and he could not satisfactorily explain his connection with it. He was placed upon trial, witnesses summoned and he was convicted of the theft and sentenced to be whipped, a punishment most befitting the mean estate of a squaw. The sentence was executed in full view of the entire camp. Grey Eagle continued in the campaign, fighting valiantly at every opportunity, but he was filled with an intense desire for revenge against the court and particularly against Sitting Bull, a plebian who had compelled recognition from the aristocrats, and whom the convict believed to be especially responsible for his humiliation. Though not apropos to this discussion it may be of interest if I shall add that after the lapse of fourteen years, one December morning in 1890 when a party of native policemen, inspired very largely by the aristocratic hatred for the presumptuous plebian, came down upon the home of Sitting Bull and effected his arrest and were taking him away through an excited throng of his friends, the voice of Grey Eagle, from out in the darkness shouted: "Sitting Bull is escaping, shoot him, shoot him!" whereupon began the outbreak which within the moment resulted in the death of the old medicine man and seventeen of the police and Indians.⁷ It, too, may be of further interest to relate that at the present time Grey Eagle is the Chief Justice of the native court at Bullhead Station, South Dakota.

Among the duties of this court was to determine the limits of each day's march when out upon a campaign, and to regulate the camping places. This was an important function, for the army subsisted off the country and unless the utmost care was exercised "the base of supplies" would be frightened away and the band subjected to starvation.

A court very similar to the military court was likewise organized for each great hunting expedition and given absolute control of the general movement, but this hunting court did not interfere with the ordinary jurisdiction of the civil court in matters of personal disputes, personal injuries and the like. In 1841, General Henry H. Sibley, of Minnesota, proposed to the Indians residing about his home at Mendota that they go down to the

"Neutral Strip" in Northern Iowa for a long hunt. The Sioux were agreeable, and to get the matter in form Sibley made a feast to which all of the natives were invited. After eating and smoking several hundred painted sticks were produced and were offered for the acceptance of each grown warrior. It was understood that whoever voluntarily accepted one of these sticks was solemnly bound to be of the hunting party under penalty of punishment by the soldiers if he failed. About one hundred and fifty men accepted. These men then detached themselves from the main body and after consultation selected ten of the bravest and most influential of the young men to act as members of the hunting court. These justices were called soldiers. Every member bound himself to obey all rules made by the court. A time was then fixed for the start. At the appointed time and place every one appeared but one man who lived twelve miles distant. Five of the court at once started out to round him up. In a few hours they returned with the recalcitrant and his family, and with his belongings packed upon his horses. He was duly penitent and not subjected to punishment, though he was severely threatened in case he again failed. General Sibley thus tells the story.⁸ "We," Sibley and his white friends, "became subject to the control of the soldiers. At the close of each day the limits of the following day's hunt were announced by the soldiers, designated by a stream, grove, or other natural object. This limit was ordinarily about ten miles ahead of the proposed camping place and the soldiers each morning went forward and stationed themselves along the line to detect and punish any who attempted to pass it. The penalty attached to any violation of the rules of the camp was discretionary with the soldiers. In aggravated cases they would thresh the offender unmercifully. Sometimes they would cut the clothing of the man or woman entirely to pieces, slit down the lodge with their knives, break kettles and do other damage. I was made the victim on one occasion by venturing near the prohibited boundary. A soldier hid himself in the long grass until I approached sufficiently near when he sprang from his concealment and giving the soldiers' whoop rushed upon me. He seized my fine double barreled gun and raised it in the air as if with the intention of dashing it to the ground. I reminded him that guns were not to be broken, because they could be neither repaired or replaced. He handed me back the gun and then snatched my fur cap from my head, ordering me back to camp, where he said he would cut up my lodge in the evening. I had to ride ten miles bareheaded on a cold winter day, but to resist a soldier while in the discharge of duty is considered disgraceful in the extreme. When I reached the lodge I told Faribault of the predicament in which I was placed. We concluded the best policy, would be to prepare a feast to mollify them. We got together all the best things we could muster and when the soldiers arrived in the evening we went out and invited them to a feast in our lodge. The temptation was too strong to be resisted." They responded, ate their fill, smoked and forgave the "contempt of court," which indicates that the judiciary, even in that primitive time, was not wholly incorruptible.

