The Project Gutenberg eBook of A Lost Hero

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: A Lost Hero

Author: Elizabeth Stuart Phelps Author: Herbert D. Ward Illustrator: Frank T. Merrill

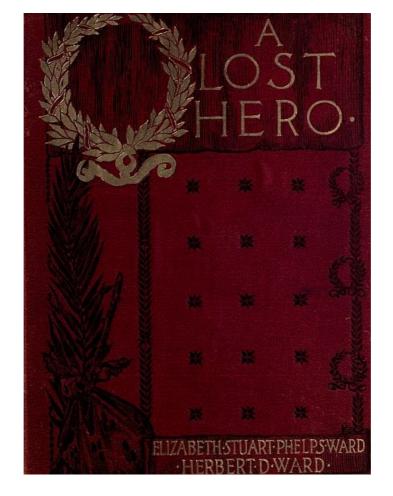
Release date: February 12, 2009 [eBook #28059]

Language: English

*** START OF THE PROJECT GUTENBERG EBOOK A LOST HERO ***

E-text prepared by Suzanne Shell, Emmy, and the Project Gutenberg Online Distributed Proofreading Team (http://www.pgdp.net)
from digital material generously made available by
Internet Archive/American Libraries
(http://www.archive.org/details/americana)

Note: Images of the original pages are available through Internet Archive/American Libraries. See http://www.archive.org/details/losthero00pheliala



A LOST HERO



A LOST HERO.

A LOST HERO

 \mathbf{BY}

ELIZABETH STUART PHELPS WARD

[1]

[3]

[5]

AND

HERBERT D. WARD

ILLUSTRATED BY FRANK T. MERRILL



BOSTON ROBERTS BROTHERS 1893

Copyright, 1891, By Roberts Brothers.

[6]

University Press:
John Wilson and Son, Cambridge, U.S.A.

LIST OF ILLUSTRATIONS.

[7]

[8]

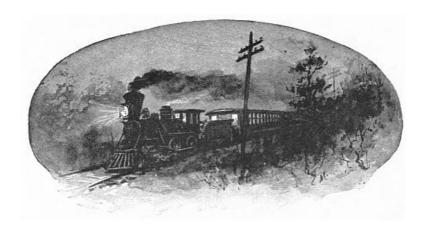
	PAGE	
A Lost Hero	<u>Frontispiece</u>	
The Express from Columbia	<u>11</u>	
The Enterprise of the Summerville Merchant	<u>12</u>	
In the Group at the Station stood a white Boy	<u>13</u>	
The Boy tested the Halter, and patted the Horse	<u>15</u>	
Stray Goats and Mules gazed expectantly	<u>17</u>	
An old Negro came up	<u>19</u>	
He plodded slowly up the Track	<u>21</u>	
Snapped his Halter, and broke away	<u>23</u>	
He got down on his Hands and Knees and crawled	<u>24</u>	
Birds seemed to sing through the Air	<u>25</u>	
Had the End of the World come?	<u>27</u>	
They ran	<u>31</u>	
The pauper Dog	<u>32</u>	
They were only Cows	<u>33</u>	
Run for 't! Run!	<u>37</u>	
As they came abreast of the second little Station	<u>41</u>	
I sole for Two Thousand Dollars onct	<u>43</u>	
The ragged old ${ m A}$ rm that felled it down	<u>45</u>	
The little One climbed like a Monkey upon A Shelf	<u>47</u>	
The old ${ m Man}$ seized the Torpedoes	<u>48</u>	
This comforted the Lad incredibly	<u>49</u>	
"I stump ye!"	<u>53</u>	
The strong, black Fist was clinched	<u>55</u>	
He laid one Torpedo on each Rail	<u>57</u>	
Papä! Papä!	<u>62</u>	
A little huddling Figure	<u>63</u>	
The locality where the Train stood was examined thoroughl	y <u>67</u>	
Had the curiosity to pick up the Rags	<u>72</u>	
Finis	<u>74</u>	

[9]

THE materials of heroism are everywhere; each day and all situations are full of them. The power to recognize them and the will to use them make the hero. He who saves life, no matter how obscure, how poor, how ignorant he may be, has a value which can never belong to the spiller of blood; and the crimson glories of war fade before the white honors of peace.

