

The Project Gutenberg eBook of The True Story of the American Flag

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 www.gutenberg.org. 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 True Story of the American Flag

Author: John Henry Fow

Release date: January 8, 2009 [eBook #27745]

Language: English

Credits: Produced by K. Nordquist, Anne Storer 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 TRUE STORY OF THE AMERICAN FLAG ***

The True Story of THE AMERICAN FLAG

JOHN H. FOW



FLAG CARRIED BY THE FIRST CITY TROOP OF PHILADELPHIA IN ESCORTING
WASHINGTON ACROSS THE JERSEYS ON HIS WAY TO
TAKE COMMAND AT CAMBRIDGE

THE TRUE STORY
OF THE
AMERICAN FLAG

BY

JOHN H. FOW



PHILADELPHIA
WILLIAM J. CAMPBELL
1908

Copyright, 1908
BY
JOHN H. FOW

INTRODUCTION

I was induced to make this research by the late William H. Egle, Librarian of the State Library at Harrisburg, whose knowledge of the early history of Pennsylvania was of valuable assistance to me in preparing the data for a history of the country along the Delaware river prior to 1682 (yet unfinished). Mr. Egle agreed with me that the claim of Mr. Canby that BETSY ROSS designed and made the first flag was legendary and without that foundation which is so necessary to uphold claims of this character. Statements of such a character, when allowed to go unrefuted, do harm to the history of any people, inasmuch as they encourage others to build "air castles" and purchase old portraits to be palmed off on others as *our* "grandfather" who "fit" in the Revolution, or *our* "grandmother" who carried supplies to the troops at Valley Forge.

History is the best incentive to make men love their country; it encourages that patriotism which never falters, even at the cannon's mouth. The sight of a flag or the music of a band merely enthuses as long as one is in sight or the other can be heard; but history and its knowledge are lasting and a source of pride. So, therefore, let it be true in all its details, no matter who may fall from the high pedestals upon which they have been placed by vain-glorious descendants.

JOHN H. FOW.

THE AMERICAN FLAG

"It will probably never be known who designed our Union of Stars, the records of Congress being

silent upon the subject, and there being no mention or suggestion of it in any of the voluminous correspondence or diaries of the time, public or private, which have been published.”—*Rear-Admiral Preble*.

So far as regards the adoption of the combination of stars and stripes, the same assertion can be safely made. As to the origin of each this research, it is hoped, will prove conclusively, first, that colored stripes representing a combination for a common purpose were used nearly two hundred years before the Declaration of Independence; second, that stars were used in the union of a flag in November, 1775, on a flag raised on a Massachusetts privateer commanded by Captain Manley (see [Fig. 1](#)), and that they were also used in the design of the book plate of the Washington family along with three stripes.

There can be no doubt that the stripes were made thirteen as a mere matter of sentiment to represent the colonies engaged in the Revolutionary struggle. As a matter of fact, the number thirteen appeared in a large number of instances during the Revolution, and was apparently used as an object lesson to remind the colonists that they were united in a common cause.

The colors of the stripes have no special meaning or significance, except that which anyone may apply who desires to make use of his imagination, or who may become sentimental upon the subject. Many have written and commented upon it; some have said that the red stripes mean courage, others war, daring, determination, and so on, and that the white stripes mean purity, peace, justice, or equity.

“Thy stars have lit the welkin dome,
And all thy hues were born in heaven.”

As a matter of fact, the idea of stripes in a flag to represent a combination for a common purpose originated in 1582 in the Netherlands, and symbolized the union of the Dutch Republic in its struggles against the power of Philip and the persecutions of Alva.

In a paper read before the New Jersey Historical Society by a Mr. Haven in January, 1872, he suggested “that the combination of our flag, the stars and stripes, were favored as a compliment to Washington, because they were upon the book plate of the General’s family.” He further stated “that the stars on the book plate were of Roman origin,” and in support quoted from Virgil “Redire ad astra,” meaning and inferring that a return to the stars meant a future home of peace and happiness for the human race, and that is what this nation would eventually become. Assertions and statements similar to the above may be quoted by the score, wherein reasons are given based upon theory and imagination as to the origin of the devices which compose our national banner.

The claim that has been made about Betsy Ross, who worked at upholstering and as a seamstress during the Revolution, who is said to have lived in a house either No. 80 or 89 Arch street, Philadelphia, now said to be No. 239 Arch street, as having some time in June, 1776, made and designed the first American flag as we now worship it, cannot be corroborated by historical research.

The claim is one of that legendary type that the Rabbins of old handed down for centuries, and which were believed to be true, until modern investigation proved their falsity, or like the imagination of artists who attempt to paint historical events without consulting details, historical, and geographical. The two most notorious in our history are Leutze’s painting of Washington crossing the Delaware, and Benjamin West’s painting of William Penn treating with the Indians. As to the first, I write from authority, having been designated to represent the Legislature of Pennsylvania as one of a committee of three to act in conjunction with the Trenton Battle Monument Committee to select an historical subject for the medallion to be placed upon one of the four sides of a monument, erected at Trenton, to represent Pennsylvania’s part in that memorable event, we chose as the subject “Washington Crossing the Delaware,” and the result of our labor, and investigation in conjunction with the Monument Committee can be seen to-day on the west side of the monument. The bronze tablet placed there by the Commonwealth of Pennsylvania truthfully delineates that notable event. The late General Stryker, of New Jersey, aided us, and furnished us books, and documents to obtain part of the data. The tablet represents a small rowboat, with General Knox sitting in the bow of the boat, and Washington in the stern, the man rowing the boat was a Mr. Cadwalader. He lived at McConkey’s Ferry, on the Pennsylvania side of the river. Leutze in his painting has Washington standing alongside of a horse in a large scow, such as were used in those days on the upper Delaware to take produce to the Philadelphia markets. A number of others are in the same boat, one holding aloft a flag containing a blue union with thirteen white stars—a flag that did not come into existence until six months after the battle was fought.



FLAG CARRIED IN THE REVOLUTION BY COUNT PULASKI'S LEGION

As to West's picture, one need only look at it, and then read the facts as related in any history of Pennsylvania, and it will be found how historically untrue it is. One instance alone would be sufficient; that is, in the painting, the vessel in which Penn came over is anchored out in the river, when, as a matter of fact, she never came up to Philadelphia. She was quarantined below Chester because of the smallpox, and Penn was rowed up the river from Chester in a small boat, and landed near the residence of the Swensons, two Swedes, who lived at Wicaco, and from whom he bought the land comprising old Philadelphia. Again, the elm tree is in full leaf, yet the "pow-wow" that Penn held with the Indians took place in November, and elm trees do not have leaves on them in this latitude in November. But why digress from the subject about which I started to write, merely to show that artists and those seeking for family distinction are not to be relied upon as truthful delineators of history.

