The Project Gutenberg eBook of Some Current Folk-Songs of the Negro, by W. H. Thomas

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: Some Current Folk-Songs of the Negro

Author: W. H. Thomas

Release Date: March 16, 2011 [EBook #35592]

Language: English

Credits: Produced by Tor Martin Kristiansen, Joseph Cooper and the Online Distributed

Proofreading Team at https://www.pgdp.net

*** START OF THE PROJECT GUTENBERG EBOOK SOME CURRENT FOLK-SONGS OF THE NEGRO ***

SOME CURRENT FOLK-SONGS OF THE NEGRO

BY W. H. THOMAS, College Station, Texas

Read before the Folk-Lore Society of Texas, 1912

PUBLISHED BY THE FOLK-LORE SOCIETY OF TEXAS

WILL THOMAS AND THE TEXAS FOLK-LORE SOCIETY

[Pg 1]

Now that this brochure is being reprinted by the Texas Folk-Lore Society, I take the opportunity to say a word concerning its author and its history.

Although not a numbered publication, **Some Current Folk-Songs of the Negro** (1912) was the first item produced by the Texas Folk-Lore Society. At the time dues to the Society were two-bits a year—not enough to allow a very extensive publication. Number I (now reprinted under the title of **Round the Levee**) was not issued until 1916; then it was seven more years before another volume was issued, since which time, 1923, the Society has sent out a book annually to its members. The credit for initiating the Society's policy of recording the lore of Texas and the Southwest belongs to Will H. Thomas.

At the time his pamphlet was issued, he was president of the organization, to which office he was elected again in 1923. His idea was that people who work with folk-lore should not only collect it but interpret it and also enjoy it. This view is expressed in his delightful essay on "The Decline and Decadence of Folk Metaphor," in **Publications** Number II (**Coffee in the Gourd**) of the Society.

The view is thoroughly representative of the man, for Will Thomas was a vigorous, sane man with a vigorous, sane mind. He had a sense of humor and, therefore, a sense of the fitness of things. For nearly thirty years he taught English in the Agricultural and Mechanical College of Texas, and I have often wished that more professors of English in the colleges and universities over the country saw into the shams and futilities and sheer nonsense that passes for "scholarship" as thoroughly as he saw into them. Yet he was tolerant. He was a salt-of-the-earth kind of man.

He was born of the best of old-time Texas stock on a farm in Fayette County, January 11, 1880; he got his collegiate training at Austin College, Sherman, and the University of Texas and then took his Master's degree at Columbia University. He was co-editor, with Stewart Morgan, of two volumes of essays designed for collegians. He died March 1, 1935. Gates Thomas, Professor of English in Southwestern State Teachers College at San Marcos, who has done notable work in Negro folk songs and who is one of the nestors and pillars of the Texas Folk-Lore Society, is his brother.

J. FRANK DOBIE Austin, Texas April, 1936

[Pg 2]

SOME CURRENT FOLK-SONGS OF THE NEGRO AND THEIR ECONOMIC INTERPRETATION.

[Pg 3]

BY W. H. THOMAS, COLLEGE STATION, TEXAS.

Mr. President, Members of the Folk-Lore Society, Ladies and Gentlemen:

I should first like to say a word as to why I have been given the honor of addressing this meeting. Mr. Lomax is solely to blame for that. A short while after this society was organized, Mr. Lomax approached me one day while I was holding an examination and asked me to join the society and to make a study of the negro songs. He did so, no doubt, out of a knowledge of the fact that as I had lived all by life in a part of the State where the negroes are thick, and as I was then devoting my summers to active farming where negroes were employed, I would, therefore, have an excellent opportunity for studying the negro and his songs, as the geologist would say, *in situ*.