This little story, which was originally contributed to the "Youth's Companion," has sought to teach the young people of America something of the grandeur which waits upon a brave deed, and something of the beauty of supreme self-sacrifice.

E. S. P. W. H. D. W.



A LOST HERO.



"THE ENTERPRISE OF THE SUMMERVILLE MERCHANT."

THE express from Columbia was due. It was almost nine o'clock on Tuesday night, the 31st of August, 1886. It had been a hot day, sultry toward night, and the loungers at the Summerville station were divided between pitying and envying their neighbors on the excursion train. In such weather, home seems either the most intolerable or the most comfortable place in the world. It had not rained for six weeks, and South Carolina panted.

There was a larger crowd than usual at the little station to see the Columbia excursionists come in. The enterprise of the Summerville merchant who placarded the pine-trees of this forest village with legends to the effect that his ice-cream would be found "Opp. the depot," was well rewarded that scorching night. The streets thronged —if Summerville streets can ever be said to throng—with warm and thirsty loungers of both sexes and of every color. South Carolinians though they were, they objected to the heat of that day.

[13]

[12]

[11]



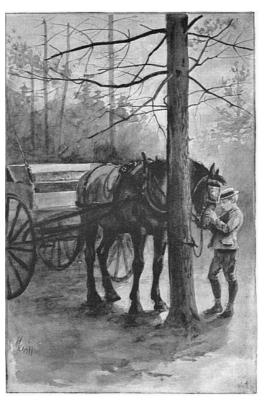
In the group at the station stood a white boy, about ten years old,—a neatly dressed, well-behaved little fellow, with an expression of crushing and delightful responsibility. He wandered back and forth restlessly and proudly from the track to a tree in the square, where an old horse and wagon were fastened with unnecessary security. The boy tested the halter, and patted the barse continually.

[14]



"IN THE GROUP AT THE STATION STOOD A WHITE BOY"

It was a very important thing to drive two miles in the dark for one's father and bring him home from the nine o'clock express. Add to this situation the excitement of an excursion, and Donny de Mone felt that life lacked nothing more to the position and the dignity of manhood. Besides, Donny was very fond of his father, and had not seen him for two weeks.



"THE BOY TESTED THE HALTER, AND PATTED THE HORSE."

Now, there was one curious thing about this crowd which would have been noticeable to a stranger, but had not as yet attracted the attention of the residents. This was the extraordinary number of animals that seemed to be waiting for this train. One would have thought that half the dogs in the neighborhood had relatives coming from Columbia.

Stray goats and mules gazed expectantly up and down the track. Cats had followed their owners from the houses and betrayed their devotion by subdued squeals from under their masters' regardless heels. A brindle-brown pig wriggled its way among the crowd, grunting with persistent uneasiness; while a couple of wandering cows, unmolested by the strangely restless dogs, passed and repassed the railroad crossing, bellowing monotonously. The horses at the station exhibited curious discomfort; and Donny de Mone's venerable nag "Ben Bow" astonished the community by pulling at his halter.

While the boy stood valiantly holding the bridle, an old Negro came up and pulled his sleeve. He was a shabby old Negro. His lean knees protruded through his [15]

[17]

[18]





"STRAY GOATS AND MULES GAZED EXPECTANTLY."

trousers,—a mass of patches from under which the original material, like the jackknife in the mental philosophy problem, had wholly disappeared. It was especially noticeable that tufts of white hair found their way through the holes in his coon-skin cap. Across his shoulder he carried a bundle knotted into an old red handkerchief with a polka spot.



"AN OLD NEGRO CAME UP."

"Say, boss, cud ye tell me whar a poah niggah cud fine a bit o' kivered hay to sleep on, an' a moufful o' pone in de mauhnin? I'se footed it clean from Charleston. I'se gwine to Branchville whar my dahter, Juno Soo, is a dyin' ob fever. She ain't long foh dis wohl. I'se got money 'nuff foh de breffust."

He looked wistfully at the lad. Donny answered with the heartiness of a child who has been brought up to think of others.

