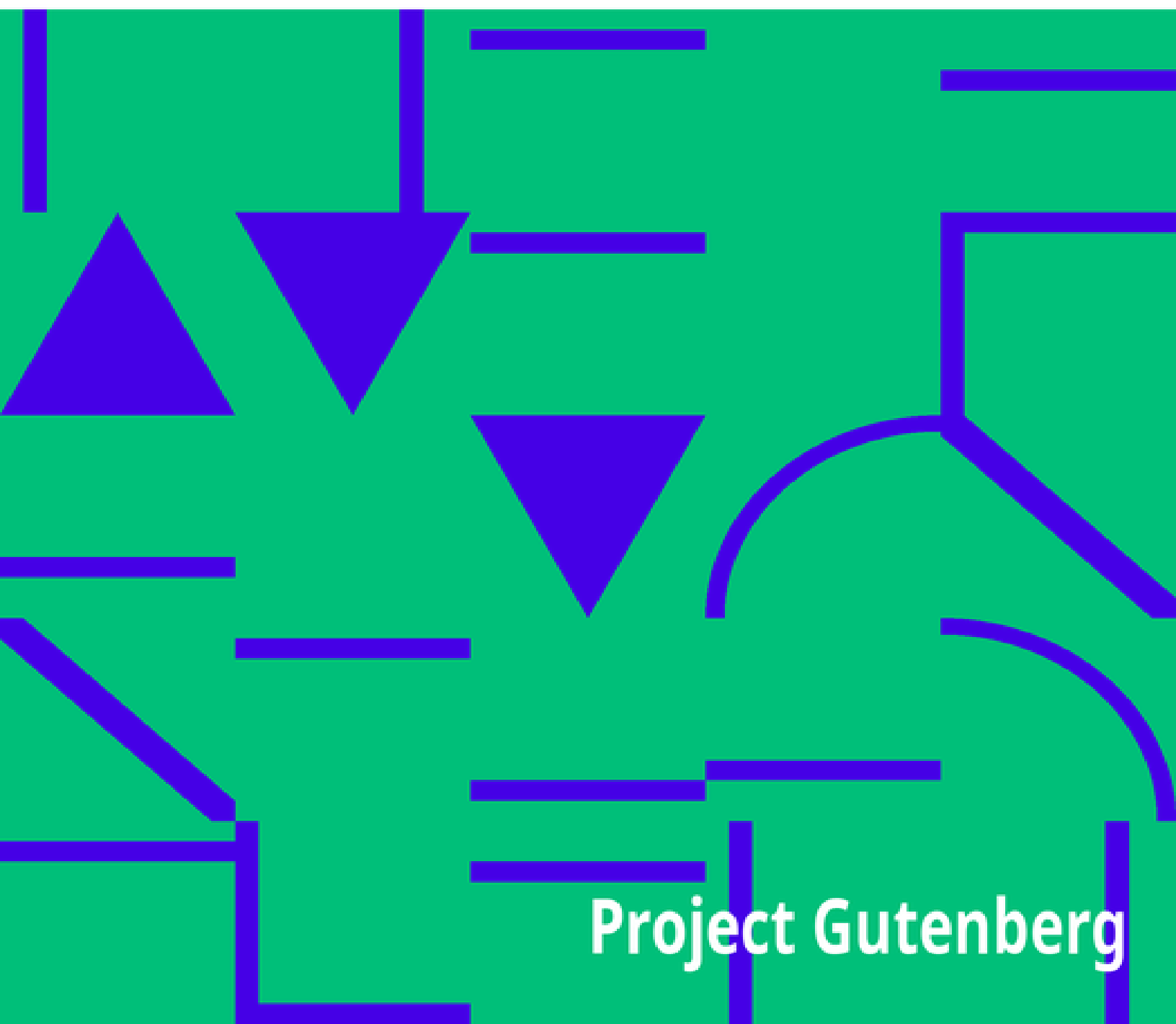


The Case of Summerfield

W. H. Rhodes



Project Gutenberg

The Project Gutenberg eBook of The Case of Summerfield

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.