You will notice that I have taken as my title, "Some Current Folk-Songs of the Negro and Their Economic Interpretation." Now it is somewhat misleading at this day and time to speak of the negro as a "folk." That word seems to me to be applicable only to a people living in an industry in which economic function has not been specialized. So it would be more accurate to speak of "negro class lore." The class that I am treating of is the semi-rural proletariat. So far as my observation goes, the property-holding negro never sings. You see, property lends respectability, and respectability is too great a burden for any literature to bear, even our own. Although we generally think of beliefs, customs, and practices, when we hear the word "folk-lore" used, I believe all treatises on the subject recognize songs, sayings, ballads, and arts of all kinds as proper divisions of the subject. So a collection and study of the following songs is certainly not out of place on a program got up by this society.

Now just one word more under this head. I have found it very difficult to keep separate and distinct the study of folk-lore and the study of folk-psychology. The latter has always been extremely interesting to me; hence I can't refrain from sharing with you the two following instances: A negro girl was once attending a protracted meeting when she "got religion" and went off into a deep swoon, which lasted for two whole days, no food or drink being taken in the meantime. A negro explained to me as follows: "Now when that nigger comes to, if she's been possumin', she sho' will be hungry; but if she hasn't been possumin', it will be just the same as if she had been eatin' all the time." The other instance is that of an old negro who just before he died had been lucky enough to join a burial association which guaranteed to its members a relatively elaborate interment. So, when this old negro died, the undertaker dressed him out in a nice black suit, patent leather shoes, laundered shirt and collar, and all that. His daughter, in relating the incident after the funeral, said: "Bless your life, when they put Pappy in that coffin, he looked so fine that he just had to open his eyes and look at his self."

I imagine that folk-lore appeals differently to different individuals according to what intellectual or cultural interest predominates their beings. I suppose that the first interest in folk-lore was that of the antiquarian. Then came the interest of the linguist and the literateur. But it seems to me that if the pursuit of folk-lore is to be thoroughly worth while to-day the interest must above all be psychological and sociological. At least these are my interests in the subject. For instance, take that piece of well known folk-lore—the belief that by hanging a dead snake on a barbed wire fence—one can induce rain in a time of drought. I would give almost anything to know just how the two ideas "hanging a snake on a fence" and "raining" were ever associated. But I can perhaps still better illustrate my attitude by relating a piece of Herbert Spencerian lore. Herbert Spencer tells in his autobiography of this incident that he met with while on one of his annual trips to Scotland. The house at which he was a guest contained a room which bore the reputation of being haunted. It was in this room that Herbert Spencer was asked to sleep. So he did and lay awake most of the night, though not out of fear that the ghost would choose that particular night to pay a visit, but out of a philosophical curiosity to figure out the origin of such a "fool" belief.

[Pg 4]

[Pg 6]

In reference to these songs, when I say that I am interested in a study of origins, I do not mean the origin of any particular song, but the origin of the songs as a social phenomenon. Or to put it interrogatively, why do the members of this particular class sing, and why do their songs contain the thoughts that they do?

I believe it is pretty generally agreed today that any well-defined period of literature is merely the reflection of some great economic change. I notice that the critics have begun to speak of Victorian literature as merely the ornament of nineteenth century prosperity—the prosperity that was incident to the utilization of steam as motive power.

Now a great change has come into the negro's economic life within the past two decades. Its causes have been two. He has come into competition with the European immigrant, whose staying qualities are much greater than his; and agriculture has been changing from a feudalistic to a capitalistic basis, which requires a greater technical ability than the negro possesses. The result is that he is being steadily pushed into the less inviting and less secure occupations. To go into the intricacies of my thesis would be to abuse the privilege of the program; so I shall have to content myself with merely stating it. The negro, then, sings because he is losing his economic foothold. This economic insecurity has interfered most seriously with those two primal necessities—work and love—and you will notice that the thoughts in all these songs cluster around these two ideas.

