

**The Project Gutenberg eBook of Red Head and Whistle  
Breeches, by Ellis Parker Butler**

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](http://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: Red Head and Whistle Breeches

Author: Ellis Parker Butler  
Illustrator: Arthur D. Fuller

Release date: November 10, 2013 [EBook #44152]  
Most recently updated: January 26, 2021

Language: English

Credits: Produced by David Widger

\*\*\* START OF THE PROJECT GUTENBERG EBOOK RED HEAD AND WHISTLE BREECHES \*\*\*

**RED HEAD AND WHISTLE  
BREECHES**

**By Ellis Parker Butler**

**With Illustrations By Arthur D. Fuller**

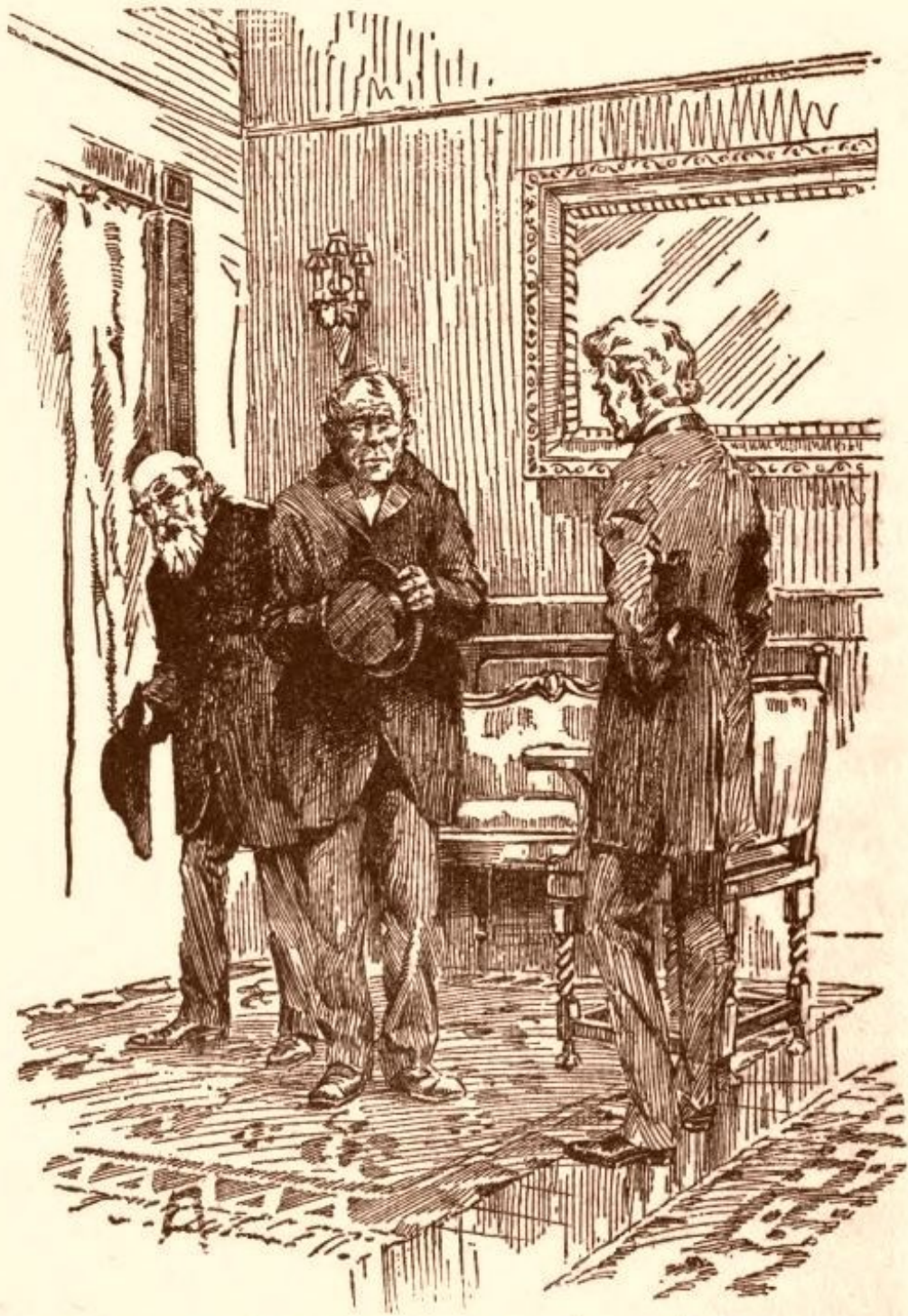
**The Bancroft Company Publishers New York**