Title: The Case of Summerfield

Author: W. H. Rhodes

Release date: February 1, 2004 [eBook #5191]

Most recently updated: February 7, 2013

Language: English

Other information and formats: www.gutenberg.org/ebooks/5191

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

*** START OF THE PROJECT GUTENBERG EBOOK THE CASE OF SUMMERFIELD ***

THE CASE OF SUMMERFIELD

By William Henry Rhodes

With an Introduction by Geraldine Bonner

Contents

THE INTRODUCTION

THE CASE OF
SUMMERFIELD

THE INTRODUCTION

The greatest master of the short story our country has known found his inspiration and produced his best work in California. It is now nearly forty years since "The Luck of Roaring Camp" appeared, and a line of successors, more or less worthy, have been following along the trail blazed by Bret Harte. They have given us matter of many kinds, realistic, romantic, tragic, humorous, weird. In this mass of material much that was good has been lost. The columns of newspapers swallowed some; weeklies, that lived for a brief day, carried others to the grave with them. Now and then chance or design interposed, and some fragment of value was not allowed to perish. It is matter for congratulation that the story in this volume was one of those saved from oblivion.

In 1871 a San Francisco paper published a tale entitled *The Case of Summerfield*. The author concealed himself under the name of "Caxton," a pseudonym unknown at the time. The story made an immediate impression, and the remote little world by the Golden Gate was shaken into startled and enquiring astonishment. Wherever people met, *The Case of Summerfield* was on men's tongues. Was Caxton's contention possible? Was it true that, by the use of potassium, water could be set on fire, and that any one possessing this baneful secret could destroy the world? The plausibility with which the idea was presented, the bare directness of the style, added to its convincing power. It sounded too real to be invention, was told with too frank a simplicity to be all imagination. People could not decide where truth and fiction blended, and the name of Caxton leaped into local fame.

The author of the tale was a lawyer, W. H. Rhodes, a man of standing and ability, interested in scientific research. He had written little; what time he had been able to spare from his work, had been given to studies in chemistry whence he had drawn the inspiration for such stories as *The Case of Summerfield*. With him the writing of fiction was a pastime, not a profession. He wrote because he wanted to, from the urgency of an idea pressing for utterance, not from the more imperious necessity of keeping the pot boiling and of there being a roof against the rain. Literary creation

was to him a rest, a matter of holiday in the daily round of a man's labor to provide for his own.

His output was small. One slender volume contains all he wrote: a few poems, half a dozen stories. In all of these we can feel the spell exercised over him by the uncanny, the terrible, the weirdly grotesque. His imagination played round those subjects of fantastic horror which had so potent an attraction for Fitz James O'Brien, the writer whom he most resembles. There was something of Poe's cold pleasure in dissecting the abnormally horrible in "The Story of John Pollexfen," the photographer, who, in order to discover a certain kind of lens, experimented with living eyes. His cat and dog each lost an eye, and finally a young girl was found willing to sell one of hers that she might have money to help her lover. But none of the other stories shows the originality and impressively realistic tone which distinguish *The Case of Summerfield*. In this he achieved the successful combination of audacity of theme with a fitting incisiveness of style. It alone rises above the level of the merely ingenious and clever; it alone of his work was worth preserving.

Scattered through the ranks of writers, part of whose profession is a continuous, unflagging output, are these "one story men," who, in some propitious moment, when the powers of brain and heart are intensified by a rare and happy alchemy, produce a single masterpiece. The vision and the dream have once been theirs, and, though they may never again return, the product of the glowing moment is ours to rejoice in and wonder at. Unfortunately the value of these accidental triumphs is not always seen. They go their way and are submerged in the flood of fiction that the presses pour upon a defenseless country. Now and then one unexpectedly hears of them, their unfamiliar titles rise to the surface when writers gather round the table. An investigator in the forgotten files of magazinedom has found one, and tells of his treasure trove as the diver of his newly discovered pearl. Then comes a publisher, who, diligent and patient, draws them from their hiding-places, shakes off the dust, and gives them to a public which once applauded and has since forgotten.

