### The Project Gutenberg eBook of The Indian Council in the Valley of the Walla-Walla. 1855, by Lawrence Kip

This ebook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or reuse it under the terms of the Project Gutenberg License included with this ebook or online at <u>www.gutenberg.org</u>. If you are not located in the United States, you'll have to check the laws of the country where you are located before using this eBook.

Title: The Indian Council in the Valley of the Walla-Walla. 1855

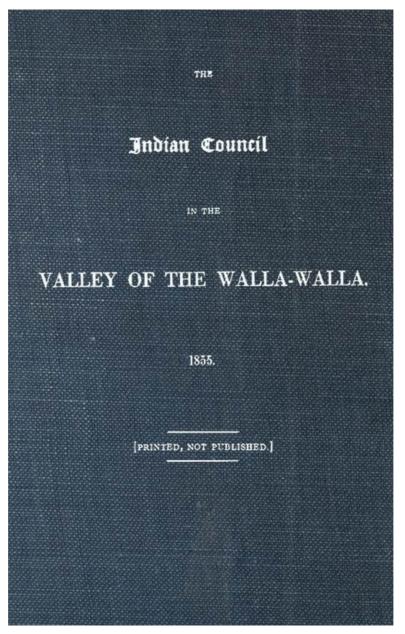
Author: Lawrence Kip

Release date: September 23, 2016 [EBook #53128]

Language: English

Credits: Produced by readbueno, Donald Cummings, Bryan Ness and 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.)

\*\*\* START OF THE PROJECT GUTENBERG EBOOK THE INDIAN COUNCIL IN THE VALLEY OF THE WALLA-WALLA. 1855 \*\*\*



This cover was produced by the Transcriber and is in the public domain.

## THE

## Indian Council

#### IN THE

## VALLEY OF THE WALLA-WALLA.

## 1855.

#### (PRINTED, NOT PUBLISHED.)

SAN FRANCISCO: WHITTON, TOWNE & CO., PRINTERS, EXCELSIOR JOB OFFICE, No. 151 Clay Street, third door below Montgomery

1855.

#### TARRYTOWN NEW YORK REPRINTED WILLIAM ABBATT 1915

Being Extra No. 39 of The Magazine of History with Notes and Queries

RES ardua vetustis novitatum dare; novis auctoritatem; obsoletis, nitorem; obscuris, lucem; fastiditis, graticum; dubiis, fidem; omnibus vero naturam, et natural sua omnia.

ITAQUE ETIAM NON ASSECUTIS, VOLUISSE ABUNDE PULCHRUM UTQUE MAGNIFICUM EST.

(It is a difficult thing to give newness to old things, authority to new things, beauty to things out of use, fame to the obscure, favor to the hateful (or ugly), credit to the doubtful, nature to all and all to nature. To such, nevertheless as cannot attain to all these, it is greatly commendable and magnificial to have attempted the same.)

PLINY.—preface to his Natural History.

#### EDITOR'S PREFACE

If the author's other book, *Army Life on the Pacific*, which we reprinted as our EXTRA No. 30, is a scarce item of Americana, this is even more so, for it was not even published; a few copies only having been printed for distribution among Lieutenant Kip's friends. Hence it is exceedingly rare; a copy being priced in a recently issued catalogue, at \$25.00.

Of the various persons mentioned in its pages, none survives.

CAPTAIN B. L. E. BONNEVILLE, Seventh Infantry, was absent so long on the explorations which made him famous, that his name was dropped from the rolls of the Army as probably dead. On his reappearance he was restored (1836), served through the Mexican War with the Fourth Infantry, and was retired in 1861. In 1865 he was brevetted brigadier general, and died in 1878, the oldest officer on the retired list.

LIEUTENANT ARCHIBALD GRACIE, Fifth Infantry, resigned May 3, 1856. In 1861 he joined the Confederate army, and was killed as a brigadier general, Dec. 2, 1864, at Petersburg.

CAPTAIN AND BREVET MAJOR GRANVILLE O. HALLER, Fourth Infantry, a veteran of the Mexican War. Was dismissed from the Army in 1863, but reinstated in 1879, and died in 1897.

LIEUTENANT HENRY C. HODGES, Fourth Infantry, retired as Colonel and Asst. Q.M. Genl. in 1895.

MAJOR GABRIEL J. RAINS, Fourth Infantry, resigned from the Army in 1861, and joined the Confederate army. He died in 1881.

CAPTAIN DAVID A. RUSSELL, Fourth Infantry, a veteran of the Mexican War, became Colonel of the 7th Massachusetts in 1862, and was killed, as Major General U.S.A. in the battle of Opequan, Va., Sept. 19, 1864.

GOVERNOR ISAAC I. STEVENS, a veteran of the Mexican War, had resigned as brevet major of Engineers, in 1853. He re-entered the Army in 1861, as Colonel of the Seventy-ninth N. Y. and was killed as Major General, at Chantilly, Va., Sept, 1, 1862.

CAPTAIN HENRY D. WALLEN, Fourth Infantry, was retired in 1874 as Colonel Second Infantry. He was brevetted brigadier general in 1865 for services during the War of the Rebellion and died in 1886.

REV. MARCUS WHITMAN, the distinguished missionary-explorer, who saved Oregon to the United States, and was killed by the Indians at his missionary settlement of Waülatpu, Oregon, Nov. 29, 1847.

BRIGADIER GENERAL JOHN E. WOOL, a veteran of the War of 1812, and the Mexican War, became Major General in 1862, and was retired in 1863. He died in 1869.

These pages are the expansion of a Journal kept while with the Escort from the 4th Infantry, at the Indian Council. A few copies are now printed for some personal friends. While it may show them the nature of Army life on the frontiers, it will preserve for the writer a record of some pleasant scenes on the plains, among tribes which in a few years will cease to exist.

LAWRENCE KIP

SAN FRANCISCO, SEPT. 1855.

## THE

## INDIAN COUNCIL AT THE WALLA-WALLA

#### JOURNAL

It was about ten o'clock on a morning in the beginning of May, that our good steamer crossed the bar at the mouth of the Columbia river,—from its shifting shoals the most dangerous navigation on the whole Pacific coast. Our passage of six days from San Francisco had been remarkably stormy, and probably there were none on board more delighted than myself at the prospect of once more standing on terra firma. "Life on the ocean wave," has some very pretty poetical ideas connected with it, but I prefer to have got through with all my rocking in my babyhood, and now sympathize with the Conservative party in wishing all things to be firm and stable. I am unfortunately one of those

#### "Whose soul does sicken o'er the heaving wave."

At noon we reached the village of Astoria, rendered classical ground by Washington Irving. An old trapper still living, who belonged to Mr. Astor's first party, says, he has often seen one thousand Indian canoes at a time collected on the beach in front of the fort. When the Hudson Bay Company took charge of it, they removed their establishment up the river to Vancouver, and allowed the fort to fall into decay, till not a vestige of it now remains. A few houses, like the beginning of a village, are scattered along the banks which slope down to the river, wooded to the edge with pines. Opposite to this we anchored for a few hours to land freight, and then continuing our course up the river, night found us still "on our winding way."

At daylight I was awakened by the ceasing of the monotonous stroke of the engine and found we were opposite to Fort Vancouver. The sun was just rising when I came on deck, so that I had the whole scene before me. Near the river are low meadow grounds, on which stands the post of the Hudson Bay Company,-a picketed enclosure of about three hundred yards square, composed of roughly split pine logs. Within this are the buildings of the establishment, where once much of its immense fur trade was carried on. From these head-quarters, their companies of trappers, hunters and voyageurs, generally Canadians, were sent out to thread the rivers in pursuit of the beaver. Alone they traversed the vast plains, or passed months in the heart of the mountains, far north to the Russian possessions, or south to the borders of California, returning in one or two years with the furs to barter at the Fort. Then came generally a short time of the wildest revelry, until everything was dissipated or perhaps gambled away, when with a new outfit they set forth on another expedition. From Vancouver the Company sent their cargoes of furs and peltries to England, and thence they received by sea their yearly supplies. They possessed an influence over the Indians which was wonderful and which the perfect system of their operations enabled them for years to maintain. But the transfer of the country to the Americans and the progress of civilization around them, driving off the Indians and beaver, have forced them to remove much of their business to other posts.

Some distance back the ground rises, and on this ridge stand the buildings of Fort Vancouver, one of the frontier posts of the United States Army, marked by the American flag waving on the parade ground in front. Far in the distance, like a cone of silver, on which the first rays of the sun were glancing, rose the snow-capped points of Mount Hood.

Among our passengers were one hundred and fifty recruits for the 4th Infantry, in charge of Captain Augur, with whom I landed about six o'clock, and was soon at the hospitable quarters of Captain Wallen.