The modern Sioux Courts, organized under the authority of federal law and in accordance with the rules of the Indian Department, are perhaps of more interest to lawyers than the courts of the primitive tribes. The modern courts were first proposed by General William S. Harney, in 1856 and were provided for in the treaty made at Port Pierre in March of that year, which unfortunately was not ratified by the senate.⁹ It can scarcely be doubted that had Harney's scheme for making the Sioux responsible to the government for the conduct of their own people been adopted, much bloodshed and treasure would have been saved.

It was not until after the Red Cloud war ended in 1868 that the courts for Indian offenses, equipped by the Indian themselves, began to be tried at some of the agencies in a small way. The Sissetons and Santees were first to give them a trial and eventually they were supplied to all the Reservations except the Rosebud, which, for some reason of which I have been unable to secure information, has never had them.

The following general rules governing courts of Indian Offenses pursuant to the statute have been adopted by the Indian Department:¹⁰

First: When authorized by the Department there shall be established at each agency a tribunal consisting ordinarily of three Indians, to be known as "the Court of Indian Offenses," and the members of said court shall each be styled "judge of the Court of Indian Offenses."

Agents may select from among the members of the tribe persons of intelligence and good moral character and integrity and recommend them to the Indian Office for appointment as judges; provided, however, that no person shall be eligible to such an appointment who is a polygamist.

Second: The court of Indian Offenses shall hold at least two regular sessions in each and every month, the time and place for holding said sessions to be agreed upon by the judges, or a majority of them, and approved by the agent; and special sessions of the court may be held when requested by three reputable members of the tribe and approved by the agent.

Third: The court shall hear and pass judgment upon all such questions as may be presented to it for consideration by the agent, or by his approval, and shall have original jurisdiction over all "Indian offenses" designated as such by rules 4, 5, 6, 7 and 8 of these rules. The judgment of the court may be by two judges; and that the several orders of the

court may be carried into full effect, the agent is hereby authorized and empowered to compel the attendance of witnesses at any session of the court, and to enforce, with the aid of the police, if necessary, all orders that may be passed by the court or a majority thereof; but all orders, decrees, or judgments of the court shall be subject to approval or disapproval by the agent, and an appeal to and final revision by the Indian Office; *Provided*, that when an appeal is taken to the Indian Office, the appellant shall furnish security satisfactory to the court, and approved by the agent, for good and peaceful behavior pending final decision.

Fourth: The "sun dance," and all other similar dances and so-called religious ceremonies, shall be considered "Indian offenses" and any Indian found guilty of being a participant in one or more of these offenses shall, for the first offense committed, be punished by withholding from him his rations for a period not exceeding ten days; and if found guilty of any subsequent offense under this rule, shall be punished by withholding his rations for a period of not less than fifteen days nor more than thirty days, or by incarceration in the agency prison for a period not exceeding thirty days.

Fifth: Any plural marriage hereafter contracted or entered into by any member of an Indian tribe under the supervision of a United States Indian Agent shall be considered an "Indian offense" cognizable by the court of Indian offenses; and upon trial and conviction thereof by said court the offender shall pay a fine of not less than twenty dollars, or work at hard labor for a period of twenty days, or both, at the discretion of the court, the proceeds thereof to be devoted to the benefit of the tribe to which the offender may at the time belong; and so long as the Indian shall continue in this unlawful relation he shall forfeit all right to receive rations from the government. And whenever it shall be proven to the satisfaction of the court that any member of the tribe fails, without proper cause, to support his wife and children, no rations shall be issued to him until such time as satisfactory assurance is given to the court, approved by the agent, that the offender will provide his family to the best of his ability.

Sixth: The usual practices of so-called "medicine men" shall be considered an "Indian offense" cognizable by the court of Indian offenses, and whenever it shall be proven to the satisfaction of the court that the influence of a so-called "medicine man" operates as a hindrance to civilization of a tribe, or that said "medicine man" resorts to any artifice or device to keep the Indians under his influence, or shall adopt any means to prevent the attendance of children at the agency schools, or shall use any of the arts of the conjurer to prevent the Indians from abandoning their heathenish rites and customs, he shall be adjudged guilty of an "Indian offense," and upon conviction of any one or more of these specified practices, or any other, in the opinion of the court, of an equally anti-

progressive nature shall be confined in the agency guardhouse for a term not less than ten days, or until such time as he shall produce evidence satisfactory to the court, and approved by the agent, that he will forever abandon all practices styled "Indian offenses" under this rule.