**1915**

*It is believed that this little story by a master story teller, may, through its human interest and homely suggestion, exert a wholesome influence and warrant its publication in permanent form.*

*The Publishers.*

---



*"Are you the Mike Murphy who used to go to  
old No. 3 school?"*

# RED HEAD AND WHISTLE BREECHES

By ELLIS PARKER BUTLER

Author of "PIGS IS PIGS," "THAT PUP,"  
"THE THIN SANTA CLAUS,"  
"MIKE FLANNERY," Etc.



WITH ILLUSTRATIONS  
By ARTHUR D. FULLER

THE BANCROFT COMPANY  
PUBLISHERS                      NEW YORK

## CONTENTS

### [RED HEAD AND WHISTLE BREECHES](#)

- I.
- II.
- III.
- IV.

---

## RED HEAD AND WHISTLE BREECHES

---

### I.

When Tim Murphy let his enthusiasm get the better of his judgment and, in the excitement of that disastrous night, joined the front rank of the strikers in a general mix-up and cracked the head of a deputy sheriff, the result was what he might have expected—two years in the penitentiary. That was all right. The peace of the commonwealth must be preserved, and that is why laws and penitentiaries exist, but it sometimes goes hard with the mothers and wives. That is also to be expected, and the boy should have thought of it before he crowded to the front of the angry mob or struck the deputy.

It went very hard with the boy's mother and wife. It went hard with his old man, too. It is a cruel thing to have one's only boy in the penitentiary, even if one is only a village hod carrier.



Maggie Murphy, the boy's wife, did not suffer for food or shelter after the boy went to wear stripes, for old Mike had a handy little roll in the bank and a shanty of his own, and he took Maggie into his home and made a daughter of her; but the girl grew thin and had no spirits. She cried a good part of the time, quite as if Tim had been a law abiding citizen, instead of a law breaking rowdy. Then the baby came, and after that she cried more than ever.

As for the boy's mother, it was to be expected that she would weep also. Mothers have a way of weeping over the son they love, even if he has gone wrong. It is not logical, but it is a fact. It is one of the grand facts of human life.

When Maggie's baby came the boy's mother could stand it no longer. It had been urged—and there was some evidence to support it—that the boy had acted in self-defense. He said so himself, but he admitted he had been in the front rank. The strikers had carried things with a high hand all along, and the jury had decided against him.

Night and day the boy's mother begged the old man to try for a pardon, but Mike knew it was not worth a trial. The Governor was an old man and a strong man, and not one to forgive an injury done to the State or to himself. He had never been known to forget a wrong, or to leave a debt unpaid.

He was a just man, as the ancient Jews were just. It was this that had made him Governor; his righteousness and fearlessness were greater than cliques and bosses.

Old Mrs. Murphy, however, was only a woman, and the boy was her boy, and she pardoned him. She knew he was innocent, for he was her boy. Mike refused a thousand times to ask the Governor for a pardon, but as Mrs. Murphy was the boy's mother and had a valiant tongue, the old man changed his mind. One day he put on his old silk hat, and with Father Maurice, the good gray priest, went up to the capital.

A strange pair they were to sit in the Governor's richly furnished reception room—Mike with his smoothly shaven face, red as the sunset, his snowy eye brows, his white flecked red hair, and the shiny black of his baggy Sunday suit; Father Maurice with his long gray beard that had been his before the days of the smoothly shaven priests, his kindly eyes, and the jolly rotundity of his well fed stomach. The father's gentle heart was hopeful, but Mike sat sadly with his eyes on the toe of his boot, for he knew the errand was folly; not alone because the Governor had never pardoned a condemned man, but because it was he, Mike Murphy, who came.

