

**The Project Gutenberg eBook of Down the Mother Lode, by
Vivia Hemphill**

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: Down the Mother Lode

Author: Vivia Hemphill

Release date: July 1, 2002 [EBook #3315]

Most recently updated: January 27, 2021

Language: English

Credits: Produced by David A. Schwan, and David Widger

*** START OF THE PROJECT GUTENBERG EBOOK DOWN THE MOTHER LODE ***

DOWN THE MOTHER LODE

PIONEER TALES OF CALIFORNIA

By Vivia Hemphill

Copyright, 1922

Contents

[Foreword](#)

[One Sunday in Stinson's Bar](#)

[The Tom Bell Stronghold](#)

[The Hanging of Charlie Price](#)

["Rattlesnake Dick"](#)

[Indian Vengeance](#)

[Grizzly Bob of Snake Gulch](#)

[Curley Coppers the Jack](#)

[The Race of the Shoestring
Gamblers](#)

[The Dragon and the Tomahawk](#)

[The Barstow Lynching](#)

Foreword

So many inquiries have been made as to exactly where, and what is the "Mother Lode"!

The geologist and the historian agree as to its location and composition, but the old miners and "sojourners" of the vanished golden era give strangely different versions of it. Some of these are here set down, if not all for your enlightenment at least, I hope, for your entertainment.

That is, after all, the principal aim of these tales of the old days in California, that are gone "for good." Mark Twain says in his preface to "Roughing It" that there is a great deal of information in his work which he regrets very much but which really could not be helped, as "information seems to stew out of me naturally, like the precious otter of roses out of the otter"!

These stories make no such particular claim! They are merely historical fragments of their everyday life, gathered from a passing generation before they shall be finally lost. Each one is based upon truth. Somewhere, sometime, some place, certain characters lived the scenes and actions here described.

The title "Mother Lode" has been used in its broader sense as exemplifying the source of all gold in California, and the life which arose from it.

The mining engineer said: "The Mother Lode runs south from El Dorado County to the lower boundary of Mariposa County. It stretches past the towns of Sutter Creek, Jackson, San Andreas, Angel's Camp and the road to Yosemite far down below Coulterville. The lode begins suddenly and ends as suddenly, and though we have searched up and down the state we have never been able to pick it up again."

"Has it any relation to the Comstock Lode?" was asked.

"None whatever. Curiously enough, in Nevada City and vicinity it would appear that at one time in the earth's making, a great fissure opened in forming California and a wedge of Nevada mining country was pushed into it. North of there the California stratas begin again."

"But it was always my belief that these localities were on the Mother Lode, as well as the Georgetown and Auburn country."

"Many persons are apparently under that impression, but the geological surveys of the government place it in the exact location I have given you."

The "Old Miner, '49er," said: "We hunted most all o' our lives, lookin' for her! We called her the Mother Lode, because we thought that all the gold in the state must a' come from her an' washed down the rivers onto the bars where we found it. We thought she'd be pure gold, an' a hundred feet wide an' go on, world without end. We looked, an' looked, an' after quartz minin' come in, we dug an' dug, but we never found the old girl exceptin' here an' there.

"Joe Dance, that old prospector that died last year, he lost his mind lookin' for the big lode. Made some rich strikes in his day, Joe did, but he never could stop to work 'em. He was always waitin' for the mother of 'em all, he said, who'd put him on the road to the heart a' molten gold in the middle a' the earth.

"We old fellows tramped all the way through the hills with only a burro for company most a' the time, an' you'll ride down a broad paved way, soon, in your automobile. You'll go in days, where it took us months, an' some brainy young engineer will locate the old girl, most likely, in new-fangled ways that were unknown in our time.

"Well, the world whirls fast, now-a-days. Guess they'll need all the gold in the old girl's lap to keep on greasin' the machinery. I take off my hat to this generation. I hope they'll find it!"

Hittell says: "The Mother Lode is one of the most extraordinary metalliferous veins in the world. Gold-bearing lodes usually range only five or six miles, but this can be traced for more than sixty. The rock is a hard and white quartz, rich in very fine particles of gold, and the vein varies in width from a foot to thirty feet.

"There are in some portions of its course side branches or companion veins, as they are sometimes called, making the total width nearly one hundred feet. Nor is the direction of the lode always in a straight line. Though usually found within half a mile of what may be considered its normal course, it is sometimes found as far as two or three miles from it, and there are cases of other lodes (three, in all) entirely distinct, which in some instances approach so close as to be confounded with it."

There are numerous mines along the whole length of the lode, famous for having yielded their millions. One quartz ledge is said to have yielded for a long time, two-thirds gold. They say of the Morgan Mine, at Carson's Creek near Melones, "It appeared to be rich beyond parallel. On one occasion \$110,000.00 worth of gold was thrown down at a single blast."

Many expeditions were made in search of the fabled Great Lode but all attempts were vain.

"The old spread-eagle judge said: "Yes, sir; the Mother Lode dips up in a bit of a circle with no beginning and no end, in the western foothills of the Sierra Mountains. Down about Melones, and Sonora, and Angel's Camp it goes, and through Table Mountain, and under Jackass Hill. It comes north, and north, past Coloma, and Auburn, to Nevada City and then it disappears."

I remembered the engineer's statement, but was silent.

"It was the haunt of Harte, and Twain, and Canfield in the north; it was the bank of such men as Hopkins, Crocker, Huntington and Stanford; the foundation of one of the greatest states in the Union, the Mother Lode, the Mother of Gold!"

"Child, my old eyes have watched it spread for nearly ninety years—the power of gold, and of the men who came to seek it, The influence of gold controlled by the human intellect. I am old and tired and soon I shall sleep, but the old see clearly, too clearly, that which they are leaving, and that to which they pass."

"Thus, facing the stars, we go out amongst them into darkness'," I quoted, softly.

"Not to darkness, but to eternal light, to rise again from the Mother Lode to mingle in the busy lives of men."

"Who maketh His messengers with two, and three, and four pairs of wings'."

"Exactly. To be born again, and yet again. The real mother-vein of gold was imbued in the men shaped by the life of the frontier. It was the cornerstone of great fortunes, of families, of enterprises, of achievements which are peculiarly California's own.

"It was the clearing house and open sesame of the vast trade of the Orient which is just coming into being; the foundation for the bridge of gold which shall reach across the seas; a fit monument to posterity which shall be erected with all the lightness and grace and stability of the present cultured generations, born with their feet in the flowers grown from the mother-gold of decent manhood and glorious womanhood—the precious metals of the spirit, unalloyed and unafraid.

"They are the true Mother Lode, the bourne of the seekers of gold, greater, far, than the crazed brains of the old prospectors had the power to conceive. A further-reaching, broader arc than the most wondrous rainbow of their imaginings born of dreams, and built of hunger and despair."

"So shall we find, at last, the Mother Lode, the virginity of the essence of creation, the beginning and the end. The curve of the circle which is unchanging, insoluble, omniscient; which shall return to that which created it; which is all; which is God!"

"149"

*"We have worked our claims,
We have spent our gold,
Our barks are astrand on the bars;
We are battered and old,
Yet at night we behold
Outcroppings of gold in the stars.*

*Where the rabbits play,
Where the quail all day
Pipe on the chaparral hill;
A few more days,
And the last of us lays
His pick aside and is still.*

*We are wreck and stray,
We are cast away,
Poor battered old hulks and spars!
But we hope and pray,
On the judgment Day,
We shall strike it, up in the stars.*

—Joaquin Miller.

One Sunday in Stinson's Bar

I

*"On that broad stage of empire won,
Whose footlights were the setting sun;
Whose flats a distant background rose
In trackless peaks of endless snows;
Here genius bows, and talent waits
To copy that but One creates."*

—Bret Harte.

Now-a-days when you want to go from San Francisco to the Sierra Nevada country you step into your perfectly good Packard (or whatever it is—all the way down to a motorcycle side car), and you ferry across the bay and the straits, and if the motor-cop isn't around, you come shooting up the highway forty miles an hour, and at the end of a glorious five-hour run you are there.

In the early fifties—when there was less to see, too—you took more time to it. You came to Sacramento on the river boat. Then if you were rich, you bought a horse or a mule and rode for the rest of your journey. If you were poor, or thrifty perhaps, you walked, or tried to get a ride on one of the ox-freight teams which plied their way across Haggin Grant to Auburn and Dutch Flat, or to Folsom and Coloma.

Later a railway was built as far as Auburn station, then situated at a point three miles east of Loomis which was at that time called Pino.

Nothing remains of Auburn station. But the road bed of the old railway is still to be found in certain wooded tracts which have not given way to the fruit ranches; and the highway from Fair Oaks into Folsom follows the old cuts and grades for several miles.

In the days preceding and immediately following the discovery of gold in California, building was very difficult. Every stick of lumber in my grandfather's house came by ship "around the Horn," and the fruit trees

grape vines, flowers, even bees, for his lovely garden: were all sent from Europe.

In the smaller settlements there was seldom more than one large building which could be used for social purposes, and this was often the card room or bar room in connection with the hotel of the town.

So here is the tale that was told of one Sunday in Stinson's bar room, in the late '50s at Auburn Station:

They tried to give a ball once a year at Stinson's. Persons came to it from 30 miles about, particularly if they were women, and every woman divided each dance among four men. When a man invited a lady to come to a dance, in many instances he insisted upon the privilege of buying her a silken gown and slippers to wear, and this was not considered unusual, nor was she in any way obligated to him for it. There were so few "ladies" that they were treated as little short of divinities.

This Saturday night there had been no dance, and the men at Gentleman Jack's table at Stinson's had played "three-card monte" on through the dawn and the sunrise, and into broad daylight. The door was pushed open, letting in a rush of cool, sweet air which guttered the candles set in old bottles, and drove the heavy fog of tobacco smoke toward the blackened ceiling. A voice boomed forth:

"Come on, now, gentlemen. Two ladies have come with posies in tall silver vases and a white altar cloth for this table. The preacher's coming over from Folsom, and there will be church held here in one hour. He's a busy man today. An infant will be given a license to travel the long and uncertain road to heaven, and a pair of happy lovers will be made one."

"One—unhappy pair."

"It's William Duncan. He's intoxicated again," drawled Gentleman Jack, stretching his graceful length and smiling at a long, aristocratic figure crouched over a small table in a corner. "His last strike turned out to be only a small pocket, and so he drowns his woes in liquor, as usual." He bowed to his recent card partners. "Gentlemen, I am sincerely sorry for your losses this night. I shall sleep an hour before the holy man arrives." He sauntered out, stuffing a buckskin bag of gold dust into his pocket.

"There lies my pocket—in his pocket," muttered Duncan. "No, Stinson" raising his voice authoritatively, "I shall not go out. It is my desire to pray for my sins today * * * and there has a letter come from overseas which I must read—if I can. If I can—"

In an hour the room was cleared of smoke, greasy cards, poker chips and empty bottles. The bar was in a small room apart. The poker table, supplemented with a box, was covered with a handsome altar cloth flanked by huge silver candlesticks and vases which had been carried across the plains. Every individual in the community came to church and stayed afterward for the christening. At least twenty men expressed a wish to be god-father to the baby and the proud mother accepted all offers. When the christening was over, William Duncan lurched to his feet, his high-bred face full of tenderness, his long-fingered, fine grained hands poised over the rosy child, while he quoted:

"May time who sheds his blight o'er all, And daily dooms some joy to death. O'er thee let years so gently fall, They shall not crush one flower beneath!"

"Ah, 'here comes the bride!' 'All the world's a stage!' Let us on with the next scene," and he reeled back to his little table in the corner.

The kissing and congratulations after the wedding were interrupted by the shouts of a man on horseback, and riding hard.

"Where's the minister? Send for Doc Miller! That beast of a Mexican horse thief—he' shot Jim Muldoon down at Dolton's Bar. Jim caught he's stealing his horse and I'm afraid the dirty greaser's killed him. We got 'im, though, before he skipped. Somebody go down to Rattlesnake for Doc Miller. They're bringing 'em both here."

When Doc Miller saw Muldoon stretched on the barroom table, the same table which a few minutes before had served as an altar he shook his head.

"He will be gone in half an hour," he said. The men standing about began taking off their hats.

"I wish to write home," whispered Muldoon. The young mother handed her baby to its father and seizing pencil and paper, ran forward. The minister opened his prayer book at the service for the dying.

When that service had been read, and what had been Muldoon carried away to be made ready for the last sleep, only the minister and the tall Englishman were left in the bar-room.

"In the midst of life we are in death," muttered Duncan.

"True," rebuked the other "so live well the life which the Lord, thy God, hath provided thee." Will Duncan laughed aloud.

"It is too late, Man-o'-God! There is no place in the world for a younger son." The minister had not heard. He sprang toward the open window, calling:

"Wait! It is written—'Thou shalt not kill!' Bring him in, like just and honest men, for a hearing. He may be a horse thief and a murderer but you shall take the rope from his neck and he shall speak in his own defense before he goes to his Maker."

So a hearing was given (although grudgingly, and with audible grumbling) by the friends of Muldoon across the table which had so lately been his bier, but in the end they took the Mexican out for the short-cut to retribution.

Two hours later, around the same table was solemnized the funeral service of Jim Muldoon. The minister would not return for six weeks. It must be held at once. Gentleman Jack gave a suit of finest black broadcloth for a shroud, and the little bride, keeping one flower from her wedding bouquet, placed the rest in the dead man's hands. She kissed him softly on his forehead, whispering through her tears. "For the ones at home who loved you," and stood watching as six men carried him away to the tiny cemetery under the trees on a hill.

Vesper services were over and the weary minister and his congregation had gone before Duncan found courage to open and read his letter. His elder brother, heir to the title and great houses and landed estates of his family, had been killed in the hunting field and he, being next in line, was to come home to succeed to the position.

He, William—Duncan—Claibourne—Earl of—but no, his family name had never been told in California.

Portions of the services he had heard that day drifted through his mind: "Whosoever shall not receive the kingdom of God as a little child, he shall not enter therein. * * * We do sign him with the sign of the cross in token hereafter that he shall manfully fight against the sin, the world, and the devil; and to continue Christ's faithful soldier unto his life's end." So, the child starting on his earthly journey with the minister's blessing and the backing of twenty god-fathers!

The holy old church service which he had heard at home in stately English cathedrals—the nuggets in the contribution plate—the radiant bride who had come across the plains to hear "Dearly Beloved, We are gathered together," standing beside the man she loved. The service for the dying: "When we shall have served thee in our generation we may be gathered unto our Fathers, having the testimony of a good conscience, the confidence of a certain faith, in favor with Thee our God, and in perfect charity with the world." So, Jim Muldoon, cut down before his time, and his slayer out there in the darkness on the end of a rope.

The dying candle picked out in flame a withered cabbage rose under the table; a baby's mitten, the letter written for the man who had died, the Mexican's sombrero on a chair, the gilt sun and moon and stars on the glass face of the grandfather clock by the window.

Duncan's head fell forward in his clasped arms on the table, and in his dreams he heard the huntsman's silver horn from across the seas calling him home to carry on the destiny of the ancient and honorable name which was his. His "strike of pay ore" in his "land of gold."

The candle wick in a shallow pool of tallow flared high, and went out.

The old clock chimed twelve.

The Tom Bell Stronghold

II

*"You smile, O poet, and what do you?
You lean from your window and watch life's column
Trampling and struggling through dust and dew,
Filled with its purposes grave and solemn;
An act, a gesture, a face—who knows?
And you pluck from your bosom the verse that grows,
And down it flies like my red, red rose,
And you sit and dream as away it goes,
And think that your duty is done—now, don't you?"*

—Bret Harte.