Fort Vancouver was at this time under the command of Lieutenant Colonel Bonneville, whose "Adventures" for three years in the adjoining Indian country will always live and be read in the fascinating pages of Irving. Two companies of the 4th Infantry and one of the 3d Artillery were stationed there. Altogether, it is probably the most pleasant of our posts on the Pacific coast. The place is healthy, the scenery around beautiful, furnishing opportunities of fishing, hunting and riding, while its nearness to Portland and Oregon City, prevents the young officers from being, as at many other Western posts, deprived of the refining influence of female society. Many are the occasions on which they find it necessary to drop down to these places. Deserters are supposed to be lurking there, garrison stores are to be provided, or some other of Uncle Sam's interests are to be looked after. Then, these visits must be returned, for the inhabitants of these places have an equal care for the welfare of their neighbors at the fort. Numerous, therefore, are the parties of pleasure which come from these towns to enliven the solitude of the garrison. On these occasions they are welcomed by balls, and night after night the fine music of the Regimental Band is heard floating over the waters of the Columbia river and the brilliant glare of lights from the Fort shows that *tattoo* is not the signal for all within its walls to retire.

Here, a few days passed pleasantly, in the way garrison life always does. In such places there is but little change. "One day telleth another." Guard mounting—the morning ride—the drill—the long talk over the dinner table—the evening parade—the still longer talk at night, with reminiscences of West Point days—and then to bed. At this time, Lieutenant Hodges (4th Infantry) was ordered to the post at the Dalles, about ninety miles distant, to conduct thither a company of recruits, and I, having no very definite object in view, except to see as much of the country as possible, determined to accompany him.

We left Vancouver about six A.M. in a little steamer, the *Belle*, which runs up Columbia river about fifty miles, as far as the Cascades. The scenery of the river is in all parts beautiful, but very varied in its character. The pine forests stretch down to the banks, enlivened here and there by the cultivated spot which some settler has cleared, whose axe awakened new and strange echoes as it rang through the primeval woods. On the margin of the shore, and particularly on one of the islands, we noticed the dead-houses of the Indians, rudely constructed of logs. Within, the bodies of the deceased are placed for a time, attired in their best array, until the building becomes filled. Then, the oldest occupants are removed and placed on the shore, till the tide launches them off on their last voyage and they are swept down to the ocean, which to the "untutored savage," as to his more cultivated brethren, symbolizes Eternity.

About noon, after a morning of almost incessant rain, we reached the Cascades, the head of navigation. Here, a *portage* has to be made, as the river for more than two miles flows over the rocks, whirling and boiling in a succession of rapids, similar to those in the river St. Lawrence. This is the great salmon fishery of the Columbia river, the season for which commences in this month, when the fish descend<sup>[1]</sup> the river in incredible numbers. The banks are inhabited by the remains of some of the Indian tribes, who display their skill in catching the salmon, which they dry for exportation. As we passed up, we found them scattered along the shore employed in this work. Little bridges are thrown out over the rocks, on which the Indians post themselves, with nets on hoops, to which long handles are attached. With these they scoop up the fish and throw them on the shore. They are then pounded fine between two stones, cured, and tightly packed in bales of grass matting lined with dried fish skin, in which state they will keep for years. The process is precisely the same as it was when described by Lewis and Clarke. The aboriginal village of Wish-ram, at the head of the narrows, which they mention as being the place of resort for the tribes from the interior to barter for fish, is yet in existence. We still notice, too, the difference which the early explorers observed, between these Indians and those of the plains. The latter, living on horseback, are finely developed, and look like warriors; the former, engaged only in their canoes or stooping over the banks, are low in stature and seem to have been dwarfed out of all manhood. In everything noble they are many degrees below the wild tribes on the plains.

<u>1</u>. As the fish go up the river to spawn, this is evidently a slip of the pen for "ascend."

We walked for about three miles, until we had passed the Cascades, and then took another little steamer which was to carry us to the Dalles. The scenery above is similar to that which we had already passed. In one place the mountains seem to come down to the river, ending in a huge rock perfectly steep, which has received the name of Cape Horn. Above, the precipices are covered with fir and white cedar; two small cascades, like silver lines, leap from point to point for a distance of one hundred and fifty feet, while below, in the deep shadow the waters seem to sweep around the rocks with a sullen sound. About ten at night we reached the end of our journey.

The post at the Dalles possesses none of the outward attractions of scenery which distinguish that of Vancouver. Its principal recommendation is its healthiness. The buildings are badly arranged, having been planned and erected some years ago by the Mounted Rifles, when they were stationed in Oregon. The officers' quarters are on the top of a hill, and the barracks for the men some distance further down, as if the officers intended to get as far from them as possible. There is a want of compactness, and as there is no stockade—nothing in the shape of a fortification—in case of an outbreak by any hostile tribe of Indians, the post might easily be surprised. At this time, two Companies of the 4th Infantry were stationed there under the command of Major Rains.

Here I spent a week very much as I had done at Vancouver. During this time we were enlivened by a visit from Governor Stevens, the Governor of Washington Territory. He was on his way to the interior of the Indian country—to Walla-Walla—in connection with the Indian Commissioners, to hold a Grand Council, to which he had summoned the tribes far and near. For some time they have been restless, numerous murders of emigrants crossing the plains, have occurred, and it is deemed necessary by the Government to remove some of the tribes to Reservations which have been selected for them. The object of this Council was, therefore, to propose to them the purchase of their territory—a proposition which it was expected, (as it afterwards proved,) would be received by some tribes with violent opposition. Governor Stevens had therefore stopped to request a small body of troops to be sent on to meet him at the Council ground, to act as escort to the Commissioners, and also to guard the presents which were to be forwarded for distribution among the Indians.

A Lieutenant and about forty men were therefore detailed by Major Rains for this duty, to which were added two half-breeds to act as packers, and a Cayuse Indian, who was to officiate as guide. This worthy, from having been shot in the mouth in a fight with the Snake Indians, rejoiced in the *soubriquet* of Cut-mouth John. Wounds are said to be honorable, particularly when received in front, but this was certainly not ornamental, for it had given him a dreadful distortion of visage.

On the invitation of the young commander of the expedition, I agreed to accompany it. The choice of this officer indeed held out every promise of a pleasant time. Lieutenant Archibald Gracie, in addition to his high qualifications as a soldier and gentleman, (traits which he shares in common with the other officers of the post,) had for my purpose the advantage of our cadet life together for a while at West Point, which gave us a common topic and ground of interest in the past. Many an evening, therefore, have we spent lying before our camp fire, out on the still plains or by the rushing waters of the Umatilla, talking over these recollections or discussing the probable fortunes of those who were with us in the House of Bondage.

Our preparations were soon made, for army expeditions do not allow much time for packing of trunks. The command was mounted, some fifteen pack mules added to carry the camp equipage, and about noon, May 18th, we bid farewell to the officers and rode away from the Dalles. Our course during the afternoon was through the Des Chutes Valley, an admirable country for grazing, as the temperature is such that cattle can be kept out for the whole year and always find subsistence. It was formerly the place where the Hudson Bay Company raised all the best horses they used. The country appears, however, from the absence of timber, to be waste and desolate, though the soil is said to be rich and admirably adapted to agriculture. After passing the little river of Des Chutes, we found some springs near the Columbia and encamped, having advanced about twenty miles.

Our arrangements for sleeping were soon made. We carried no tents, so that a buffalo robe and a blanket formed all our bedroom furniture. This did well enough on pleasant nights, but when it rained, it required some skill to take refuge under the buffalo robe in such a way as to keep dry, and not to wake up finding one's self lying in a pool of water. As soon as we encamped, fires were made by the soldiers and the cooking commenced. Our suppers indeed, were not very sumptuous, the invariable bill of fare being, bacon, hard biscuit and a cup of coffee. Yet a long day's ride would supply the appetite, and after the horses were picketed and we were sitting cosily by the fire or were lying down watching the stars above us, with no sound on the wide plain but the measured tread of our sentinel, there was a degree of freedom about it far more pleasant than the conventional life of cities.

Saturday, May 9th.—We were up early this morning with the intention of making a long march, but were disappointed, as some of our animals had strayed off. There being no Indians in the neighborhood, they had been turned out loose. Men had to be sent out to hunt them up, and it was near eleven o'clock before the command was ready to march. However, we improved on the previous day, going twenty-five miles. During the morning, we reached John Day's River. This, so called from a hunter who was one of the original members of Mr. Astor's enterprise, it took us some time to cross, as the water was high, and all the pack mules had to be unloaded and their packs taken across in a canoe. We went into camp about five o'clock.

Sunday, May, 20th.—This was anything but a day of rest, for our march was the most severe one we have had, being more than forty miles, with the sun, hot as the tropics, beating down upon our heads. There was nothing, too, in the appearance of the country to afford any relief. Far as the eye could reach was only a wide sunburnt plain, perfectly lifeless, for the summer suns, by burning up the herbage, had driven the game to seek refuge by the rivers. The prairie was covered with only a miserable crop of salt weed and wormwood, and our animals drooped as we pushed on to find some resting place. Added to this was the want of water, for often in these regions we are obliged to march from twenty to twenty-five miles, before we can reach a spring or water course. We were forced in this case to ride the whole day without stopping, until towards evening we reached Wells' Springs, a

desolate looking place, at the foot of a range of hills. Here, however, we had water, and therefore encamped. Night, too, was at hand, so that we were relieved from the intolerable glare and heat, and in addition, one of the corporals had the good fortune to shoot a couple of ducks which were lingering about in the neighborhood of the spring, so that our evening fare was quite luxurious.