The Ross claim is based upon the assertions set forth in a paper read in 1870 by Mr. William Canby before the members of the Historical Society of Pennsylvania. It was claimed in the paper or essay that from traditions existing in the Ross family, Betsy Ross, the grandmother of Mr. Canby on his mother's side, was the maker and designer of the first American flag, and that she lived on Arch street. A research shows that a Betsy Ross did live on Arch street; but the exact location is doubtful, and that her maiden name was Griscom. She was married three times, first to John Ross, second to Ashburn, and lastly to John Claypoole.



FLAG CARRIED IN THE REVOLUTION BY COUNT PULASKI'S LEGION

It was asserted in the paper read that a committee of Congress, along with General Washington, in June, 1776, called at her house, and engaged her to make a flag from a rough drawing, which, not suiting her, was at her suggestion, redrawn by Washington. From other traditional resources it was also claimed, that Mrs. Ross changed the stars from six-pointed to five-pointed. The whole claim is based upon tales told from memory by relatives, no other proofs have ever been found, and a careful and thorough research fails to discover any. In 1878 a pamphlet was issued from the printing office of the State printer at Harrisburg, Pennsylvania, written by a Mr. Reigart, based upon the above claim, and calling Mrs. Ross "the immortal heroine that originated the first flag of the Union." The book had an alleged portrait of Betsy Ross making the first flag; but it was afterwards discovered that it was really the portrait of an old Quaker lady who was living in Lancaster at the time the book was written. The book was so unreliable that it made the Ross claim appear ridiculous in the eyes of the public.

If Mrs. Ross made a flag in an Arch street house, as claimed, it was made after a design that had been conceived and born somewhere else, and her contribution was no more than her labor in sewing on some stars, the same labor that is given by any girl or woman who works in a flag manufactory. Even according to the paper which was read before the Society in 1870 it is admitted that a design made by someone else was taken to her, but that she made certain changes in it. Now, that is all there is in the Betsy Ross claim; yet the growing youths of the nation are being misled and taught an historical untruth when it is asserted that Mrs. Ross designed, originated and made the first American flag, and a lithograph has been issued showing that historical untruth, which has not as good a foundation, in fact, as the two paintings to which I have referred, because the events sought to be depicted in those two cases did happen. All the sentiment exhibited over the Betsy Ross story is lost upon those who have looked the matter up, and are conversant with the history and growth of our national emblem, which I will now take up. Those seeking for more elaborate details are referred to Bancroft's History of the United States; Lossing's Field Book of the Revolution; Philadelphia Times, April 6, 1877; The American, The Colonial and the Pennsylvania Archives; Journals of Congress, Vols. 1 and 2; Preble's History of the Flag; Cooper's Naval History; Life of John Adams; Hamilton and Sarmiento's Histories of our Flag; Sparks' and Washington Irving's Lives of Washington; Washington's own letters, diaries and other writings, and William Cullen Bryant's History of the United States, in which pages 420 and 421 of the third volume he devotes to a history of the flag, but nowhere does he mention the Ross claim. He evidently, like myself, could not find any authority for it, yet his history was published in 1879—nine years after the Ross claim was made. There are many other authorities, but not one of them gives her the credit claimed, and all of them except those written since the claim was made, leaving out the Bryant history, do not even mention her name.

A claim similar to the one made by Mr. Canby on behalf of Betsy Ross, was made by a woman named Elizabeth Montgomery, daughter of Captain Montgomery, of the armed Brig *Nancy*. She claimed that a flag, "stars and stripes," was made early in July, 1776, by a young man on her

father's brig while it was in port at St. Thomas; see "Reminiscences of Wilmington, ancient and new," printed in 1851, on pages 176 to 179; but her claim it proved to be absolutely false, as a reference to the American Archives, vol. vi, page 1132, fourth series, will show that the Brig *Nancy*, Captain Montgomery, was destroyed at Cape May, June 29, 1776, to keep her from being captured by the British.

At the outbreak of our Revolutionary struggle the different colonies had flags of their own design, which, if grouped together, would have reminded one of Joseph's coat, embellished with Latin and other mottoes. At the battle of Bunker Hill the Americans fought without a flag, although Botta in his history of the American Revolution says that there was one with the words "An Appeal to Heaven" on one side, and the Latin inscription "Qui transtulit sustinet" upon the other (see Fig. 2). In Lossing's field book of the American Revolution, Vol. 1, page 541, he states that an old lady named Manning informed him that the Americans did have a flag at the battle, of which the field was blue and the union white, having in it the Red Cross of St. George and a green pine tree (see Fig. 3); but this cannot be considered an authority any more than Trumbull's picture of the Battle in the Rotunda of the capital at Washington. He depicts the American flag carried in that battle as something which no one ever saw or even heard of, to wit: a red flag with a white union, having in it a green pine tree (see Fig. 4).

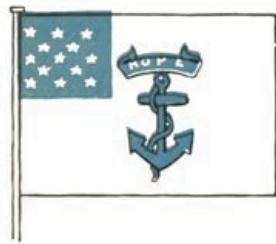


Fig. 1



Fig. 2

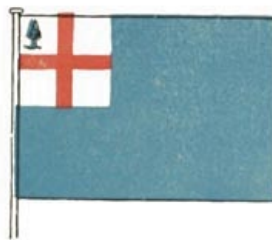


Fig. 3

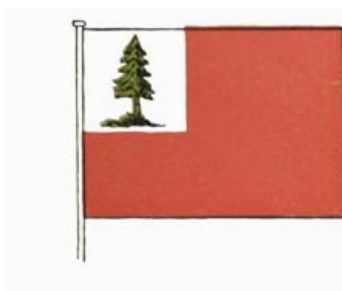


Fig. 4



Fig. 5

Frothingham in his history of the siege of Boston says that there was a flag over Prescott's redoubt having upon it the words "Come if you dare;" but there is no authority given for the statement. As a matter of fact, it might have been, for at that period flags were used as ensigns, with different sentences upon them, such as "Liberty and Union," "An Appeal to Heaven," "Liberty or Death," "An Appeal to God." Several such flags were captured by the British and mentioned in the English journals of that period (see Figs. 5, 13, 14 and 15). Also in Powell's picture of the battle of Lake Erie in the national capital Perry is seen in a boat with a flag of thirteen stripes and thirteen stars; yet when the battle was fought the American flag consisted of fifteen stripes and fifteen stars, and had been so constituted since 1794, because under an act of Congress there was to be a stripe and a star added for the two States admitted after the thirteen colonies became States, to wit: Kentucky and Vermont. So Congress on the 13th day of January,