"My father will tell you when he comes in. I expect him every minute. But why don't you go to Kittie's." He mentioned the name of a woman well known in Summerville for strong character and wise benevolence. "She lives up the track there. Anybody will show you. She'll help you; she's the best colored woman in town."

[21]

[20]



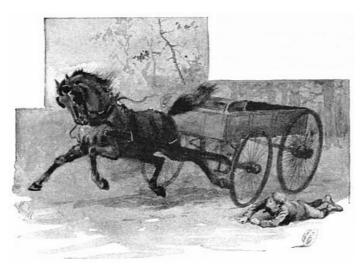
"HE PLODDED SLOWLY UP THE TRACK."

The old man turned away without answering. Perhaps he thought this a pleasant device on the boy's part to get rid of him. Perhaps he meant to follow his counsel. Who can say? He plodded slowly up the track and disappeared in the darkness.

[23]

[22]

I.



"SNAPPED HIS HALTER AND BROKE AWAY."

OW, while Donny stood holding Ben Bow by the bridle, the old horse reared, plunged violently, snapped his halter, and broke away. The boy, at the same instant, was hurled to the ground. The ringing of hoofs and whir of wheels made strange sensations in his ears. He thought what a fool he was to be knocked down by old Ben Bow.

[24]

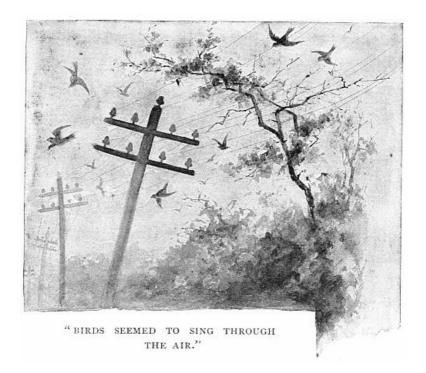


"HE GOT DOWN ON HIS HANDS AND KNEES AND CRAWLED."

Then he tottered to his feet. Complete darkness had come. There was an unearthly silence. Then a moan, then a howl and a shriek arose which reached from group to group, from house to house, from square to forest. Human and animal cries blended in one piteous appeal for mercy.

Again the unknown power smote the lad to the earth, which had become a raging sea. It rocked—it rolled. Terrified, the child no longer attempted to stand. He got down on his hands and knees and crawled.

[25]



The trees whistled overhead. Flocks of birds seemed to sing through the air, striking against the telegraph wires. The atmosphere, which but a few moments ago reeked with heat, took on a grave-like chill. Again the earth heaved and swayed beneath the frightened youngster, who fell upon his face, vainly clawing the ground for the support which it denied him.

The station was only twenty yards away. There, all the people were in a turmoil. While endeavoring to regain their feet, some were violently thrown upon the wooden platform. Others, holding to the side of the building, felt with stupefaction the boards totter beneath their touch. Was judgment at hand? Had the end of the world come? The terror of a nameless danger unmanned the stoutest heart. Women shrieked and prayed. Men cursed and groaned.



"HAD THE END OF THE WORLD COME?"

Donny had now joined the stricken group. They huddled together until another shock threw them one upon another. Delicate women became nauseated as if in mid-ocean. Sturdy men who had faced bullets in the Civil War without wincing, lost self-control. They surged; they fought; they comforted each other; they cried aloud.

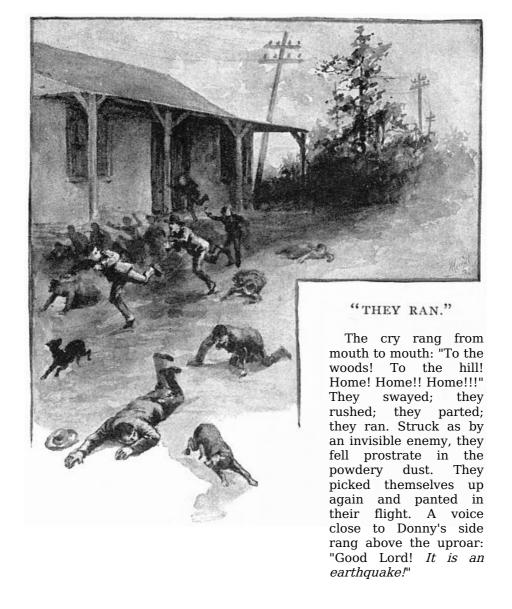
At this moment a frightful tremor shook the earth. The station building gave sickening creaks; then it toppled with a crash.