*Monday, May 21st.*—To-day we made a shorter march, of thirty miles, and went into camp at three o'clock. Three miles from our camping ground we passed the Indian Agency, a house erected by Government at an expense of six thousand dollars, for the residence of the Agent. He is, however, seldom here, making his home generally at the Dalles, and when we passed the place it was unoccupied. In the evening a party of Indians, whom we found to be Walla-Wallas, rode into camp. After a little *pow-wow* they left us, but having some suspicions of our visitors, our little camp was arranged with extra care. The horses were carefully picketed, lest they should be run off, and Lieutenant Gracie directed the guard in walking their rounds to examine that their muskets were ready for immediate use.

In the course of the night the rain had commenced and Lieutenant Gracie and I were striving to keep dry and sleep under the little tent of pack covers we had hastily erected, when we were startled from our first slumbers by a terrific yell. It may be imagined that it did not take us many seconds to be on our feet, with our pistols ready for, what we supposed, was an attack. Looking out, however, in the dark night, every thing seemed quiet on the prairie. The animals were grazing around, and not an Indian to be seen. Upon inquiry, we discovered that the disturbance had been caused by one of the soldiers finding a large snake in bed with him. The reptile probably did not like the rain, and therefore crawled under the soldier's blanket for warmth. What species it was we did not learn, for the snake, disgusted with his inhospitable reception, glided away, and the soldier did not detain him to make any enquiries about his parentage.

Tuesday, May 22d.—Our course this morning was through the same desolate country, until we struck the Umatilla, a beautiful stream fringed with trees. About ten o'clock we came upon a party of ten soldiers of the 4th Infantry, who were encamped by the river. They had been sent out from the Dalles a week before, under the command of a corporal, in pursuit of some Indian murderers, in finding whom, however, they had been successful. As Lieutenant Gracie had been directed, in event of meeting them, to add them to his command, their camp was broken up and they marched on with us, making the number of soldiers forty-seven. Towards evening our guide announced that we were but a few miles from the valley which was the residence of the Cayuse tribe. Lieutenant Gracie, therefore, sent on the soldiers under command of a sergeant to find a camping place for the night, while we, under the guidance of Mr. Cut-mouth John, struck across the country to visit his countrymen. We found their lodges in a beautiful, well-watered valley, which I am not surprised they are unwilling to give up. They are, however, much diminished in numbers, and did not seem to amount to more than two hundred. We went into several of their lodges, and although they are notoriously the most unfriendly tribe to the whites among all the Indians in this region, of which we afterwards had some strong evidences, yet on this occasion they received us well and showed no feelings but those of cordiality. After leaving them, we returned to the trail, and riding on about five miles, found our party encamped by the Umatilla.

*Wednesday, May 23d.*—At two o'clock P.M., we arrived at the ground selected for the Council, having made the march in six days. It was in one of the most beautiful spots of the Walla-Walla Valley, well wooded and with plenty of water. Ten miles distant is seen the range of the Blue Mountains, forming the southeast boundary of the great plains along the Columbia, whose waters it divides from those of Lewis river. It stretches away along the horizon until it is lost in the dim distance, where the chain unites with the Snake River Mountains.

Here we found General Palmer, the Indian Agent, and Governor Stevens, with their party, who had already pitched their tents. With the latter we dined. As was proper for the highest dignitary on the ground, he had a dining room separate from his tent. An arbor had been erected near it, in which was placed a table, hastily constructed from split pine logs, smoothed off, but not very smooth. Our own preparations were made for a more permanent encampment than we have as yet had: a tent was procured for Lieutenant Gracie and myself, while the men erected for themselves huts of boughs, spreading over them pack covers.

*Thursday, May 24th.*—This has been an exceedingly interesting day, as about twenty-five hundred of the Nez Percé tribe have arrived. It was our first specimen of this Prairie chivalry, and it certainly realized all our conceptions of these wild warriors of the plains. Their coming was announced about ten o'clock, and going out on the plain to where a flag staff had been erected, we saw them approaching on horseback in one long line. They were almost entirely naked, gaudily painted and decorated with their wild trappings. Their plumes fluttered above them, while below, skins and trinkets and all kinds of fantastic embellishments flaunted in the sunshine. Trained from early childhood almost to live upon horseback, they sat upon their fine animals as if they were centaurs. Their horses, too, were arrayed in the most glaring finery. They were painted with such colors as formed the greatest contrast; the white being smeared with crimson in fantastic figures, and the dark colored streaked with white clay. Beads and fringes of gaudy colors were hanging from the bridles, while the plumes of eagle feathers interwoven with the mane and tail, fluttered as the breeze swept over them, and completed their wild and fantastic appearance.

When about a mile distant they halted, and half a dozen chiefs rode forward and were presented to Governor Stevens and General Palmer, in the order of their rank. Then on came the rest of the wild horsemen in single file, clashing their shields, singing and beating their drums as they marched past us. Then they formed a circle and dashed around us, while our little group stood there, the center of their wild evolutions. They would gallop up as if about to make a charge, then wheel round and round, sounding their loud whoops until they had apparently worked themselves up into an intense excitement. Then some score or two dismounted, and forming a ring, danced for about twenty minutes, while those surrounding them beat time on their drums.

After these performances, more than twenty of the chiefs went over to the tent of Governor Stevens,

where they sat for sometime, smoking the "pipe of peace," in token of good fellowship, and then returned to their camping ground.

The Nez Percés, or pierced-nose Indians, received this name from the early traders and trappers, but they call themselves by the name of Chipunnish. While they are the most friendly to the whites of any tribe in this region, they are at the same time one of the most numerous and powerful, roaming over the whole Rocky Mountains, along the streams to the West, and across the almost limitless plains to the East, until they reach the hunting grounds of the tribes of the Missouri. They hunt the elk, the white bear, the mountain sheep and the buffalo, while they trap the beaver to sell the skins to the whites. They are celebrated for their droves of horses, which, after being branded, are turned loose to roam upon the fertile plains till needed by their owners: when this is the case, it requires but a few days to break them sufficiently to answer the purpose of their bold riders.

About seventy women were seen among the warriors, for their presence is necessary when the tribe is to be encamped for any length of time. They perform all the menial offices, arranging the lodge, cooking and bringing wood, for it would be a disgrace to their lords to be seen engaged in these things. It would procure for them the title of *squaws*. Every thing but the perils of war and the chase are beneath their attention. When at home and not occupied in preparing their arms, or in feats of horsemanship, they are gambling, lounging in groups on the mounds of the prairie, or listening to some story-teller, who recounts the exploits of the old warriors of the tribe.

The Walla-Wallas, another of the principal tribes present, is one much reduced in numbers and in importance since the pioneer trappers first came among them. They range through the valley for thirty miles, to old Fort Walla-Walla, once a central trading post of the Hudson Bay Company, on the left bank of the Columbia river near where the Walla-Walla empties into it.

In the afternoon I visited the lodge of an old chief of the Nez Percés, named Lawyer. He showed us a wound in his side from which he was yet suffering, although several years had elapsed since it was received. It had been inflicted in a fight with their old hereditary enemies, the Blackfeet Indians. These are the most dangerous banditi among all the tribes,—perfect Ishmaelites—who, while they are at war with all the neighboring savages, have nourished the most implacable hatred to the whites, since they first met them in the days of Lewis and Clarke. War is their employment, and the booty they gain by it, their support. They are admirable horsemen and as much distinguished for their treachery as for their headlong courage. Their hunting grounds extend from the Yellow Stone and Missouri rivers to the Rocky Mountains. He showed us also some locks of their hair which he wore about him,— not as love tokens, or presented willingly by the former owners, but rather the reverse, as I presume they are the remains of scalps he had taken.

To-day Governor Stevens and Mr. Doty, one of his party, dined with us. It was the first dinner party we had given in the wilderness. Yet think not, O ye who dine your friends at Delmonico's, that our entertainment was at all like yours! In the centre of our tent, a buffalo robe was laid on the ground (the luxury of a table being confined to the Governor), on which were placed the tin plates which were our only dishes, for china is not adapted to mule traveling on the plains. About this we reclined rather in the Oriental style. At one end of the table (I mean the buffalo skin) was a beef steak from one of the cattle daily killed at the camp, and at the other end a portion of the same unfortunate animal's liver. One side-dish was a plate of potatoes—the other, a plate of bread of leaden heaviness. The second course was—coffee, likewise served in tin cups. Yet we gathered around this feast with appetites which could not be found among the strollers in Broadway, and which it required no French sauces to provoke.