He remembered an incident of his boyhood, and he frowned as he recalled it. Think of it! He, Mike Murphy,

had bullied the Governor—had drubbed him and chased him and worried the life out of him. That was why he had told the old woman it was no use to try it.

Who was he to come asking pardons when, years ago, he had done his best to make life miserable for the quaking schoolboy who was now the stern faced Governor—the Governor who never forgot or forgave, or left a debt unpaid?

---

## II.

When the Governor entered the reception room he came in unexpectedly, as Father Maurice was leaning forward with one of Mike's red hands clasped in his two white ones. Mike was wiping his eyes with his coat sleeve.

The Governor paused in the doorway and coughed. His visitors started in surprise, and then arose.

It was Father Maurice who stated their errand, his seamed face turned upward to the serious eyes of the Governor; and as he proceeded, choosing his quaint Frenchified English carefully, the Governor's face became grave. He motioned them to their chairs.

He was a gray haired man, and his face was the face of a nobleman. Clear, gray eyes were set deep under his brows, and his mouth was a straight line of uncompromising honesty. He sat with one knee thrown over the other. With one hand he fingered a pen on the desk at his side; the other he ran again and again through the hair that stood in masses on his head. His face was long, and the cheekbones protruded. His nose was power, and his chin was resistance.

He listened silently until Father

Maurice had ended. Then he laid the pen carefully by the inkstand, unfolded his gaunt limbs, and arose.

"No," he said slowly. "I cannot interfere."

"But his wife? His mother?" asked the priest.

"He should have considered them before," said the Governor sadly. "If you prepare a petition, I will consider it, but I cannot offer you any hope. They all come to me with the same plea—the wife and the mother—but they do not take the wife and the mother into account when the blow is struck. It is late to think of them when the prison door is closed. You will pardon me, father, but I am very tired to-night."

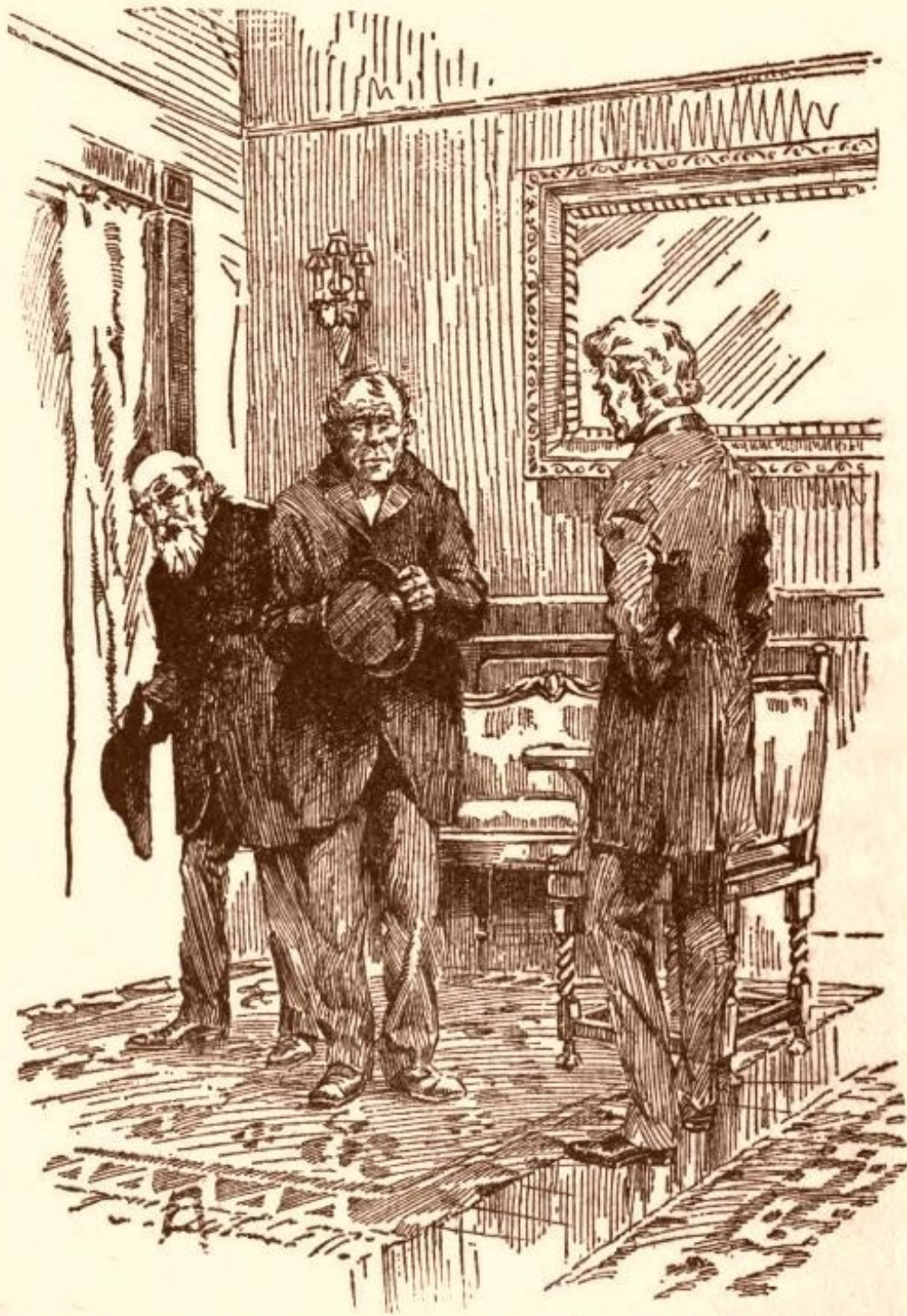
He extended his hand, in token that the interview was at an end, and Mike arose from his chair in the shadow. He stood awkwardly turning his hat while the Governor shook the priest's hand, and then shuffled forward to be dismissed.