So much for the interpretation; now for the appreciation. It has been my experience that where a knowledge of the negro's every day, or rather every-night, life is lacking, the appreciation of these songs is never very keen. Hence, in order to make it certain that you will appreciate these songs, I deem it necessary to try to acquaint you with the life of one of the "songsters." Otherwise I am afraid that too many of you will look upon these songs as absolutely puerile. Remember that a greater man than you or I once declared the ancient ballads to be without merit and also maintained that he could write, on the spur of the moment, a stanza that was just as good and that contained just as much meaning. Whereupon, being challenged he sat down and wrote:

"I put my hat upon my head and went into the Strand, And there I met another man with his hat in his hand."

The colored semi-rural proletarian, then—how shall I describe him so that you may see him in your mind's eye, as I read these songs? I don't know how many of you are already acquainted with him, but, if any of you have ever tried to employ him profitably, I am sure you will never forget him. Perhaps I can picture him best by using the method of contrast. Let us follow one as he works with a white man, the latter, of course, being boss. We shall start with the morning.

The white man rises early and eats his breakfast. My proletarian doesn't rise at all for the chances are that he has never gone to bed. At noon they "knock off." While the white man is preparing to eat his lunch, the "nigger" has already done so and is up in the bed of a wagon or on a plank underneath a tree fast asleep, usually with his head in the sun. At nightfall, the white man eats supper and spends the evening reading or with his family. Not so my proletarian. He generally borrows thirty-five cents from the white man, steps out the back gate, gives a shrill whistle or two, and allows how he believes he'll "step off a piece tonight."

As I have not been on the farm much for the last two years. I have been unable to use the Boswellian method of recording these songs but have had to depend mostly on memory. The result is that some of them are not complete and some may not be textually correct. Of course the collection is not anything like an exhaustive one.

If you consider these songs as the negro's literature, you will notice some striking parallels between its history and that of English literature. As all of you know, English literature for several centuries was little more than paraphrases of various parts of the Bible. The first songs I shall read you are clearly not indigenous but are merely revamping the Biblical incidents and reflections of the sect disputes of the whites. The first song here presented is one that I heard twenty years ago as it was sung on the banks of a creek at a "big baptizing." It is entitled:

TELL ALL THE MEMBERS I'M A NEW BORN.

I went to the valley on a cloudy day.O good Lord!My soul got so happy that I couldn't get away.

Chorus.

Tell all the members I'm a new-born, I'm a new-born, I'm a new-born, O Lord!
I'm a new-born baby, born in the manger, Tell all the members I'm a new-born.

[Pg 7]

Read the Scriptures, I am told,

Read about the garment Achan stole.

Chorus.

Away over yonder in the harvest fields, O good Lord! Angels working with the chariot wheels.

Chorus.

Away over yonder, got nothing to do, O good Lord! But to walk about Heaven and shout Halloo.

Chorus.

I'm so glad, I don't know what about, O good Lord! Sprinkling and pourings done played out.

Chorus.

Here are two more of the same kind:

PREACHING IN THE WILDERNESS.

Daniel in that lion's den, He called God A'mighty for to be his friend; Read a little further, 'bout the latter clause: The angel locked them lions' jaws.

Refrain.

Oh, Daniel, hallelujah; Oh, Daniel, preaching in that wilderness.

Old man Adam, never been out; Devil get in him, he'll jump up and shout; He'll shout till he give a poor sister a blow, Then he'll stop right still and he'll shout no more.

Refrain.

P's for peter; in his word He tells us all not to judge; Read a little further and you'll find it there, I knows the tree by the fruit it bear.

Refrain.

[Pg 8]

SAVE ME FROM SINKING DOWN.

Seven stars in his right hand, Save me from sinking down. All stars move at his command, Save me from sinking down.

Refrain.

Oh, my Lord, save me from sinking down.

John was a Baptist, so am I, Save me from sinking down. And he heard poor Israel's cry, Save us from sinking down.