1794, passed an act fixing the number of stripes and stars at fifteen, and such was the Star-Spangled Banner that Key saw at Fort McHenry in the "dim morning's light" when he wrote the words of our National Hymn, as a matter of fact, the war of 1812 was fought under a flag of fifteen stripes and fifteen stars. In 1878, at a fair in Boston, the flag of the United States brig "Enterprise," that fought the English brig "Boxer" on September 15, 1813, was exhibited. It had fifteen stripes and fifteen stars. It belongs to a Mr. Quincy, of Portland, Maine. It was not until the 4th day of April, 1818, that Congress passed the act fixing the number of stripes, alternating red and white, at thirteen, to represent the thirteen original colonies, and a blue union with a white star for every State then in the Federal Union, and for those that would be admitted an extra star to be added on the 4th day of July after the admission of the State. Now, by a late act, the State is not admitted until the 4th day of July after the passage of the act admitting her to statehood. The act reads as follows:

"An Act to establish the flag of the United States. Sec. 1. Be it enacted, etc., that from and after the fourth day of July next the flag of the United States be thirteen stripes alternate red and white; that the union have twenty stars white in a blue field.

"Sec. 2. And be it further enacted that, on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth of July next succeeding such admission.

"Approved April 4, 1818."

The use of stars by the Colonies on their flags was first suggested by a little piece of poetry in a newspaper called the "Massachusetts Spy," published in Boston on March the 10th, 1774. It was as follows:

"A ray of bright glory
Now beams from afar;
The American Ensign
Now sparkles a star."

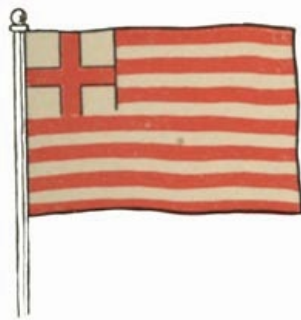


Fig. 6



Fig. 7



Fig. 10



Fig. 11

This piece of poetry was the cause of a flag being made in 1775 by a patriotic vessel owner of Massachusetts having thirteen white stars on it in a blue union, the body of the flag being white, with an anchor upon it having over the top the word "HOPE" (see Fig. 1), already mentioned. It was hoisted on the armed schooner Lee, Captain John Manley (see also Rhode Island Colonial Records, Vol. X, p. 14. A similar flag is now in the office of the Secretary of State. It was carried by a Rhode Island regiment during the Revolution). Either this or the stars on the Washington book plate, in the absence of any record, may be taken as reasons for the adoption of the stars in the union in place of the crosses of St. Andrew and St. George. I have also referred to the claim that the combination of the stars and stripes was probably adopted out of love and respect for Washington. If this claim is true, then we would have, according to the Ross claim the spectacle of Washington complimenting and honoring himself, when, as a matter of fact, his whole life

disproves such conduct on his part. Now, let us see if this argument as to the origin of the combination is born out by facts. We find in a book printed in London in 1704 by J. Beaumont that the English East India Company had a flag of thirteen red and white stripes alternating (see Fig. 6) the same as ours, only it had the red cross of St. George in a white union. In 1705 they reduced the stripes to ten; but in another work on ship-building, published in 1705, by Carl Allard in Amsterdam, we find that he fixes the number of stripes at nine. Also in a book published by Le Haye in 1737 we find that the number of striped flags in existence in Europe were as follows: Bremen, nine stripes, red and white, with a union of four squares, same colors; Rotterdam, eleven stripes, red and green; North Holland, thirteen stripes, red and yellow; East India Company, thirteen stripes, red and white, with a white union and St. George Cross, already mentioned. But no matter as to the number of stripes, it is thus conclusively shown that thirteen red and white stripes were in use seventy years before they were adopted by the American Colonies. In October, 1775, while the English troops were besieged in Boston by the troops under Washington, it became apparent that we should have some sort of a flag to represent the Colonies in the aggregate, and show thereby that they were acting in concert; so a committee was appointed, of which Benjamin Franklin was the chairman. It was determined that the flag should be called the Grand Union Flag, and that it should have thirteen red and white stripes alternating to represent the thirteen Colonies, and the crosses of St. George and St. Andrew in the union to attest their loyalty to the Crown (see Fig. 7), as at that period national sovereignty was not contemplated. The quarrel as claimed was simply over the right to be represented in the taxing body of the British nation. Preble in his history of the flag says, on page 225, as to the stripes being used at the instance of Washington:

“Without further seeking for the origin for the stripes upon our flag, it is possible that the stripes on his own escutcheon suggested them. They were also on the flag of the Philadelphia Light-horse that escorted him on the road to Cambridge from Philadelphia as far as New York in 1775” (see Fig. 8). This latter flag is in Philadelphia, and is the property of the Philadelphia First City Troop. The Philadelphia Sunday Dispatch in 1871 gave a very interesting history of it. Messrs. Lynch and Harrison were Franklin’s colleagues on the committee. In November, 1775, they met at Cambridge in Washington’s headquarters, and, after carefully considering all the facts, adopted the Grand Union Flag above described. “The Union Jack” was called “the king’s colors” because of the crosses to which allusion has been made. The first flag that was made, there being no record of the name of the maker, was hoisted over Washington’s headquarters at Cambridge on the second day of January, 1776. In a letter to Mr. Reed, dated the 4th day of January, Washington wrote that “the saluting of this flag by cannon and musketry fire gave rise to a ridiculous idea on the part of the British in Boston, who, that day having received copies of the king’s speech to Parliament, supposed that the Colonial troops had also received copies, and that the salute was in honor of the king, and that the rebellious Colonists had submitted.” So, first, as early as the 2d day of January, 1776, the flag we all love except the blue union and white stars, was in existence. Second. We have the names of the men who designed it. Third. That it was raised at Cambridge. Fourth. The reasons why the combination was adopted; and fifth, that its first raising was an official act.... So therefore we now have to deal only with the change of the union from the crosses to the stars; and this is best arrived at by following the history of the navy of that time:

The navy of the Colonies in 1775 consisted of armed vessels, either maintained by private enterprise, by the Councils, Boards of War, or Navy Boards of the different colonies, the general Congress making no provisions for the establishment of a colonial navy until October 13, 1775, when, after a general debate based upon the report of a committee, the following resolution was adopted (see Journal of Congress, Vol. 1, p. 204):

“Resolved, That a swift sailing vessel to carry the carriage guns and a proportionate number of swivels, with eighty men, be fitted with all possible dispatch for a cruise of three months.”