In the early days it was called the Mountaineer House. Now it is colloquially known as the "stone house," and has for sixty years been the home of the Owen King family. It is surrounded today by one of the most beautiful orchards in the foothills. Wide verandahs of the native gray granite to match the old house itself have been added. It is electrically lighted and furnace heated, modern in every way, yet still the romance of former times seems to cling to its sturdy old walls.

All that remain unchanged are three huge trees flanking the highway in front. What tales they could tell, if they would, of what passed by the junction of two roads beneath them. Of the long and weary caravans from across the plains crawling up from the bridge at Whiskey Bar, below Rattlesnake, glad that their six months' struggle was nearly over: of horsemen on beautiful Spanish horses riding furiously, whither no one knew nor dared ask; of dark deeds in the old stone house below, that was so inscrutably quiet by day and so mysteriously alive by night; of ghastly doings by the Tom Bell gang which ranged all the way from the Oregon border to the southern lakes.

They will never tell all they know—these big old trees—of those who went in by the door and "came out by the cellar" of Tom Bell's stronghold. In the end the place fell, in the war between order and lawlessness and, as the pessimists love to assert, a woman, as usual, was the cause of it. The tale is told:

Rosa Phillips sat in the Mountaineer House strumming a Spanish guitar, and singing,

*"There's a turned down page, as some writer says, in every human life,
A hidden story of happier days, of peace amidst the strife.
A folded down leaf which the world knows not. A love dream rudely crushed,
The sight of a face that is not forgot. Although the voice be hushed."*

She rose and stood at a window, holding the dusty curtain aside with one white hand and peering cautiously forth into the dusk. A horse was galloping up the Folsom road. The horseman was near—was under the trees in front—was past—and gone down the river road without slackening his animal's rapid gait.

"He does not stop at the Mountaineer House these days," said Tom Bell's sneering voice at her elbow. "There is a new actress at the opera house in Rattlesnake."

The woman's dark eyes flashed, but she answered evenly enough:

"He does not stop, the handsome Dick, so you, senor, have not the cause to be jealous. Is it not so?"

"Cause? Why, you Spanish jade, you've never been the same to me since Rattlesnake Dick came prowling back from Shasta county to his old haunts in Placer." Rosa's thin, red lips curled.

"Senor, I am what it pleases me to be."

"And Jack Phillips permits you to be!"

She shrugged her slender shoulders.

"He wearies me. Life—this place—wearies me."

"Yes, and I weary you, too—now. Plain as day, it is."

The Phillips woman smiled (she seldom laughed) and there was only cruelty in her smile—no kindness, no womanly softness of any sort.

"My friend, soon there will be no 'you.' The night is coming and there will be no sunrise."

A man dismounted at the gate and led his horse past the window to the stables in the cellar. He walked with a curious, halting pace.

"There's Jim Driscoll back already. Must bring news," said Bell, leaving her hurriedly, and so neglecting to ask the meaning of her cryptic remark.

Rosa slipped in behind the bar, late that evening, beautifully gowned, and with her dark hair dressed high. Her vivid face glowed like a scarlet poppy and was bright with smiles. Three or four men in the crowded bar-room rose to their feet and drank to her bright eyes and strolled across to the bar.

"Soon now," she whispered, "I shall sweep out the lights. Those two who have just entered—who are they?" She went across the room to the newcomers. "The senors may pay me for the drinks, if they desire," she said to them, meaningly.

"La Rosita shall take what pleases her," one of them laughed. Among the handful of coins and small nuggets he brought from his pocket was a bullet strung on a bit of dirty twine.

"Ah! a love token, senor?"

"Yes, from the throat of Betsy Jane" (a term often used for a rifle).

"In twenty minutes, my friends, there will be opened a chute into purgatory for all who are in this bar room. Your 'love token' names you Senor Bell's men. Before then you will seek the rear of the room—eh?"

She drifted away from them to pause at a small table where sat a young man alone.

"And you, pretty fellow, you are new in California?"

"Yes, I landed in San Francisco only ten days ago." He was new indeed, or he would have realized the danger of telling his business to the first person who asked.

"You go far, senor?"

"Not now. I have come far, but my journey is near to a very happy ending."

"So?"

"Yes. I have come to marry Miss Elena Ashley, at Auburn, to whom I have been long betrothed."

She tapped her white teeth with her fan.

"And yet you linger at Mountaineer House?"

"Horses are expensive, and I am not rich. I walked. I was tired. I saw you in your garden, and you are very beautiful."

Rosa's capricious vanity was touched. The whim seized her to save this exuberant young bridegroom from the fate before him.

"Do you see that peddler—old Rosenthal—close to the bar? He brought in a large and rich pack tonight. It lies in the next room. Do you go there at once. I will come soon, and together we will select a gift for your bride. Go quickly!"

She passed again behind the bar. Jack Phillips was at one end, lame Jim Driscoll at the other, Tom Bell in the middle. Rosa paused near a branching candelabra which had once graced the altar of a Spanish church.

"Is Jose below?" whispered Bell. She nodded. "Why did you save that boy, just now? A new lover?" She directed upon him a level glance of hate.

"I do what pleases me, senor." She raised her arm high, beginning the first stamping measure of a Spanish dance. Instantly there was a curious rumbling noise in the stable underneath. Rosa swept over the candelabra. All the lights in the place were struck out. Phillips and Driscoll slipped two great bolts, and the entire bar-room floor swung downward on hinges.

The chute to purgatory was open!

There was bedlam in that dank pass to the region of shades, and no quarter was shown to any man; only cries of "The String! The String!" from members of the gang in order to distinguish the robbers from the robbed, in the darkness. There were curses, the kicking and squealing of horses in their stalls; a verse from the Talmud recited in Yiddish (which suddenly stopped), and above it all the high and hysterical laugh of a woman.

The boy turned from the peddler's pack as Rosa entered the room. "What is that horrible noise?"

"A fight. Come, you had better go." She led him down a dark stair to another section of the cellar. "Jose," she called. An evil looking Mexican pushed open a rough door. "You shall take this man out through the second tunnel."

"Si, senora."

"And Jose, he shall reach the outer opening alive, and with all his belongings. He has no money. Do you hear?" Jose grunted. "Go, now, under, cover of the noise."

"But the gift for Elena!"

Rosa laughed mockingly. "What a child it is! My gift to Elena tonight, is you—her lover. Ask her to thank me with a prayer from her pure heart for my sins."

Jose led the young man through a long, damp, evil-odored passage underground, and out through a trapdoor at the extreme end of the garden. A shrub grew on top of the door, surrounded by a bed of fragrant wild pansies. Jose kicked the staring youth away from the entrance and vanished into the earth looking, in the

lantern-light like a malevolent fiend returning to the realm of everlasting fire.

The balls which were given at the Franklin House on the old Pioneer road were the most pretentious of the year. Feminine loveliness in silks and cameos gathered from every section. General Sutter and his officers sometimes were there, and the Spanish grandees brought to them the lovely, star-eyed beauties of their households.

On this night a brilliant assemblage stood about in the ballroom floor ready for a quadrille. Elena Ashley and her betrothed were near the wide entrance doors.

"There is Sheriff Paul of Calaveras County," she told him. "He does not dance. I wonder what brings him here?"

The doors opened and Rosa Phillips entered, magnificently jewelled and dressed in a rich silk of pearl grey. Elena stared, clutching at her partner's arm.

"Oh, look!" she shrieked, "she is wearing my wedding dress. My wedding dress which was stitched at the shop of Rosenthal the peddler, in Sacramento, and which he was to bring me two weeks ago. I know it is mine! There is the pearl passe-mentre on it that was my mother's. There is none other like it in California!"

"So?" answered Rosa coolly, glancing down at the voluminous silken folds of her robe. Then she stood waving her big fan, her large, dark eyes roving across the throng.

"Mine Host" came quickly forward. "It is not permitted, senora, that you—"

Rosa smiled cynically. "I, the silken hawk, came not to flutter your nest of doves, senior. I came but for a little hour to meet a man who—Ah, he is coming now. Sheriff Paul, I have that to tell you which—"

The sheriff offered his arm ceremoniously and they passed out of the ballroom. Tender hearted Elena was conscience stricken. She dropped her lover's arm and darted after them through the big doors.

"Oh, I am sorry, I did not mean—please, Sheriff Paul, she may have the dress, poor thing! But for her, I should have had no man to marry on my wedding day next week."

Sheriff Paul turned quickly. Elena, frightened, clapped two little hands over her mouth. Rosa shrugged indifferently, and tipping back her small, black head, listened to the music in the ballroom.

"Madam," to Rosa, "you sent for me, making strange promises which, for the safety of this community, I hope that you are now pleased to keep."

Without lowering her chin she looked at him through sinister, narrowed eyelids, and a smile of triumphant malice touched her face.

"Senior, I make no promises which I fail to keep," she answered, "and there is also a promise which I made Senior Tom Bell—"

"There is some one knocking at the cellar door," said Tom Bell to Phillips. "See who is there, and be careful that you let no one in without the bullet and the password."

"Tom, I'm afraid," whined Driscoll "that Spanish devil's promised to get you hung more than once lately, and last night I know she sent that Mexican Jose of hers out somewhere with a string and bullet. I saw them —"

"What! Why didn't you tell me before? Listen! Phillips is in trouble! Go help him! Call the boys! Hurry!" As Jim Driscoll, with a halt in his walk, left him, Tom Bell stole quietly to one of the tunnels and ran to the trap-door which opened into an outhouse.

He found the corral full of saddle-horses and the Mountaineer House completely surrounded by Sheriff Paul's, posse.

"Come on, boys," said a voice.

"Did he get in?"

"Ye-ah—put his hand in with the bullet on a string, got his foot in the door, gave the password and heaved the door wide open. Come on, now, and there's orders not to take the woman, remember."

Bell stole a rawboned roan from the corral and was far from the frightful battle at Mountaineer House before he dared burst forth into the vituperation which he heaped upon the name of Rosa Phillips.

Rosa sat strumming her guitar idly, and musing upon the events of the past few months. Jack Phillips was serving a term in prison. Driscoll had also been sent to the penitentiary. One day a rumor reached her that he was threatening to turn state's evidence, and to divulge the truth in regard to Rosenthal.

Three days later an iron bar was accidentally(?) dropped on his head; through some mysterious agent he was given poison, and died. At the memory of it Rosa smiled her enigmatic and implacable smile. Tom Bell was at large somewhere far to the north and she—she was rich now and she would go back to Monterey, perhaps. She drew her guitar closer and sang:

"The far distant sound of a harp's soft strings—an echo on the air, The hidden page may be full of sweet things, of things that once were fair. There's a turned down page in each life, and mine—a story might unfold, But the end was sad of the dream divine. It better rests untold."

It was time for Harlan to arrive. Charlie Harlan, the man whom she hoped to cajole into buying Mountaineer House. She strolled out into the garden as Harlan rode up and tied his horse under one of the trees.

A happy pair passed. A delicate girl mounted upon a little mule and a sturdy youth walking in the dust, his hand upon the beast's shoulder. With their serene and joy-illuminated faces they somehow suggested the holy family, symbolical of all that was divine in a sordid world.

The girl smiled and waved to Rosa, but the young man doffed his hat coldly and hastened by.

"The sweet little Elena," said Rosa to herself, "and her lover-husband. I wear the silken wedding gown which no lover sees, but she travels the way in calico with the man she loves. May the Blessed Virgin grant

that she shall have no turned down pages in her life," and forcing her proud and bitter mouth into a provocative smile, she went forward to welcome Harlan.

The Hanging of Charlie Price

III

*"He goes to the well,
And he stands on the brink,
And stops for a spell
Jest to listen and think:
Let's see—well, that forty-foot grave wasn't his, sir,
that day, anyhow."*

—Bret Harte.

Everywhere in the foothills of the Sierras there are still evidences of gold mining. High cliffs face the rivers, all that is left of hills torn down at the point of the powerful hydraulic nozzles, with great heaps of cobbles at their base which Mother Nature, even in seventy years has been unable to change or cover.

At the mouth of nearly every ravine there are countless little mounds which marked the end, or dump of the sluice-box in the placer mining. When the mound got the proper height the sluice was simply lengthened, like putting another joint onto a caterpillar—and there you were! The sluice-boxes have long since been moved away or rotted to mould but the little mounds remain, to be mansions for hustling colonies of small black ants.

The country, in various localities, is pitted with prospect holes, and the hills are pierced with drift tunnels and abandoned mines. Some of the prospect holes are mere grassy cups, others are very deep and partly filled with water.

Some of the most engrossing days of my childhood were spent in exploring these places with my two boy companions. We would fell an oak sapling across the mouth of the hole, tie a rope, usually my pony's lariat, to the tree and slide down it to explore the depths below. If we came to a side drift we would swing into it, light our candle-lanterns and go looking for gold. We were always sure that we should yet find a forgotten cache of gold—perhaps guarded by a lonely skeleton—but we never did!

About all we ever got out of it was snake-frights (naturally, sans alcoholic origin), until we were sure, the snakes were not rattlers; baby bats, which invariably tried to bite us; swallows' eggs, wet feet, and a good spanking if the family happened to find out what we had been up to.

I suppose that it really was a very dangerous pastime, for although sometimes the drift tunnel led us to a sunlit opening on the hillside, more often we reached a blind end and were forced to return to the main shaft and to "shin" up the rope, with from ten to forty feet of inky water waiting to catch us if we fell.

Or we went up the river to "swing the rocker" for old Ali Quong. He always pretended to drive us away, bellowing fiercely as soon as he caught sight of us, "Whassa malla you? Alle time you come see Ali Quong! Ketchem too-oo much touble for po-or old Chinaman"—the whole time with his wrinkled, brown face wreathed in smiles.

There we stayed the long summer afternoon, swinging the rocker while Quong shoveled in the pebbly dirt, watching him take the black sand, which held the gold, off the canvas with his little spade-like scoop, and panning it for him in the heavy iron pan, fascinated to see what we should find. Usually only a few small nuggets in a group of colors (flake gold), but once we found a good sized nugget which Quong gallantly gave me for a "Chinese New Year" gift. At dusk he sent us home, each with a bar of brown barley sugar—smelling to the blue of opium—which he fished out of one of his numerous jumpers with his long-fingered, sensitive hands.

They are dead, long ago—Ah Quong, old Sing, Shotgun-Chinaman—and gone to the blessed region of the Five Immortals, I know, but every true Californian will understand the regard the pioneer families had for these faithful Chinese servitors who took as much loving pride in the aristocratic and unblemished names of their "familees" as the white persons who bore them. Four generations of my family, old Sing lived to serve—but I must get on with my forty-niner's tale of the hanging of Charlie Price!

"Eh, mon, but the spring is here again," said Jim "Hutch" (Hutchinson) to Old Man Greeley.

"Is it so, now?" returned the little man, gazing off through the sunny, velvet air to a world which had been painted clean, new green. His shrewd, blue eyes returned to the ponderous Scotchman.

"And how came you to realize that it was spring?" he asked maliciously.

"How came you to lick Sandy McArthur-r-r?" Hutchinson came back at him. "Tell me that."

"Well, but whisper, man," said old Jimmie plaintively, "what else could a man be after doin'? Me boots were on, an' I could not run away an' climb a tree, so I used them on McArthur."