Seventh: Any Indian who shall wilfully destroy, or with intent to steal or destroy, shall take and carry away any property of any value or description, being the property free from tribal interference, of any other Indian or Indians, shall, without reference to the value thereof, be deemed guilty of an "Indian offense," and, upon trial and conviction thereof, by the court of "Indian offenses," shall be compelled to return the stolen property to the proper owner, or, in case the property shall have been lost or destroyed, the estimated full value thereof, and in any event the party or parties so found guilty shall be confined in the agency guardhouse for a term not exceeding thirty days; and it shall not be considered a sufficient or satisfactory answer to any of the offenses set forth in this rule that the party charged was at the time a "mourner," and thereby justified in taking or destroying the property in accordance with the customs or rites of the tribe.

Eighth: Any Indian or mixed blood who shall pay or offer to pay any money or other valuable consideration to the friends or relatives of any Indian girl or woman, for the purpose of living or cohabiting with said girl or woman, shall be deemed guilty of an "Indian offense," and upon conviction thereof shall forfeit all right to government rations for a period at the discretion of the agent, or be imprisoned in the agency guardhouse for a period not exceeding sixty days; and any Indian or mixed blood who shall receive or offer to receive any consideration for the purposes hereinbefore specified shall be punished in a similar manner as provided for the party paying or offering to pay the said consideration; and if any white man shall be found guilty of any of the offenses herein mentioned he shall be immediately removed from the reservation and not allowed to return thereto.

Ninth: In addition to the "offenses" hereinbefore enumerated, the court of "Indian offenses" shall also have jurisdiction (subject to the provisions of rule 3) of misdemeanors committed by Indians belonging to the reservation, and of civil suits where Indians are parties thereto; and any Indian who shall be found intoxicated, or who shall sell, exchange, give, barter or dispose of any spirituous, vinous, or fermented liquors to any other Indian, or who shall introduce or attempt to introduce under any pretense whatever any spirituous, vinous, or fermented liquors on the reservation, shall be punishable by imprisonment for not less than thirty days nor more than ninety days or by withholding of government rations, therefrom, at the discretion of the court and approval of the agent.

The civil jurisdiction of such court shall be the same as that of a justice of the peace in the State or Territory where such court is located, and the practice in such civil cases shall conform as nearly as practicable to the rules governing the practice of justices of the peace in such State or Territory, and it shall also be the duty of the court to instruct, advise and inform either or both parties to any suit in regard to the requirements of these rules.

Under these rules the courts are organized and hold their sittings at such times and places as will be most convenient for the people, as for illustration, upon the Cheyenne River Reservation one judge sits at each substation at each semi-monthly ration issue, and if for any reason a party is dissatisfied with his decision, he has a right to appeal his case to the entire bench which sits for the purpose at the agency at regular intervals¹¹.

Persons convicted of such offenses as come within the jurisdiction of the court are committed to the guard-house for a stated period, and are required to work in keeping up the grounds about the agency or substation, as the case may be. They make very little trouble and rarely does one attempt to escape, though they work without guard.¹²

The Indian people generally have great respect for the judges of their courts and the latter show much wisdom and discretion in their decisions, though they do not always place the white man's estimate upon the relative enormity of offenses. I was present at a session of the Cheyenne river court in 1892, when two parties accused with crime were brought before it. One was charged with stealing a picket pin of the value of thirteen cents and he got thirty days in the guard-house, while the other, convicted of a rape, got ten days.

Formerly the judges were not compensated, but now they receive a nominal salary,—from five to ten dollars per month,—and their board while sitting. It is regarded as a great distinction to be chosen to the bench and the courts administer the law, as they understand it, with dignity and firmness.¹³ There are no lawyers upon the reservations but a friend may appear for a party to an action, or one accused of an offense and the trials are conducted with much formality and the pleas are frequently shrewd and eloquent. Every Indian is an orator by nature, and the courts afford the best modern opportunities to display their gifts.

The police force upon all of the reservations is composed of the natives and they are highly efficient and render great assistance to the courts in preserving the peace and in bringing offenders to justice. It is a point of honor for a Sioux policeman to do his whole duty regardless of obstacle and neither kin nor friend can expect leniency if he stands in the way of duty, and this is equally true of the courts. It is not an infrequent thing for the judge to try his son or near relative and in such cases the accused is sure to get the limit of

the law.¹⁴

Without exception the Indian authorities commend the native courts and policemen for fidelity and effective administration of justice.