*Friday, May 25th.*—We woke this morning to hear the rain pattering about us, and to be thankful that we were encamped, and not obliged to resume our march. At noon it cleared up, when we procured our horses and rode over to the Indian camp to pay another visit to our friend Lawyer. We found the old chief surrounded by his family and reading a portion of the New Testament, while a German soldier of Governor Stevens' party, was engaged taking his portrait in crayon. He afterwards presented me with a copy, which I keep as a memento of these pleasant days in the wilderness.

In the evening he came to our tent to return our visit. We feasted him to the best of our ability, not omitting the indispensable pipe, and he seemed exceedingly gratified with his entertainment. A discussion had taken place sometime before, as to the hospitality of the Indians, and Lieutenant Gracie determined on this occasion to test the question: so, when the old chief's heart seemed to be warmed up with our good cheer, he enquired, "Whether Lawyer would be glad to see him if he came to his country to make a short visit?" To this rather direct hint no reply was for some time given, and the old man evidently endeavored to change the subject. At last, finding it pressed upon him, he said —"That Mr. Craig," (an American,) "had a very good house not far from his lodge." The nearest to an invitation that he would give, was to answer in reply to Lieutenant Gracie's question, "Perhaps so."

Saturday, May 26th.—I spent the morning on horseback exploring the country. In the course of my ride I met an Indian boy with a prairie chicken he had just killed, and which he was delighted to exchange for an old silk handkerchief. There are three peculiarities for which this region of country has been remarked,—its gorgeous sunsets,—the rapidity with which the water in its streams rises and falls,—and the contrast between its hot days and cold nights.

Towards evening the Cayuse tribe arrived, numbering about three hundred. They came in whooping and singing in the Indian fashion, and after riding round the camp of the Nez Percés two or three times, they retired to form their own at some little distance. In a short time some of the principal chiefs paid their respects to Governor Stevens and then came down to look at our camp. It was not, as we had reason to believe afterwards, a friendly visit, but rather a *reconnaissance* to learn our numbers and estimate our powers of resistance. In the evening I again visited Lawyer and also a number of his tribe. Some of them we found singing sacred music to prepare for to-morrow, which is Sunday.

Sunday, May 27th.—The rain this morning when we woke, was not pattering upon our tent, but fairly splashing around it, so that we were contented to keep within its covering till noon, when the returning sunshine invited us forth. After riding over to Governor Stevens' to lunch, we went to the

Nez Percé camp, where we found they were holding service in one of the largest lodges: two of the chiefs were officiating, one of them delivering an address, (taking the Ten Commandments for his text,) and at the end of each sentence the other chief would repeat it in a louder tone of voice. This is their invariable custom with all their speeches. Everything was conducted with the greatest propriety, and the singing, in which they all joined, had an exceedingly musical effect. There is an odd mixture of this world and the next in some of the Nez Percés,—an equal love for fighting and devotion—the wildest Indian traits with a strictness in some religious rites which might shame those "who profess and call themselves Christians." They have prayers in their lodges every morning and evening—service several times on Sunday—and nothing will induce them on that day to engage in any trading.

At an early day the Roman Catholic Missionaries went among them, and as the tribe seemed blessed with a more tractable disposition than most of their brethren, the labors of the Fathers appear to have met with considerable success. A kind of Christianity was introduced among them, strangely altered, indeed, in many respects, to make it harmonize with Indian thoughts and actions, yet still retaining many of the great truths of the faith. It exerted, too, a very perceptible influence over their system of morality. The Methodists, I believe, have more recently added their teaching; so that if the theological creed of the Nez Percés was now investigated, it would probably be an odd system, which would startle an ordinary D.D.

After service we rode through the Cayuse camp, but saw no evidence of Sunday there. The young warriors were lounging about their lodges, preparing their arms or taking care of their horses, to be ready for their evening races. The Christianity among these Indians, we suspect, is confined to the Nez Percés.

*Monday, May 28th.*—At noon to-day I rode out about five miles from our camp to visit some gentlemen who reside on the site of one of the old Missions. It was once the residence of the Methodist missionaries, who seem to have succeeded the Roman Catholic priests in some parts of this country. For what reason, I know not, they appear to have abandoned their ground, and when the old *adobe* buildings stood vacant, being well situated, with timber around, they were taken by these gentlemen who were endeavoring to raise stock, to sell to emigrants crossing the plains, or settlers who will soon be "locating" themselves through these valleys. They have since abandoned it and moved fifty miles farther into the interior to a claim of their own. About a stone's throw from the house are the graves of Dr. Whitman and his family, (seven in number,) who were murdered in 1847, by a band of Cayuses. He was, I believe, physician to the Mission.

We spent the afternoon at the Nez Percé camp, where a band of some thirty young warriors were engaged in dancing and singing. Their musical instruments are few in number and of the rudest kind. The singing is very harsh, and to us, who listened to it only as a collection of sounds, seemed utterly discordant. The songs are almost entirely extemporaneous, like the Improvisatore recitations of the Italians, a narrative of some past events, or perhaps suggested by the sight of persons present, or by trifling circumstances known to the audience. We never saw the women dancing, and believe they rarely do, and never with the men.

During the dancing we had a little interlude in the shape of a speech. A young chief delivered it, and at the end of each sentence it was repeated in a louder voice by one of the old men. This repetition is their invariable custom, and a crier seems to be a necessary accompaniment to all their villages.

To-day, leading chiefs belonging to some of the most distant tribes, attended by their followers, have been coming in to the camp, and most of those for which the Commissioners have been waiting are now represented. Their encampments and lodges are scattered over the valley for more than a mile, presenting a wild and fantastic appearance. The Council will probably open to-morrow. According to the original orders received by Lieutenant Gracie, this was to have been our last day here, but foreseeing this delay, Governor Stevens had some time ago sent an express to the Dalles, stating the necessity for the soldiers remaining. To-day the express returned, bringing instructions from Major Haller to Lieutenant Gracie, authorizing him to remain on the Council-ground until the treaty was concluded, and informing him that provisions had been sent to the escort for seven days more.

*Tuesday, May 29th.*—To-day the Council was to have met at twelve, but it was two o'clock before it came together. About eight tribes were represented. Nothing, however, was done but to organize the Council and swear in the interpreters. Governor Stevens then made them a short address. All this occupied about two hours, when it began to rain and the Council adjourned to meet again at ten o'clock to-morrow morning if the weather should be pleasant: otherwise, on the first pleasant day. A fine prospect for the extension of our stay in the valley! There are about five thousand Indians, including squaws and children, on the ground.

We had another of our *recherché* dinner parties this evening, entertaining one of the gentlemen residing at the Mission, and another attached to Governor Stevens' party. We received to-day news of the inspection visit of General Wool to Fort Vancouver and his order for an expedition to set out on the twentieth of June from Fort Dalles, for the Snake Indian country, the force to be commanded by Major Haller.

*Wednesday, May 30th.*—At one o'clock this afternoon the Council met, and business seems to be really commencing. It was a very striking scene. Directly in front of Governor Stevens' tent a small arbor had been erected, in which, at a table, sat several of his party taking notes of every thing said. In front of the arbor on a bench sat Governor Stevens and General Palmer, and before them, in the open air, in concentric semicircles, were ranged the Indians, the chiefs in the front ranks, in the order of their dignity, while the far back ground was filled with women and children. The Indians sat on the ground, (in their own words,) "reposing on the bosom of their Great Mother." There were probably a thousand present at a time.

After smoking for half an hour, (a ceremony which with them precedes all business,) the Council was opened by a short address from General Palmer. Governor Stevens then rose and made a long speech, setting forth the object of the Council and what was desired of them. As he finished each sentence, the interpreters repeated it to two of the Indians, who announced it in a loud voice to the rest—one in the Nez Percé and the other in the Walla-Walla language. This process necessarily causes

business to move slowly.

Many of the Indians have been to our camp to visit us to-day among them, Stechus, an old Chief of the Cayuses.

*Thursday, May 31st.*—On arriving at Governor Stevens' tent I found that the Council had already met. After the usual preamble of smoking, Governor Stevens and General Palmer, in succession, made long speeches to them, explaining the benefits they would receive from signing this treaty, and the advantages which would result to them from their removal to the new lands offered in exchange for their present hunting grounds. The Council lasted till three o'clock.

This evening we went, as usual, to the Nez Percé camp. There was a foot-race, but the great events of the evening were the horse-races. Each of the tribes now here possesses large numbers of horses, so that wherever they are, the prairies about them are covered with these animals roaming at large until wanted by their masters. Part of these are derived from the wild horses of the prairies, while some, from the marks with which they are branded, show that they have been stolen from the Spaniards in Upper Mexico. To capture horses is esteemed next in honor to laurels gained in actual war, and they will follow the party of a hostile tribe for weeks, watching an opportunity to "run off" their horses. It is for this, too, that they are hovering around the emigrants on the plains, who some times by a *stampede*, or a single bold dash, lose in a night all their animals, and are left helpless on the plains, as a ship at sea without sails.