Such has been the fate of *The Case of Summerfield*. Thirty-five years ago, in the town that clustered along the edge of San Francisco Bay, it had its brief award of attention. But the San Francisco of that day was very distant—a gleam on the horizon against the blue line of the Pacific. It took a

mighty impetus to carry its decisions and opinions across the wall of the Sierra and over the desert to the East. Fame and reputation, unless the greatest, had not vitality for so long a flight. So the strange and fantastic story should come as a discovery, the one remarkable achievement of an unknown author, who, unfortunately, is no longer here to enjoy an Indian summer of popularity.

Geraldine Bonner.

THE CASE OF SUMMERFIELD

The following manuscript was found among the effects of the late Leonidas Parker, in relation to one Gregory Summerfield, or, as he was called at the time those singular events first attracted public notice, "The Man with a Secret." Parker was an eminent lawyer, a man of firm will, fond of dabbling in the occult sciences, but never allowing this tendency to interfere with the earnest practice of his profession. This astounding narrative is prefaced by the annexed clipping from the Auburn Messenger of November 1, 1870:

A few days since, we called public attention to the singular conduct of James G. Wilkins, justice of the peace for the "Cape Horn" district, in this county, in discharging without trial a man named Parker, who was, as we still think, seriously implicated in the mysterious death of an old man named Summerfield, who, our readers will probably remember, met so tragical an end on the line of the Central Pacific Railroad, in the month of October last. We have now to record another bold outrage on public justice, in connection with the same affair. The grand jury of Placer County has just adjourned, without finding any bill against the person named above. Not only did they refuse to find a true bill, or to make any presentment, but they went one step further toward the exoneration of the offender; they specially ignored the indictment which our district attorney deemed it his duty to present. The main facts in relation to the arrest and subsequent discharge of Parker may be summed up in few words:

It appears that, about the last of October, one Gregory Summerfield, an old man nearly seventy years of age, in company with Parker, took passage for Chicago, via the Pacific Railroad, and about the middle of the afternoon reached the neighborhood of Cape Horn, in this county. Nothing of any special importance seems to have attracted the attention of any of the passengers toward these persons until a few moments before passing the dangerous curve in the track, overlooking the North Fork of the American River, at the place called Cape Horn. As our readers are aware, the road at this point skirts a precipice, with rocky perpendicular sides, extending to the bed of the stream, nearly seventeen hundred feet below. Before passing the

curve, Parker was heard to comment upon the sublimity of the scenery they were approaching, and finally requested the old man to leave the car and stand upon the open platform, in order to obtain a better view of the tremendous chasm and the mountains just beyond. The two men left the car, and a moment afterward a cry of horror was heard by all the passengers, and the old man was observed to fall at least one thousand feet upon the crags below. The train was stopped for a few moments, but, fearful of a collision if any considerable length of time should be lost in an unavailing search for the mangled remains, it soon moved on again, and proceeded as swiftly as possible to the next station. There the miscreant Parker was arrested, and conveyed to the office of the nearest justice of the peace for examination. We understand that he refused to give any detailed account of the transaction, only that "the deceased either fell or was thrown from the moving train."

The examination was postponed until the arrival of Parker's counsel, O'Connell & Kilpatrick, of Grass Valley, and after they reached Cape Horn not a single word could be extracted from the prisoner. It is said that the inquisition was a mere farce; there being no witnesses present except one lady passenger, who, with commendable spirit, volunteered to lay over one day, to give in her testimony. We also learn that, after the trial, the justice, together with the prisoner and his counsel, were closeted in secret session for more than two hours; at the expiration of which time the judge resumed his seat upon the bench, and discharged the prisoner!

Now, we have no desire to do injustice toward any of the parties to this singular transaction, much less to arm public sentiment against an innocent man. But we do affirm that there is, there must be, some profound mystery at the bottom of this affair, and we shall do our utmost to fathom the secret.

Yes, there is a secret and mystery connected with the disappearance of Summerfield, and the sole object of this communication is to clear it up, and place myself right in the public estimation. But, in order to do so, it becomes essentially necessary to relate all the circumstances connected with my first and subsequent acquaintance with Summerfield. To do this intelligibly, I shall have to go back twenty-two years.