"Good night, sir," said the Governor. "I did not hear your name—"

"Murphy," said the priest quickly—"Michael Murphy. He is the father of the boy."

The Governor looked the old man over carefully, and the old man's eyes fell under his keen glances.

"Mike Murphy?" asked the Governor slowly. "Are you the Mike Murphy who used to go to old No. 3 school in Harmontown, forty—no, nearly fifty—years ago? There was a Mike Murphy sat on my bench. Are you the boy they called Red Head?"



***“Are you the Mike Murphy who used to go to  
old No. 3 school?”***

The old man tried to answer. His lips formed the words, but his voice did not come. He nodded his head.

“Be seated, gentlemen,” said the Governor, and Father Maurice sat down hopefully. Mike Murphy dropped into a chair with deeper dejection.

---



"Well, well!" The Governor nodded his head slowly, his gray eyes searching the ruddy face before him. "So you are the Mike Murphy who used to drub me?"

He smiled grimly. His eyes strayed from the old man's face, and their glance was lost in the air above his head. He smiled again, as he sat with the fingers of his left hand pressing the thin skin into a roll above his cheek bone, for he recalled an incident of his boyhood.

The Governor had once been an arrant little coward. His mother lived in the big white house two blocks above the schoolhouse, on the opposite side of the street. Red Head Mike lived across the alley in a shanty. The Governor's mother bought milk of Mrs. Murphy, and Red Head brought it every evening.

Red Head was a wonderful boy. He was the first to go barefoot in the spring, picking his way with painful carefulness over the clods in the street. He was the only boy who chewed tobacco. The others chewed licorice or purple thistle tops, but Red Head had the real thing. He even smoked a real pipe without dire consequences, and laughed at the other boys' mild substitutes of corn silk and "lady cigars"; and the way he swore was a liberal education. All the boys swore more or less, especially when they were behind the barn smoking com silk, but they knew it was not natural. It was a puny imitation, but the Red Head article sounded right.