After discussion it was further

“Resolved, That another vessel be fitted for the same purpose, and that a marine committee, consisting of Messrs. Dean, Langdon and Gadsden, report their opinion of a proper vessel and also an estimate of the expense.”

Two days later, October 20, 1775, Washington wrote a letter suggesting to the Congress that a flag be adopted, so that “the vessels may know one another.” This idea was a flag with a white ground, a tree in the middle, and the sentence: “An Appeal to Heaven” on it (see Fig. 2, already mentioned).

Four days afterwards the committee made a report, but it was not accepted, and the above resolution was recommitted. On the 30th of October the committee made a report recommending more vessels, and four more members were added to the Committee—Mr. Hopkins, Mr. Hewes, R. H. Lee and John Adams. At a session of Congress on the 9th of November, 1775, a resolution was passed authorizing the creation of two battalions of marines. They were to be composed only of those acquainted with seamanship. This same committee on the 23d of November reported certain rules for the government of the navy, which were adopted on the 28th (see journal of Congress 1, page 255). On the 2d of December the committee was authorized to prepare a commission for the captains of armed vessels in colonial service. On December 9th the pay of naval officers, marines and seamen was adopted, and on December 11th a committee was appointed of one from each colony as a Committee of Ways and Means on Naval affairs. This

committee reported on the 13th that a number of vessels could be prepared for sea by March, 1776, and that it would cost over eight hundred thousand dollars to purchase them and fit them out. This report was adopted, and the same committee was ordered to go ahead and prepare the vessels for sea, which was accordingly done, and the following vessels were made ready for service: Alfred, Dorea, Columbus, Lexington, Fly, Hornet, Wasp, Cabot, Randolph, Franklin, Providence, Dolphin and Lynch.

In April, 1776, the council of the Massachusetts Colony adopted a device for a flag for privateers, and its own armed vessels a white flag with a green pine tree on it (see [Fig. 2](#)); but the general Congress made no provision whatever for a naval flag distinct from the Grand Union Flag hoisted in January at Cambridge, as stated. In July, 1776, John Jay complained in a letter that Congress had fixed upon no device "concerning continental colors, and that captains of the armed vessels had followed their own fancies." In the latter part of 1775, M. Turgot, the French Premier of Louis XVI received a report from an agent of his kept in the Colonies that "they have given up the English flag, and have taken as their devices a rattlesnake with thirteen rattles, or a mailed arm holding thirteen arrows." The reason given for the maintenance of an agent by the French government was to assure the Colonists that they were esteemed and respected by the French people. The ulterior purpose, however, of Vergennes and Turgot was to recover back if they could the Canadian provinces they had lost in their war with the British. Many such flags were in use, and some were embellished with mottoes the principal one being "Don't tread on me." Such a motto was upon the flag of Proctor's Westmoreland County Battalion of Pennsylvania (see [Fig. 9](#)). This flag was displayed at the centennial of Westmoreland County, Pennsylvania, at Greensburg, held in the year 1873. A splendid cut of the above flag is in Vol. XIV of the Archives of Pennsylvania. Others had upon them a rattlesnake broken into thirteen pieces with the mottoes of "Unite or die," or "Join or die." These devices were first used to stimulate the Colonies into concerted action against the French and Indians, and afterwards were revived to unite them in the Revolutionary struggle. In Bradford's Pennsylvania Journal of December 27, 1775, there appeared the following article, which is very interesting and logical:

"MESSRS. PRINTERS: I observed on one of the drums belonging to the marines, now raising, there was painted a rattlesnake, with this modest motto under it, "Don't tread on me!" As I know it is the custom to have some device on the arms of every country, I supposed this might be intended for the arms of North America. As I have nothing to do with public affairs, and as my time is perfectly my own, in order to divert an idle hour I sat down to guess what might have been intended by this uncommon device. I took care, however, to consult on this occasion a person acquainted with heraldry, from whom I learned that it is a rule among the learned in that science that the worthy properties of an animal in a crest shall be considered, and that the base one cannot be intended. He likewise informed me that the ancients considered the serpent as an emblem of wisdom, and, in a certain attitude, of endless duration; both of which circumstances, I suppose, may have been in view. Having gained this intelligence, and recollecting that countries are sometimes represented by animals peculiar to them, it occurred to me that the rattlesnake is found in no other quarter of the globe than American, and it may therefore have been chosen on that account to represent her. But then the worthy properties of a snake, I judged, would be hard to point out. This rather raised than suppressed my curiosity, and having frequently seen the rattlesnake, I ran over in my mind every property for which she was distinguished, not only from other animals, but from those of the same genus or class, endeavoring to fix some meaning to each not wholly inconsistent with common sense. I recollected that her eyes exceeded in brightness that of any other animal, and that she had no eyelids. She may therefore be esteemed an emblem of vigilance. She never begins an attack, nor, when once engaged, ever surrenders. She is therefore an emblem of magnanimity and true courage. As if anxious to prevent all pretensions of quarreling with the weapons with which nature favored her, she conceals them in the roof of her mouth, so that, to those who are unacquainted with her, she appears most defenceless; and even when those weapons are shown and extended for defence, they appear weak and contemptible; but their wounds, however small, are decisive and fatal. Conscious of this, she never wounds until she has generously given notice even to her enemy, and cautioned him against the danger of treading on her. Was I wrong, sirs, in thinking this a strong picture of the temper and conduct of America?"