"Ye're a wild fightin' Irishman with no regard for the Sabbath," returned Jim Hutch, sternly. Now Greeley had a fear of what the dour old Scotchman might tell upon him. It would not pay to lose his Celtic temper.

"It was to church I was goin'." he growled. "'Twas why I was wearin' me red-topped high boots."

"Where was church that day, whatever? At the Widow Schmitt's?"

Jimmie squirmed. "You mentioned the beautiful spring, I mind," he countered deftly. Suddenly Jim Hutch grinned.

"I'll tell ye why. I was gaein' down frae Rattlesnake this afternoon an' Charlie Price an' his Leezie were out

in his bit garden a-plowin'. Mon, ye could hear him for miles!"

It was even so. Old Charlie Price had decided that it was high time to put in his vegetable garden. He went out to the lean-to in his corral to inform Lizzie, the mare, of his intention. Lizzie was always the unwilling partner of these agricultural peregrinations, and, now she saw him approaching with the harness, she ran away with much snorting and scattering of sod.

"Hey, you, Liz," roared Charlie, "you goot-for-not'ing buckskin lummix, you com mit!" He flourished the halter rope at her. Lizzie flattened her ears, opened her mouth like a yawning snake, and ran at him. Old Charlie let out a whoop that brought the sheriff from Rattlesnake at full speed, and could be heard (so they say) all the way across the river to Wild Goose Flat, six miles away.

Even Lizzie, accustomed as she was to Charlie's mannerisms, was frankly startled and meekly allowed herself to be caught. She did not like to plow. She was a saddler and a pair of tugs and a collar bored her. With a cinch one could puff out in true wild-horse fashion while the latigo strap was being pulled, and afterward be fairly comfortable, but a slipping collar was neither off nor on. She shook herself impatiently and the collar slid down her neck to her ears.

"Hey!" bellowed Charlie, "you don't veer it so! You—" The mare stamped at a fly, bringing her hoof down on the old Dutchman's foot. His blood-curdling whoops and yells brought the sheriff in on a brilliant finale to a record-breaking run.

"What's the matter? Are you being murdered?"

"Who, I'm?" asked Charlie, absent-mindedly. He was nursing the injured member, wondering whether to kick at Lizzie with it, knowing full well that he stood a good chance of her kicking back again' but when she snapped viciously at the puffing sheriff he decided against it.

"You com' to see me?" he asked, in a bland, so-glad-you've-called tone.

"To see you! Why, I've come to save your life!"

"So? Dot's goot, but Lizzie undt me, ve ain't got so much time today. It's vegetables I sell in Rattlesnake undt ve go to plow, now."

"Well, you old fool, after this you can call in vain if anything happens to you. I'll never bother with you."

"Oh, vell, ven I got a little excitement I got to yell about it, ain't it?"

"Maybe you have—and after this you can, for all of me," and the wrathful sheriff departed. He was new in the community or he would have known that the plowing of Charlie Price and Lizzie was a regular event of each season, for which an audience gathered to lay bets for and against the probability of his dying of apoplexy before it was finished.

The plowing progressed in this manner:

Charlie put the point of the plow in the soft earth and roared at the motor-power. Lizzie started off at a nimble lope. The plow cut a pretty curve and flew out of the ground. Charlie reefed the reins at once, completely turning off the power. Then he put the reins about his neck, grasped the handles of the plow with both hands, and zoomed commands again at the champing power. "Power" jumped ahead. The reins nearly snapped old Charlie's head off, but effectually brought the mare to a standstill.

"Vait, you dunder-undt-blitzen apful peelings! You—you think dot plowing is not high-toned enough, yet—hey? Vell, I show you!"

He picked up a huge clod of soft dirt held it aloft in both hands and banged it down on Lizzie's back—whereupon she promptly ran away! She galloped furiously to the end of the field with the plow banging in scoops and leaps, and old Charlie, dangling on the end of the reins, flying along in seven-league jumps behind her. As soon as he caught his breath sufficiently for renewed directions, the cavalcade returned to the grandstand and operations were repeated.

Charlie had been a sailor before he came to California, and he plowed (?) each furrow with a collection of forceful admonitions, delivered in a voice of thunder, from a different language. It was all the same to Lizzie! She loathed plowing just as thoroughly in wildcat Spanish, as she did in Dutch or Cingalese, and she did not hesitate to prove it.

Jim Hutch and Jimmie Greeley drifted down to Rattlesnake at sundown and joined the laughter-weakened group perched upon Charlie's snake fence.

"The man grows more daft every year. 'Tis strange, what charms the Widow Schmitt." Old Jimmie merely growled in his beard. "Charlie, mon," he called, "the mare is warm and weary, and so's yoursel'. Come on to town for a bit."

Charlie stayed overlong at the miners' haunts in Rattlesnake and it was very late when he started back to his cabin, carrying in one limp, hot hand a jug which he guarded zealously from harm during his unsteady progress.

The men still sat over the card tables when the first daylight crept over the mountains. Jimmie Greeley was raking in a jackpot, grinning fiendishly at the dour Jim Hutch when they heard heavy, running feet outside. The door crashed open and a frightened, half-grown lad shouted:

"Where's the sheriff? Charlie Price has been hung!"

"What!"

"On a tree near the Widow Schmitt's. I saw him. I know well the sailor coat that he wears—and his best red-topped boots. Where's the sheriff?"

"Over at Ah Quong's, the Chineese store on the edge of town." The boy ran off. Old Jim Hutch rose impressively to his feet.

"Friends, the man ye hae laughed at all day—is dead. The man ye hae always laughed at—and yet, WHO was it that lent ye gold when ye had none? Yea, the gold ye thought it not worth ye'r while to return. Who was ever ready to warm you at his bit fire in winter or to cool ye're whuskey-hot throat with water from his cool spring in summer?"

"Who was it that brought his mare into his own kitchen when it snowed, and fed her the rice and beans he went without? Who was it that the Widow Schmitt waits for year after year, with half the ould fools in Placer dancin' after her?"

That was too much for old man Greeley.

"Because he was indifferent-like. When ye want a woman, run away f-r-r-om her and she'll run after."

"Why did ye na do it, then, Jeems?"

"Faith an' I did, but bein' ahl dressed up as I was in me coat, she couldn't see me suspenders to tell was I comin' or goin'!" Jim Hutch turned from him witheringly.

"Who was it staked ye for a new prospectin' trip, an' let his own mine go unworked? Who nursed ye when ye were lyin' seeck unto death, an' no one would come nigh on account of the smallpox scare? Old Charlie Price."

A boy whirled about to face the window, but not before one uncontrollable sob had sounded through the quiet room.

"Who was it," went on the old Scotchman gently, "found the wee bairn that was lost, last summer; that followed the Indians for thirty miles on his Leezie-mare and got the babe from out the wickiup of White Beaver? Charlie Price.

"Who came bringing it haeme laughing, on the saddle pommel while he sang to it songs from ower seven seas, which we did blush to hear, in a voice to be heard twa miles about? And 'twas only the bairn's mother who thought to thank him.

"Yea, and furthermore, when the incensed people would hae wipet out the while tribe of White Beaver, who dashed at the mob wi' the roars of a bull-bison forcin' them to hear that the squaw was crazed from the death of her own bit bairn, and but tryin' to comfort her sore heart? Who, I'm askin' ye?" and from each man's lips came the murmur like a response to a litany:

"Charlie Price."

From the open door a cool dawn breeze blew in from the Sierras, pure forerunner to the new day. It whirled the heavy smoke plumes into forms of vanished ghosts, like the tortured figments of each man's conscience who had done, and "left undone" that which it was forever too late to amend.

The sheriff walked in.

"This boy says that old Charlie is gone." He stood with his broad hat off, running his fingers nervously through his hair. "Gentlemen—I—I must confess—I heard the poor man calling, but—"

"Mon, in an ancient book named 'Mr. Aesop, His Fables,' there was a tale of the lad who cried 'wolf.' Many there are here who have read it. Come, let us gae after poor Charlie."

In the first daylight they reached the tree with its gruesome burden.

"But—but," sputtered the keen-eyed little Irishman, "'Tis not Charlie at all! 'Tis but an effigy dressed in Charlie's clothes and hung at the Widow Schmitt's gate."

"As a warnin' to him frae some mutton-head lover of hers."

They ran as one man across the road to Charlie's cabin. It was empty.

"He was callin' 'Help'," said the round-eyed boy.

"Yes, we heard him," added the sheriff.

They had come up the road. They started back down the trail.

Charlie had got nearly home when he began to worry about a deep prospect hole near the trail known as "Rosenhammer's Shaft." He must be careful to avoid it. Suddenly his foot slipped on a pebble. He clutched unavailingly at a manzanita and rolled into a circle of inky blackness. Rosenhammer's Shaft! Now he was lost, indeed.

But, no. As he slid he came against a sturdy live-oak bush which he clutched, managing to stop his descent into the next world for the time being. He even, swung one leg over a wiry limb, and there he clung, puttering sailors' argot, considering his sins, and roaring for help in his best fortissimo tone.

The shaft was said to be a hundred feet deep. It was filled part way with oily water, and inhabited by snakes and monsters of the subterranean deeps. People had fallen in and drowned, and had been known never to rise again. The ghost of a Chinaman who had been murdered and flung down, was said to float up from its depths at night to range the earth, seeking the perpetrator of the fiendish deed.

Charlie wished that he had led a more blameless life that he had not so thoroughly beaten the Indian who had sold him a salted mine; that he had not made Lizzie plow; that, above all, he had married the Widow Schmitt when she had so plainly shown her liking for him.

Well, it did not matter much. He would fall in forty feet of water and they would never find him. He wished that he had drunk that which the jug contained. It was growing daylight. What was the day, then, to him? He would never live to see it. His arms were numb. He must soon let go and fall to his doom.

He heard voices but was too spent to call out. As a crowd of men came running over the hill, his arms were slipping—slipping. It was almost broad day.

He made one last, herculean effort to hold fast, turning his head over his shoulder to glance into the deathtrap below and—just as his repentant rescuers reached him, he gave a disgusted snort and fell—three feet to the bottom of the hole!

In the darkness he had safely passed the Rosenhammer shaft and had fallen into the six-feet-deep prospect hole of his own claim.

Two days later, Charlie married the Widow Schmitt

“Rattlesnake Dick”

IV

*“Again swings the lash on the high mountain trail,
And the pipe of the packer is scenting the gale;
For the trails are all open, the roads are all free,
And the highwayman's whistle is heard on the lea.”*

—Bret Harte.

We were riding one day under the Digger pines, down an abandoned old road toward Mountaineer House. As usual, my spirited half-Arab, as white as she was fleet, had put me far in the lead. She loved a race as well as I did, but she ran it to suit herself. If I tried to interpose any theories of my own, she calmly took the bit in her teeth and after that I devoted most of my energies to hanging on!

Mammy Kate, own daughter of Nancy Gooch of Coloma, would scold when I came home with torn skirt and a bump on my forehead: “Now, den, look at dat chile! Been hoss-racin' agin su'ah as Moses was in Egypt! I shall suttently enjine yo' fathah to done gin' yo' plow-hoss to ride so yo's gwi' git beat wiff yo' racin', and quit. Spects yo' had 'nothah tumble, didn't you'? You' wait till Katie gits de camph-fire an' put on dat haid.”

So did Katie's scoldings invariably end in renewed pampering of her “chile,” and so did I continue to race every horse in the community and usually to win.

With one small ear laid back to listen for the other horses, little white Flossie flew along the grassy track, darting around the chapparal bushes which had grown up and jumping the fallen tree trunks. Suddenly we came out of the woods and she shied violently at a man who was digging a fence-post hole, directly in the road. I always rode Indian fashion without stirrups of any kind, so of course I was catapulted neatly over her head.

“Hello. Otto,” I said, remaining seated in the road and catching at Floss' bridle rein, “what have you found?”

Otto was sifting the loose dirt in the hole through eager fingers.

“Hello! I've found some money here in the ground. I wonder—oh, yes, I've heard my mother tell about it! This was the old pioneer road and it was at this very spot that Rattlesnake Dick and some of his gang held up the Wells-Fargo stage coach and got such a lot of money. They say there's still \$40,000 buried on Trinity Mountain, half of what was waiting when Rattlesnake Dick got killed.”

Rattlesnake Dick, pirate of the placers, prince of highwaymen! Magical name—iridescent bubble from the pipe of romance. Proud, imperious, bitter Dick! What a splendid old name he had been born to, and what blows Fate had dealt him which led to his tragic end!

The others had come up by this time and we sat in a circle listening again to the story of the bold and brilliant Englishman whom two undeserved jail sentences had turned into such a picturesque dare-devil of a highwayman. However, I disagreed with Otto's version of the robber chief.

“But you have made him out all bad,” I told him. “I have heard the story often, and he wasn't all bad by any means.”

“He was a wild desperado. Why, even after he was dead and lying on the sidewalk in Auburn, a man came up and kicked his face.”

“Yes, and they say that everybody in the county was mad about it, and when the man ran for supervisor more than a year later, no decent person would vote for him and he lost his election.” Now, the true story of Rattlesnake Dick is this, and I never tire of hearing it:

“Would you present me to your sister's friend, then, George?”

“Why not.”

“I am an Ishmailite! I, the son of an honorable English gentleman, have done a term in prison.”

“But these ideas are extreme, Dick. There is no such general opinion of you. Were you not exonerated from having stolen the wretched little Jew's goods? It is all forgotten,” and George Taylor paused in his restless pacing, before the long, graceful figure on the bunk against the wall. Dick raised handsome eyes whose flashing light was made of pain.

“George, I wish—how I wish that it were forgotten. But it is not. They whisper it in doorways, and over the card tables and down in the drift tunnels. Wherever I go it follows me like an evil spirit, rearing its unclean head between me and all fair things.” His deep voice reflected the hurt in his dark eyes, and his broad shoulders drooped in despondency.

“Dick—Dick, the gay the debonair—this is not like you. Brace up, man, and come with me to this opening of the new opera house, if only to add to my pleasure. All the town will be there to hear the singer who has just landed in San Francisco from Boston.”

“She it was who brought you the letter from your sister?”

“Yes, yes. They were school-mates. She is beautiful, and you shall meet her after the concert.”

The “Opera House” was crowded, the front rows seating the leading men of the community and their richly clad wives and daughters. In the back rows, seated on benches and around the side walls were, the roughly dressed miners and the usual flotsam of a mining town. The singer was not of the hurdy-gurdy type so common in those days, but a “lady,” young, lovely and accomplished. Her ballads were greeted with the greatest enthusiasm, and soon the stage began to be showered with gold. The miners brought her back again and again, calling the names of songs they wished to hear. Hundreds of dollars of gold were tossed up to her, whilst she smilingly complied with all their requests.

"One more," they shouted, "only one more, and her slippers shall be filled with gold dust." She slipped out of her little sandals and stood, blushing modestly, hiding her silken feet under her long, wide skirts.

"You are very kind to a lonely stranger," she called, to an instantly silenced audience, "and I will sing for you a song which has but lately come from London. 'Tis from a new opera called the Bohemian Girl, composed by Master Balfe," and folding her little hands before her, she sang sweetly, "Then You'll Remember Me."

"When other lips and other hearts their tales of love shall tell Of days that have as happy been, and you'll remember—you'll remember me."

"Dick, why do you cover your eyes? You are surely not asleep?"

"By all the Gods, man, the accusation is an insult," with a haughty flash of his great eyes.

"You are to be presented; have you forgotten?"

"Forgotten! While life lasts, I shall remember this night."

"Hush, this is the last. She is singing, 'Home, Sweet Home'."