Footnotes

¹ Most writers upon Indian life have noted the existence of these courts. Since undertaking this paper, I have consulted Hump, One Bull, Wakutemani and Simon Kirk, all intelligent Sioux and, save as otherwise noted, they are my authorities for the statements herein contained.

² Miss Mary C. Collins, for thirty-three years missionary among the Tetons, especially the Hunkpapa and Blackfoot bands.

³ Letter of Dr. Thomas L. Riggs, to writer, June, 1903.

⁴ Interview with Joseph LaFramboise of Veblen, a Sisseton, at Sioux Falls, in October, 1900.

⁵ Flandreau's Minnesota.

⁶ Journal of Lewis and Clark September 26th and 27th, 1804.

⁷ Related by Miss Mary C. Collins, April, 1908.

⁸ Minnesota Historical Collections, Vol. III.

⁹ This treaty was not ratified because of the large expenditure which would be demanded to uniform and subsist the police force. Afterwards we spent in a single year for the subjugation of the Sioux sufficient money to subsist the police for a century.

¹⁰ Rules and Regulations of the Indian Office governing Indian Reservations. Letter of Hon. John R. Brennan, agent at Pine Ridge, April, 1908.

¹¹ Letter of Prof. C. W. Rastall, Superintendent at Cheyenne River, April, 1908.

¹² Letter of T. W. Lane, agent at Crow Creek, April, 1908.

¹³ Letter of Major Brennan.

¹⁴ Interview with Solomon Two Stars, hereditary chief of Sissetons, August, 1901. Monthly South Dakotan, December, 1901.

End of the Project Gutenberg EBook of Sioux Indian Courts, by Doane Robinson

*** END OF THIS PROJECT GUTENBERG EBOOK SIOUX INDIAN COURTS ***

***** This file should be named 26021-h.htm or 26021-h.zip *****

This and all associated files of various formats will be found in:

<http://www.gutenberg.org/2/6/0/2/26021/>

Produced by The Online Distributed Proofreading Team at

<http://www.pgdp.net> (This file was produced from images
generously made available by The Internet Archive/American
Libraries.)

Updated editions will replace the previous one--the old editions
will be renamed.

Creating the works from public domain print editions means that no
one owns a United States copyright in these works, so the Foundation
(and you!) can copy and distribute it in the United States without
permission and without paying copyright royalties. Special rules,
set forth in the General Terms of Use part of this license, apply to
copying and distributing Project Gutenberg-tm electronic works to
protect the PROJECT GUTENBERG-tm concept and trademark. Project
Gutenberg is a registered trademark, and may not be used if you
charge for the eBooks, unless you receive specific permission. If you
do not charge anything for copies of this eBook, complying with the
rules is very easy. You may use this eBook for nearly any purpose
such as creation of derivative works, reports, performances and
research. They may be modified and printed and given away--you may do
practically ANYTHING with public domain eBooks. Redistribution is
subject to the trademark license, especially commercial
redistribution.

*** START: FULL LICENSE ***

THE FULL PROJECT GUTENBERG LICENSE
PLEASE READ THIS BEFORE YOU DISTRIBUTE OR USE THIS WORK

To protect the Project Gutenberg-tm mission of promoting the free
distribution of electronic works, by using or distributing this work
(or any other work associated in any way with the phrase "Project
Gutenberg"), you agree to comply with all the terms of the Full Project
Gutenberg-tm License (available with this file or online at
<http://gutenberg.net/license>).

Section 1. General Terms of Use and Redistributing Project Gutenberg-tm
electronic works

1.A. By reading or using any part of this Project Gutenberg-tm
electronic work, you indicate that you have read, understand, agree to
and accept all the terms of this license and intellectual property
(trademark/copyright) agreement. If you do not agree to abide by all
the terms of this agreement, you must cease using and return or destroy
all copies of Project Gutenberg-tm electronic works in your possession.
If you paid a fee for obtaining a copy of or access to a Project
Gutenberg-tm electronic work and you do not agree to be bound by the
terms of this agreement, you may obtain a refund from the person or
entity to whom you paid the fee as set forth in paragraph 1.E.8.

1.B. "Project Gutenberg" is a registered trademark. It may only be
used on or associated in any way with an electronic work by people who
agree to be bound by the terms of this agreement. There are a few

things that you can do with most Project Gutenberg-tm electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg-tm electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg-tm electronic works. See paragraph 1.E below.