Fig. 9

FLAG CARRIED IN THE REVOLUTION BY PROCTOR'S WESTMORELAND (PENNA.) BATTALION

The poison of her teeth is the necessary means of digesting her food, and, at the same time, is the certain destruction of her enemies. This may be understood to intimate that those things which are destructive to our enemies may be to us not only harmless, but absolutely necessary to our existence. I confess I was totally at a loss what to make of the rattles until I counted them, and found them just thirteen—exactly the number of colonies united in America; and I recollected, too, that this was the only part of the snake which increased in numbers. Perhaps it may have only been my fancy, but I conceived the painter had shown a half-formed additional rattle, which, I suppose, may have been intended to represent the province of Canada. 'Tis curious and amazing to observe how distinct and independent of each other the rattles of this animal are, and yet how firmly they are united together, so as to be never separated except by breaking them to pieces. One of these rattles singly is incapable of producing sound; but the ringing of thirteen together is sufficient to alarm the boldest man living. The rattlesnake is solitary, and associates with her kind only when it is necessary for her preservation. In winter the warmth of a number together will preserve their lives, whilst singly they would probably perish. The power of fascination attributed to her by a generous construction may be understood to mean that those who consider the liberty and blessings which America affords, and once come over to her, never afterwards leave her, but spend their lives with her. She strongly resembles America in this: that she is beautiful in youth, and her beauty increases with age; her tongue also is blue, and forked as lightning, and her abode is among impenetrable rocks.

Having pleased myself with reflections of this kind, I communicated my sentiments to a neighbor of mine, who has a surprising readiness at guessing any thing which relates to public affairs; and, indeed, I should be jealous of his reputation in that way, were it not that the event constantly shows that he has guessed wrong. He instantly declared it his sentiment that Congress meant to allude to Lord North's declaration in the House of Commons that he never would relax his measures until he had brought America to his feet, and to intimate to his Lordship that, if she was brought to his feet, it would be dangerous treading on her. But I am positive he has guessed wrong; for I am sure Congress would not, at this time of day, condescend to take the least notice of his Lordship in that or any other way. In which opinion I am determined to remain your humble servant."

On the 8th day of February, 1776, one of the committee on naval affairs, Mr. Gadsden, who represented South Carolina in the General Congress, presented that body with a flag that was made of yellow silk with a rattlesnake upon it (see Drayton's American Revolution, Vol. II, page

172; see Fig. 10). No one can tell what became of this flag, yet it was placed in the hall of Congress in a conspicuous place near the seat of John Hancock. Some claim that it was this flag that Paul Jones hoisted on his ship, and others that it was taken South to Fort Moultrie. So therefore we have, as late as April, 1776, a navy of seventeen vessels, proper committees of Congress to look after them, a commander-in-chief, to wit: Esek Hopkins, who was named for that position December 22, 1775; but no national flag had been made nor one even adopted in July, 1776 (see Jay's letter to the committee), nor in October (see Richard's letter, dated October 15, 1776), both written months after the date fixed upon in the Ross claim; but the supposition is that, so far as the navy is concerned, it either flew the Grand Union or a flag similar to the Gadsden device, and this is borne out by the records. As to who was the first naval officer to raise the first American flag to the peak of his vessel and capture the first prize, we only have to quote ex-President John Adams, who wrote from Quincy in 1813 to Vice-president Gerry as follows:

“Philadelphia is now boasting that Paul Jones has asserted in his journal that his hand first hoisted the first American flag, and Captain Barry has asserted that the first British flag was struck to him. Now, I assert that the first American flag was hoisted by Captain John Manley and the first British flag was struck to him on the 29th day of November, 1775.”

As Captain Barry did not go to sea in the Lexington until February, 1776, therefore this claim of President John Adams is undeniably true so far as regards Barry, for the records show that Manley, in a schooner called the Lee, captured the British vessel Nancy, bound to Boston, loaded with munitions of war for the use of the British troops besieged there, and among the articles captured was a mortar, which afterwards was used on Dorchester Heights by Washington's troops in shelling the British in Boston. This same captain on the 8th of December, 1775, captured two more British transports loaded with provisions.

The Paul Jones claim rests upon not that his was the first vessel to hoist an American flag, but that the Alfred was the first commissioned United States war vessel to hoist the Grand Union Flag; but there is no record anywhere of the date, and as no naval commission was issued to Jones until December 7, 1775, the Manley claim made by Adams stands alone as regards the first American flag distinct from the English standard as changed by the Colonists; and it is also corroborated by a letter sent by General Howe on December 13, 1775, while he was besieged in Boston to Lord Davenport, complaining about Manley's capture of the Nancy with four thousand stands of arms. Now, I claim that Adams could not have meant the Grand Union Flag, as it was not agreed upon until December, 1775, but the one I have described as having a blue union with white stars, a white ground with an anchor and the word “Hope” over the anchor (see Fig. 1). The Lee was an armed privateer. In a letter to Robert Morris, October, 1783, Jones, in speaking of the flag, made the claim that “the flag of America” was displayed on a war vessel for the first time by him, he then being a lieutenant on the Alfred; but there is no record as to whether it was a Continental or Grand Union Flag, or some other device; yet there are reasons to suppose it was the Grand Union Flag—first, because the Alfred was in the port of Philadelphia, and we find from the record (American Archives, Vol. IV, page 179) that the day signal of the fleets on February 17, 1776, at the Capes of the Delaware were to be made by using the “Grand Union Flag at the mizzen peak,” which was to be lowered or hoisted according to the information intended to be given under the code of signals furnished.

In the *Ladies' Magazine*, published in London, May 13, 1776, the writer states that the colors of the American navy were “first a flag with a union and thirteen stripes, and the commander's flag a yellow flag with a rattlesnake upon it.”

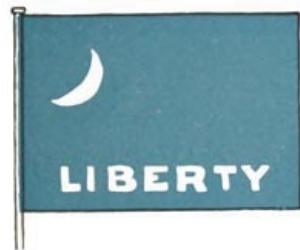


Fig. 12



Fig. 13



Fig. 14

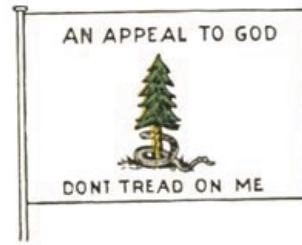


Fig. 15

In the Pennsylvania *Evening Post* of June 20, 1776, was published a letter stating that the British cruiser Roebuck had captured two prizes in Delaware Bay "which she decoyed by hoisting a Continental Union Flag." There is no doubt that from July 4, 1776, until June 14, 1777, we had as a national ensign simply a flag with thirteen stripes, as we had declared ourselves free from the government represented by the crosses of St. George and St. Andrew which we had hitherto on our flag, but having upon it a snake with the motto already so often mentioned of "Don't tread on me," and this design was used, but without any official action being taken thereon by the General Congress (see Fig. 11); yet from May, 1776, or June, 1776, the date fixed upon in the Ross claim, until May, 1777, the American troops fought the following battles: June 28, 1776, Fort Moultrie. The flag in that engagement was a blue flag with a crescent and the word "Liberty" upon it (see Fig. 12). Battle of Long Island, August 2, 1776, the British captured a flag of red damask with the word "Liberty" on it; September 16th, Harlem Plains, no flag being mentioned; October 28th, the battle of White Plains, the flag carried by the Americans was a white flag with two cross-swords on it and the words "Liberty or death;" November 16th, surrender of Fort Washington, no mention of a flag; December 26th, battle of Trenton, the flags in this battle were State flags; all other claims are the imagination of artists who apparently knew nothing of the history of the flag; January 3d, Princeton, the same as at Trenton; January 26th, Tryon's attack on Danbury; and yet in all these engagements that took place after we had declared ourselves a free and independent people there is no record in existence, public or private, that the flag claimed to have been designed by Mrs. Ross in May or June, 1776, was carried. The first time the Stars and Stripes was carried by American troops of which we have any positive record was at the battle of the Brandywine, in September, 1777.