"Yes, 'Home,' for these wanderers from all over the earth. See how silently they file out."

"There is many a tear among them. They will lie, tonight on memory's couch of sad dreams."

"You are wrong, my friend," said Dick bitterly; "they are more like to hasten down to the gambling hells to kill the visions memory would recall."

"Sweet Bird, you cannot believe this thing of me!" The Singer-Lady raised her bright head from Dick's shoulder, and met, steadfastly, his passionately adoring eyes.

"Richard, how can you for one moment doubt me? I know you to be good and true. Were you not exonerated from the last accusation of which you informed me before you asked for my hand in marriage. And do we not know that this man is actuated by the motive of jealousy?"

"The Mormon beast! He knows well that I did not steal his mule."

"No' naughty boy," tapping him playfully with her fan, "'Twas something else you stole from Master Crow the woman he wanted. Often have I noticed on the streets how all women, every one, turn to look after you."

"I cared not for her." He shook his tall and beautiful head, impatient of the silky black lock which fell across his forehead.

"Perhaps then 'tis your magnificent carriage they would admire," laughed the girl, teasingly.

Dick swept her close to his heart. "My golden-throated dove, I cannot join in your sweet laughter, for I have a boding heart, this day. I have enemies. They will use my past record. The courts are new, and judgments swift and cold. If they should send me again to the penitentiary I—"

"Dearest I should know you to be innocent, and I should wait for you."

He kissed her tenderly on cheeks, and eyes, and mouth. He took her hands from his shoulders, slipping off the little silken mitts and putting them in an inner pocket, and kissed the soft, pink palms.

"Ah, Lady-Bird, if I should not return you'll remember me?"

"Always."

"My own pure love! No breath of shame shall ever sully your fair name through me."

"Right well I know that, Richard. God bless you. I will pray for you every hour."

At evening George Taylor brought her a note from Dick.

"Oh, George," she wailed, "they have sentenced him?"

"Two years in prison."

"But he was innocent!"

"Yes, and some day it will be proven." He looked at her strangely, "I must tell you—Dick has broken jail and fled north to Shasta county, where he will begin life anew. Then, if you still wish it, he will come to you."

After four years the Singer-Lady returned for a concert at the little Opera House in Rattlesnake. She went to her old quarters at the Widow Miller's, on the edge of town.

"Eh, Dearie," cried the good woman, "what have they been doing to ye, so to dim your bright youth, and to bring the sad lines to your mouth?"

"Mrs. Miller, where is he?"

"Ah—so that's the answer." The girl's eyes filled with tears.

"Four years—and for the last two, no word. I must find George Taylor. Perhaps he—"

"Dearie, George Taylor is with Dick, and the Skinners and Cherokee Bob and Lame Jim Driscoll. They say, too, that at times Dick rides with Tom Bell's gang."

"Ah, he tried with all a strong man's power to win a new name for himself—and for you—but Fate was too strong. His false record followed him up and down the state from every idle throat, casting a blight over all he sought to, do. Every sheriff hounded him on. Each unproven crime was laid at his door."

"But why did he not come to me? Oh, he had my whole heart, and he knew it."

"He did come to you two years ago, to ask if you would return to Canada with him, hoping that it was too far for tales from California to travel. As soon as he reached San Francisco he was recognized by one of the authorities and 'shown up' by the Vigilante Committee in the Plaza, as they put up all dangerous characters for the police and the people to see.

"And whilst he was there you passed, walking with another man, and looked him in the eyes and knew him not. 'Twas that which broke his heart and made him the reckless and brilliant devil that he is today."

"But—but," cried the Singer-Lady, recovering from the daze these words had placed upon her, "I did not pass. Oh, I should have fallen at his feet—lost to all maidenly reserve—there before the people. It must have

been my sister, who had but lately come from Boston and so would not know him," and she broke into uncontrollable weeping.

"There, child, dry your tears. Try to be brave. You care for him still?"

"Always. I have never ceased to pray for him. If I cannot become his, I shall go lonely to my grave. Tell me everything, kind Mrs. Miller."

"He robs the stages of the Wells-Fargo box, but lets the passengers go free, and he has never been known to take anything from a woman. He says that since all the world is against him, his hand is against the world.

"His den is now at Folsom, they say, but he ranges far afield. He robs the sluices, and the bullion trains, but he does not take horses or mules except to get away with his booty. No cell can hold him. He has escaped from every jail in the northern mines. He has been known to say, 'I shall never rot in a prison as long as a revolver can keep me out.'"

"Oh, would he—"

"He would, indeed, Dearie, for the sake of his family name and the love he bears you. His last big raid was upon George Barstow's Wells-Fargo train from Yreka. They held them up on Trinity Mountain. Eighty thousand dollars in bullion, they got, even with twenty men guarding it."

Mrs. Miller tiptoed to the window and looked out. Coming back to the girl she whispered, "The guards are tied to trees, and the gang is waiting for Dick and Cy Skinner to get back with new mules, as the Wells-Fargo mules all are branded and would give them away, but if he finds out that you are here he may—"

The Singer-Lady sprang to her feet! From the trees behind the house floated a snatch of song in a clear baritone.

"When coldness or deceit shall slight the beauty now they prize; When hollow hearts shall wear a mask, 'twill break your own to see. At such a moment I but ask that you'll remember me, you'll—"

By this time the girl was sobbing in Dick's arms, and the misunderstandings of four years were soon explained.

The Singer-Lady lifted her head at last to the sound of galloping horses. Dick was looking calmly in their direction. Terror seized her.

"What is that?"

"You must return to the house. They must not see you here."

She clung to him with the wail of a breaking heart.

"It is the sheriff and his deputies. This morning George and I were on the Folsom stage. We were stopped by a deputy sheriff and sternly requested to alight. We entered into conversation with the gentleman of the law—whom I had met several times before" (with a grim smile), "and finally George, with due deference to authority, demanded to be shown the warrant for our arrest.

"Whilst the simple creature was fumbling for it, we opened fire and, springing from the top of the stage, escaped across Harmon Hill. The vain fellow carried only a derringer, and how was one little bullet to stop our race for liberty."

"Yet you returned here! That was madness."

"I heard of you and the longing to see you once more overcame every other feeling."

"Do not fear, I knew that they would come. What was that to pay for the chance of seeing you again. They can but put me in Auburn jail, and no locks can hold me except the shining ones on this dear head. No prison can keep me till I am laid in that last one beneath the grass, and there I will wait for you dear love. I shall not hear the celestian singing till your sweet voice has joined the angel choir, and your two hands—see, I still carry the little mitts—shall open the door for me to Paradise, as they have held all of heaven for me on earth.

"It may be in that last court, the Great judge of all will look into my heart which strove to be honorable and will dismiss the accusations of mere, mortal man."

As usual, Dick escaped the jail and with George Taylor attempted to get away, but Fate had dealt him her last blow and on the scroll of his precarious and bitter life had written finis. A mile above Auburn they were overtaken by Assessor George W. Martin and Deputy Sheriffs Crutcher and Johnston. In the terrible encounter which ensued Martin was instantly killed and Dick mortally wounded.

They rode more than a mile at a furious pace, from the scene of his last fight, before Dick lay down to die. George put him on his great riding cloak and spread a saddle blanket over him. Then when he read a fresh command in the highwayman's dark eyes he faltered.

"Dick, old friend—I cannot."

"I am shot through the breast, and again through the side. You promised that when I came to this pass, you would grant the liberation I seek in death."

"I cannot. From any hand but mine may you find release."

"Very well" answered Dick, resolutely, "my own hand shall be given the power to save my immortal soul." He wrote laboriously on a bit of paper, "Rattlesnake Dick dies but never surrenders, as all true Britons do."

"Go, George," he said gently, "but first give me my pistol. I have in my pocket here a letter from the sweetest of women. It says, 'I have grieved but never despaired, for I have prayed to the Father that he would restore you to the paths of rectitude, and I say faithfully, He will save you. He sees in your heart a secret wish to be a better man. 'Seek ye first the kingdom of God, and all things shall be added thereunto.' He will raise your head and make of you a new man!' I go to Him, my brother." And, raising his gun, with a good woman's adored name on his lips, he released his sorely tried heart from bondage into the unknown.

Indian Vengeance

V

*"Those brave old bricks of forty-nine!
What lives they lived! What deaths they died!
Their ghosts are many. Let them keep
Their vast possessions. The Piute,
The tawny warrior, will dispute
No boundary with these....."*

—Joaquin Miller.

High water on the American came, usually, when the first warm rains melted the snow on the mountains.

The placer miners toiled at furious pace all during the summer and fall. The water, then not more than a rivulet, was deflected through flumes from the river bed, so that all the sand of the bars could be put through the sluices.

The men worked till the last possible moment in the narrow river bed, only leaving in time to save their lives, and abandoning everything to the sudden rush of the water. Their sluices, logs, flumes, water-wheels, all their mining paraphernalia, sometimes even their living outfits, were swept away in the floods.

The river was known to rise from 20 to 60 feet in 24 hours, in its narrow and precipitous walls.

At flood time, then, we often went down to the river through the orchard of big old cherry trees planted by my grandfather, to watch the mass of wreckage rushing by. Great logs would go down end over end; mining machinery caught in the limbs of uprooted trees; quantities of lumber, and once a miner's bunk with sodden gray blanket and a wet and frantic squirrel upon it. I worried for days over the fate of that squirrel.

They tell the story of a Chinaman floating down upon a log.

"Hello, John, where you go?" was shouted. John shook his head, sadly.

"Me no sabe! Maybe Saclimento—maybe San Flancisco. No got time talkee, now."

"Look, the water is up to the top of the old stone pier," said one of the others.

"Mammy Kate's 'ghost' would have a hard time haunting it now," I laughed. "He'd be under twenty feet of water."

"What ghost?"

"Why, the tollkeeper's, of the old bridge. The one who hated the Indians so."

"The Bear River tribe?"

"They were Diggers, but I think that nobody knew exactly which ones were guilty. It was a fine bridge, the first suspension bridge in Placer county."

"It was washed away in the floods during the winter of '61 and '62, wasn't it?"

"Yes and they built the new one a mile up the river at Rattlesnake Bar, where it still hangs."

"What about the tollkeeper?"

Here is the story—with a bit of a prologue.

Captain Ezekiel Merritt, one of the "Bear Flag" party in Sonoma, came in '49 to try his luck at mining on the Middle Fork of the American. His party came at last, through a deep canyon to a large bar on which they found among unmistakable evidences of a plundered camp both white man's and Indian's hair. A great ash heap containing calcined bones was undoubtedly the funeral pyre of white men and red men alike, and some yelling savages upon the upper bluff confirmed the tragedy which Captain Merritt's party had been too late to avert.

They drove the Indians away and Captain Merritt cut into the bark of an alder the name "Murderer's Bar," by which the place has been called ever since.

The Merritt party stayed to work the bar. Before the summer passed the river swarmed with men, some of whom joined forces to make up mining companies. One of the rules of such a company: "Any shareholder getting drunk during the time he should be on duty, shall pay into the common treasury of the company a fine of one ounce of gold dust and shall forfeit all dividends during such time." These fines, in some instances, became so frequent as to cause a total disruption of the company.

The Indians returned to their villages in the hills. The foothill Indians were not a particularly intelligent lot. They were Diggers, so named on account of their habits of digging in the ground for roots, and the larva of various insects for food. Eggs of ants, and the maggots found in wasp's nests were considered great delicacies.

They also ate dried grasshoppers and young clover plants cooked as greens. They ground acorns and manzanita berries into meal with the stone mortars and pestles so commonly found through the countryside and gathered and stored great caches of pine burrs full of nuts for the winter. They were not as a rule quarrelsome, but—

"Good morning, Phineas. I have brought your grub from Auburn, and here is the bill."

It was a bright day in June and Phineas Longley, tollkeeper for the new suspension bridge on Whiskey Bar, had had a busy morning. There was a barbecue that day at the town on the other side, and a stream of people had come down the Whiskey Bar turnpike and crossed the bridge. It was getting warm and he was tired, and he read the bill gloomily:

"1 bottle gin, \$6.00; 2 lbs. biscuits, \$2.50; 1 ham, \$24.00; 1 bottle pickles, \$6.00; 4 fathoms rope, \$5.00; 1 watermelon, \$4.00; 1 tin pan, \$16.00; 2 apples, \$3.00."

Longley stuffed the bill in his pocket, and returned for his noon meal to his log cabin on shore.

It was quite palatial—boasting a real floor made of puncheons, or hewn logs. A bunk, against the wall, was made of a second log set four feet from the log wall, with a hammock mattress of sacking stuffed with dried bracken stretched between them. There was the usual huge fireplace of granite rocks used for both warmth and cooking, and a box pantry-cupboard nailed to the wall.

His cup and plate and saucer were of tin, and his cutlery was an iron spoon, a three-tined fork and a hunting dagger. The dishes had not been washed for weeks.

In warm weather he kept a few things in a small palisade driven in the shallow water at the river's edge, which was cool the year 'round.

Longley put his raised bread dough in a frying pan, put a second pan on top, raked the ashes off some coals, and started it baking. A man on horseback, driving two pack animals before him, stopped at the low doorway.

"Hello, John! Glad to see you," called Longley.

"Glad to get here. Like to sleep in a house again. Tired of shaking the lizards out of my blankets every morning."

"Ever shake out a rattler?"

"Not yet, though they say it's been done more than once."

"You're just in time. Turn the beasts into the corral. And then will you just ride back to Kitty Douglas' for me? She promised me a pie, and I need a new starter for my sour dough (batter). By that time everything will be ready to eat."

"You mean the 'Kitty Douglas' of the signs I've just passed?" asked John, grinning.

"Yes. What were they, today?"

"'Fresh pies, by Kitty Douglas,' 'Bread made every day, by Kitty Douglas,' 'New-laid eggs every day, by Kitty Douglas!'"

"Kitty's cooking is as fair as the reputation of her house is not. She charges two dollars for a meal of pork and beans."

"'Tis the regular price everywhere. I'll be back soon." After the meal John went to, the barbecue, imbibing rather freely of the fire-water barrel and making a night of it.

Heavy travel continued over the bridge all afternoon—a prairie schooner with three oxen, two mules and a bronco pulling it; a prospector in his red flannel undershirt, driving a laden donkey; a hurdy-gurdy troupe on its way to the barbecue; a stage-coach drawn by six half-broken wild horses; an old Spanish settler on a beautiful, black thoroughbred; a late arrival from Oregon, mounted upon a sturdy mule with his young wife upon a pillion behind him, and a whole drove of China-men being taken out to work a white man's claim up on the Divide.

There passed Welch miners, who were to be the fore-runners of quartz mining; miners from Australia, who were to replace the wooden "bateas" of the Mexicans with the rocker and the iron gold-pan, and the term of "specimen" with "nugget."

Finally came a hale, old voyager whom Longley greeted heartily as he swung open the toll gate:

"Greetings, Monsieur Francois Gendron, and from whence came you today?" The big Frenchman handed over the "six-bits" toll for himself and his horse.

"From New Helvetia."

"Ah—Sacramento."

"And I am bound for the North Fork Dry Diggings."

"Auburn?" smiled Longley.

"Bah! the new names! In my day we called them differently. I came across the Rockies in '32, Monsieur. But I must be en route—here are sheep coming."

After the sheep were counted and gone, Longley glanced scowlingly across the bridge and hastily closed the tollgate. A band of Indians, several on ponies but most of them on foot, crossed the bridge and halted before him.