1.C. The Project Gutenberg Literary Archive Foundation ("the Foundation" or PGLAF), owns a compilation copyright in the collection of Project Gutenberg-tm electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is in the public domain in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg-tm mission of promoting free access to electronic works by freely sharing Project Gutenberg-tm works in compliance with the terms of this agreement for keeping the Project Gutenberg-tm name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg-tm License when you share it without charge with others.

1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg-tm work. The Foundation makes no representations concerning the copyright status of any work in any country outside the United States.

1.E. Unless you have removed all references to Project Gutenberg:

1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg-tm License must appear prominently whenever any copy of a Project Gutenberg-tm work (any work on which the phrase "Project Gutenberg" appears, or with which the phrase "Project Gutenberg" is associated) is accessed, displayed, performed, viewed, copied or distributed:

This eBook is for the use of anyone anywhere at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.net

1.E.2. If an individual Project Gutenberg-tm electronic work is derived from the public domain (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase "Project Gutenberg" associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg-tm trademark as set forth in paragraphs 1.E.8 or 1.E.9.

1.E.3. If an individual Project Gutenberg-tm electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg-tm License for all works posted with the permission of the copyright holder found at the beginning of this work.

1.E.4. Do not unlink or detach or remove the full Project Gutenberg-tm License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg-tm.

1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg-tm License.

1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg-tm work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project Gutenberg-tm web site (www.gutenberg.net), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original "Plain Vanilla ASCII" or other form. Any alternate format must include the full Project Gutenberg-tm License as specified in paragraph 1.E.1.

1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg-tm works unless you comply with paragraph 1.E.8 or 1.E.9.

1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg-tm electronic works provided that

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg-tm works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg-tm trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, "Information about donations to the Project Gutenberg Literary Archive Foundation."
- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg-tm License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of

Project Gutenberg-tm works.

- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.
- You comply with all other terms of this agreement for free distribution of Project Gutenberg-tm works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg-tm electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from both the Project Gutenberg Literary Archive Foundation and Michael Hart, the owner of the Project Gutenberg-tm trademark. Contact the Foundation as set forth in Section 3 below.

1.F.

1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread public domain works in creating the Project Gutenberg-tm collection. Despite these efforts, Project Gutenberg-tm electronic works, and the medium on which they may be stored, may contain "Defects," such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES - Except for the "Right of Replacement or Refund" described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg-tm trademark, and any other party distributing a Project Gutenberg-tm electronic work under this agreement, disclaim all liability to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH F3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND - If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.

1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you 'AS-IS' WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.

1.F.6. INDEMNITY - You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg-tm electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg-tm electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg-tm work, (b) alteration, modification, or additions or deletions to any Project Gutenberg-tm work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg-tm

Project Gutenberg-tm is synonymous with the free distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need, is critical to reaching Project Gutenberg-tm's goals and ensuring that the Project Gutenberg-tm collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg-tm and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation web page at <http://www.pgla.org>.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. Its 501(c)(3) letter is posted at <http://pglaf.org/fundraising>. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state's laws.

The Foundation's principal office is located at 4557 Melan Dr. S.

Fairbanks, AK, 99712., but its volunteers and employees are scattered throughout numerous locations. Its business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887, email business@pglaf.org. Email contact links and up to date contact information can be found at the Foundation's web site and official page at <http://pglaf.org>

For additional contact information:

Dr. Gregory B. Newby
Chief Executive and Director
gbnewby@pglaf.org

Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation

Project Gutenberg-tm depends upon and cannot survive without wide spread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine readable form accessible by the widest array of equipment including outdated equipment. Many small donations (\$1 to \$5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit <http://pglaf.org>

While we cannot and do not solicit contributions from states where we have not met the solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg Web pages for current donation methods and addresses. Donations are accepted in a number of other ways including including checks, online payments and credit card donations. To donate, please visit: <http://pglaf.org/donate>

Section 5. General Information About Project Gutenberg-tm electronic works.

Professor Michael S. Hart is the originator of the Project Gutenberg-tm concept of a library of electronic works that could be freely shared with anyone. For thirty years, he produced and distributed Project Gutenberg-tm eBooks with only a loose network of volunteer support.

Project Gutenberg-tm eBooks are often created from several printed editions, all of which are confirmed as Public Domain in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our Web site which has the main PG search facility:

<http://www.gutenberg.net>

This Web site includes information about Project Gutenberg-tm, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.