The following is only a snatch, but it is enough to show that the economic factor was not yet predominant. In it we still see traces of the Bible's influence:

O Lord, sinner, you got to die, It may be to-day or to-morrow. You can't tell the minute or the hour, But, sinner, you've got to die.

Refrain.

We now come to songs originated by the present generation of negroes. They all deal with work and love. The following might be entitled:

THE SONG OF THE FORTUNATE ONE.

The reason why I don't work so hard,
I got a gal in the white folks' yard;
And every night about half past eight,
I steps in through the white man's gate;
And she brings the butter, and the bread, and the lard;
That's the reason why I don't work so hard.

The next I have termed the "Skinner's Song." Skinner is the vernacular for teamster. The negro seldom carries a watch, but still uses the sun as a chronometer; a watch perhaps would be too suggestive of regularity. Picture to yourself several negroes working on a levee as teamsters. About five o'clock you would hear this:

I lookt at the sun and the sun lookt high; I lookt at the Cap'n and he wunk his eye; And he wunk his eye, and he wunk his eye, I lookt at the Cap'n and he wunk his eye.

[Pg 9]

I lookt at the sun and the sun lookt red; I lookt at the Cap'n and he turned his head; And he turned his head, and he turned his head, I lookt at the Cap'n and he turned his head.

The negro occasionally practices introspection. When he does, you are likely to hear something like this:

White folks are all time bragging, Lord, Lord, 'Bout a nigger ain't nothing but waggin, Lord, Lord, Lord.

Or,

White folks goes to college; niggers to the field; White folks learn to read and write; niggers learn to steal.

Or,

Beauty's skin deep, but ugly's to the bone. Beauty soon fades, but ugly holds its own.

The following is the only song in which I think I detect insincerity. Now the negro may have periods of despondency, but I have never been able to detect them.

THE RAILROAD BLUES.

I got the blues, but I haven't got the fare, I got the blues, but I haven't got the fare, I got the blues, but I am too damn'd mean to cry.

Some folks say the rolling blues ain't bad; Well, it must not 'a' been the blues my baby had.

Oh! where was you when the rolling mill burned down? On the levee camp about fifteen miles from town

My mother's dead, my sister's gone astray, And that is why this poor boy is here to-day.

If any of you have high ideas about the universal sacredness of domestic ties, prepare to shed them now. It has often been said that the negro is a backward race. But this is not true. In fact, he is very forward. He had invented trial marriage before sociology was a science.

The following songs are only too realistic:

FIRST. [Pg 10]

I dreamt last night I was walking around,
I met that nigger and I knocked her down;
I knocked her down and I started to run,
Till the sheriff done stopped me with his Gatling gun.

I made a good run, but I run too slow, He landed me over in the Jericho; I started to run off down the track, But they put me on the train and brought me back. SECOND.

Says, when I die,
Bury me in black,
For if you love that of woman of mine,
I'll come a sneakin' back;
For if you love that woman of mine,
I'll come a sneakin' back.

THIRD.

If you don't quit monkeying with my Lulu, I'll tell you what I'll do;
I'll fling around your heart with my razor;
I'll shoot you through and through.

That the negro's esthetic nature may be improving is indicated by the following song. For tremendousness of comparison, I know nothing to equal it. It is entitled:

THE BROWN-SKINNED WOMAN.

A brown-skinned woman and she's chocolate to the bone.

A brown-skinned woman and she smells like toilet soap.

A black-skinned woman and she smells like a billy goat.

A brown-skinned woman makes a freight train slip and slide.

A brown-skinned woman makes an engine stop and blow.

A brown-skinned woman makes a bulldog break his chain.

A brown-skinned woman makes a preacher lay his Bible down.

I married a woman; she was even tailor made.

You will find plenty of economics in the following song. The present-day negro early made that most fatal of all discoveries: namely, that a man can really live in this world without working. Hence his *beau ideal* is the gambler, and his *bête noir* is the county jail or the penitentiary.

THE GAMBLER'S PANTS.