"Go back, ye varmints!" growled Longley.

"No Indian pay," said the old chief. "He go the bridge and the road—no pay."

"Well, the Chinamen paid."

"But the Indians, no! No pay. Me go Whiskey Bar—big pow-wow. Plenty ox, plenty bear meat, plenty firewater—"

"You go back!" roared the tollkeeper, swearing, "and go ford the river. That's good enough for a Digger! The ferry's been taken off, but the water is not so high."

The old Indian scowled, and the young bucks began a guttural complaint which he silenced with a gesture and a grunt of command.

"Water is cold, and those," pointing to the sheep, "have passed."

"You go back, I tell you! I hate every filthy brute of you! My best pal was sent to glory in that funeral fire on Murderer's Bar, and no Indian will ever get aught from me."

"Me pay," said the Indian leader slowly, "Me pay cayuse, me pay boy."

"No, you won't pay! You'll go back and wade the river like the low beasts that you are."

The chief began a fierce oration. Longley ran into the tollhouse and came out with a sawed-off shotgun.

"Now, will you go?" he cried, defiantly.

The Indians were sober, and they went. As they came abreast of the pier under the bridge the toll-keeper jeered and laughed at them, and pelted them with rocks.

They looked up with hate, but went stolidly on their way.

With darkness, the roistering at the barbecue became louder. The Indians' money was gone by this time, and the fun was getting rougher. The toll-keeper, after a weary day, was dozing beside his candle. He did not see nor hear the stealthy forms which crept up the bridge. A board creaked, and he jumped up and swung about, to find himself quickly overpowered by a dozen lithe redskins.

They robbed the till, then held a palaver as to the disposition of their prisoner. They finally left him tied with his own new rope to a huge drift log at the base of the pier, and went back to buy more firewater.

It was a wild night!

John noticed, very late, that the Indians seemed to be having a special pow-wow of their own on the river bank near the bridge. There was a great fire, and mad dancing and war whooping. He started toward them.

"Don't go there, pardner," called an old trapper. "Them bucks is crazy with drink, an' if I knows anything about Injuns, it won't be no safe place for a white man."

So passed Longley's last chance for his life! His cries for aid were mingled with the savage whoops of his ferocious enemies. Even the people living across the river who heard his continued shouts, took them to be part of the celebration.

Maddened by drink and by the ever mounting excitement of their incantations, one of the most ghastly deeds ever perpetrated by Indians upon the whole river was finished before daylight.

The condition of Longley's body upon its discovery roused the entire settlement, but the Indians had vanished over the hills and across Bear river. The chief had gone home at sundown, and it was as impossible to find those who were on the bar that night, as to distinguish one grain of sand from another.

The old pier stands to this day, notwithstanding the fierce battering of the floods of nearly seventy years; a monument enduring long after the Digger Indians are gone off the face of the earth, as though to commemorate the power of the white race and that member of it who gave up his life at its base.

Grizzley Bob of Snake Gulch

VI

*"Be the battle lost or won,
Though its smoke shall hide the sun,
I shall find my love—the one
Born for me!"*

—Bret Harte.

Names of settlements in the '49 days were often as "Rough an Ready" as the reasons for their being!

Most of them spoke, more or less eloquently, for themselves and no man picked by fame in glowing wise from the heterogeneous mass of persons could hope to escape a nickname.

A miner was discovered roaming down a river bed minus his nether garments, and lives to this day in the appellation of Shirt Tail canyon. Two men fought. One of them lost an eye in the manner indicated by Gouge Eye. Hundreds of wild geese were wont to gather on a sunny mesa above the river. It made a splendid level town called Wild Goose Flat. The plains were covered with "Antelope." The end gate of a prairie schooner was lost on a hill, and Tail Gate mountain came into being.

Humbug Creek panned light with gold. Red Dog, Hangtown, Round Tent Claims, Dry Diggings, Let 'Er Rip, You Bet, Yuba Dam, One Horse Town, and Hell's Delight shriek for themselves, or should!

This, then, is the tale of Grizzley Bob, who mined in Snake Gulch at the foot of Bear Mountain.

"The bear made straight for me! Old Bull-doze was hangin' onto him below, somewhere, but I dropped my Killer (gun) and grabbed my knife, 'cause I knew if I didn't get in on him with Slasher it was all up with both of us. Bear and I took a tight grip on each other and I hit straight for his heart just as he gave me a swipe in the face.

"We both fell, the bear on top, and then I didn't remember anything for awhile. When I woke I felt something heavy on my stomach, but I couldn't see anything for blood."

"Hu-ray!" cheered old Solly Jake, thinking the tale was finished.

Sick Jimmy, from behind the bar, prodded him good-humoredly.

"Dry up, Soll."

"I am dry," whimpered old Soll, "I'm dryer'n before I got drunk!"

"Here, then," pushing a bottle across the redwood slab used for a bar, "the drinks are on Grizzley Bob and Handsome Harry, tonight."

"Was it such a big strike they made?"

"It sure was. Go on, Bob," he called to the tall, magnificently built young spokesman, "then what?"

"After awhile I managed to crawl from under that old grizzley and when I'd wiped the one good eye that was left, I saw him lying there as stiff and dead as a mackerel, with Slasher sticking in his heart clean up to the handle. It was pretty near dark then, but the sun was just showing hisself over the top of Bear mountain when I got to Rattlesnake Bill's cabin, and you'll scarcely believe me but I didn't have enough grit left to signal Bill I was there. I just settled down all of a heap-like and that's the way they found me. Bill, he got a doctor from Angel's and after awhile I pulled out all right, but I ain't been much of a beauty since. Well, what th—," as the door banged open to reveal an exceedingly handsome blond youngster dragging in a cringing

newcomer.

"Hi," he called, while two frolicsome imps danced in his splendid blue eyes. "Any of you chaps got a rope handy? Time this fellow was strung up over a limb to be a picture for coyotes to bark at!"

"Hall, you let go, there. There'll be no chaffing a tenderfoot whilst I'm around and you know it."

"Who says so?" laughed Handsome Harry.

"My foppish friend," spoke up The Senator, "the reputation of Grizzley Bob says so. A reputation that is the terror and admiration of every mining camp in the mountains. A dead shot, a sure thing with the knife, a heart to succor the oppressed and often to protect the shiftless," acridly.

"I thank you, Senator! Your species of implication is worthy the splendor of your mighty apparel. The old swallow-tail retains its pristine glory, I perceive, though your other habiliments have one by one yielded to the ravages of time, and been replaced by the rough and ready garments of the frontier. Perchance—"

"Hall, have I got to make you let go of this pore devil!" Bob's powerful figure came forward into the full light of the huge fireplace. One-half the face above the comely form was hideously repulsive. It had been literally torn away and what remained was so scarred and seamed that it scarcely bore any resemblance to a human countenance.

His one remaining eye was large, dark and glowing with kindness as he bent over the victim of his partner's latest joke.

"Ye-ah," drawled old Doc Smithers, precipitating a large mouthful of brown liquid into the fireplace. "Bob, he'll pet 'im, an' that ol' bulldog o' his'n 'ull lick im, an' next thing we know Bob'll be givin' 'im a claim, just like he took in Handsome Harry hisself goin' on two years ago. Look at the dandy, struttin'! Bob buys 'im all them fancy togs an' loves to see 'im wearin' 'em. White hands, an' red cheeks, an' straight nose like a gal. Swan, ef he wasn't so ornery an' long-limbed I'd a mind to call 'im one. Ef 'twant for his hidin' behind Bob so, I'd—"

What he'd have done was never known, for the whole room-full of prankish, loud-voiced, roistering men was suddenly struck dumb by the unwonted sound of a lady's voice out in the darkness.

Bull-doze reached her first, Bob next, and Handsome Harry third. She was only a slip of a young thing and the fright she got from the kindly rush of the old bulldog was immeasurably increased by Bob's frightful caricature of a face. She turned, shuddering, to the handsome, richly-decked young Englishman.

"My father and mother, sir, are very ill. I was going after a doctor, but I am tired out. I can go no further. Oh, could one of you go on to Angel's, whilst I rest with some lady of your town?"

Harry was apparently speechless from the thrall of her fresh young beauty, because it was Bob who answered.

"You certainly can, Miss! Grizzley Bob's word on that. Where'd you come from?"

"From Roundtree's, sir," timidly. Bob had turned to call orders through the open door and the girl gasped as the strong, manly profile of the unscarred half of his face was turned toward her. Bull-doze licked her white fingers, and she stooped to pat his ugly head so that the long curls at her temple might hide her face from the look in Hal's bold eyes.

"Hey, Antelope Bill, saddle that ewe-necked cayuse of yours and vamoose, pronto, after the doctor. Plug Hat Pete, you've got the best cabin in town. We'll want it for the lady."

"Help yourself, Grizzley," answered the gambler. "It is a privilege."

"I am to stay with Mrs.—Pete?" asked Becky, anxiously.

"Child, you're a-going to be as safe as if there was a lady in this law-evadin' camp; which there isn't, exceptin' your own sweet and lovely self."

"Oh!"

"You're a-going to have old Bull-doze watchin' inside the cabin and ten decent and sober men watchin' outside it and nothin' short of a messenger from up-skies could touch one pretty, red-gold curl on your proud little head."

"Bob, I'll take her home to her mother," spoke up Harry who had never once taken his bold gaze from the girl.

"No, you won't take her home to her mother, neither!"

Becky was strangely comforted by the protective drawl of the big man's voice. Accustomed as she had grown to the rapid transitions of the West, she realized the fallacy of her first impression from his appearance. That night laid the foundation of her regard for him, which was deeper than a mere surface appeal, and which was never to waver.

"H'm," snorted Cornish Jack, shuffling a greasy pack of cards in Sick Jimmie's place and watching two men go by, "that's the most willin' pair on the gulch! Bob, he's willin' to do all the work, an' Handsome Harry, he's willin' to let 'im. Fine house Bob's just built. Must of cost a heap."

"They say that Miss Becky and her mother are going to live in it," answered Plug Hat Pete. "I'll raise you ten."

"Handsome Harry's bin a-dancin' round that gal ever since they moved here, six months ago."

"Yes, and the look in her eyes in another direction, is plainly to be read." The implication was lost on Cornish Jack.

"Ol' Bob, he does all he can to throw 'em together. Air ye goin' to the house warmin' tonight?"

"Certainly," said The Senator. "Particularly if we manage to keep old Tommy Norton and Black Joe from getting intoxicated, so there will be a pair of fiddlers on the gulch. Tommy, on such occasions, always has an attack of religion which precludes the possibility of his assisting at any profane scene of mirth, and Joe falls into a deep sleep from which nothing can rouse him for twenty-four hours."

"There's Antelope back. I hear his roan."

"Well, who do you think I met down around the curve of Blackjack Hill? That gal o' Bob's on her pinto and that sneakin' Handsome Harry on his black mustang, ridin' full-bent-for-leather!"

The men rushed with one accord to Bob's cabin, where he sat before his fireless hearth.

"We al'ays knew he was a sneakin' thief, but you wouldn't hear nothin' agin him. Took all the bags of gold dust from your claim, too, didn't he?"

"Now, boys, that isn't fair to call him a thief. He was my partner and what was mine was his, and a man has a right to take his own wherever he finds it."

"But the gal?" asked a chorus of voices.

"That girl wasn't in any way bound to me, and you can't expect a pretty creature like her to care for such a beauty as I am, when there's a fellow like Handsome Harry around. It don't stand to reason."

"Come, fellows," said Poker Bill, "if Bob's satisfied I reckon we ought to be. Time to get into our biled shirts for the house warmin', anyway."

"Sorry to disappoint you, boys, but there won't be a house warming. I built it for them and they're gone. It'll stay locked till they come again. This old cabin is good enough for me."

So they left him. Bob relit his pipe and settled back on his bench. Once he roused a moment to mutter. "But they'd ought to know me better. They needn't have run away from their best friend."

Soon after dark a pinto paced home through the quiet, mourning camp with a very weary bulldog at her heels. Beckey slid from her side saddle and crept to Bob's open door. By the light of a full moon she could see the big lax figure in an attitude of utter despair.

"Bob!"

"You! Girl, I thought you'd gone."

"I went because—because I thought you'd come after me. I'd tried everything else that a woman can do to make you understand * * * He's begged me so many times to run off. When he understood, he was beastly. He put me off the horse and told me to walk, then. It was the dog who fought him, and then I ran for Pinto and came back." Her low voice failed her, but she controlled herself, and went on, "I thought if I pretended to go you'd see—"

"See! Girl, you've known ever since you came creeping into Snake Gulch that night that you were the very heart and soul of me."

"Yes, yes," she sobbed, "that is not what I would have you know."

"You mean—no, I am a great fool. No woman could bring herself to—A face like mine! Even if you did, it would be from gratitude. I could not permit such a sacrifice," he finished, with a touch of pride.

The girl waited, then when he was silent she turned with a sob to go to her mother's cabin. The soft footfalls died away. Bob stood motionless. Suddenly a scream rang out on the still night air. Bulldoze scrambled off the door-stone with a snarl of battle-rage and charged for the sound, but he was easily outdistanced by the huge miner, who ran with the lithe grace of an Indian. In an incredibly short time the little form was safe in his arms.

"Oh, there's a terrible animal in the mining ditch. I heard it! It's coming this way! A grizzly, I know!" Bob peered into the ditch.

"Why, girl, it's only drunken old Solly Jake going home holding his jug out of the water. He gets into the ditch so he won't lose the way."

"But how does he know when to get out?"

"Well, when he bangs his head on the overbrace of the first flume, he knows he's home and crawls out." Bob began gently to withdraw his arms.

"If you let me go now," she whispered, "I'll wish that it had been a grizzly."

"I must take you home."

"Oh, you have! I am home," clinging to him desperately, "I want no other in the world than this one."

"But my scarred—"

The girl reached up, drawing down his tall, dark head in her arms. She kissed his mutilated cheek, then pressed it tenderly against her soft, bare throat. It did not stay long, as Bob felt that such kisses should be returned without delay.

"Hu-ray," cheered Solly Jake, waving his whisky jug, "tale ended right! Time f'r 'nother drink, boys!" and standing up to his middle in water he proceeded to demonstrate his idea.

Curley Coppers the Jack

VII

*"On Selby Flat we live in style;
We'll stay right here till we make our pile.
We're sure to do it after a while,
Then good-bye to Californy!"*

—Canfield's "Diary of a Forty-Niner."

The beautiful Casino at Monte Carlo stands in one of the loveliest settings on earth. Facing the blue

Mediterranean and enhanced by the exquisitely kept marble villas of Monaco, it may justly be called the acme of gambling institutions. It has become an institution through the years. Time has brought it stability.

Its absolute antithesis were the gambling dens of '49. Built over-night, destined to remain if the mines were rich, and to melt away if they pinched out, the gambling hells were sometimes the veriest makeshifts. Canvas covered, dirt floored, except for the dancing platform, rough red-wood bar and tables; surrounded by all the sordidness of Hurdy Gurdy town in which fortunes, and reputations, and lives were bid, and shuffled, and lost, as indiscriminately as grains of dust blown into the ever-changing sea.

The thirst for gold is universal. In those half-mad days of delirious seeking, the princeling rubbed sleeves with the scoundrel and the clod, and each man's ability was his only protection. Fortune played no favorites. The tale is told of the judge who drove home in his coach through a shallow creek. Ruin faced him for the lack of a few thousand dollars. He took out his derringer and shot himself.

Not half an hour later a Chinaman crossed the creek under his pole between two swinging baskets. He found a nugget there which brought him over \$30,000.