It is well known amongst my intimate friends that I resided in the late Republic of Texas for many years antecedent to my immigration to this State. During the year 1847, whilst but a boy, and residing on the sea-beach

some three or four miles from the city of Galveston, Judge Wheeler, at that time Chief Justice of the Supreme Court of Texas, paid us a visit, and brought with him a gentleman, whom he had known several years previously on the Sabine River, in the eastern part of that State. This gentleman was introduced to us by the name of Summerfield. At that time he was past the prime of life, slightly gray, and inclined to corpulency. He was of medium height, and walked proudly erect, as though conscious of superior mental attainments. His face was one of those which, once seen, can never be forgotten. The forehead was broad, high, and protuberant. It was, besides, deeply graven with wrinkles, and altogether was the most intellectual that I had ever seen. It bore some resemblance to that of Sir Isaac Newton, but still more to Humboldt or Webster. The eyes were large, deep-set, and lustrous with a light that seemed kindled in their own depths. In color they were gray, and whilst in conversation absolutely blazed with intellect. His mouth was large, but cut with all the precision of a sculptor's chiseling. He was rather pale, but, when excited, his complexion lit up with a sudden rush of ruddy flushes, that added something like beauty to his half-sad and half-sardonic expression. A word and a glance told me at once, this is a most extraordinary man.

Judge Wheeler knew but little of the antecedents of Summerfield. He was of Northern birth, but of what State it is impossible to say definitely. Early in life he removed to the frontier of Arkansas, and pursued for some years the avocation of village schoolmaster. It was the suggestion of Judge Wheeler that induced him to read law. In six months' time he had mastered Story's Equity, and gained an important suit, based upon one of its most recondite principles. But his heart was not in the legal profession, and he made almost constant sallies into the fields of science, literature and art. He was a natural mathematician and was the most profound and original arithmetician in the Southwest. He frequently computed the astronomical tables for the almanacs of New Orleans, Pensacola and Mobile, and calculated eclipse, transit and observations with ease and perfect accuracy. He was also deeply read in metaphysics, and wrote and published, in the old Democratic Review for 1846, an article on the "Natural Proof of the Existence of a Deity," that for beauty of language, depth of reasoning, versatility of illustration, and compactness of logic, has never been equaled. The only other publication which at that period he had made, was a book that astonished all of his friends, both in title and execution. It was called

"The Desperadoes of the West," and purported to give minute details of the lives of some of the most noted duelists and bloodstained villains in the Western States. But the book belied its title. It is full of splendid description and original thought. No volume in the language contains so many eloquent passages and such gorgeous imagery, in the same space. His plea for immortality, on beholding the execution of one of the most noted culprits of Arkansas, has no parallel in any living language for beauty of diction and power of thought. As my sole object in this communication is to defend myself, some acquaintance with the mental resources of Summerfield is absolutely indispensable; for his death was the immediate consequence of his splendid attainments. Of chemistry he was a complete master. He describes it in his article on a Deity, above alluded to, as the "Youngest Daughter of the Sciences, born amid flames, and cradled in rollers of fire." If there were any one science to which he was more specially devoted than to any and all others, it was chemistry. But he really seemed an adept in all, and shone about everywhere with equal lustre.

Many of these characteristics were mentioned by Judge Wheeler at the time of Summerfield's visit to Galveston, but others subsequently came to my knowledge, after his retreat to Brownsville, on the banks of the Rio Grande. There he filled the position of Judge of the District Court, and such was his position just previous to his arrival in this city in the month of September of the past year.

One day, toward the close of last September, an old man rapped at my office door, and on invitation came in, and advancing, called me by name. Perceiving that I did not at first recognize him, he introduced himself as Gregory Summerfield. After inviting him to a seat, I scrutinized his features more closely, and quickly identified him as the same person whom I had met twenty-two years before. He was greatly altered in appearance, but the lofty forehead and the gray eye were still there, unchanged and unchangeable. He was not quite so stout, but more ruddy in complexion, and exhibited some symptoms, as I then thought, of intemperate drinking. Still there was the old charm of intellectual superiority in his conversation, and I welcomed him to California as an important addition to her mental wealth.