[Pg 11]

What kind of pants does a gambler wear? Great big stripes, cost nine a pair.

JACK O' DIAMONDS.

Jack o' Diamonds, Jack o' Diamonds, Jack o' Diamonds is a hard card to roll.

Says, whenever I gets in jail, Jack o' Diamonds goes my bail; And I never, Lord, I never, Lord, I never was so hard up before.

You may work me in the winter, You may work me in the fall; I'll get e-ven, I'll get e-ven, I'll get even through that long summer's day.

Jack o' Diamonds took my money, And the piker got my clothes; And I ne-e-ver, and I ne-e-ver, Lord, I never was so hard run before.

Says, whenever I gets in jail, I'se got a Cap'n goes my bail; And a Lu-u-la, and a Lu-u-la, And a Lulu that's a hard-working chile.

TO HUNTSVILLE.

The jurymen found me guilty, the judge he did say: "This man's convicted to Huntsville, poor boy, For ten long years to stay."

My mammy said, "It's a pity." My woman she did say: "They're taking my man to Huntsville, poor boy, For ten long years to stay."

Upon that station platform we all stood waiting that day, Awaiting that train for Huntsville, poor boy,

For ten long years to stay.

The train ran into the station, the sheriff he did say: "Get on this train for Huntsville, poor boy, For ten long years to stay."

Now, if you see my Lula, please tell her for me, I've done quit drinking and gambling, poor boy, And getting on my sprees.

[Pg 12]

DON'T LET YOUR WATCH RUN DOWN, CAP'N.

Working on the section, dollar and a half a day, Working for my Lula; getting more than pay, Cap'n, Getting more than pay.

Working on the railroad, mud up to my knees,
Working for my Lula; she's a hard old girl to please, Cap'n,
She's a hard girl to please.
So don't let your watch run down, Cap'n,
Don't let your watch run down.

BABY, TAKE A LOOK AT ME.

I went to the jail house and fell on my knees, The first thing I noticed was a big pan of peas. The peas was hard and the bacon was fat; Says, your oughter seen the niggers that was grabbin' at that.

Refrain.

Oh, Lord, Baby, take a look at me!

Brandy, whisky, Devil's Island gin, Doctor said it would kill him, but he didn't tell him when.

Refrain.

Oh, Lord, Baby, take a look at me!

DON'T YOU LEAVE ME HERE.

Don't you leave me here, don't you leave me here, For if you leave me here, babe, they'll arrest me sure. They'll arrest me sure. For if you leave me here, babe, they'll arrest me sure.

Don't leave me here, don't leave me here, For if you leave me here, you'll leave a dime for beer.

Why don't you be like me, why don't you be like me? Quit drinking whisky, babe, let the cocaine be.

It's a mean man that won't treat his woman right.

The following is a tragedy in nine acts:

FRANKIE.

Frankie was a good girl, as everybody knows, She paid a hundred dollars for Albert a suit of clothes; He was her man, babe, but she shot him down.

[Pg 13]

Frankie went to the bar-keeper's to get a bottle of beer; She says to the bar-keeper: "Has my living babe been here?" He was her man, babe, but he done her wrong.

The bar-keeper says to Frankie: "I ain't going to tell you no lie, Albert passed 'long here walking about an hour ago with a nigger named Alkali."

He was her man, babe, but he done her wrong.

Frankie went to Albert's house; she didn't go for fun; For, underneath her apron was a blue-barrel 41. He was her man, babe, but he done her wrong.

When Frankie got to Albert's house, she didn't say a word, But she cut down upon poor Albert just like he was a bird. He was her man, babe, but she shot him down.

When Frankie left Albert's house, she lit out in a run, For, underneath her apron was a smoking 41. He was her man, babe, but he done her wrong.

"Roll me over, doctor, roll me over slow, Cause, when you rolls me over, them bullets hurt me so; I was her man, babe, but she shot me down."