This, then, is the tale of what Fortune did to Curly Gillmore.

"Whoop-ee! Ki-yi-ee hick-ee! Yi-ee-ee!"

"There comes Curly," said Teddy Karns, "never altering the steady flow of the whiskey he was pouring into a tin cup for Sailor Jack to drink.

"Made a big strike, I hear."

"Yea-ah. About \$25,000, they say. Might be a million, the way the female critters run," Ted laughed, as the hurdy-gurdy girls with shrieks of laughter pounced upon the noisy newcomer.

"Well, hel-lo, Nance, and Liz, and Babe, and Bouncin' Bet, old gal! All ready to help me sling it, ain't you? But where's little pale Alice?"

"Oh, Allie? She's back in the tents. Sick tonight. Awful bad, she's took. She'll be shufflin' off 'fore long, an' rid o' mortal misery."

"Poor little soldier!"

"Sweet, she was, an' born to be good. Why, I remember (we came 'round the Horn on the same sailin' vessel) that they wasn't a ailin' baby on board but what Allie could get a smile out of it, nor a sick soul that didn't bless 'er for 'er kindness an' care. Sick o' body, sick o' heart, Allie did for 'em all, bless 'er."

"She was happy, then," put in Babe.

"Yes. Comin' out to Californy to 'er lover, she were, all her folks back in the States bein' dead. She'd took care of 'er mother, last. 'Twas why 'er man came on ahead. An' when she got here—"

"Aw-w, Bet, don't you cry," said Babe. "Y' see, when we got here, Curly, we found her boy'd been shot in a fight over a mine. Allie, she hadn't no money left, and no gumption much, like Bet an' me, to fight her way, so we took 'er along o' us. We tried to keep her the little lady that she was, but—Well, we got snowed in last winter up on the divide an'—Faro Sam—Well, it broke her pure heart, an' most Bet's an' mine, too. An' she ain't never got over the cold she took, up there in the snow."

"Life's hard for a girl anyways you put it, an' she'll be happier over the river where there ain't no cold nor sorer. Bet! Aw-w, she'll sleep on a finer bed nor you an' I could give 'er, an' wake happy, with ever'one she loved best around her. She's layin' there so white an' small an' still it'd most break your hear to see 'er. Like a little snowdrop you've picked, an' worn, an' slung away. So gentle—"

"Well, what's this, anyway? A wake?" broke in Faro Sam's icy voice. "Do I hire fiddlers to play a funeral dirge? Get on with you," scattering the girls in the direction of the card tables and the dancing platform. "Which ones do you want, Curly?"

"I want Babe and Betsy. Where's that little pale printer's devil, the one they call the gambler's ghost? I know Sam won't let you girls leave here."

"He's workin' up on the paper, I guess. They ran out of coal oil and had to fire up with pine knots."

"He's comin, now. He ain't no gambler's ghost tonight, though; he's pot black!"

"Ghost," said Curly, "you take this around to Allie." It was a \$50 octagonal slug.

"Yessir."

"And you say that there's more, all she wants, where that comes from."

"Yessir."

Then, shaking his mop of brown, curly hair as though to relieve his head of a burden, he took the girls for what he felt was a much-needed round of drinks.

By midnight the place was wild!

"Sam," shouted Curly, "what's the limit on your pesky old game?"

"The ceiling's the limit."

"Well, I'll put up one bet! Bein' on Easy Street I was goin' back to the States to marry my girl, but I'm blamed if I don't put up my swag for one turn of the cards."

He sent for his "dust," and piled the long, buckskin bags criss-cross before Faro Sam's table.

"I'll copper the jack, gentlemen," he shouted. "All on the jack!"

Teddy Karn's face turned a pasty hue, and the tip of his tongue slid along his puffed lips, but the lines of Faro Sam's face never changed, and his eyes retained the blank impassivity of a snake's as he slipped his cards. There was a sudden, tense silence. The girls pressed forward with hurried breathing and the men waited, rigid as stones.

Somebody's mongrel paced to the middle of the platform and scratched for fleas, with soft thumping on the floor. That was all.

Suddenly a man swore! A woman's voice shrilled hysterically! Faro Sam rose to his feet ceremoniously.

"The house is yours."

"By Jinks!" yelled Curly, "I've copped the jack! I've broken the bank! I've—"

One of the doors swung open quietly. Silence dropped once more, with the speed of tropical night, upon the glare of the place.

The gambler's ghost stood there silhouetted against the light from a log fire outside. There were pink streaks down his dirty face, washed by tears, and his young shoulders drooped woefully. The dog came forward and licked his twitching fingers.

"Allie is dead," he whispered.

"Curly, I should like to apply for the position of dealer over at your place, which yesterday was my place," said Faro Sam, next day at noon, meeting Curly on the street.

"Sure, you can have it, Sam. Too bad it's the custom for the house to go, too, when somebody breaks the bank. I've turned it over to George Spellman, with a thousand to start with. He and I come from the same place back in the States. Great friends we were, till we both got to sparkin' the same girl. When she took me, George, he got pretty ornery, but I guess he's all over it by this time. I'm goin' home to marry her, now.

"I've just been around to the tents seein' about little Allie's funeral, an' he'll keep on the girls, too. I'm pullin' my freight for Hangtown (Placerville). This town's a little too small for a fellow of my means."

Faro Sam looked after him with a cynical light in his narrow eyes.

"The pot bubbles loudest when the water's nearest the bottom," he muttered, and turned to pick a fastidious way through the mud.

Life that night in the gambling hell went on much as usual. Teddy Karns "poured the rye," and Faro Sam "slipped the cards," whilst Babe worried over Bouncing Bet's intoxicated condition.

"It's Allie, you know," Babe confided to Red Shirt Pete at midnight. "She took it awful hard, and Spellman, the new boss, wouldn't let 'er off tonight. I bin tellin' 'er Allie's better off, but she won't listen to nobody. She's just bin pourin' 'em down all evenin'. What's that?" at a loud banging on the doors. Some one opened them and Curly rode into the place on the handsome horse he had bought that morning.

"Well, boys, I'm cleaned! Tried to copper the jack in Hangtown and the whole \$50,000 went. George, I'll be askin' for this place back, I guess."

"This place belongs to me, Curly Gillmore."

"Who says so?"

"This old lady says so," covering him with his pistol.

Curly laughed, not too musically. "Well, boys, what am I bid for this horse? I need a grubstake."

"Play you for him," said Faro Sam, laconically.

"Done," said Curly. A moment later he laughed once more and swung down off the Spanish thoroughbred. "He's yours. Well, good-night, boys."

No one answered. He had, like Hadji the beggar, become in twenty-four hours again a drifter.

Babe sneaked out after him. "Here, Curly," she slipped her hand into her bosom and held out the octagonal slug. "When Bet an' I reached Allie last night she was holdin' it in her little dead hand, an' there was such a smile on her face! You gave her that happy smile. God bless you for it! Now, you take this—"

But Curly turned away, blinking his eyes, and trying to swallow the lump in his throat. Babe stood watching him through her tears as he tramped down the street, out of the town on the road to the south.

Two years later in a hall in Sonora, a man strolled in to the card tables.

"Why, hel-lo, Curly!"

Curly glanced up briefly. "Hello, George."

"Hear you've made another strike."

"You can hear a lot that ain't true. This happens to be."

"You know, I was telling—"

"Well, the sight of you don't put me in the mood to be told much." There was an imperceptible shifting of the crowd around the table. They were moving away from Spellman.

"I was telling my wife—"

"My girl, you mean! It wasn't enough to keep my business, you had to go home an' marry my girl, too, didn't you?"

"Curly, for the love of heaven—"

"Take your hand off my arm, Pete. I'm going to kill this—. He's not the kind of man I thought he was."

Two shots crashed in the room!

Spellman wavered through the smoke haze, then dropped his pistol and fell slowly across the card table littered with shining cards and poker chips. An overturned tallow-dip dropped in a pool of wine and rolled down against the dead man's cheek, dabbling it with the color which would never return to it again.

"Bet, ain't that Curly Gillmore that we knew three years ago at Coloma, when Allie died?"

"Must be a-gittin' blind! Where?"

"The feller all dressed up an' walkin' with the lady. Sure it is! Hi, Curly, hel-lo! It's Babe. Well, ain't I glad—"

The woman with Curly fixed Babe with a stony glare. "If you wish to converse with this... woman, kindly do so when your wife is not accompanying you," she said to him in an angry undertone, and went majestically on.

"I'll come back, Babe. We've been married just a month and she doesn't understand. I'll be back later," and

he hurried off.

"Bet, did you see who that was with Curly? His wife, he said."

"Aw-w, Babe, don't you fret! I guess we fill our little place out here in Californy near as much as some o' the fine ladies do."

"I didn't care. No, I was thinkin' that the ways o' the Lord are curious. That lady used to be married to George Spellman."

"An' Curly shot him, down at Sonora, last year!"

"Ye-aw."

"Well, I'll be—."

The Race of the Shoestring Gamblers

VIII

*"Judge not too idly that our toils are mean,
Though no new levies marshall on our green;
Nor deem too rashly that our gains are small,
Weighed with the prizes for which heroes fall."*

—Bret Harte.

If dancing was the first form of amusement to emanate from prehistoric savagery, then racing must surely have come next. It may possibly have come first. However, we shall leave the "theorizin'" to be settled by the lips of the first mummy whose centuries-old tissues shall be roused to full life by modern science. What has science not achieved? We have gone beyond wonder. We can only believe, and become blase!

Meantime there is still enough red blood in the modern effete productions of humans to enjoy a contest of stress and strain, and brain and brawn, and to gamble upon the outcome.

In the '49 days, racing was one of the most popular forms of chance, and it often reverted in bizarre tangents. This, then, is what happened at a golden fiesta during the week of races:

"Sweet Lady, are all my importunities to be in vain?"

"I must confess that I can not bring my mind to a decision, Mr. Saul," answered Mistress Patty Laughton, blushing and curtsying prettily.

"It is surely not for your lack of worldly goods that you hesitate," persisted Slick-heels Saul. "As for what your father is owing me, it shall, at the moment of your acceptance, be wiped entirely from the books."

Patty was incensed at the hint of insolence in the gambler's allusion to her improvident father's financial condition.

"Believe me, Mr. Saul," she said, with spirit, "no ulterior motive for worldly advancement has the power to coerce my afflictions."

"But you will consider my proposition of marriage?"

Patty's honest gaze encountered the appraising glint in the coot grey eyes of the foppish scape-grace before her. She lowered her own eys quickly to hid a hunted look in their dark depths as she answered:

"Sir, after the week of races, you shall have your answer."

"And then I shall give up my present means of gaining a livelihood, and, repairing to San Francisco, shall enter into a profession more fitting the social station of the lady who is to become my wife." He bowed deeply and withdrew, leaving Patty with a sad face and tearfilled eyes.

At last she straightened her tall figure resolutely. "I must not give way to tears. I can not! I will not! There must be some way to pay my father's debts beside this extremity, to which death is almost preferable. There is still a week's time. A week—only a week." Panic overwhelmed her, and when someone gently took her hand, she cried aloud in terror.

"Why, Sweetheart, do I frighten you so? I waited long upon the mesa near the speed-track at the spot we had agreed upon, and when you did not come I fared forth to meet you."

"Eric, it is Saul again. What can I do?"

"Dear, I have about \$2000 which I am resolved to play on the races. I will win. I must. Old Irish Mike has brought over his whole stableful of saddle horses and I was raised in Kentucky. Do not despair, we shall beat the gambler at his own game. Here is Mike, now. Perhaps—Mike, it's a fine string of horses you've picked up.

"It is so. Many a thoroughbred I've bought that came all the way from Kentucky or Missouri. All that had the stamina to get to Californy, the one thing left that many of the poor devils could sell when they reached the coast."

"Mike, some of them are faster than others, I suppose."

"'Tis what half the shoe-string gamblers in the camp have tried to find out. I may have me own opinion, but it's to meself I'll kape it till afther the races are run. I will not spile sport. Have ye seen the last cayuse that's bein' put in?"

"You mean the cow pony that came in with the bunch of cattle from the Napa Valley yesterday?"

"The same. The auld boy, whilst in his cups, is bettin' she can beat anythin' on four legs, even jack rabbits an' antelope. The precious gamblin' riff-raff are fillin' him up with tanglefoot, proper."

"Why, Mike?" Mike glanced at the silent girl and then down into the gulch below.

"Miss Patty, have ye visited the claims?"

"No, but I should like to."

"Come, then, if ye will so pleasure an old man. The men will not be workin' tomorrow. They will be that pleased to show a lady how to wash a pan o' dirt, they will be saltin' ivery pan wit' nuggets for ye! Eric, lad," he called back to the tall young man, "ye might look the cow horse over. She has not been curried for long; yet, whisper, beauty is but skin deep an' the finest rapier is often encased in a rusty scabbard."

"There is something going forward that Mike wishes me to see," though Eric, as he hurried off to the livery stable. "That is why he took Patty away."

A crowd of gamblers were just putting up a pair of riders on two horses.

"Hey, Eric Tallman, you used to own this horse. Can he beat this rat-tailed kyoodle that runs after steers?"

Eric laid a hand fondly on the magnificent black "half breed," who had just enough mustang to give him the stamina and spirit and wildness characteristic of the Spanish-bred horse.

"Keep him on a steady rein and he'll beat anything in the mountains. I'd never have sold him except—." He sighed, turning to the cattle horse. She was long necked, long legged, long haired, wall-eyed, lean, and badly in need of currying, and yet Irish Mike was no fool, and Mike knew Eric's extremity—his and the girl's whom he loved.

He noted the deep, broad chest, the tapering barrel and the tremendous driving power in the steel muscles of the hind quarters, but she drooped, spiritless. He turned again to the satin-coated half-breed.

"Any dust up yet?"

"Ye-aw, about ten thousand. Old fool seems to be well heeled. We've got 'im full to the eyes, down at Stringhalt Eddie's place, an' the boys are goin' to try the plugs out before they put up any more." Two trial races were ridden and the sad cow horse was outrun with apparent ease.

The next morning as Patty went on her daily stroll to "take the air," her way was blocked by a clamoring crowd of undesirables who were baiting a miserable old cattle man.

"I tell ye, gentlemen, I was indisposed. 'Twas the liquor talking. Surely you would not take advantage of a poor old man and his honest, hard-working little mount. Every day of her life she works. Gentlemen, I beg you —"

"Begging will get you nothing better than a good drubbing, you filthy cattle lout! If you don't pay up your bets, we'll take it out of your hide. I, for one, have a special use for my money at the week's end."

It was Slick-heels Saul. Patty turned aside, sick at heart. This was the creature in whose power she was "like to fall."

Upon her return she found the old cowboy sitting dejectedly under a liveoak bush. "Sir," she began timidly, "you are in trouble. I should like to express my sympathy."

He rose with suspicious nimbleness. "Now, bless your kind heart, Miss, to stop to console a sad old man."

"I overheard what Mr. Saul said to you, sir. He is—"

"Without doubt, without doubt, he is everything you mention. Could you, now, be Mistress Patty Laughton, of Kentucky?"

"Yes, sir."

"I knew your Grandfather Laughton, my child, and since I came here I have heard-of you," he finished, with innate delicacy. Indeed, who had not heard her story?

She opened her silken reticule and drew forth a small, buckskin bag. "Will you not accept it? Yesterday, at the claims, I panned it out myself. I am sorry for your plight. I am sorry for anyone in the clutches of Slick-heels Saul."