Living as they do on horseback, racing forms one of their greatest amusements. They will ride for miles, often having heavy bets depending on the result. On this occasion we saw nearly thirty Indians start at once and dash over the plain like the winds, sweeping round in a circle of several miles.

*Friday, June 1st.*—The Council did not meet this morning, as the Indians wished time to consider the proposal made to them during the last few days. We learned that two or three of the half-civilized Nez Percés, who could write, were keeping a minute account of all that transpired at these meetings.

At the races this evening a serious accident took place, and which had nearly proved fatal. The Indians, as usual, were dashing about on horseback, some going up and others down, when two of them came in collision, knocking down both horses and leaving the riders senseless. No bones happened to be broken: the "medicine men" took charge of them, and it is supposed they will recover.

To-day has been the warmest we have had: there has not been a breath of air stirring, and the valley seemed like an extensive oven. At evening, however, the skies darkened, and for two hours we had the most tremendous thunder storm I ever witnessed. It was worthy of the tropics.

Saturday, June 2d.—Just before I was up this morning we had a call from some of the Indians, who pay little regard to visiting hours. After breakfast I rode over to see the gentlemen at the old Mission, and on my return to camp found that the Council was already assembled, having met at twelve o'clock. The Indian Chiefs had at length begun to reply, so that another step has been gained. After Governor Stevens' opening speech, several of them followed in short addresses. I arrived there just in time to hear the last one, made by one of the Cayuse Chiefs. He did not commit himself as to what they would do, but the whole tenor of his address was unfavorable to the reception of the treaty. After a few words in conclusion from Governor Stevens, the Council adjourned until ten o'clock on Monday.

Then came part of my daily routine of amusement, to ride out and see Lieutenant Gracie practice the soldiers at target firing. He has been gradually lengthening the distance, and some of the men are now able to make very admirable shots. At the Indian camp to-night there was a great foot-race between about a dozen competitors, who ran over two miles. It was a good test of the long-winded endurance of the young warriors. As they raced off over the plain, parties of the Indians and those of us who were on horseback, rode on each side of them, the friends of the competitors encouraging them and taunting those who flagged.

*Sunday, June 3d.*—A quiet day, most of it spent in reading in my tent. In the afternoon rode over to the Mission, and on my return dined with Governor Stevens. This evening the pack mules from Fort Dalles, with seven days' provisions, arrived at the Mission and are to be brought over early to-morrow morning by some of the soldiers.

*Monday, June 4th*—Breakfast at the fashionable hour of ten, as I was waiting for Lieutenant Gracie, who was obliged to go early to the Mission to see about the pack mules. An express came in this morning from the Dalles, giving him orders to join Major Haller's command, forty-five miles below this place, as soon as the Council breaks up.

The diplomatists met to-day at half-past one o'clock. After Governor Stevens' address, the old Chief, Lawyer, spoke, which was the first time anything had been heard from the Nez Percés. Several of the other Chiefs followed, and the Council finally adjourned at five o'clock, without having yet made any sensible progress. The maxim, that "time is money," which prevails so extensively among the Anglo-Saxons, has not yet penetrated into the wilderness to be received as a motive in any way influencing the conduct. With the Indians, "the next moon" will answer just as well as this month, for any business that is to be transacted. I should think, however, that the Commissioners would have their patience utterly exhausted.

Until a late hour we heard from the Indian camps the sound of their singing and the beating of their drums, and could see the figures flit before the fires as the dancing went on.

*Tuesday, June 5th.*—Another visit before breakfast from some of our Indian friends. Early this morning Lieutenant Gracie sent off an express to the Dalles to report progress. Then came the same routine of the Council: Governor Stevens, at the opening, gave them the most elaborate address he has yet made, explaining to the Chiefs most definitely, what lands he wished them to give up, and what their "Great Father," (the President,) would give them in return, together with the benefits they would derive from the exchange. General Palmer afterwards made a speech an hour long, in which he endeavored to illustrate to his audience the many advantages resulting from their being brought into contact with civilization. His reasoning at one time led him to give an account of the Railroad and Telegraph. It was sufficiently amusing to listen to this scientific lecture, (as Julian Avenel says of Warden's homily in *The Monastery*,) "quaintly conceived and curiously pronounced, and to a well chosen congregation;" but it probably would have been much more diverting, could we have known

the precise impressions left upon the minds of his audience, or have heard them talk it over afterwards in their lodges. After he had finished, Stechus, an old Cayuse Chief, made a short speech, and then Governor Stevens adjourned them until to-morrow.

There is evidently a more hostile feeling towards the whites getting up among some of the tribes, of which we had to-night a very unmistakable proof. The Cayuses, we have known, have never been friendly, but hitherto they have disguised their feelings. To-night, as Lieutenant Gracie and I attempted, as usual, to enter their camp, they showed a decided opposition: we were motioned back, and the young warriors threw themselves in our way to obstruct our advance. To yield to this, however, or to show any signs of being intimidated, would have been ruinous with the Indians, so we were obliged to carry out our original intentions. We placed our horses abreast, riding round the Indians, where it was possible, and at other times forcing our way through, believing that they would not dare to resort to actual violence. If, however, this hostile feeling at the Council increases, how long will it be before we have an actual outbreak?

*Wednesday, June 6th.*—To-day the Indians again determined not to meet in Council, as they wished to consult among themselves: so there is another day lost. After my ride up the valley to the Mission, I found on my return to dinner, an old trapper and Indian trader had come in to visit us, and was to be our guest. We had, however, a sumptuous repast, for he brought with him a buffalo tongue, a great luxury on the plains, and one which anywhere might tempt the epicure.

The races to-night were the most exciting we have seen, as the Indians had bet some sixteen or eighteen blankets (a great stake for them!) on the result, and all the passions of their savage natures were called into play. There was visible none of that Mohawk stoicism of manner which Fenimore Cooper describes. After the races were finished, Lieutenant Gracie and I concluded to ride into the camp of our amiable friends, the Cayuses, to see how they felt this evening. There was no attempt to exclude us, though if savage and scowling looks could have killed, we should both have ended our mortal career this evening in this Valley of Walla-Walla.

*Thursday, June 7th.*—Mr. McKay took breakfast with us. He is the son of the old Indian hunter so often mentioned in Irving's "Astoria," and whose name is identified with pioneer life in this region.

The Council met to-day at twelve, when I went into the arbor, and taking my seat at the reporters' table, wrote some of the speeches delivered. There is, of course, in those of the Indians, too much repetition to give them fully, but a few extracts may show the manner in which these wearisome debates were conducted day after day:

GOVERNOR STEVENS. "My brothers! we expect to have your hearts to-day. Let us have your hearts straight out."

LAWYER, the old Nez Percé Chief. The first part of his speech was historical, relating the discovery of this country by the Spaniards, which is a favorite topic with the Indian orators. In the course of it, he thus narrated the story of Columbus and the egg, which he had heard from some of the missionaries.

"One of the head of the court said, 'I knew there was such a country.' Columbus, who had discovered it, said, 'Can you make an egg stand on its end?' He tried to make the egg stand, but could not do it. He did not understand how. It fell over. Columbus then showed them all that he could make it stand. He set it down and it stood. He knew how, and after they saw it done, they could all do it."

He thus described the manner in which the tribes at the East receded at the approach of the whites: "The red men traveled away farther, and from that time they kept traveling away farther, as the white people came up with them. And this man's people," (pointing to a Delaware Indian, who was one of the interpreters,) "are from that people. They have come on from the Great Lake where the sun rises, until they are near to us now, at the setting sun. And from that country, somewhere from the centre, came Lewis and Clarke, and that is the way the white people traveled and came on here to my forefathers. They passed through our country, they became acquainted with our country and all our streams, and our forefathers used them well, as well as they could, and from the time of Columbus, from the time of Lewis and Clarke, we have known you, my friends; we poor people have known you as brothers."

He concluded by expressing his approval of the treaty, only urging that the whites should act towards them in good faith.

GOVERNOR STEVENS. "We have now the hearts of the Nez Percés through their Chief. Their hearts and our hearts are one. We want the hearts of the other tribes through their Chiefs."

Young Chief, of the Cayuses. He was evidently opposed to the treaty, but grounded his objections on two arguments. The first was, they had no right to sell the ground which God had given for their support, unless for good reasons.

"I wonder if the ground has anything to say? I wonder if the ground would come alive and what is on it? Though I hear what the ground says. The ground says, 'It is the Great Spirit that placed me here. The Great Spirit tells me to take care of the Indians, to feed them aright. The Great Spirit appointed the roots to feed the Indians on. The water says the same thing. The Great Spirit directs me, Feed the Indians well. The grass says the same thing, Feed the horses and cattle. The ground, water and grass say, The Great Spirit has given us our names. We have these names and hold these names. Neither the Indians nor the Whites have a right to change these names. The ground says, The Great Spirit has placed me here to produce all that grows on me, trees and fruit. The same way the ground says, It was from me man was made. The Great Spirit, in placing men on the earth, desired them to take good care of the ground and to do each other no harm. The Great Spirit said, You Indians who take care of certain portions of the country should not trade it off except you get a fair price...."