But it was when it came to fighting that Red Head had proved his right to the worship of the world. He could lick any two boys in the school. The Governor, who was plain Willie Gary then, could not fight at all. His early youth was one great fear of being whipped. The smallest boys in the school were accustomed to practice on him until they gained sufficient dexterity or courage to attack one another. He had a hundred opprobrious nicknames, which he accepted meekly. "Cry-baby" was the favorite. When he was attacked he hid his face in his arm and bawled, leaning his arm against any convenient fence or tree, while his tormentor drubbed his back at pleasure. He was happy when he could sneak home unmolested. The chiefest of his tormentors was Red Head, but there was no partiality. All the boys drubbed him.

One day Mrs. Gary made him a pair of breeches. They were good, stout breeches of dove colored corduroy, and his mother was proud of them. So was Willie. As he walked to school he felt that every one saw and admired them. He felt as conspicuous as when, in a dream, he went to school in his night dress, but he felt more comfortable.

---

# WHISTLE BREECHES



*"They were good, stout breeches of dove colored  
corduroy, and his mother was  
proud of them."*

He took his seat in the school room proudly, and when he was called to the blackboard to do a sum he walked with a strut. He felt that even the big boys—the wonderful youths who had money to jingle in their pockets—observed him, and he blushed as he imagined the eyes of the little women on the girls' side of the room following him.

As he crossed the floor, the legs of his breeches rubbed against each other, giving forth the crisp corduroy sound of "Whist—whist—whist." It could be heard in the farthest corner. All the scholars looked up from their slates or books. He caught Bessie Clayton's eye upon him, and his cheek flamed. She had blue eyes and yellow curls, and snubbed him daily.

Even the teacher glanced at his new breeches. Willie paused in his sum and looked at them with satisfaction himself. Then he walked back to his bench, and the corduroy spoke again—"Whist—whist—whist." It was as musical as the clumping of a new pair of red topped boots.

As he slid into his place on his bench, Red Head turned his face and made a mouth.



"Don't you think you're smart, Whistle Breeches?" he whispered.

"Whist—whist," said the breeches in reply, as Willie moved, and every eye in the school seemed to gaze on him, not enviously as before, but sneeringly. Who'd want whistle breeches?



When the recess bell rang, Willie walked to the playground with short steps, but still the corduroy whistled. Two boys behind him laughed, and Willie burned with shame. They must be laughing at his new breeches. Bessie Clayton passed him, and he stood motionless, crowded against the wall, until she was out of hearing.

He paused in the doorway timidly. Red Head was standing just outside, one shoulder turned toward Freckles Redmond. It was the signal for a fight, and the small boys were crowded about them.

"Aw, you're one yourself," Red Head was saying, "an' you dassan't say it agin. I dare you to say it," he cried, but he caught sight of Willie. "Huh!" he shouted. "Look here, fellers! Here's Whistle Breeches. Let's spit on 'em!"

The boys crowded into the entry and spat on them. Red Head pulled Willie's hair twice, drawing his head forward as he would pull a bell rope.

"Don't he think he's smart?" "Wouldn't have 'em!" "Whistle Breeches! Whistle Breeches!" they shouted in derision, and Willie whimpered and edged into a corner.

"Don't you do that," he said in a choking voice. "I'll tell teacher, I will!"

Red Head stuck his freckled face close and shoved him with a warlike shoulder. His fists were doubled, and he jabbed Willie with his elbow.

"Aw, you tell him, then, why don't you, Whistle Breeches?" he inquired. "Jist you tell him, an' I'll punch your face off."

He drew his arm back and feinted, Willie crooked his elbow to hide his face.

"Aw, come on, fellers," said Red Head with deep disgust. "What's the use of foolin' with him? He ain't nothin' but a cry-baby in whistle breeches. He ain't no fun."

---

### III.

That noon Willie remained in the schoolroom until the boys had gone. Some went home for dinner, and the rest ate their lunches under the oak tree at the side of the school. When the room was clear, Willie stole out by the back way and ran rapidly up the alley. He knew he was branded for life; The shame of the name of Whistle Breeches bore him down. He meditated wild plans for getting rid of the offending garment. He would burn it, lose it in the river.