Yell now followed yell. The crowd, that but now waited the joyous greetings of friends, was battered by the bruises of the earth and hurried by fright into a contagious state of mania. The bodies and faces of the people changed almost beyond recognition. Maddened with fear, stunned by the last concussion, they stampeded.

[26]

[27]

[30]



Like birds before a tornado, the people scattered to the right, to the left,—this way, that, and were gone. Donny found himself, dazed and alone, upon the cross-ties, groping toward the oncoming train. He thrust out his hands and stood a moment piteously crying, "Papä! Papä!" the most bewildered little fellow in all that frightened town.

To crawl up the track, to meet the train, to board her, to shriek at her, to get to his father, to cling to the cow-catcher, perhaps, till the engineer stopped for sheer mercy,—this was the nearest approach to a purpose that the child had, as he beat along the track, stumbling, falling, up again, down again, shaken by the rolling earth, and blinded by darkness more awful than he had ever seen or thought of.

A strange, thin dog, without a collar, whined at his feet as he pushed on, and licked his hand and followed him like his own. Huge, dim forms rushed alongside the embankment, making unearthly sounds. Dragons could not have seemed more dreadful; but they were only cows. Huge pine-trees bent to the earth with rapid, vibratory motion as if a giant's hand clutched and shook them by the roots.



"THE PAUPER DOG."

[32]

[33]

[35]



"THEY WERE ONLY COWS."

All the time the awful rumbling of the earth went on; it sounded as if the world were turning herself over, and thrashing to and fro in a fit of anger; before every convulsion she uttered a roar which seemed as if it came from a metal ball bowled along a giant alley beneath. It reached its climax by trilling the letter *R-r-r-r-r-!* in a mighty voice. Then came the shock.

Suddenly, as the child was making his way through the horror and desolation of this scene, he felt himself clasped in the outstretched arms of a figure hurrying from the opposite direction. The two came together in the dark with a jolt, and recoiled.

[36]

"Goramercy!" said a quavering voice. It was the speech of the old Negro track-walker, taking two days to get to his dying daughter because he could not afford the railroad ticket that would have brought him to her in two hours. Donny recognized the high, cracked, pathetic tones which had addressed him at the station.

"De track's busted!" panted the Negro. "De rails is done gone twist wid de shakes. Dey lays like er heap ob corn-shuck in de win' up yander. Dat ar train don' know hit, an' she'll go to Day ob Jedgment, an' ebery soul aboard ob her! I'se run like de nation fer to warn de town!"

[37]



"RUN FOR 'T! RUN!"

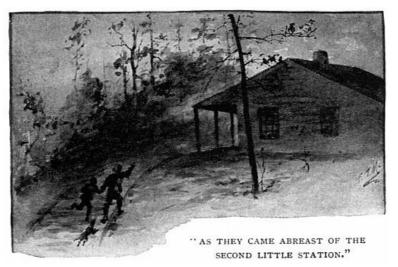
"Oh, there isn't any town to warn!" cried Donny. "It's all run off! There isn't anything left but the earthquake and me—and this pup—and nobody to do anything—and my papä's aboard that

train! Oh, what shall we do? What shall we do?"

"Run, honey, run!" said the old man, more hopefully. "Mebbe we'll head her off some ways or 'nuther. Run for 't! Run!"

The dirty old black hand clasped the tender little white one, which nestled into it gratefully. What it meant at that awful time not to be alone,—to feel a human touch, to know that a human heart beat beside you,—one would have to be in the child's place to understand.

II. [41]



THE two ran, plunging up the distorted track which swelled and shook beneath them, toward the coming train. As they came abreast of the second little station, known as the West End station of Summerville, an idea shot like hope itself through the confused brain of the hurrying boy.

"I know where the torpedoes are!" he cried, shrilly. "The torpedoes they put down to stop trains! I've seen 'em. I play with the superintendent's boys sometimes. If I was bigger I could bu'st open the doors and windows and find 'em."