It was not many minutes before he requested a private interview. He followed me into my back office, carefully closed the door after him and

locked it. We had scarcely seated ourselves before he inquired of me if I had noticed any recent articles in the newspapers respecting the discovery of the art of decomposing water so as to fit it for use as a fuel for ordinary purposes?

I replied that I had observed nothing new upon that subject since the experiments of Agassiz and Professor Henry, and added that, in my opinion, the expensive mode of reduction would always prevent its use.

In a few words he then informed me that he had made the discovery that the art was extremely simple, and the expense attending the decomposition so slight as to be insignificant.

Presuming then that the object of his visit to me was to procure the necessary forms to get out a patent for the right, I congratulated him upon his good fortune, and was about to branch forth with a description of some of the great benefits that must ensue to the community, when he suddenly and somewhat uncivilly requested me to "be silent," and listen to what he had to say.

He began with some general remarks about the inequality of fortune amongst mankind, and instanced himself as a striking example of the fate of those men, who, according to all the rules of right, ought to be near the top, instead of at the foot of the ladder of fortune. "But," said he, springing to his feet with impulsive energy, "I have now the means at my command of rising superior to fate, or of inflicting incalculable ills upon the whole human race."

Looking at him more closely, I thought I could detect in his eye the gleam of madness; but I remained silent and awaited further developments. But my scrutiny, stolen as it was, had been detected, and he replied at once to the expression of my face: "No, sir; I am neither drunk nor a maniac; I am in deep earnest in all that I say; and I am fully prepared, by actual experiment, to demonstrate beyond all doubt the truth of all I claim."

For the first time I noticed that he carried a small portmanteau in his hand; this he placed upon the table, unlocked it, and took out two or three small volumes, a pamphlet or two, and a small, square, wide-mouthed vial, hermetically sealed.

I watched him with profound curiosity, and took note of his slightest movements. Having arranged his books to suit him, and placed the vial in a conspicuous position, he drew up his chair very closely to my own, and

uttered in a half-hissing tone: "I demand one million dollars for the contents of that bottle; and you must raise it for me in the city of San Francisco within one month, or scenes too terrible even for the imagination to conceive, will surely be witnessed by every living human being on the face of the globe."

The tone, the manner, and the absurd extravagance of the demand, excited a faint smile upon my lips, which he observed, but disdained to notice.

My mind was fully made up that I had a maniac to deal with, and I prepared to act accordingly. But I ascertained at once that my inmost thoughts were read by the remarkable man before me, and seemed to be anticipated by him in advance of their expression.

"Perhaps," said I, "Mr. Summerfield, you would oblige me by informing me fully of the grounds of your claim, and the nature of your discovery."

"That is the object of my visit," he replied. "I claim to have discovered the key which unlocks the constituent gases of water, and frees each from the embrace of the other, at a single touch."

"You mean to assert," I rejoined, "that you can make water burn itself up?"

"Nothing more nor less," he responded, "except this: to insist upon the consequences of the secret, if my demand be not at once complied with."

Then, without pausing for a moment to allow me to make a suggestion, as I once or twice attempted to do, he proceeded in a clear and deliberate manner, in these words: "I need not inform you, sir, that when this earth was created, it consisted almost wholly of vapor, which, by condensation, finally became water. The oceans now occupy more than two-thirds of the entire surface of the globe. The continents are mere islands in the midst of the seas. They are everywhere oceanbound, and the hyperborean north is hemmed in by open polar seas. Such is my first proposition. My second embraces the constituent elements of water. What is that thing which we call water? Chemistry, that royal queen of all the sciences, answers readily: 'Water is but the combination of two gases, oxygen and hydrogen, and in the proportion of eight to one.' In other words, in order to form water, take eight parts of oxygen and one of hydrogen, mix them together, and the result or product is water. You smile, sir, because, as you very properly think, these are the elementary principles of science, and are familiar to the

minds of every schoolboy twelve years of age. Yes! but what next? Suppose you take these same gases and mix them in any other proportion, I care not what, and the instantaneous result is heat, flame, combustion of the intensest description. The famous Drummond Light, that a few years ago astonished Europe what is that but the ignited flame of a mixture of oxygen and hydrogen projected against a small piece of lime? What was harmless as water, becomes the most destructive of all known objects when decomposed and mixed in any other proportion.