He even considered running away from home.

---



After dinner he slipped quietly away from the table, crept up to his room under the slanting roof, and put on his old, patched breeches. He came down quietly, but his mother caught him tiptoeing through the hall.

"Why, Willie," she said, "where are your new trousers, dear?"

"Up-stairs," he said simply. "I don't want to wear them. They—they're too tight."

His mother saw the prevarication in the droop of his head.

"Nonsense!" she answered lightly. "They fit you perfectly, dear. If they are a little stiff now, they will soon wear soft. Go up and put them on."

"I don't want to," he replied stubbornly. He meant, "I will not," but he had learned the disadvantage of contradicting his mother flatly.

"William," said his mother sternly, "go up-stairs and put on those trousers this instant."

He climbed the stairs slowly. He hoped he would be late to school. He would be so leisurely in donning them that his mother would make him stay at home to avoid the greater disgrace of being tardy. He thought of playing sick, but decided such an illness would be too sudden to excite his mother's sympathy. If only the schoolhouse would burn down, or word come that the teacher was dead! But neither came to pass, and his mother's voice sounded from the hall, bidding him hurry.

With his load of shame, he slunk out of the gate and crept to school, hugging the fences and making himself as insignificant and small as possible, walking with short steps to avoid the endless "whist—whist" of the corduroy. He sniffled as he thought of the woe the day still held for him. Some men, going back to business, glanced at him to see the cause of his whimpering. He imagined they were thinking cruel things of his breeches.

He heard the tardy bell ring, and then he ran in and hurried to his seat. As he hastened down the aisle the corduroy spoke louder than before, but if Red Head heard, he made no sign, and as Willie sidled on to the bench beside him he kept his nose buried in his book.

Willie did not go to the playground at the afternoon recess. He would have died rather, and for once he saw the advantage of the rule that the tardy scholar must lose that half hour of play.

When school ended for the day, Willie hoped the teacher would keep him in. He was willing to be whipped rather than meet Red Head again, but he was dismissed with the rest. He paused in the doorway, gathering his breath to make a run for liberty, as he had often run to escape his persecutors. As he waited, he saw Red Head approaching, and he drew back; but Red Head stepped up to him and took him by the arm.

"You let me alone now!" whimpered Willie.

"Aw, shut up," said Red Head roughly. "I ain't goin' to hurt you. You shut up an' don't be a cry-baby. Come along an' I won't let 'em hurt you."

Fighting and scuffling were not allowed in the entry. Willie put his thumb in his mouth and gazed at Red Head doubtfully. Such friendliness was unnatural. It savored of a plot to entice him forth to be slaughtered. It was not easy to believe that the Red Head who had drubbed him a hundred times, and who scorned him as a cry-baby, should seek to defend him.

Red Head waited.

"Come on," he said at length. "I'll let you help me drive the cow home tonight."

Still Willie hesitated, although he was almost willing to risk a licking to be allowed to slap the sleek legs of Mrs. Murphy's cow with a limber willow switch.

---



***“to slap the sleek legs of Mrs. Murphy’s cow.”***

“Come on,” said Red Head. “I’ll let you smoke my pipe.”

“Won’t you lick me?” asked Willie doubtfully.

“Naw, I won’t lick you. What would I want to lick you for?” Willie followed Red Head hesitatingly, with an eye to a safe retreat, if necessary.