"I'se an ole man," shouted the Negro, "but I'se been a tough one befo' Freedom. I sole for two thousand dollars onct. I kin smash 'most anythin' yer give me, honey, if hi'm put to 't. If der's anythin' wantin' to be bu'sted to stop dat ar train, I reckon I kin bu'st."



"I SOLE FOR TWO THOUSAND DOLLARS ONCT."

Whirling along, in the dark and the uproar, the two panting figures rushed against the little station. It was very dark. In a lull of the raging earth the distant whistle of the train could be distinctly heard.

[42]

[43]

[45]



"THE RAGGED OLD ARM THAT FELLED IT DOWN."

"In there!" cried the boy. "There! *There!* Oh, don't you think perhaps my papä took some *other* train? Oh, she's coming! I'll help. I can help. Oh, the door's too big for me!"

But not too big for the ragged old arm that felled it down as an axe fells the last rings of a stricken tree. Not too big for the remnant of strength in the once muscular slave. Not too big for the fiery old heart that trouble and toil and hunger and loneliness had never quenched.

The door went down—glass crashed—another door yielded—two wild figures fell into the superintendent's private office. The little one climbed like a monkey upon a shelf he knew of, and then the two rushed out of the rocking building into the resounding air, on which human shrieks smote steadily, as it was said they did all that awful night. Again, the whistle of the train—near now—nearer—

As the pathetic couple ran up the torn and twisted track, Donny began to sob aloud; but all he said was, "Papä! Papä! Papä!"

"Gib 'em to me, sonny," said the Negro, with the authority of age and danger. "I kin run faster'n you, honey! Goramercy, dar she am!"



"THE LITTLE ONE CLIMBED LIKE A MONKEY UPON A SHELF."



"THE OLD MAN SEIZED THE TORPEDOES."

The old man seized the torpedoes, and rushing away with them, vanished in the darkness. The unknown, collarless dog followed him. Donny, sobbing and calling his father's name, pushed on as well as he could by himself. As he ran he tried to say his prayers, but all he could remember was, "Our Father who art in heaven."

[46]

[47]

[48]

[49]



"THIS COMFORTED THE LAD INCREDIBLY."

Then he thought, how soon might his father on earth be father in heaven, too? He could not say that prayer. The boy, like many an older and wiser than Donny, only cried instead of praying. As he ran along in this sad fashion, something hit against him, whinnying in the dark. It was Ben Bow, the horse he had ridden ever since he was a baby. Now, this comforted the lad incredibly, to have one of the family with him.

III. [51]

THE old man and the train were now face to face. The locomotive came cautiously, for the shocks had penetrated far up the road, but too fast—far too fast. Where the track had gone to pieces, a mass of twisted rails and tossing sleepers and furrowed earth, a bank—what is called a high bank in Southern topography—raised itself just in the turn of time to have sent the derailed train plunging down.

The old Negro watched the approaching flare of the head-light as he ran on, with a grim, defiant eye.

[52]

[50]

"I stump ye!" he said aloud. He shook his trembling, black fist at the locomotive. Stumbling along, his old bundle over one shoulder, and the torpedoes clutched in the other arm, being thus encumbered—for it did not occur to him that he could throw away his bundle, he was so poor—he tripped and fell. His foot caught; it is unknown in what,—in a twisted tie, or perhaps in a crevice of the cracking earth.

When he tried to rise, something held the hero down. He reached his whole length forward flat upon the road-bed, and with great precision and with a coolness that one cannot think of now without emotion, he laid one torpedo on each rail, exactly where it needs must lie to give the warning through the crushing wheel.

[53]



"I STUMP YE!"



"THE STRONG, BLACK FIST WAS CLINCHED."

Now for the second time the old man and the locomotive regarded each other. Her fiery breath was close upon him. Above the uproar of the reeling earth the shriek of the train sounded in his deafened ears. Once again, the strong, black fist was clinched in the approaching monster's face.

"I dare ye!" he cried. "Come on! I dare ye!" He pulled himself up with a mighty wrench. But the unknown power held him. He felt the claws of the cow-catcher. He gave one low cry:

"Lord, I'd like to got dar an' seen Juno Soo afore she died—"

Then he closed his eyes, that he might not see what would happen, clasped his hands above his gray head, and gave his manly soul to God.