The other argument was, that he could not understand clearly what they were to receive:

"The Indians are blind. This is the reason we do not see the country well. Lawyer sees clear. This is the reason why I don't know anything about this country. I do not see the offer you have made to us yet. If I had the money in my hand I should see. I am, as it were, blind. I am blind and ignorant. I have a heart, but cannot say much. This is the reason why the Chiefs do not understand each other right, and stand apart. Although I see your offer before me, I do not understand it and I do not yet take it. I walk as it were in the dark, and cannot therefore take hold of what I do not see. Lawyer sees and he takes hold. When I come to understand your propositions, I will take hold. I do not know when. This is all I have to say."

FIVE CROWS, of the Walla-Wallas. "I will speak a few words. My heart is just the same as the Young Chief's."

GENERAL PALMER. "We know no Chief among the Walla-Wallas but Peepe-mox-mox. If he has anything to say, we will be pleased to hear it."

PEEPE-MOX-MOX. "I do not know what is straight. I do not see the offer you have made to the Indians. I never saw these things which are offered by my Great Father. My heart cried when you first spoke to me. I felt as if I was blown away like a feather. Let your heart be, to separate as we now are and appoint some other time. We shall have no bad minds. Stop the whites from coming up here until we have this talk. Let them not bring their axes with them. The whites may travel in all directions through our country, we will have nothing to say to them, provided they do not build houses on our lands. Now I wish to speak about Lawyer. I think he has given his land. That is what I think from his words. I request another meeting. It is not in one meeting only that we can come to a decision. If you come again with a friendly message from our Great Father, I shall see you again at this place. To-morrow I shall see you again, and to-morrow evening I shall go home. This is all I have to say."

GENERAL PALMER. "I want to say a few words to these people. But before I do so, if Camiaken wants to speak, I will be glad to hear him."

CAMAIKEN, Yakima Chief. "I have nothing to say."

GENERAL PALMER. "I would enquire whether Peepe-mox-mox or Young Chief has spoken for the Umatillas? I would wish to know farther, whether the Umatillas are of the same heart?"

OWHI, Umatilla Chief. "We are talking together, and the Great Spirit hears all that we say to-day. The Great Spirit gave us the land and measured the land to us. This is the reason I am afraid to say any thing about this land. I am afraid of the laws of the Great Spirit. This is the reason of my heart being sad. This is the reason I cannot give you an answer. I am afraid of the Great Spirit. Shall I steal this land and sell it? or, what shall I do? This is the reason why my heart is sad. The Great Spirit made our friends, but the Great Spirit made *our* bodies from the earth, as if they were different from the whites. What shall I do? Shall I give the land which is a part of my body and leave myself poor and destitute? Shall I say, I will give you my land? I cannot say so. I am afraid of the Great Spirit. I love my life. The reason why I do not give my land away is, I am afraid I shall be sent to hell. I love my friends. I love my life. This is the reason why I do not give my land away. I have one word more to say. My people are far away. They do not know your words. This is the reason I cannot give you an answer. I show you my heart. This is all I have to say."

GOVERNOR STEVENS. "How will Camiaken or Schoom speak?"

CAMAIKEN. "What have I to be talking about?"

GENERAL PALMER. "We have listened and heard our Chiefs speak. The hearts of the Nez Percés and ours are one. The Cayuses, the Walla-Wallas, and the other tribes, say, they do not understand us. We were in hopes we should have had but one heart. Why should we have more than one heart? Young Chief says, he does not know what we propose to him. Peepe-mox-mox says the same. Can we bring these saw mills and these grist mills on our backs to show these people? Can we bring these blacksmith shops, these wagons and tents on our backs to show them at this time? Can we cause fields of wheat and corn to spring up in a day that they may see them? Can we build these school houses and these dwellings in a day? Can we bring all the money that these things will cost, that they may see it? It would be more than all the horses of any one of these tribes could carry. It takes time to do these things. We come first to see you and make a bargain. We brought but a few goods with us. But whatever we promise to give you, you will get.

"How long will these people remain blind? We come to try and open their eyes. They refuse the light. I have a wife and children. My brother here has the same. I have a good house, fields of wheat, potatoes and peas. Why should I leave them and come so far to see you? It was to try and do you good, but you throw it away. Why is it that you do so? We all sometimes do wrong. Sometimes because our hearts are bad, and sometimes because we have bad counsel. Your people have sometimes done wrong. Our hearts have cried. Our hearts still cry. But if you will try to do right, we will try to forget it. How long will you listen to this bad counsel and refuse to receive the light?

"I, too, like the ground where I was born. I left it because it was for my good. I have come a long way. We ask you to go but a short distance. We do not come to steal your land. We pay you more than it is worth. There is the Umatilla Valley that affords a little good land. Between the two streams and all around it, is a parched up plain. What is it worth to you, and what is it worth to us? Not half what we have offered you for it. Why do we offer you so much? Because our Great Father has told us to take care of his red people. We come to you with his message, to try and do you good," &c., &c.

These extracts will give a specimen of the kind of "talk" which went on day after day. All but the Nez Percés were evidently disinclined to the treaty, and it was melancholy to see their reluctance to abandon the old hunting grounds of their fathers and their impotent struggles against the overpowering influence of the whites. The meeting to-day closed with an effective speech by Governor Stevens, addressed to the Chiefs who had argued against the treaty. I give a part of it:—

"I must say a few words. My brother and I have talked straight. Have all of you talked straight? Lawyer has, and his people have, and their business will be finished to-morrow. Young Chief says, he is blind and does not understand. What is it that he wants? Steckus says, his heart is in one of three places—the Grand Rond, the Toucher, and the Two Cañon. Where is the heart of the Young Chief? Peepe-mox-mox cannot be wafted off like a feather. Does he prefer the Yakima to the Nez Percé Reservation? We have asked him before. We ask him now. Where is his heart? Camiaken, the Great Chief of the Yakimas, has not spoken at all. His people have had no voice here to-day. He is not ashamed to speak? He is not afraid to speak? Then, speak out. Owhi is afraid lest God be angry at his selling his land. Owhi, my brother! I do not think God will be angry if you do your best for yourself and your children. Ask yourself this question to-night. Will not God be angry with me if I neglect this opportunity to do them good? But Owhi says, his people are not here. Why then did he tell us, Come,

hear our talk? I do not want to be ashamed of him. Owhi has the heart of his people. We expect him to speak out. We expect to hear from Camiaken and from Schoom. The treaty we will have drawn up tonight. You can see it to-morrow. The Nez Percés must not be put off any longer. This business must be despatched. I hope that all the other hearts and our hearts will agree. They have asked us to speak straight. We have spoken straight. We have asked you to speak straight, but have yet to hear from you."

The Council did not adjourn till six o'clock. In the evening I rode over as usual to the Nez Percé camp and found many of them playing cards in their lodges. They are most inveterate gamblers, and a warrior will sometimes stake on successive games, his arms, and horses, and even his wives, so that in a single night he is reduced to a state of primitive poverty and obliged to trust to charity to be remounted for the hunt.

In the other camps everything seemed to be in a violent commotion. The Cayuses and other tribes are very much incensed against the Nez Percés for agreeing to the terms of the treaty, but fortunately for them, and probably for us also, the Nez Percés are as numerous as the others united.

*Friday, June 8th.*—As the Council does not open until noon, our mornings pass in the same way. Lieutenant Gracie and I practise pistol shooting, read, and ride about the country, visiting Governor Stevens' party and at the Mission.

To-day it was nearly three o'clock before they met. After a few remarks by Governor Stevens, General Palmer made a long speech addressed to those Chiefs who refused yesterday to accede to the treaty. He told them, as they do not wish to go on the Nez Percés Reservation, (the tribes never having been very friendly to each other,) he would offer them another Reservation, which would embrace parts of the lands on which they were now living. After this offer had been clearly explained to them and considered, all acceded to it, with the exception of one tribe, the Yakimas.

It seemed as if we were getting on charmingly and the end of all difficulties was at hand, when suddenly a new explosive element dropped down into this little political caldron. Just before the Council adjourned, an Indian runner arrived with the news that Looking Glass, the war-chief of the Nez Percés was coming. Half an hour afterwards, he, with another chief and about twenty warriors, came in. They had just returned from an incursion into the Blackfoot country, where there had been some fighting and they had brought back with them, as a trophy, one scalp, which was dangling from a pole. Governor Stevens and General Palmer went out to meet them and mutual introductions were made. Looking Glass then, without dismounting from his horse, made a short and very violent speech, which I afterwards learned was, as I suspected, an expression of his indignation at their selling the country. The Council then adjourned.