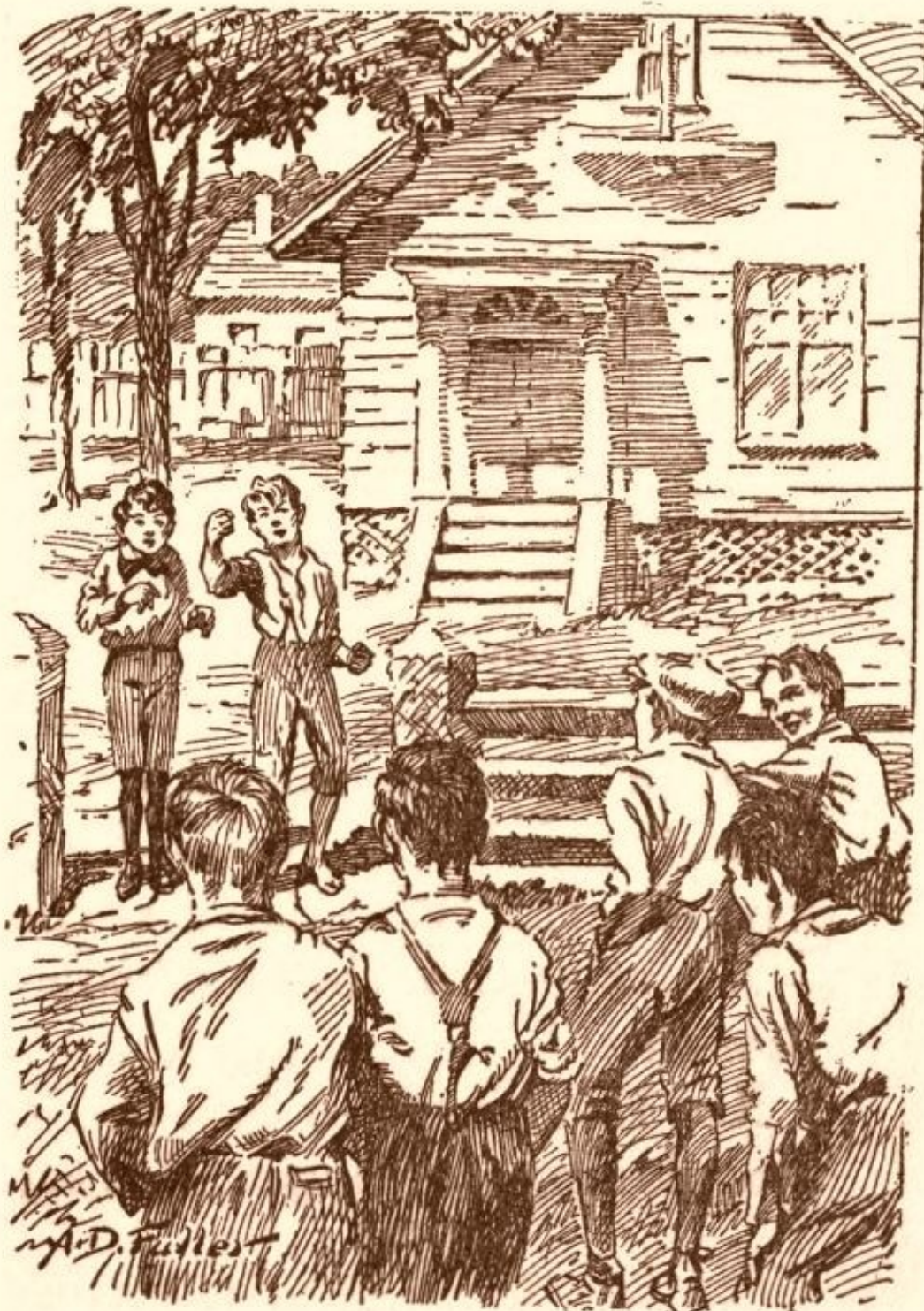
One of the boys came forward from the group by the gate.

“Hi, here comes Whistle Breeches!” he shouted gleefully.

“Whistle—Bree-ches—Whistle—Bree-ches—Whistle—Bree-ches—”

Red Head turned and clenched his fists, his blue eyes blazing; “Shut up, Bob Palmer!” he cried fiercely. “Don’t you call him that. That ain’t no name to call a feller. You jist wisht you had breeches like ‘em!”

Bob stopped suddenly. He looked at Red Head in astonishment. Then he turned and ran to the boys by the gate. They listened to what he said, and then began a loud singsong chant: “Whistle—Bree-ches —Whistle—Bree-ches—Whistle—Bree-ches!”



**“Whistle—Bree-ches—Whistle—Bree-ches—  
Whistle—Bree-ches!”**

Red Head bounded forward, his eyes glowing with anger. He toppled two boys over, and rained his blows right and left.