[55]

[56]

[57]



"HE LAID ONE TORPEDO ON EACH RAIL."

IV.

[59]

THE anxious and bewildered passengers heard the snap! snap! of the torpedoes, and half of them rushed to the platforms. The engineer signalled "Down brakes!" and the train, with a mighty jolt, came to a stop. A heavy shock shook the night at that instant. The smell of sulphur was strong in the chilly air. The engineer got out with a lantern. The crowd gathered in a moment. At the brink of the scattered track, at the very edge of wreck and death, the train had come to a stand.

"Who did it?" swept from lip to lip. No one was in sight.

[60]

"I thought we hit a man," said the engineer, swinging his lantern far out into the darkness. But no sign, whether of the dead or of the living, was in sight,—nothing except a half-starved, collarless dog, who sat stupidly upon the grass, and who did not even wag his tail when the stoker spoke to him.

"Who saved us? Who saved the train?"

Ask the disappointed vulture and the mouth of the muttering earth to tell you, gentlemen passengers! There is no other lip to answer.

Yes, there is one; a little, trembling, ashy lip—a child's—scarcely able to articulate for grief or terror, and pouring forth confused cries that nobody can understand. The passengers have left the train, and are making their way cautiously homeward down the devastated road-bed, where the track had lain. It is hurled now to every point of the compass in the wild night.

They come to a halt suddenly, before a little huddling figure, with its face hidden in its arms, crouched beside a crooked rail. An old horse, with traces hanging and harness a wreck, stands snorting beside the boy.

"Donny! Donny! Why, my sonny boy!"

The crowd parts for a thin, white-faced man,—the passenger who had been heard to say upon the way, "My little son is coming to meet me. I hope these shocks do not extend to the Summerville station."

There is one other little wild call, "Papä! Papä!"—a tremendous effort to be manly, and not cry before strangers—and the boy melts into his father's arms, and wonders whose tears they are which rain upon his cuddling face.

But who saved the train? Where is he? How did he do it? Who took that noble risk? Where is the hero? Here?

"You, my lad?"

[61]

[62]

[63]

Then Donny raised his awestruck face from his father's quick-beating heart, and standing among the strangers and the neighbors, told the story,—all that he knew; all that he could tell.





"PAPÄ! PAPÄ!"

"A LITTLE HUDDLING FIGURE."

"I only remembered the torpedoes, sir. The old man did the rest."

"What old man? Where is he?"

"Why, the old colored man! Haven't you seen him? The old colored man who ran ahead and put them on the track. *He* saved the train."

The engineer took his lantern and silently went back and swung the spot of fire in the black, cold air. It had not rained, as we have said, for many weeks, but his feet splashed into deep pools and running rivulets, and sank into crevices and gashes in the trembling earth.

A few of the passengers followed the engineer. The locality where the train stood was examined thoroughly. Again, the same result,—no human creature, dead or living, was to be seen. The pauper dog sat just where they had left him. The engineer went up and patted him. At the touch he fell over—dead of fright.

They returned to report what they had found. As they did so, they called and shouted into the darkness, seeking for the brave life that had saved their own. Only the roar of the earthquake answered them.

[66]

[65]

[67]



"THE LOCALITY WHERE THE TRAIN STOOD WAS EXAMINED THOROUGHLY."

"But he *must* be there!" cried the lad, "of course he's there. He's a very shabby old Negro. He is all patches and his knees and hair stick out. His hat looked like a coon-skin hat. His hair is gray hair. He carries a little bundle on his shoulder. He's a very strong old Negro. He smashed the station in like—like blocks. He was a slave, and he was so strong he cost two thousand dollars. He's going to see his daughter in Branchville. She's dying. He's so poor he had to walk from Charleston all the way. *He* saved the train. You just look and you'll find him."

A mighty shock drowned the boy's words at this moment, and seemed to jeer at them. The people huddled together, and looked into each others' appalled faces, and no man said a word. Instinctively they ranged themselves into a mass, as if united humanity could defy aroused and raging Nature,—then broke, and ran for their homes, and wives and babes, and whatever fate had left to them.