It soon became apparent in 1776 that we were fighting for more than mere Parliamentary representation, and when the culmination was reached by the adoption of the Declaration of Independence on the 4th day of July, 1776, the conclusion was also reached that we could not consistently fight under a standard containing in its union the crosses of St. Andrew and St. George, devices that belonged to the enemy, but which we had used, to express our loyalty to the king up to that time while fighting for a principle. The want of a change in our emblem as originally adopted can be best appreciated by the contents of a letter dated October 15, 1776, sent by William Richards to the Committee of Safety, published in the Pennsylvania Archives, Vol. 5, page 46, wherein, *inter alia*, he said: "The Commodore was with me this morning, and says that the fleet has no colors to hoist if they should be called on duty. *It is not in my power to get them until there is a design fixed on to make the colors by.*" Yet this letter was written four months after the time fixed in the alleged Betsy Ross claim. Thus it is shown conclusively by the record that we had dropped the old Grand Union or Continental Flag, to wit: the Crosses and the Stripes, but had not yet, October, 1776, adopted a new design, and it was not until June 14, 1777, one year after the time fixed as to the Ross claim, that a new design was adopted, and a resolution was passed wherein Congress said "that the Flag of the Thirteen United States be thirteen stripes alternate red and white, that the union be thirteen stars white on a blue field, representing a new constellation." In the rough Journal of Congress the word "of" occurs before the words "thirteen stripes;" in the record it appears to have been changed, thus corroborating the former use of the thirteen stripes.

There is no record as to how this resolution got before Congress—whether a member introduced it, or whether it was the outcome of the report of a committee. No official proclamation of this resolution was made until September, 1777; but it was printed in the papers previous to that time as an item of news; so, therefore, from June to September, 1777, private enterprise may have made many of them. The Ross claim is ridiculous when it contends that Washington, Col. Ross and Robert Morris, in June, 1776, one month before the Declaration of Independence had been adopted, called on Betsy Ross, and that Washington drew with a pencil a rough drawing of the present American flag, she making the stars five-pointed. The statement is without any documentary or record proof. As a matter of fact the six-pointed star was not adopted because of its use in English heraldry, while in Holland and France, our allies, five-pointed stars were used. Now, as to the claim that "Old Glory" was thus made in 1776 by Betsy Ross, what became of it? Preble says of Canby: "I cannot agree with his claim, and neither does the record support it" ... and besides it is practically charging Washington and the rest of the committee with seeking to establish and set up a national ensign before we had even declared ourselves a free people with an independent national government, and without any delegated authority to do so, the record of Congress being silent on the subject; so therefore we have: *First*. On October 15, 1776, the letter of William Richards to the Committee of Safety already quoted *shows that the Ross claim cannot*

be true. In fact, at the time the letter was written we had no colors nor was any designed. *Second.* That at the time it is alleged the committee called on Mrs. Ross we had no national existence. We were still simply revolting colonies, not yet having declared our independence. *Third.* As a climax I have found in the Pennsylvania Archives, 2d series, Vol. 1, page 164, the following extract from the Pennsylvania (not the Colonies) Navy Board's minutes, May 29, 1777, being the first bill for colors for the fleet on record:

"Present: William Bradford, Joseph Marsh, Joseph Blewer, Paul Cox.

"An order on William Webb to Elizabeth Ross for fourteen pounds, twelve shillings and two pence for making ships' colors, etc., put into William Richards' store, £14.12.2."

Fourth. Also in May, 1777, the State of Massachusetts knew nothing of a national ensign of the Ross description, as seen by the following bill paid by the Board of War of that State to Joseph Webb: "To mending an ensign and sewing in pine tree, 6s."

Also:

"May , State of Mass., Pay to Jos. Webb, Dr. , 1777. To making a suit of colors, 44s.; thread, 12s.; painting Pine trees, etc., 24s.—£4.0.0.

"JOHN CONSTON.

"Armed Brig Freedom."



FLAG CARRIED IN THE REVOLUTION BY THE FIRST REGIMENT
OF THE PENNSYLVANIA LINE

Fifth. If Washington and the others had agreed on a design in June, 1776, as Mr. Canby claims, Washington would have had it officially adopted, because he above all men knew the necessity of a national emblem, and more especially would he have done so immediately after the adoption of the Declaration of Independence in July following, and he would not then have fought at Trenton and Princeton in December, 1776, under the State ensigns, or at Long Island or White Plains under the flags mentioned.

Sixth. The first official record of the Stars and Stripes being carried in battle was at the Brandywine in September, 1777, although it is claimed that at Oriskany, fought on the 22d day of August, 1777, when Fort Stanwix was invested by the British, an American flag was made by using white shirts, a red petticoat and Captain Abraham Swartout's blue coat (see Lossing's field book of the American Revolution, Vol. 1, page 242; also Preble's Origin of the Flag, page 276).

Seventh. In view of the above-recorded facts, the Betsy Ross story fails to convince the student and searcher after historical facts as to its authenticity. It is "the imagination of the artist" told in story. He says: "I fix the date because Washington at that time was in Philadelphia;" but no one else fixes the date of the Betsy Ross incident, not even the relatives from whom it is claimed the story was obtained. And further in the same statement it says: "Washington came to confer upon the affairs of the army, the flag being no doubt one of these affairs." Mere guess-work. And if a true guess, then the argument already used by Preble as to what became of the design and the flag from that time, June, 1776, to June, 1777, holds good. It was further claimed that stars and stripes were in general use a year before Congress adopted them; but it fails *to show one instance to sustain the assertion*; besides, the Richards letter of October, 1776, *it being official, completely upsets the claim*. Washington Irving in his life of Washington says that the General, accompanied by Mrs. Washington, left New York on the 21st day of May, 1776, and that they were the guests of John Hancock while in Philadelphia; but neither Irving, Sparks, nor any other writers of Washington's life mention anything whatever of the Ross incident. If it happened, it surely would have been mentioned by someone. Even Washington himself fails to say anything about it in any of the letters he has written, his diaries, or statements made, nor are there any allusions to the subject in the published correspondence of his contemporaries. So therefore the Ross claim simply rests on the statements claimed to have been obtained from relatives, while against it are the various facts above given and hundreds of others not mentioned in this article.