“Don't youse call him that!” he cried.

It was a surprise. The boys drew back and stood ready to scatter at the next onslaught. Red Head waited, puffing, with clenched fists.

“The next feller that calls him that, I'll break his face!” he threatened. “An' I ain't foolin', neither.”

They saw that he was not, and they waited respectfully as Red Head and Willie walked away.

Willie went with Red Head to drive the cow home, and Red Head taught him how to double up his fist for battle according to the traditions of the school, with the knuckle of the second finger protruded.

“You jist do that,” he explained, “an' you can hurt 'em worse. An' if they fight back, kick 'em in the legs. That's how I do. Why, you're as big as I am, an' I bet you're jist as strong. You jist stand up to 'em. There ain't nothin' in fightin' when you know how. If you jist stand up to 'em, they 'most always back down. You begin on Tom Ament. He's a bigger baby'n you are. Anybody kin lick him I kin lick him with my little finger. An' then you tackle Shorty. He's a baby, too. You're jist afraid.”

It was Red Head who egged Willie on to strike Tom Ament the next day, and Red Head coached him until Tom took to his heels, defeated. Then Red Head made him lick Shorty, and with the lust of victory in his veins

Willie worked his way upward, and soon the other mothers began telling Willie's mother that he was a bad boy, always fighting, and Mrs. Gary wept over him. But no one called him Whistle Breeches, and he learned that he was as much of a man as any of them, and more of a man than most.

Then came a battle royal, when Red Head and Willie stood face to face and pounded each other for a good half hour for supremacy, and Willie went down with a bleeding nose and an eye that was dark for days.

But Red Head had taught him self confidence, and self confidence made him the Governor of a great State.

---

## IV.

When the Governor's eyes came back to Mike Murphy's face, they rested a moment on the grizzled red hair, and a smile softened the lines of his mouth.

"Mike," he said, "I believe you used to give me a drubbing about once every day."

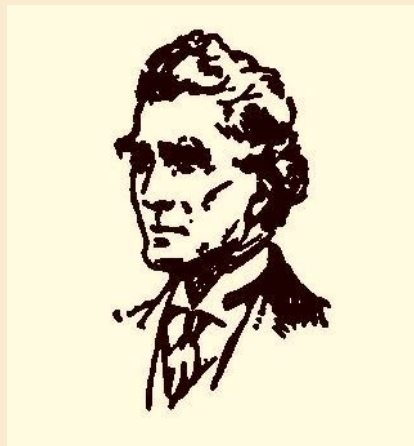
The old Irishman moved uneasily, and his hands played nervously with the rim of his hat. He drew his feet under his chair, and moved his lips without speaking. He thought of that last fierce battle, when the Governor had fallen with a bleeding nose, and he shifted his eyes from spot to spot on the soft carpet. He felt as does a mouse when the cat plays with it.

The Governor turned to Father Maurice.

"Father," he said, "I do not often allow myself a personal indulgence, but I have an unsettled score with Mike. I shall settle it now. I am going to pardon that young man."

Two tears fell from the priest's eyes and rolled slowly into the white forest of his beard. Mike Murphy stared straight before him, while his fingers felt vaguely for the rim of the hat that had fallen from his hands.

---



"Go home, Mike," said the Governor gently. "Go home and tell the wife and the mother." When his petitioners had departed, the Governor sat long in the reception room, thinking of the old days. When he opened his watch it was not to note the hour, but to look on a woman's likeness; and he crossed his arms on the desk and buried his face in them. The old days had given him much that the later years had stolen from him. He sighed and lifted his head.

"Poor old Mike!" he said. "I'm square with him at last. I wonder why he took my part that day?" And he wearily climbed the stair to his lonely room.

He did not know that when Red Head went home that noon, nearly fifty years before, he had found Mrs. Murphy cutting out a pair of corduroy breeches.

---



\*\*\* END OF THE PROJECT GUTENBERG EBOOK RED HEAD AND WHISTLE BREECHES \*\*\*

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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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.