 \mathbf{V}_{\bullet}

B UT where is the hero? Who saved the train? Summerville, to this day, goes seeking him, and her search is a vain thing. Will he not break his long, mysterious silence? Will he not come forth to take the blessing of the grateful people? An obscure old Negro, poor, hungry, and homeless, will he not accept the proffered reward? Where is the hero?

Like Moses of old, hath God buried him? The earth knows, which yawned beside the track—and closed again—when the crushing wheels struck the life from the unknown savior of the excursion train. The earth knows; but she keeps her secret. Her awful lips are dumb.

[72]

[69]



"HAD THE CURIOSITY TO PICK UP THE RAGS."

Some weeks after the shock of August 31, a section hand, setting a sleeper, found an old bundle, soiled and wet, tied to a stick and mouldering in the ground. He opened it carelessly, and threw it away, and hardly thought to mention it to his overseer, who had the curiosity to pick up the rags and examine them.

A handkerchief, once red, with polka spots, contained a ragged flannel shirt and a stocking-heel tied with a piece of tape. That was all. This stocking-heel, evidently the wallet of some poor traveller, held one silver piece of the value of ten cents, two coppers, and a newspaper clipping, old and faded. It was a copy of the Proclamation of Emancipation to the Negro slaves of America, beginning, "I, Abraham Lincoln," and bearing date Eighteen Hundred and Sixty-three.



*** END OF THE PROJECT GUTENBERG EBOOK A LOST HERO ***

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

[73]

[74]

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 GutenbergTM 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 GutenbergTM 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 GutenbergTM 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 GutenbergTM electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project GutenbergTM 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^{$^{\text{TM}}$} electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg^{$^{\text{TM}}$} electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg^{$^{\text{TM}}$} electronic works. See paragraph 1.E below.
- 1.C. The Project Gutenberg Literary Archive Foundation ("the Foundation" or PGLAF), owns a compilation copyright in the collection of Project Gutenberg^{TM} electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is 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 $^{\mathsf{TM}}$ mission of promoting free access to electronic works by freely sharing Project Gutenberg $^{\mathsf{TM}}$ works in compliance with the terms of this agreement for keeping the Project Gutenberg $^{\mathsf{TM}}$ name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg $^{\mathsf{TM}}$ License when you share it without charge with others.
- 1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg^{TM} work. The Foundation makes no representations concerning the copyright status of any work in any country 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 GutenbergTM License must appear prominently whenever any copy of a Project GutenbergTM 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.3. If an individual Project GutenbergTM 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 GutenbergTM 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 GutenbergTM License terms from this work, or any files containing a part of this work or any other work associated with Project GutenbergTM.
- 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 $^{\text{\tiny TM}}$ License.
- 1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project GutenbergTM work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project GutenbergTM 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 GutenbergTM 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 GutenbergTM 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 email) 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 $^{\text{\tiny TM}}$ works.
- 1.E.9. If you wish to charge a fee or distribute a Project Gutenberg^{TM} electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg^{TM} trademark. Contact the Foundation as set forth in Section 3 below.

1.F.

- 1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread works not protected by U.S. copyright law in creating the Project Gutenberg $^{\text{\tiny TM}}$ collection. Despite these efforts, Project Gutenberg $^{\text{\tiny TM}}$ electronic works, and the medium on which they may be stored, may contain "Defects," such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.
- 1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES Except for the "Right of Replacement or Refund" described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg $^{\text{\tiny TM}}$ trademark, and any other party distributing a Project Gutenberg $^{\text{\tiny TM}}$ electronic work under this agreement, disclaim all liability

to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH 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 GutenbergTM electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project GutenbergTM 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 GutenbergTM work, (b) alteration, modification, or additions or deletions to any Project GutenbergTM work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg™

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

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg^{TM}'s goals and ensuring that the Project Gutenberg^{TM} collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg^{TM} and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation 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 $^{\text{TM}}$ 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^m concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg^m eBooks with only a loose network of volunteer support.

Project GutenbergTM 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 $^{\text{TM}}$, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.