At the races this evening in the Nez Percés camp, we found ten of the young braves who came in that afternoon, basking in the enjoyment of their laurels. Dressed in buffalo skins, painted and decorated in the most fantastic style, they stood in a line on one side of the race ground, exhibiting themselves as much as possible and singing songs in honor of their exploits. After the races we rode through the Cayuse camp. They seemed to be in commotion, apparently making preparation to depart.

Saturday, June 9th.—This morning the old Chief Lawyer, came down and took breakfast with us. The Council did not meet till three o'clock and matters seem now to have reached a crisis. The treaty must either be soon accepted or the tribes will separate in hopeless bad feeling. On the strength of the assent yesterday given by all the tribes, except the Yakimas, the papers were drawn up and brought into the Council to be signed by the principal Chiefs. Governor Stevens once more—for Looking Glass' benefit—explained the principal points in the treaty, and among other things told them, there would be three Reservations,—the Cayuses, the Walla-Wallas and Umatillas to be placed upon one—the Nez Percés on another—and the Yakimas on the third, and that they were not to be removed to these Reservations for two or three years.

Looking Glass then arose and made a strong speech against the treaty, which had such an effect, that not only the Nez Percés but all the other tribes refused to sign it. Looking Glass, although nominally only the second Chief, has more influence than Lawyer and is in reality *the* Chief of the different Nez Percé tribes. Governor Stevens and General Palmer made several speeches to induce him to change his decision, for should he do so, the other Chiefs would follow his example; but in vain, and the Council was obliged to adjourn until Monday. In the mean while, it is supposed that the Commissioners will bring some cogent arguments to bear upon Looking Glass and induce him to accede to the treaty.

Near the race ground this evening we found the women collected in circles on the ground, gambling with the most intense earnestness. Like the men they will spend hours around the lodge fires, staking every thing they have on the changes and chances of the game. Near them stood, as on the last evening, the returned warriors, exhibiting their fantastic bravery, and apparently thus challenging the applause of the softer sex.

We supposed yesterday that we should have started this evening for the Umatilla, but the prospect now is that we shall be delayed several days longer.

*Sunday, June 10th.*—We understand there has been great excitement through the Indian camps today. The Nez Percés have been all day long holding a council among themselves, and it is represented, the proposition has been made to appoint Looking Glass head Chief over Lawyer. Yesterday, while Looking Glass was speaking, Lawyer left the Council without saying anything; which many of them are disposed to regard as the surrender of his place. Should this proposition be carried into effect, it would give a quietus to the treaty.

*Monday, June 11th.*—Before breakfast we had a visit from Lawyer with some other Indians. At ten o'clock the Council met. Governor Stevens opened it with a short speech, at the close of which he asked the Chiefs to come forward and sign the papers. This they all did without the least opposition. What he has been doing with Looking Glass since last Saturday, we cannot imagine, but we suppose savage nature in the wilderness is the same as civilized nature was in England in Walpole's day, and "every man has his price." After this was over, the presents which General Palmer had brought with him were distributed, and the Council, like other Legislative bodies, adjourned *sine die*.

As soon as this business was finished, we at once struck our tents and began our march towards the Umatilla. On our way, Lieutenant Gracie and I made our parting visit at the Mission, and then proceeded about fifteen miles before we encamped for the night. Just as we were starting, an express arrived from the Dalles, bringing us in letters and papers.

We have now ended our connection with the Council and bid adieu to our Indian friends. It is therefore an appropriate place to say, that we subsequently discovered we had been all the while unconsciously treading on a mine. Some of the friendly Indians afterwards disclosed to the traders, that during the whole meeting of the Council, active negotiations were on foot to cut off the whites. This plot originated with the Cayuses, in their indignation at the prospect of being deprived of their lands. Their programme was, first to massacre the escort, which could easily have been done. Fifty soldiers against three thousand Indian warriors, out on the open plain, made rather too great odds. We should have had time, like Lieutenant Grattan<sup>[2]</sup> at Fort Laramie, last season, to have delivered one fire and then the contest would have been over. Their next move was, to surprise the post at the Dalles, which they could also easily have done, as most of the troops were withdrawn, and the Indians in the neighborhood had recently united with them. This would have been the beginning of their war of extermination upon the settlers. The only thing which prevented the execution of this scheme was, the refusal of the Nez Percés to accede to it, and as they were more powerful than the others united, it was impossible to make this outbreak without their concurrence. Constant negotiations were going on between the tribes, but without effect, nor was it discovered by the whites until after the Council had separated.

<u>2</u>. Brevet Second Lieutenant John Lawrence Grattan, Sixth Infantry, was killed, with all his party, by the Sioux Indians, in what is known as the "Grattan Massacre," near Fort Laramie, Neb., August 19, 1854.—ED.

*Tuesday, June 12th.*—We were up bright and early this morning, expecting by sunrise to have been on our march. But some of the horses had strayed away during the night and it was eight o'clock before they could be all collected to enable us to set out. After riding thirty miles we reached the Umatilla. Here we found a sergeant of the 4th Infantry and five men encamped, who had been sent to meet us with provisions. Just then a pouring rain began, and we were glad to make our preparations for the night.

*Wednesday, June 13th.*—I awoke to find it still raining in torrents and the wind blowing a beautiful accompaniment, as it swept through the trees which line the banks of the river. Fortunately the sergeant had brought with him a tent, which was turned over to us, and we remained tolerably comfortable. In the midst of the storm, however, a visitor arrived. He was a Mr. Whitney, who is living about a mile from our encampment, with Mr. McKay, on a claim he is cultivating, belonging to the latter. He invited Lieutenant Gracie and myself to take tea with him. About three o'clock it cleared up and we rode over to his residence, where for the first time in several weeks we had the satisfaction of seeing some thing which looked like domestic comfort. Mr. Whitney had his wife and child with him, and he took us over his garden and showed us his crops. At six o'clock we had tea, after the manner of civilized people, which was a great luxury to us after our camp fare in the wilderness.

Just as we were bidding good night, three of our acquaintances arrived from the Council ground on their way to the Dalles. We learned from them that the Indians celebrated a great Scalp Dance the night before, in which one hundred and fifty of the women took part. The tribes then broke up their lodges and returned to their own hunting grounds.

Thursday, June 14th.—The place where we now are is an old camping ground, well known to all the Western hunters, being a central spot where several trails diverge. The emigrant trail passes by it, and stretches thence over the Blue Mountains, leading to Fort Boisé. Here Lieutenant Gracie has orders to remain until the arrival of the rest of the Command, which starts from the Dalles on the twentieth, to enter the Snake country. He has been, therefore, making arrangements to-day for a more permanent encampment, as he may be delayed here for a couple of weeks. The tents have been regularly arranged, our own a little in advance, and those of the men built of boughs and pack covers, so as to protect them from the weather. A log house has been erected at one end of the camp, to hold the provisions, and to-day the men have been employed in constructing a *corral*, or enclosure, in the California style, to secure the horses.

This evening our Indian guide came in. He had been left at the Council ground to hunt up some stray horses.

*Friday, June 15th.*—Early this morning Lieutenant Gracie sent off the Indian guide to the Dalles, as he had no further use for him. Mr. Cut-mouth John has apparently served us faithfully, though being a Cayuse, we cannot tell how deeply he has been implicated in the plottings of his countrymen this summer, or what part he would have taken, had their projected outbreak ripened into action.

To-day Lieutenant Gracie began to have his drills for the men, one before breakfast and the other after supper. At the early drill they are exercised in shooting at a target. This evening, at Mr. McKay's, we met the old Chief, Stechus, who had stopped there on an expedition after some missing cattle. He seemed quite pleased to see us. While there, General Palmer and his party also arrived from the Council ground.

Saturday, June 16th.—After drill we rode over to Mr. McKay's and found General Palmer's party still encamped there, as he was taken ill this morning. He probably needs rest both of body and mind, and on the plains, this is the great prescription, as the remedies which the hunters can give are comprised in a list of very few simples. Nature is generally expected to perform the cure. Had his illness come on at the Council, he could have had the "medicine men" of our friends, the Nez Percés, to prescribe for him. Their prescriptions, however, are always the same, whatever may be the disease, whether ague or fever, or small pox. The patient is shut up in a small close lodge, called a "sweating house," where he is subjected, until almost stifled, to a vapor bath produced by water slowly poured on red hot stones.

*Sunday, June 17th.*—My last Sunday on the plains, and it passed quietly enough. After Lieutenant Gracie had finished inspection and we had taken our usual bath in the river, we rode over to General Palmer's encampment to enquire after his health. We found him still too unwell to travel. The rest of the day was spent in reading, for we have found a small supply of books at Mr. McKay's, which have proven quite a treasure in the wilderness.