"But—. Can you—?"

"It does not matter. Your extremity is greater than mine."

He stood looking after the slim girl who carried her head so high. "How like a Kentucky Laughton. Thoroughbred stock, all!" He tossed the bag in his hand. "'Tis why they are where they are today." Then his keen old eyes softened. "And why they are what they are, today. Bless her tender heart to stoop to an old cattle man in the mire. As for this—I must see Irish Mike," and he hurried off with surprising speed.

Bets rose. Every gambler had been apprised of the sure thing and flocked to the betting like bears to a honey tree.

"Have ye put up ye'r money, Eric?" asked Irish Mike, late the next night.

"Yes," said Eric, briefly.

"Ah. So." Mike's shrewd gave slid from the young man's face.

"They do say that Slick-heels Saul is beginnin' to worry over the \$20,000 he's staked. The shoestring gang have gathered in the information fr'm th' express agent that the auld cattle man owns a big Spanish grant down in the valley, and has \$50,00 to his credit in certificates of deposit from the express company. 'Tis as good as gold."

"Mike, have you ever seen him before?"

"I never spile sport, me boy."

It was the last day of the fiesta and the famous race was at hand.

"There is the old cattle man with his vaqueros."

"Faith, they're a tough lookin' lot, all armed with a brace o' Colts apiece. 'Tis fun they'd have, cleanin' out a Fandango House."

"Patty, girl, you are pale today."

"Oh, Eric, 'tis the last day of grace. Heaven help us if—"

"See, Patty, gir-r-rl, they're fixin' for the foot race between Cherokee Bob an' that Australian squirt fr'm

Sacramento."

"Why are they placing men with guns every ten feet along the track?"

"The Indian can beat the Australian, but he thried to sell the boys out, an' if he slackens his gait by ever so little, the b'ys will begin shootin' sthraight before them. An' maybe aafter the race, he'd better be runnin' right on into the next county."

"What next?"

"Next is a jackass fight, an' then, the race!"

After the billigerent jacks had been led away, Red Pete suddenly took to the brush, accelerated by a fusillade of bullets.

"Welchin' his bets, he is, an' ivery man he owes is lettin' him have it."

"Nary a hit!" wailed old Jack Horner. "The shootin' in this camp is a-gittin' vile! Time we was quittin so d — much pick handlin, an' a-practicin' up. It's a reflection on the community. Why, there ain't been a Chinaman drilled with a bullet decent an' clean for weeks!"

"They're leading out the horses! Where did that little nigger jockey come from? The mare's got more ginger today."

"Eric, surely your horse can win!"

"I don't know, dear."

"He must! He must, or—"

"Slick-heels Saul's face is turnin' the color of me native isle," chuckled Irish Mike. "Patty, me little ladybird, 'tis no time to be faintin'!"

"Oh, you can't know—"

"Faith, an' I know more than you t'ink. Bear up, Asthore, the darkest hour is just forninst the dawn. Whisht, now! They're off!"

"Here they come! The black is ahead! See, the nigger is lying flat on the mare's neck. She's closing up! Oh, they are neck and neck! I cannot look. Eric—The black is getting the whip. Good horse! They are even again! Ah, it is only for a moment. The mare... is over the line, first... It is all ended, life, love, honor, happiness... I cannot belong to that man! My poor old father. Dear old... for his sake, I must. I—"

"Patty, girl."

"Eric, you are not to blame. You would wager on your own horse. 'Tis but natural. I must accept my fate with what fortitude I can summon. Please take me home. All the people staring. I cannot bear it long."

But when Slick-heels Saul pressed forward to her side at the boarding-house steps, she was as stately and cold as the snow-hooded rocks of Granite Mountain.

"I have lost everything, but still I hold you to your promise."

"I made no promise, sir," she said haughtily.

"But you will," he answered meaningly, "tomorrow."

"Stand aside!" thundered Eric.

"Come awn," soothed Irish Mike. "Not with the lady here, Eric, b'y."

"Patty, I cannot let you go! I will shoot the beast on sight."

"That would not vindicate my father's honor. Hush, he is coming. I must remember that I am a Laughton."

Eric turned to stare moodily out the dusty window. "There goes the cattle man with his followers and his strong-box. What he must have won! Here comes Mike. In a hurry, too! I wonder—"

Slick-heels Saul was bowing before the girl.

"Forgive an auld Irishman for intrudin' upon so tender a scene—" (Slick-heels glared at him malevolently), "but I have he-e-re a something for Mistress Patty Laughton," pretending to read the inscription on the package he held out, "from the auld boy, there, who is just leavin' us."

"'Bread cast upon the waters of sweet charity shall be returned an hundred fold. Blessed are the pure in heart for they are of the children of God,' he has written. Why, it is money!" gasped Patty, "and such a large amount!"

"He had me put up ye'r little bag o' gold on his mare. These are y'er winnings." Mike smiled inwardly at the sum of money. "Sure, auld Andy must have put a rock or two in the wee buckskin bag," he thought, but aloud he said, "I never spile sport, an' I could not tell ye before, but 'tis auld Andy Magee an' his famous racin' mare, the fastest quarter mile horse bechune the state of Missouri and the Pacific ocean.

"'Tis the same game he's pulled on the gamblin' crooks all the way from the Oregon line to Mariposa in the south. Even gettin' filled wit' tanglefoot is part of the dodge. They cannot touch him an' the vaqueros protect him fr'm the shootin'."

"But what about the tryout?"

"Also in the schame. The mare was cross-shod; meanin', two of her shoes, the near front, an' the off hind wans, were twice as heavy as the others She could not run top speed in th'm f'r love nor gold. Yesterday she was shod in light racin' pads, an' under her own jockey. No horse on the coast could catch her. An' always, the smart racin' gamblers play th' auld man for a fool. Such is often the end of greed.

"Pay up the dad's gamblin' debts, an' bid this Knight o' the Green Cloth a swate an' long fare-ye-well. Then go an' be happy, me child."

The Dragon and the Tomahawk

IX

*"Which I wish to remark,
And my language is plain,
That for ways that are dark
And for tricks that are vain,
The heathen Chinee is peculiar,
Which the same I would rise to explain."*

—Bret Harte.

Certain learned archaeologists maintain that there are marked racial similarities between the American Indians and the Chinese—physical characteristics dating from unknown centuries, when the widely sundered continents were probably one.

However that may be, in the days of gold in California the greatest animosity existed between the Indians and the Chinamen. The feeling began, presumably, through intermarriage and flourished like the celebrated milkweed vine of the foothills, which has been known to grow—I quote a '49er, now dead, which is perhaps taking an advantage—12 inches in a day.

The tale is told of a Chinaman crossing a suspension footbridge, high over a winter torrent, from one part of a mining camp to another. An Indian ran to meet him. John Chinaman started back as quickly as he could on the swaying bridge. The faster Indian caught him, and, though miners on both shores sought to save the unfortunate "Chink" by a rain of bullets, it was too long range, and the Indian threw him to certain death in the river.

But the Indians did not always win, and this, then, is the tale of an encounter between Hop Sing and Digger Dan.

"In a game which held accountin', On an old Sierra mountain—"

"Whassa malla, to-o much nail-o ketchem clo'e (clothes)?" snorted Hop Sing, coming around to the side verandah with two pins in his hand, to where Miss Jo Halstead was embroidering an antimacassar in bright worsteds.

"Oh, Sing, did you hurt your hand?" she cried.

"'Nother boy heap mad."

"Another boy? Aren't you doing the washing?"

"No do. Me—" but Jo had gone to the back yard. She found the tallest Chinaman she had ever seen, meekly bending to the washing, and quickly obeying the sharp orders rained upon his queue-circled poll by Hop Sing.

"But—Sing," protested Jo, stifling any sort of smile.

"Him no good! No got place! Me pay one-dollar-hop him stop one month, Chinee house. He no pay. Me makem work."

"Yes, but—what is that? Those are shots on the stage road over the hill! Oh, it must be another holdup! And Rand is shotgun messenger on the stage today. Hark! Hear the horses running! They're coming—fast. They're trying to make the town!"

"Ketchem, more horse run behind," answered Sing, listening intently, his slanting eyes glittering.

"Sing, you go and see what—"

"Can do! You get that boy, make 'em wash, alle same. He no good! You look see?" Joe turned to spy the frightened deputy washerman wriggling under the verandah. "Bime-by I kill 'um," remarked Sing, composedly. "No got time now. Missie Jo, wagon come, maybeso better you stop house-o."

Six horses topped the long hill, pulling the huge rockaway stage. They were coming at full speed, and the near wheeler was dripping with blood. A dead man hung over the high dashboard, where his feet had caught when he fell.

Leaning far out over the team was a young man holding the reins in one hand, while he lashed the shot-crazed horses to their last ounce of speed with the fifteen-foot whip. His sawed-off shotgun lay on the seat beside him. It was Rand!

"Oh, thank God!" moaned Joe, but in another moment, "Poor old Salt Peter! They must have killed him when he wouldn't stop. Sing—" but Hop Sing had vanished, leaving only his white apron across the wash bench.

As the stage thundered around the turn at the end of the main street, the wounded horse threw up his head, coughed bloody spume over the pointers (the second pair), and fell. Men were already scrambling onto their horses, and loping in from all directions. Rand cut out a buckskin leader, mounted, and dashed frantically back up the road followed by a dozen horsemen.

"Rand, who was it?"

"I don't know, exactly. Thought I saw Digger Dan—" They were over the hill, and Jo heard no more.

Hop Sing did not turn up for supper, but his tall substitute did fairly well, and Jo did not worry. Some time after dark, a weary Rand appeared.

"Well, Miss Jo, we got Digger Dan. At least we thought it was, but he won't say a word except that he wants to see you. I've come to escort you over to the jail. Will you trust yourself to me that far?"

"That far, yes," archly, "'tis but a short space." Not for worlds would she have him guess her anxiety of the afternoon.

"I wish that 'twere for always."

"What can Digger Dan want of me," she evaded, thankful for the darkness which hid her blushes. "Rand,

hear the wolves howling!"

"They are only coyotes, dear—Miss Joe, and afraid to venture into town except to the chicken roosts."

"Why, it's Hop Sing!" exclaimed Jo, upon first sight of the prisoner. "They've cut off half his queue and braided his hair in two pig tails, and put different clothes on him, and he does look like an Indian. How very extraordinary!"

"Kethem Digger Dan cloe," blazed Sing.

"That's a likely tale," said the sheriff, "betcha he knows more about stage robbin' than he'll let out."

"I am sure he does not about this one. He was with me every moment." Nevertheless, she could not help remembering the substitute Chinaman whom Sing had put in to do his washing. But, though the complex Oriental nature will never be quite understood by the Occidental, she had confidence in the loyalty of the Chinaman, who had served them for five years, and whose life had once been saved by her father.

"Ah Sing, will you tell me what happened," she asked, knowing well that a command would only elicit a stolid "No savvey." Put as a favor, or a confidence, he might respond.

"Him Digger Dan, no good! He stealem me clo'e. Ketchem. Missa Land (Rand) an' plenty man come, he lun (run). I ketchem him! Tlee (three) lobber (robber) come. To-o muchee men. I no can fight! He—"

"They tied him on a horse and drove it down the canyon for us to follow, while they got away."

"I tell you, he knows more about it than he's telling!"

"I don't think so, sheriff," said Rand, positively. The man turned to him, suspiciously.

"Me go home, all same Missie Joe?" Hop Sing raised an expressionless face and glared at the broad belt of the sheriff.

"Well, you can go, but I'm going to keep an eye on you and see that your apron's hanging in the Halstead's kitchen every day of your heathen life."

Later that night when Rand started home, strange incantations were going on in Sing's lean-to. In four china bowls punk was burning, and an old Chinaman was muttering weird invocations over the clothes of Digger Dan slowly smouldering in a coal-oil can in the middle of the floor. Hop Sing held one hand in the smoke, raised the other aloft and made a blood-curdling oath of some sort which, by the expression of his face, probably consigned the owner forever more to the nethermost depths 'of Tophet.

"Why, where is Ali Sing?" asked Jo the next morning, when she found the tall slave still in the kitchen.

"He got heap sick cousin. He go way. I stay. He come back bime-by." Jo knew that it was useless to question further.

The summer drifted by and still Sing did not return. Rand walked in one day with the first flurry of snow, from his claim in the south. He caught both of Jo's hands in his without a word, kissed them tenderly and let them go.

"Rand," she faltered, "it is so long since I've heard from you. You have been acting so strangely-for months!"

"Jo, have you not heard the talk that has been whispered with my name ever since Sing disappeared? They say that I know too much about the holdups; that I helped the Chinaman to escape; that Digger Dan and Hop Sing are one; that—"

"I would not listen to such falsehoods," cried the girl, her grey eyes flashing.

"You blessed little woman! But considering this, how can I say to you what—tell you that which glorifies the very life in my frame. How can I offer you a name tarnished by the suspicions of my fellow men?"

"Rand, I acknowledge no such allegations. Oh, I may be lost to all sense of womanly reserve, but—"

"When my name is cleared, I shall hope to enter Paradise. Till then I must not. I cannot bring disgrace upon you. I shall return to my old post of shotgun messenger—"

"Rand! No! Listen to me one moment. Last evening Digger Dan came to this very place. He told me that if you went back to the stage you would certainly be killed. They have been robbing all summer. It is said that Joaquin is in the mountains."

"No, they are Tom Bell's men."

Jo glanced up, startled. "Whoever it is, has sent you a warning."

"Miz Halstead," called a strident voice, "th' stage's jest in, an' you're paw's took awful sick up on the Middle Fork, at his mine."

"I shall have to go on the morning stage. Will you not please—" to Rand.

"Jo, I do not fear death. It is dishonor that maddens me, for your sake. The snows have come. They are already fitting runners to the stages. The mails and the 'dust' must get through in spite of all. I go out on the first sleigh; this one you must take. This winter I shall vindicate my name, if it is humanly possible to do so." He kissed the end of one long curl of her hair, and was gone.

Some weeks later, during a lull between storms, Rand's face lit up with the feeling which but one woman in the world could inspire, as the stage pulled in to Middle Fork.

"Father is not quite recovered, but I thought it best to get him out before we were snowed in. Rand, Digger Dan came," she added, in a whisper; "the stage will be stopped today. Yet, it is gathering for a storm. I dare not stay. What shall I do?"

"Come along. I will protect you."

Two miles further, as they topped a hill, Texas, the driver, pulled the laboring six far to the side.

"Why?" asked Rand.

"Cut, there," answered Texas, "an' it's piled high with a drift."

"Look out for stumps."

"I've got 'em spotted," muttered Tex.

"What's that?" swinging his gun quickly to the right. The horses plunged, snorting, quickly to the left, the sleigh hit a snow-covered stump, and it was only Tex's expert driving that saved it from overturning.

"Some animal. I saw his hide." A hide Rand had seen, but it was the coyote-skin coat of an Indian who had made one sign and instantly vanished. Very quickly the dreaded halt came.

"Look out, Tex! There's a rifle barrel from behind that tree trunk."

"Halt!"

"Halt it is. There's nothing we can do." Was it Jo's presence in the stage below that made him give in without a struggle, or did he know that the Wells-Fargo box had vanished from under the driver's seat? Or was it knowledge of the horde of yelling Indians which rose from the snowy brush, and swooped down upon the shooting robbers? Four of them were brought, in triumph, to the town on the stage.

"Where is the express box?" asked the sheriff.

"I do not know," answered Rand, defiantly.