"Now, suppose I fling the contents of this small vial into the Pacific Ocean, what would be the result? Dare you contemplate it for an instant? I do not assert that the entire surface of the sea would instantaneously bubble up into insufferable flames; no, but from the nucleus of a circle, of which this vial would be the center, lurid radii of flames would gradually shoot outward, until the blazing circumference would roll in vast billows of fire, upon the uttermost shores. Not all the dripping clouds of the deluge could extinguish it. Not all the tears of saints and angels could for an instant check its progress. On and onward it would sweep, with the steady gait of destiny, until the continents would melt with fervent heat, the atmosphere glare with the ominous conflagration, and all living creatures, in land and sea and air, perish in one universal catastrophe."

Then suddenly starting to his feet, he drew himself up to his full height, and murmured solemnly, "I feel like a God! and I recognize my fellow-men but as pygmies that I spurn beneath my feet."

"Summerfield," said I calmly, "there must be some strange error in all this. You are self-deluded. The weapon which you claim to wield is one that a good God and a beneficent Creator would never intrust to the keeping of a mere creature. What, sir! create a world as grand and beautiful as this, and hide within its bosom a principle that at any moment might inwrap it in flames, and sink all life in death? I'll not believe it; 't were blasphemy to entertain the thought!"

"And yet," cried he passionately, "your Bible prophesies the same irreverence. Look at your text in 2d Peter, third chapter, seventh and twelfth verses. Are not the elements to melt with fervent heat? Are not the 'heavens to be folded together like a scroll?' Are not 'the rocks to melt, the stars to fall, and the moon to be turned into blood?' Is not fire the next grand cyclic consummation of all things here below? But I come fully prepared to

answer such objections. Your argument betrays a narrow mind, circumscribed in its orbit, and shallow in its depth. 'Tis the common thought of mediocrity. You have read books too much, and studied nature too little. Let me give you a lesson today in the workshop of Omnipotence. Take a stroll with me into the limitless confines of space, and let us observe together some of the scenes transpiring at this very instant around us. A moment ago you spoke of the moon: what is she but an extinguished world? You spoke of the sun: what is he but a globe of flame? But here is the Cosmos of Humboldt. Read this paragraph."

As he said this he placed before me the Cosmos of Humboldt, and I read as follows:

Nor do the Heavens themselves teach unchangeable permanency in the works of creation. Change is observable there quite as rapid and complete as in the confines of our solar system. In the year 1752, one of the small stars in the constellation Cassiopeia blazed up suddenly into an orb of the first magnitude, gradually decreased in brilliancy, and finally disappeared from the skies. Nor has it ever been visible since that period for a single moment, either to the eye or to the telescope. It burned up and was lost in space.

"Humboldt," he added, "has not told us who set that world on fire!"

"But," resumed he, "I have still clearer proofs."

Saying this, he thrust into my hands the last London Quarterly, and on opening the book at an article headed "The Language of Light," I read with a feeling akin to awe, the following passage:

Further, some stars exhibit changes of complexion in themselves. Sirius, as before stated, was once a ruddy, or rather a fiery-faced orb, but has now forgotten to blush, and looks down upon us with a pure, brilliant smile, in which there is no trace either of anger or of shame. On the countenances of others, still more varied traits have rippled, within a much briefer period of time. May not these be due to some physiological revolutions, general or convulsive, which are in progress in the particular orb, and which, by affecting the constitution of its atmosphere, compel the absorption or promote the transmission of particular rays? The supposition appears by no means improbable, especially if we call to mind the hydrogen volcanoes which have been discovered on the photosphere of the sun. Indeed, there are a few small stars which afford a spectrum of bright lines instead of dark

ones, and this we know denotes a gaseous or vaporized state of things, from which it maybe inferred that such orbs are in a different condition from most of their relations.

And, as if for the very purpose of throwing light upon this interesting question, an event of the most striking character occurred in the heavens, almost as soon as the spectroscopists were prepared to interpret it correctly.