*Monday, June 18th.*—Lieutenant Gracie has commenced practising the men at skirmish drill for an hour a day, and is thus preparing them for their Snake country expedition. It has become too hot, except in the morning and evening, to move about with comfort, and after the drill, our ride over to Mr. McKay's and our bath in the Umatilla, we are content to spend the remainder of the day in lounging and reading under the shelter of our tent. In an encampment on the plains, during the dead silence of a sultry noon, with no conventional restraints of civilization about us, we realize more fully than in any other place, the truth of the Neapolitan maxim—*Dolce far niente*.

We had to-day a visit from five of the Cayuse Indians, two of whom had been accustomed to visit us at Walla-Walla.

*Tuesday, June 19th.*—Before we were up we had an arrival of another party of the Cayuse tribe. Their lodges are in a valley about eight miles from the camp. They smoked the "pipe of peace" and probably this time with sincerity, as they knew we had force enough with us to defeat any attempt they might make. The principal Chief of the Umatillas also came into our camp and some strange Indians whom we had never before seen.

As Lieutenant Gracie is obliged to remain at this camping ground, and it may be some days before the command arrives from the Dalles, I have determined myself to proceed on to that post to-morrow in company with Mr. McKay. I therefore this evening rode over to his place and made my arrangements for setting off the next morning.

Wednesday, June 20th.-This morning a messenger arrived from the Dalles with papers and the

latest news—the latter having been almost forgotten by this time in the settlements.

After early drill I took my final leave of the camp. Lieutenant Gracie rode with me over to Mr. McKay's, where I left my horse, as he belonged to the command, transferring my saddle and bridle to one of Mr. McKay's, which I am to ride. And here Lieutenant Gracie and I parted. We have been companions for weeks by day and night, and in this his first independent command, (in many incidents which I could not relate in this brief journal,) he has established, with those at the Council who were accustomed to military expeditions in the Indian country, a character for decision and energy which gives the promise of distinction in much wider and more responsible scenes of action in the future.

We set off about half-past nine o'clock. Mr. McKay and myself, with two boys whose business was to drive the pack mules. Our traveling arrangements were made in the old Spanish-California style, still common in those parts of the country where horses are plenty. Besides those we rode, were seven or eight which ran loose and were driven by the boys, to be used when our own began to flag.

We crossed the Umatilla at once, and on the opposite side striking the trail on which we had gone into the interior, commenced our return westward. After riding for about twenty miles we reached the Indian Agency. Here, two of the other horses were caught, our saddles and bridles transferred to them, and the tired ones turned loose to follow with the rest. Then, on we went until five in the evening when we encamped for the night at Wells' Springs, having traveled during the day fifty-five miles.

*Thursday, June 21st.*—We were on our way this morning by five o'clock. On the trail we passed every little while solitary graves, the last resting places of some unfortunate emigrants. The road from Missouri to the Rocky Mountains can almost be traced by these sad memorials, and no human language can convey an idea of the sorrow and suffering which has taken place on the plains, caused by this rush to the land of gold. About ten miles on our way we met a portion of the 4th Infantry and 3d Artillery under Lieutenants Day, Hodges and Mendell. At noon we halted at Willow Creek, (seventeen miles from Wells' Springs,) for several hours, to rest our horses. We then pushed on until eight in the evening, when we reached John Day's River, where a refreshing bath recompensed us for our long and hot ride. We had ridden to-day about forty-five miles.

*Friday, June 22d.*—We left John Day's River about seven o'clock, and after riding twelve miles, met Major Haller, (Commander of the expedition,) and Captain Russell, 4th Infantry, with their escort, with whom we stopped for a short time. Soon afterwards we met another detachment of troops, with two or three wagons, each drawn by six mules. About noon we struck the Columbia River, whose solitary banks were quite enlivened by the long trains of wagons containing the provisions of the detachment. We counted twenty-four, half of which were on one side of the river and half on the other. The different detachments and wagons will all meet at the camping ground on the Umatilla where we left Lieutenant Gracie. There will be about one hundred and fifty mounted men besides the packers and wagoners. After resting for a couple of hours on the Columbia, we set out for the Dalles, where we arrived at five o'clock. Here we found Lieutenant Dryer, who is to set out to-morrow morning and join the command as Quarter Master.

And thus ended my expedition into the wilderness. It has shown me the rough side of army life, and yet the time has passed pleasantly from the very novelty and freshness of everything. And now, amid all the refinements of civilization, I cannot but look back with something like regret to the freedom of our little camp on the quiet plains, where no sound was heard to break our slumber, but the steady tread of our sentinel or the rippling of the Umatilla.

#### FINIS

#### Transcriber's Notes.

Some punctuation, accentuation, spacing, hyphenation and spelling have been corrected, but where the original spelling variations appear more than once they have been retained.

## \*\*\* END OF THE PROJECT GUTENBERG EBOOK THE INDIAN COUNCIL IN THE VALLEY OF THE WALLA-WALLA. 1855 \*\*\*

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

Creating the works from print editions not protected by U.S. copyright law 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<sup>™</sup> electronic works to protect the PROJECT GUTENBERG<sup>™</sup> concept and trademark. Project Gutenberg is a registered trademark, and may not be used if you charge for an eBook, except by following the terms of the trademark license, including paying royalties for use of the Project Gutenberg trademark. If you do not charge anything for copies of this eBook, complying with the trademark license is very easy. You may use this eBook for nearly any purpose such as creation of derivative works, reports, performances and research. Project Gutenberg eBooks may be modified and printed and given away—you may do practically ANYTHING in the United States with eBooks not protected by U.S. copyright law. 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<sup>™</sup> 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<sup>™</sup> License available with this file or online at www.gutenberg.org/license.

# Section 1. General Terms of Use and Redistributing Project Gutenberg $\ensuremath{^{\text{\tiny M}}}$ electronic works

1.A. By reading or using any part of this Project Gutenberg<sup>™</sup> 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<sup>™</sup> electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg<sup>™</sup> 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<sup>TM</sup> 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<sup>TM</sup> electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg<sup>TM</sup> 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<sup>™</sup> electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is unprotected by copyright law 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<sup>™</sup> mission of promoting free access to electronic works by freely sharing Project Gutenberg<sup>™</sup> morks in compliance with the terms of this agreement for keeping the Project Gutenberg<sup>™</sup> 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<sup>™</sup> 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<sup>™</sup> work. The Foundation makes no representations concerning the copyright status of any work in any country other than 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<sup>™</sup> License must appear prominently whenever any copy of a Project Gutenberg<sup>™</sup> 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 in the United States and most other parts of the world 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 <u>www.gutenberg.org</u>. If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

1.E.2. If an individual Project Gutenberg<sup>m</sup> electronic work is derived from texts not protected by U.S. copyright law (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<sup>m</sup> trademark as set forth in paragraphs 1.E.8 or 1.E.9.

1.E.3. If an individual Project Gutenberg<sup>TM</sup> 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<sup>TM</sup> 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<sup>™</sup> License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg<sup>™</sup>.

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<sup>TM</sup> 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<sup>™</sup> work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project Gutenberg<sup>™</sup> website (www.gutenberg.org), 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<sup>™</sup> 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<sup>m</sup> 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<sup>™</sup> electronic works provided that:

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg<sup>™</sup> works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg<sup>™</sup> 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<sup>™</sup> 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<sup>™</sup> 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  $\ensuremath{^{\mbox{\tiny M}}}$  works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg<sup>TM</sup> electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg<sup>TM</sup> 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 works not protected by U.S. copyright law in creating the Project Gutenberg<sup>™</sup> collection. Despite these efforts, Project Gutenberg<sup>™</sup> 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<sup>™</sup> trademark, and any other party distributing a Project Gutenberg<sup>™</sup> 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 1.F.3. 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<sup>™</sup> electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg<sup>™</sup> 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<sup>™</sup> work, (b) alteration, modification, or additions or deletions to any Project Gutenberg<sup>™</sup> work, and (c) any Defect you cause.

### Section 2. Information about the Mission of Project Gutenberg™

Project Gutenberg<sup>m</sup> 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 are critical to reaching Project Gutenberg<sup>m</sup>'s goals and ensuring that the Project Gutenberg<sup>m</sup> 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<sup>m</sup> 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 information page at www.gutenberg.

# 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. 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 business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887. Email contact links and up to date contact information can be found at the Foundation's website and official page at www.gutenberg.org/contact

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

Project Gutenberg<sup>™</sup> depends upon and cannot survive without widespread 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 www.gutenberg.org/donate.

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 checks, online payments and credit card donations. To donate, please visit: www.gutenberg.org/donate

## Section 5. General Information About Project Gutenberg<sup>™</sup> electronic works

Professor Michael S. Hart was the originator of the Project Gutenberg<sup>™</sup> concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg<sup>™</sup> eBooks with only a loose network of volunteer support.

Project Gutenberg<sup> $\mathbb{M}$ </sup> eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright 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 website which has the main PG search facility: <u>www.gutenberg.org</u>.

This website includes information about Project Gutenberg<sup>m</sup>, 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.