Frankie went to the church house and fell upon her knees, Crying "Lord 'a' mercy, won't you give my heart some ease? He was my man, babe, but I shot him down."

Rubber-tired buggy, decorated hack, They took him to the graveyard, but they couldn't bring him back. He was her man, babe, but he done her wrong.

And, once more, the female of the species was more deadly than the male.

*** END OF THE PROJECT GUTENBERG EBOOK SOME CURRENT FOLK-SONGS OF THE NEGRO ***

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 GutenbergTM mission of promoting the free distribution of electronic works, by using or distributing this work (or any other work associated in any way with the phrase "Project Gutenberg"), you agree to comply with all the terms of the Full Project GutenbergTM License available with this file or online at www.gutenberg.org/license.

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

- 1.A. By reading or using any part of this Project GutenbergTM electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project GutenbergTM electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project GutenbergTM electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.
- 1.B. "Project Gutenberg" is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg^{\mathfrak{M}} 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^{\mathfrak{M}} electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg^{\mathfrak{M}} 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 GutenbergTM 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^{TM} mission of promoting free access to electronic works by freely sharing Project Gutenberg^{TM} works in compliance with the terms of this agreement for keeping the Project Gutenberg^{TM} name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg^{TM} License when you share it without charge with others.

- 1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg^{TM} work. The Foundation makes no representations concerning the copyright status of any work in any country other than the United States.
- 1.E. Unless you have removed all references to Project Gutenberg:
- 1.E.1. The following sentence, with active links to, or other immediate access to, the full Project GutenbergTM License must appear prominently whenever any copy of a Project GutenbergTM work (any work on which the phrase "Project Gutenberg" appears, or with which the phrase "Project Gutenberg" is associated) is accessed, displayed, performed, viewed, copied or distributed:

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

- 1.E.2. If an individual Project GutenbergTM 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 GutenbergTM trademark as set forth in paragraphs 1.E.8 or 1.E.9.
- 1.E.3. If an individual Project GutenbergTM electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project GutenbergTM License for all works posted with the permission of the copyright holder found at the beginning of this work.
- 1.E.4. Do not unlink or detach or remove the full Project GutenbergTM License terms from this work, or any files containing a part of this work or any other work associated with Project GutenbergTM.
- 1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg $^{\text{\tiny TM}}$ License.
- 1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg^{TM} work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project Gutenberg^{TM} 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^{TM} License as specified in paragraph 1.E.1.
- 1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg $^{\text{\tiny TM}}$ works unless you comply with paragraph 1.E.8 or 1 F 9
- 1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project GutenbergTM electronic works provided that:
- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg™ works calculated using the method you already use to calculate your

applicable taxes. The fee is owed to the owner of the Project Gutenberg™ trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, "Information about donations to the Project Gutenberg Literary Archive Foundation."

- You provide a full refund of any money paid by a user who notifies you in writing (or by email) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg™ License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg™ works.
- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.
- You comply with all other terms of this agreement for free distribution of Project Gutenberg $^{\text{\tiny TM}}$ works.
- 1.E.9. If you wish to charge a fee or distribute a Project Gutenberg[™] 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 $^{\text{TM}}$ collection. Despite these efforts, Project Gutenberg $^{\text{TM}}$ electronic works, and the medium on which they may be stored, may contain "Defects," such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.
- 1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES Except for the "Right of Replacement or Refund" described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg™ 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 GutenbergTM electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project GutenbergTM electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project GutenbergTM work, (b) alteration, modification, or additions or deletions to any

Project Gutenberg[™] work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg™

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

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg^{TM}'s goals and ensuring that the Project Gutenberg^{TM} collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg^{TM} and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation information page at www.gutenberg.org.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

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

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

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

Project GutenbergTM 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 $^{\text{\tiny TM}}$ electronic works

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

Project Gutenberg $^{\text{m}}$ eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our website which has the main PG search facility: www.gutenberg.org.

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