On the 12th of May, 1866, a great conflagration, infinitely larger than that of London or Moscow, was announced. To use the expression of a distinguished astronomer, a world was found to be on fire! A star, which till then had shone weakly and unobtrusively in the corona borealis, suddenly blazed up into a luminary of the second magnitude. In the course of three days from its discovery in this new character, by Birmingham, at Tuam, it had declined to the third or fourth order of brilliancy. In twelve days, dating from its first apparition in the Irish heavens, it had sunk to the eighth rank, and it went on waning until the 26th of June, when it ceased to be discernible except through the medium of the telescope. This was a remarkable, though certainly not an unprecedented proceeding on the part of a star; but one singular circumstance in its behavior was that, after the lapse of nearly two months, it began to blaze up again, though not with equal ardor, and after maintaining its glow for a few weeks, and passing through sundry phases of color, it gradually paled its fires, and returned to its former insignificance. How many years had elapsed since this awful conflagration actually took place, it would be presumptuous to guess; but it must be remembered that news from the heavens, though carried by the fleetest of messengers, light, reaches us long after the event has transpired, and that the same celestial carrier is still dropping the tidings at each station it reaches in space, until it sinks exhausted by the length of its flight.

As the star had suddenly flamed up, was it not a natural supposition that it had become inwrapped in burning hydrogen, which in consequence of some great convulsion had been liberated in prodigious quantities, and then combining with other elements, had set this hapless world on fire? In such a fierce conflagration, the combustible gas would soon be consumed, and the glow would therefore begin to decline, subject, as in this case, to a second eruption, which occasioned the renewed outburst of light on the 20th of August.

By such a catastrophe, it is not wholly impossible that our own globe may some time be ravaged; for if a word from the Almighty were to unloose for a few moments the bonds of affinity which unite the elements of water, a single spark would bring them together with a fury that would kindle the funeral pyre of the human race, and be fatal to the planet and all the works that are thereon.

"Your argument," he then instantly added, "is by no means a good one. What do we know of the Supreme Architect of the Universe, or of his designs? He builds up worlds, and he pulls them down; he kindles suns and he extinguishes them. He inflames the comet, in one portion of its orbit, with a heat that no human imagination can conceive of; and in another, subjects the same blazing orb to a cold intenser than that which invests forever the antarctic pole. All that we know of Him we gather through His works. I have shown you that He burns other worlds, why not this? The habitable parts of our globe are surrounded by water, and water you know is fire in possibility."

"But all this," I rejoined, "is pure, baseless, profitless speculation."

"Not so fast," he answered. And then rising, he seized the small vial, and handing it to me, requested me to open it.

I confess I did so with some trepidation.

"Now smell it."

I did so.

"What odor do you perceive?"

"Potassium," I replied.

"Of course," he added, "you are familiar with the chief characteristic of that substance. It ignites instantly when brought in contact with water. Within that little globule of potassium, I have imbedded a pill of my own composition and discovery. The moment it is liberated from the potassium, it commences the work of decomposing the fluid on which it floats. The potassium at once ignites the liberated oxygen, and the conflagration of this mighty globe is begun."

"Yes," said I, "begun, if you please, but your little pill soon evaporates or sinks, or melts in the surrounding seas, and your conflagration ends just where it began."

"My reply to that suggestion could be made at once by simply testing the experiment on a small scale, or a large one, either. But I prefer at present to refute your proposition by an argument drawn from nature herself. If you correctly remember, the first time I had the pleasure of seeing you was on the island of Galveston, many years ago. Do you remember relating to me at that time an incident concerning the effects of a prairie on fire, that you had yourself witnessed but a few days previously, near the town of Matagorde? If I recollect correctly, you stated that on your return journey from that place, you passed on the way the charred remains of two wagon-loads of cotton, and three human beings, that the night before had perished in the flames; that three slaves, the property of a Mr. Horton, had started a few days before to carry to market a shipment of cotton; that a norther overtook them on a treeless prairie, and a few minutes afterward they were surprised by beholding a line of rushing fire, surging, roaring and advancing like the resistless billows of an ocean swept by a gale; that there was no time for escape, and they perished terribly in fighting the devouring element?"