Our flag is the representative of national unity, equal and exact justice to all men. It stands for no sentimental characteristic. It is a practical exhibition in itself of the result of concerted action, and has been from its origin until to-day worshipped as no other ensign designed by man has ever been. It is loved and respected by all who love liberty. It represents the government. It represents our honor. To love it is to love one's country, a duty more sacred than any other, except love and respect for God.

"Oh, glorious flag! red, white and blue,
Bright emblem of the pure and true!
Oh, glorious group of clustering stars,
Ye lines of light, ye crimson bars."

Our flag upon the ocean has been the theme for many a song and story, and in the early days of the Republic the achievements of our naval heroes were looked upon as more essential for the attainment of our liberties than victories on shore, as every vessel captured or destroyed meant the loss of stores and munitions of war to the British troops, hence early in the struggle, as before stated, private enterprise took the first steps in creating a navy, then the colonies took it up separately, and then, as stated, the General Congress.

The Delaware River was the scene of more activity in that direction than any other port of the Colonies, a reputation which it still enjoys. A large number of vessels were fitted out, and here it was the first fleet of American war vessels gathered, and from the Delaware sailed the first commissioned war vessel to cruise on the ocean, the Lexington, Commodore John Barry. Of course, there had been many, as I have stated, private and colonial vessels that had been at sea since the Lee, Captain John Manley (*ad supra*), in the autumn of 1775, sailed from a Massachusetts port, and I have no doubt that many of these private and colonial vessels flew the Grand Union Flag after it had been adopted. So therefore it is fair to presume from the records that Lieutenant Paul Jones was the first commissioned officer to raise it to the peak of a *commissioned American war vessel*, the Alfred; that Captain John Barry was the first to take it to sea on the Lexington, and that the first to exhibit it to other countries was Captain Wickes, of the brig Reprisal, who arrived at St. Eustatia on July 27, 1776 (see American Archives, 5th series, Vol. 1, page 610). The flag he displayed had thirteen stripes and a union of yellow or white; but whether it had on it crosses, pine trees or rattlesnakes no one can tell, as no record can be found; but it is supposed to have been a yellow union with a rattlesnake on it (see Fig. 10), as the naval flag had been a yellow flag with a rattlesnake on it, with thirteen rattles and one budding, and the motto "Don't tread on me." It was also claimed to have been displayed in the same port on November 16, 1776, and to have received its first salute from a foreign power. In looking the matter up it was discovered that the American brig Andrew Dorea was in the port named on that day, she having sailed from Philadelphia in September, 1776. On her arrival she saluted the fort, and the Dutch commander returned it, and he was afterwards dismissed by his government for doing so. So, therefore, it is fair to infer that both claims are made upon a foundation of facts that are corroborated by the records. But the Reprisal's flag must have been the Grand Union or Continental flag, as she left port before the adoption of the Declaration of Independence, while the Dorea must have had some other design for a flag, as she did not sail until September, two months after the Declaration was adopted. Besides, in a letter from St. Eustatia, published in the American Archives, Vol. 2, 5th series, page 760, it said: "All American vessels here now wear the Congress colors." As the crosses of St. Andrew and St. George had been dropped, the Congress colors must have been simply an ensign of thirteen red and white stripes, with an emblem of a rattlesnake on it (see Fig. 11).

The second salute from a foreign power to our flag of which we have any record was given at Brest by the French commander in August, 1777, to the General Mifflin, Captain McNeill. It must have been the Congress flag, as the news of the passage of the act of June 14th creating the Stars and Stripes could not have been known by those on the Mifflin, as in those days we had no merchant marine or other means except through armed vessels of communicating with other countries.

The galleys on the Delaware were in charge of the Pennsylvania Committee of Safety. They had no colors to hoist in August, 1776, as can be seen by the following letter of Mr. Richards, dated the 19th of that month. It was directed to the committee, and said:

"I hope you have agreed what sort of colors I am to have made for the galleys, as they are much wanted."

And this was two months after the alleged date of the Ross claim. The following letter will give a description of the sailing of the first fleet of war vessels this government ever owned:

"NEWBERN, N. C., Feb. 9,
1776.

"By a gentleman from Philadelphia, we have received the pleasing account of the actual sailing from that place of the first American fleet that ever swelled their sails on the western ocean in defense of the rights and liberties of the people of these Colonies, now suffering under the persecuting rod of the British ministry, and their more than brutish tyrants in America. This fleet consists of five sail, fitted out from Philadelphia, which are to be joined at the capes of Virginia by two ships more from Maryland, and is commanded by Admiral Hopkins, a most experienced and venerable sea captain. The admiral's ship is called the Columbus, after Christopher Columbus, thirty-six guns, 12 and 9-pounders, on two decks, forty swivels and five hundred men. The second ship is called the Cabot, after Sebastian Cabot, who completed the discoveries of America made by Columbus, and mounts thirty-two guns. The others are smaller vessels, from twenty-four to fourteen guns. They sailed from Philadelphia amidst the acclamations of many thousands assembled on the joyful occasion, under the display of a Union flag with thirteen stripes in a field, emblematical of the thirteen united colonies; but, unhappily for us, the ice in the river Delaware as yet obstructs the passage down; but the time will now soon arrive when this fleet must come to action. Their destination is a secret, but generally supposed to be against the ministerial governors, those little petty tyrants that have lately spread fire and sword throughout the Southern colonies. For the happy success of this little fleet three millions of people offer their most earnest supplications to heaven." See American Archives, 4th series, Vol. IV, page 964; also Cooper's Naval History as to who named the vessels. John Adams claimed that honor. See American Archives, 4th series, Vol. IV, p. 964.