"Cached away up on the mountain, I suppose, where the others are."

"Sir!" thundered Rand, "I have brought in, the bandits, as I promised, to clear my own namen—all but Digger Dan, who escaped. When I say that I do not know what happened to the box, you will please understand that—"

"Here comes Digger Dan now, carrying something."

"No Indian ever carried anything in baskets slung on a pole!"

"Hel-lo, Missie Jo, how you do?" blandly remarked Digger Dan's double.

"Hop Sing!"

"Ketchem Missa Land's money, nis bas-a-kit."

"What's in the other one."

"Nat one, lock (rock). Makern heap easy carry-em."

"Where did you get the box?"

"You savvey place him horse get scare; him wagon, he fa' over top-side down. Him money, he fa' out. Him stop place snow melt away by heap big tlee tlunk. Me see. Missa Land, I know he like. I ketchem."

When Rand took Jo home they were met by a smiling Sing in a snowy white apron.

"Where's the other boy?" asked Jo.

"Him boy? I tellum get out quick, or I killum, sure!"

"Ah Sing, how can I ever thank you for all the six months you've spent in the brush?"

"He all-li, Massa Land. You ketchem me come out nat jail. I heap savvey you come see Missie Jo. Missie papa, lo-ong time now, he ketchee me no die. Missie Jo, alla same my girl-o."

"Those Indians—"

"Were Sing's friends, dear, dressed up."

"Chinamen?"

"Yes."

"Sing, where did Digger Dan go to?"

"He go hell," remarked Sing, pleasantly. "He lun away to Oustamah (Indian village). Me ketchum. Alla squaw ketchern plenty tar on head, makern big cly (cry, Indian word for wake). Me killum him. Goo-bye, me go cookem velly fine dinner. Missie Jo, Massa Land, you get marry now. Me hope you ketchem plenty boy!" From his point of view what greater blessing could he wish them? Later, he peeked in curiously from the kitchen, but, as kisses are not included in the Chinese curriculum, he failed to be interested and returned to his baking.

The Barstow Lynching

X

*"This is my story, sir; a trifle, indeed, I assure you.
Much more, perchance, might be said—
but I hold him of all men most lightly
Who swerves from the truth in his tale. No, thank you
Well, since you are pressing,
Perhaps I don't care if I do: you may give me the same,
Jim—no sugar."*

—Bret Harte.

Contests of every sort were the order of the day in '49. Any ferocious encounter which would promulgate betting was countenanced, and even encouraged. There were dog fights, bull fights, bobcat or mountain lynx fights, and fights between game chickens.

The tale is even told of cootie fights during long, rainy winter evenings which must be spent indoors. The harborers of the contestants simply reached under their shirts, drew forth a doughty grey-backed warrior, placed him on a child's slate which was used as an arena, and the fight was on.

A camp named Lousy Level is said to have made a specialty of this sort of battle. Thousands of dollars were sometimes bet upon the outcome. Arguments arising from various combats often developed into robbing,

murdering and lynching. This, then, is the tale of a certain lynching.

"Step up, gents. Only a dollar to see the big fight. One little dollar to view the greatest contest of the age. See the champion fighting jackass of the state vanquish the biggest grizzly in the Sierra mountains.

"The unconquerable battling jackass who has whipped two bulls down at Sonora, and caused a mountain lion to turn tail. Step up, gents. Only a dollar to get inside the ropes," and Webfoot Watson waved a well-kept hand toward the arena. It was a pine-staked palisade, bound around the top with rawhide thongs. At one end, the "champion donk" was tethered, and at the other the "fiercest grizzly" was confined in a stout cage of solid planks.

"Step in, gents! There are logs and stumps to stand on. The show will begin immediately. We are now loosing the lion-eating jack. He—"

"Hey!" roared Swipe-eye Weller, pointing to the laden trees outside the enclosure, "ef you think I'm agoin' to pay a dollar for this here show jest because I ain't no tree-climbin' animal, you're pickin' out the wrong customer. They coughs up a screamer apiece, or this act don't begin actin'. That's final!"

Nothing loath, Webfoot claimed the penalty from the crowd perched in the trees, in some instances not without the aid of his six-shooter, and the jack was then turned loose in the palisade.

"He's eatin' grass," piped up old Grease-top Jamie. "Say, I can see twenty jackasses eatin', down to the boardin' house at Blue Tent any day, an' I don't have to pay no dollar, neither. Turn out ye'r baar!"

"Hi! Here he comes! Eat 'im up, jack! Why, that ain't no grizzly. Sufferin' stars, he's only a little scared cinnamon."

"He's goin' after mister-old-donk, though."

"Ye-aw. Lookin' fer protection. Hey, look at the donk landin' kicks on 'is ribs. Ride 'im baar! Claw 'im up! Give 'im—" but the little cinnamon bear reached the fence in three jumps, scaled it, and took to the grease-wood thickets in record time in spite of the yells and bullets of the disgruntled spectators.

Webfoot had made even better time than the bear, and only the placid jack remained as a memento of the occasion. He was taken at the head of a long procession of miners and made the occasion for a call upon the whole round of fandango houses, and dispensaries of liquid rowdyism in the camp.

"Partners, aren't you getting somewhat rough with the little fellow?" asked a young man in unimpeachable black broadcloth.

"Why, it's Anthony Barstow! Look at the purple raiment! Man, you must have struck pay dirt."

"Yes, thank you, my claim has turned out to be a rich one. What will you take for the donk?"

"Help yourself. He's a maverick. What's that? Dog fight? Sic 'im, Rover!" and the fickle and drink-befuddled mob hurried off down the street to the newest excitement.

Anthony took half an apple from his pocket. "I was saving it for tomorrow, but do you think you could manage it, Little Pard?" The long ears lifted at once, and the soft hairy muzzle took the delicacy daintily out of his fingers. Anthony petted him and sauntered on, into the best of the gambling halls. He seated himself at a table presided over by a woman dealer.

"Monsieur, it is not permitted zat ze gamblair shall play," she told him courteously, with a flash of very beautiful white teeth.

"Ho! Ho! Barstow," roared Copper-down Hicks. "That's one on you! The madam, here, sees your brand new togs and thinks you tickle the green cloth for a livin'."

"It is monsieur's toilette zat 'ave cause ze mistake. I have now better observe he's face. He is welcome."

"Don't think your friend can sit in, though," observed Champer-down, grinning broadly.

Anthony turned. The donkey had followed him in, and was standing just behind his chair, head hanging, ears lopping, lethargic patience showing in every contour of his shaggy body.

"I have consorted with many of his kind," said Anthony, smiling, "and I prefer his frank sincerity, his bravery under stress, his worldly poise, his calm exterior, which does conceal the fiery depths of his nature; in fact, all his so-called animal attributes I prefer, to the more sophisticated allure of his human gender." Anthony laid a strong hand on the little beast's shoulder, while the French woman regarded him curiously out of long black eyes.

"There, take that, you good for nothing cur," and a man kicked a dog in through the door, to lie in a twisted, bloody heap upon the floor.

"What do you mean, you brute!" called Anthony, springing upon the miner, who immediately closed with him. Mignon screamed, and ran to stop them.

"Monsieur, for why do—?"

"Aw, he got licked. I lost money on him."

"Yes, and you haven't paid me, neither. You shell out, you Buckeye Pete!" spoke up a tall Kentuckian, with a mastiff on a leash.

"It wasn't a fair fight, Spotty Collins," whined Buckeye.

"It was—it was, so!" called a chorus of voices.

"I'll buy your dog," said Anthony. "That will pay your debts." Anthony handed the money to Collins, picked up the half dead dog, and, holding him against his immaculate new frilled shirt, he strode away toward his claim over the mountain. The jack, whose attitude had hair, never changed by so much as the waving of a suddenly raised an alert head and as his benefactor vanished, he ambled quickly after him.

Pete sought to stop him at the door and in one lightning and concerted movement, he bit and struck and kicked, scattering the crowd in all directions. When the men watching Anthony down the street, burst into laughter at the bizarre procession, the French girl silenced them with fierce, hissing syllables..

"Heh! Dude Anthony, beloved of the b—"

"Zose words you shall not call la petite hound an' me. Even name of a dog is for such as you too good to be call'. Monsieur, we take pleasure in your departure from hence."

"Go on, please the lady, Buckeye. There's no other jackass to keep you here any longer."

And Buckeye departed in a perfect indigo haze of profanity.

"Mignon, have you heard the news?"

"Non, Monsieur, I 'ave sleep all ze day."

"Spotty Collins was found in Blue Ravine this morning, robbed and murdered. You see, he had a lot of money on him from the dog fight."

"But ze beeg hound?"

"He was shot, too."

"Ze murderer, zey 'ave caught?"

"Not yet. They say the sheriff's on his trail, though. He just got back from Sacramento and he went right out. By jinks, he's coming now! An' he's got 'im!"

"Mon Dieu! It is Monsieur Ant'ony!"

"No!"

"Oui! Heem, my woman's heart knows well."

"By jinks, you must be right! There's the fightin' jack followin' the horses. Dude Anthony of all people!"

"It is not true! It cannot be!"

"Think I've got my man, boys. His clothes are covered with blood and the money was in his cabin."

"I have just made a strike in my claim. That is my own money."

"Yes, of course, but the court thinks you oughtn't to keep it too long!"

"The 'court' is in his cups. He's sittin' over there in the plaza with his back against the flag pole, an' he won't budge. You listen—"

"Judge, can I see you to your room for a few hours' sleep?"

"What for?" asked the judge, eyeing the questioner solemnly. "Is there anything in the statutes of the State of California which forbids my pre-empting this small space on the highway? Is there any reason, if I am so inclined, that I should not teach my fellow-citizens the great moral lesson of the overthrow and debasement of genius by the demon rum? Am I not better employed than if in a stifling, tobacco-perfumed courtroom, beating law into the thick skull of a lawyer, who doesn't know Blackstone from white quartz? But, if you have four bits on you, and should ask me to join you—Ah, you have?"

"Well," said the sheriff to Anthony, after they had vanished into a near bar, "I'll have to put you in the jug till court convenes."

Buckeye Pete was celebrating. He seemed to be suddenly flush with "dust" and was dispensing drinks with a liberality which soon brought him a numerous following. By midnight it was a well-mellowed assemblage.

"Mignon, how long have you been dealin'?"

"About tree, four mont', Monsieur."

"I don't mean here. I mean altogether."

"About six ye-ar, Monsieur."

"You must be well off by this time. An' they say that you've earned it all workin', and that you're straight. Say, I'll marry you, if you say the word—"

"You say, they say, too much, Monsieur."

"Here! Don't you go givin' me no orders, you French crinoline fluff!"

"I ordair no man, an' no man is ordair me!" She stared him down with her glittering, black eyes, and returned to her dealing. Pete strolled out, followed by his satellites. When the noises in the street grew louder it caused no particular comment. It was the usual thing. But when a crowd burst into the Royal Flush, Mignon sprang to her feet with a cry of anguish.

"Dealt me a raw deal, didn't yeh, you smart Frenchie?" gloated Buckeye Pete. "Well, look at your man. Take a good look, an' don't miss the necktie he's wearin'. Pretty li'l rope choker we got for Dandy Anthony. Ain't no man can go killin' an' get away with it, while I'm here," looking around for applause.

"Name of a pig!" hissed Mignon. "You—you would."

"Sure' we would! Right out on the lynchin' tree." She turned and dashed for the rear. "Ze sheriff! He must come toute suite!"

"Min," whispered Soft-soap Joe, the bartender, "he left two hours ago on a new case, otherwise they wouldn't a-dared do this."

"Mon Dieu! An' ze justice, he is intoxicate! Mother Marie, pray for him," she cried, in her own language, and she ran after the lynching party.

Once she stopped, shaking with terror at what she took to be a grizzly in the path. It was only the fighting donkey still following the master whom he had adopted. He made his way to the very center of the mob. The French girl followed and, climbing onto a barrel, faced the crowd with flashing eyes.

"Consider what you do! The judgment of le bon Dieu will be upon you!"

"Aw! Choke her off! Pull her down, somebody."

But the three or four who tried to reach Mignon on her barrel next to the bound man on the horse beneath the hanging tree, fell victim to the "greatest battling jack in the state."

"My friend," orated the old judge afterwards, in describing these events, "what mere man, however filled with tanglefoot, could face the wicked teeth, and hoofs, and kicks which had conquered wild Texas bulls,

caused the mountain lion to cringe in his lair, and the invincible grizzly to flee across the Sierras?"

At any rate, the little donkey was everywhere at once, biting, striking, kicking, squealing, with the venom and speed and precision of a rattlesnake, while Mignon railed, unmindful of Anthony's protests.

"Ze blood on hees clothes! Bah! You 'ave all see 'ow he is carry home la petite so-hurt dog. Oui! ze dog of Monsieur Pete. Who is know where Monsieur Collins is go for new dog fight? Monsieur Pete! Who has anger at Monsieur Ant'ony for because I, Mignon, 'ave look once again at Monsieur, who is so kind to all who I ave pain? Monsieur Pete! Who is insult good girl? That's me. Monsieur Pete! Who is spend much money tonight, who yesterday was br-r-oke? Monsieur Pete! Who, zen, should you swing on ze rope?"

She waited. There was absolute silence save for the crackle of the flaming pine-pitch torches.

"Ver' well," in a low voice. "I, me, Mignon, shall answer." Again she paused. A long way down the canyon she heard horses galloping on the hard road. "Monsieur Pete!" she screamed, at the top of her voice.

The mob struggled forward, yelling.

"Ver' well!" she cried, snatching a silver-mounted pistol out of her bosom. "Come on! Ze jackass, he is ke-e-ll five! I, Mignon, I ke-e-ll five! Ten shall go to le diable before mon brave shall hang!"

They hesitated, those in front pressing back from the certain death which awaited them. Mignon set her arms akimbo, the gun gleaming at her hip, and taunted them in contemptuous French.

The horsemen had reached the camp and soon thundered into view. "What's this going on, anyway?" demanded the sheriff, angrily. "Anthony Barstow is innocent. These men can prove that they spent the night at Barstow's cabin. When I learned the truth, I came straight back. Buckeye Pete, you throw up your hands! You're wanted for the murder of Spotty Collins."

Mignon tore the noose from Anthony's neck, laughing and crying in true French abandon.

"Anthony, you're snared in another kind of noose," laughed the sheriff. "I know you're need in' your arms, but that rip-snortin' little jack won't let me get near enough to cut your bonds."

"By Salsifer!" he said, later on, "I'll have to swear that fighting jack in as a deputy sheriff, and set him to watchin' road agents confined in the jail. Well, goodnight, all. Pete's locked up safe and sound."

An hour later a sober band of grim spectres returned to the jail, overpowered the guard, and, for the second time that night, took out grisly fruit to hang on the lynching tree. There were no pine knots and no attempts at conversation till the leader asked: "Buckeye Pete, have you anything to say before you join your Maker?"

"Ain't no use prayin' for yourself," spoke up another voice. "Better pray for the soul of the man you sent to Purgatory, and for the well-bein' of the other innocent man you tried to destroy."

"What's that?"

"It's that fightin' jack, prowlin' 'round."

"Let 'im prow! Now, then, boys, are you ready? Then pull!" and, as the old judge always told in conclusion, "they say, as the men gave a mighty heave on the rope the donkey ran forward and kicked the barrel from under the doomed man's feet!"

*** END OF THE PROJECT GUTENBERG EBOOK DOWN THE MOTHER LODGE ***

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.