The fleet made a descent upon New Providence, and, after capturing the place and taking away a large quantity of munitions of war and stores, it left and coasted along the coast from Cape Cod to Cape Charles, making many captures. On the 17th of April, 1776, occurred the first engagement between an English war vessel and a commissioned American war vessel. The English vessel was the brig Edward, mounting sixteen four-pounders, and, by a strange coincidence, the American vessel was the Lexington, Captain Barry. It was at Lexington on land in April, 1775, the first shot was fired by Americans, and it was from the Lexington at sea that the first broadside was delivered at the "Wooden Walls" of old England. The fight resulted in the capture of the British vessel.

No one can tell in the absence of a record the name of the vessel to first fly the Stars and Stripes. Paul Jones claimed it for the Alliance; but in Cooper's life of Paul Jones, page 31, occurs the following. Speaking of Jones' claim, he says:

"He may have been mistaken. He always claimed to have been the first man to hoist the flag of 1775 (the Grand Union) in a national ship, and the first man to show the present ensign (the Stars and Stripes) on board of a man-of-war. This may be true or not. There was a weakness about the character of the man that rendered him a little liable to self-delusions of this nature; and while it is probable he was right as to the flag which was shown before Philadelphia on the Alfred (the Grand Union) the place where Congress was sitting, it is by no means as reasonable to suppose that the first of the permanent flags (Stars and Stripes) was shown at a place as distant as Portsmouth. The circumstances are of no moment, except as they serve to betray a want of simplicity of character, that was rather a failing with the man, and his avidity for personal distinction of every sort."

To corroborate Cooper I have only to state that Jones' claim is absurd when, as a matter of fact, the Alliance was not launched until 1777, and Jones did not command her until 1779, when, as a matter of course, she must have carried the Stars and Stripes (see MacKensie's Life of Jones, Vol. 1, pages 252 and 253). Much to our regret, as lovers of our country, we must admit that the first American flag (the Grand Union) displayed on any of the lakes was by that arch traitor, Benedict Arnold, on the Royal Savage. He had command of the fleet on Lake Champlain in the winter of 1776—

A man who died without a flag, without a
country, without love, without respect.

The first British man-of-war to enter an American port after the Revolution was the Alligator, Capt. Isaac Coffin. He entered the harbor of Boston on the 2d day of May, 1791. He saluted the American flag on the fort by firing thirteen guns, which was returned. A full report of this occurrence is to be found in the *Columbian Sentinel* of May 3d, 1791.

The first ship to enter a British port after peace had been declared flying the American flag was the ship Bedford, of Nantucket, Capt. William Mooers. She entered the Thames in February, 1783, and proceeded up to London. She was loaded with whale oil. The first publication of the terms of the treaty of peace was on the 28th day of January, 1783, the treaty itself having been made in November, 1782.

The first time the American flag was ever displayed over conquered territory outside of the United States was on the 27th day of April, 1805, during the war between this country and Tripoli, when, after the capture of the Tripolitan fortress at Derne, it was hoisted by Lieutenant Bannon and a Mr. Mann. This flag has fifteen stripes and fifteen stars, and was exhibited at a celebration on the 4th of July, 1820, at Brumfield, Massachusetts.

For ten years prior to the Declaration of Independence men, in defiance of the Government, protesting against the oppressive Stamp Duty Act and other causes, held public demonstrations, at which a liberty pole would be raised, and flags with devices and sentences upon them would be carried. Associations calling themselves "Sons of Liberty" were formed, and so tense became the feeling that the people looked with contempt both upon king and Parliament. So pronounced did it become that the obnoxious act was repealed in 1766, after having been in operation only four months. But these associations of "Liberty Boys," formed in 1765 in every community from Boston to Charleston, continued in existence, and formed the nucleus of the army of the Revolution, and the very devices and sentences used in 1766 were afterwards adopted and put upon their flags in 1775 and 1776 prior to the adoption of the Grand Union Flag and the present Ensign.

I have in the foregoing pages endeavored to collate truly all the documentary and other tangible evidence that is in existence to fully, absolutely, and without fear of contradiction, sustain the contention that the Betsy Ross claim exists only because of a statement made by a relative who did not produce one scintilla of documentary or recorded evidence to sustain the claim. The records of the time refute it, and the dates are so at variance with facts that are known that it is a surprise that any credence whatever has been given to the story.

This is God's land, overflowing with promises to the oppressed of all nations. Our shields have been dented in honorable warfare to establish individual liberty and religious freedom, and in all the coming years may our Government reign supreme over all this fair land, and everywhere from ocean to ocean may our flag, like the Bow of Promise, be a sign to all the people of the earth that, being heaven-born, it is a covenant that liberty will and shall be maintained as long as love of country exists in the breast of man.

TRANSCRIBER'S NOTES:

The following ERRATA were noted in the original text. These have been corrected in the above text.

Page 40, line 1. Page 104 should be page 164.

Page 53, line 16. 1776 should be 1766.

Fig. 9 should be the Flag of the Westmoreland Battalion, page 26, and not the Flag carried by the First Regiment of the Pennsylvania Line, at page 40.

*** END OF THE PROJECT GUTENBERG EBOOK THE TRUE STORY OF THE AMERICAN FLAG

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™ electronic works to protect the PROJECT GUTENBERG™ 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™ 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™ License available with this file or online at www.gutenberg.org/license.

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

1.A. By reading or using any part of this Project Gutenberg™ 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™ electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg™ 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™ 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™ electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg™ 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™ 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™ mission of promoting free access to electronic works by freely sharing Project Gutenberg™ works in compliance with the terms of this agreement for keeping the Project Gutenberg™ 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™ 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™ 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™ License must appear prominently whenever any copy of a Project Gutenberg™ 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 www.gutenberg.org. 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™ 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™ trademark as set forth in paragraphs 1.E.8 or 1.E.9.

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

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™ 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™ work in a format other than “Plain Vanilla ASCII” or other format used in the official version posted on the official Project Gutenberg™ 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™ 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™ 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™ electronic works provided that:

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg™ works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg™ 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™ 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™ 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™ works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg™ 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™ 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™ collection. Despite these efforts, Project Gutenberg™ 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™ trademark, and any other party

distributing a Project Gutenberg™ 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™ electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg™ 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™ work, (b) alteration, modification, or additions or deletions to any Project Gutenberg™ work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg™

Project Gutenberg™ 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™'s goals and ensuring that the Project Gutenberg™ 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™ 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.org.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non-profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. 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™ 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™ electronic works

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

Project Gutenberg™ 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: www.gutenberg.org.

This website includes information about Project Gutenberg™, 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.