"Yes; I recollect the event."

"Now, then, I wish a reply to the simple question: Did the single spark, that kindled the conflagration, consume the negroes and their charge? No? But what did? You reply, of course, that the spark set the entire prairie on fire; that each spear of grass added fuel to the flame, and kindled by degrees a conflagration that continued to burn so long as it could feed on fresh material. The pilule in that vial is the little spark, the oceans are the prairies, and the oxygen the fuel upon which the fire is to feed until the globe perishes in inextinguishable flames. The elementary substances in that small vial recreate themselves; they are self-generating, and when once fairly under way must necessarily sweep onward, until the waters in all the seas are exhausted. There is, however, one great difference between the burning of a prairie and the combustion of an ocean: the fire in the first spreads slowly, for the fuel is difficult to ignite; in the last, it flies with the rapidity of the wind, for the substance consumed is oxygen, the most inflammable agent in nature."

Rising from my seat, I went to the washstand in the corner of the apartment, and drawing a bowl half full of Spring Valley water, I turned to

Summerfield, and remarked, "Words are empty, theories are ideal—but facts are things."

"I take you at your word." So saying, he approached the bowl, emptied it of nine-tenths of its contents, and silently dropped the potassium-coated pill into the liquid. The potassium danced around the edges of the vessel, fuming, hissing, and blazing, as it always does, and seemed on the point of expiring—when, to my astonishment and alarm, a sharp explosion took place, and in a second of time the water was blazing in a red, lurid column, half way to the ceiling.

"For God's sake," I cried, "extinguish the flames, or we shall set the building on fire!"

"Had I dropped the potassium into the bowl as you prepared it," he quietly remarked, "the building would indeed have been consumed."

Lower and lower fell the flickering flames, paler and paler grew the blaze, until finally the fire went out, and I rushed up to see the effects of the combustion.

Not a drop of water remained in the vessel! Astonished beyond measure at what I had witnessed, and terrified almost to the verge of insanity, I approached Summerfield, and tremblingly inquired, "To whom, sir, is this tremendous secret known?" "To myself alone," he responded; "and now answer me a question: is it worth the money?"

It is entirely unnecessary to relate in detail the subsequent events connected with this transaction. I will only add a general statement, showing the results of my negotiations. Having fully satisfied myself that Summerfield actually held in his hands the fate of the whole world, with its millions of human beings, and by experiment having tested the combustion of sea-water, with equal facility as fresh, I next deemed it my duty to call the attention of a few of the principal men in San Francisco to the extreme importance of Summerfield's discovery.

A leading banker, a bishop, a chemist, two State university professors, a physician, a judge, and two Protestant divines, were selected by me to witness the experiment on a large scale. This was done at a small sand-hill lake, near the seashore, but separated from it by a ridge of lofty mountains, distant not more than ten miles from San Francisco. Every single drop of water in the pool was burnt up in less than fifteen minutes. We next did all

that we could to pacify Summerfield, and endeavored to induce him to lower his price and bring it within the bounds of a reasonable possibility. But without avail. He began to grow urgent in his demands, and his brow would cloud like a tempest-ridden sky whenever we approached him on the subject. Finally, ascertaining that no persuasion could soften his heart or touch his feelings, a sub-committee was appointed, to endeavor, if possible, to raise the money by subscription. Before taking that step, however, we ascertained beyond all question that Summerfield was the sole custodian of his dread secret, and that he kept no written memorial of the formula of his prescription. He even went so far as to offer us a penal bond that his secret should perish with him in case we complied with his demands.

The sub-committee soon commenced work amongst the wealthiest citizens of San Francisco, and by appealing to the terrors of a few, and the sympathies of all, succeeded in raising one-half the amount within the prescribed period. I shall never forget the woe-begone faces of California Street during the month of October. The outside world and the newspapers spoke most learnedly of a money panic—a pressure in business, and the disturbances in the New York gold-room. But to the initiated, there was an easier solution of the enigma. The pale spectre of Death looked down upon them all, and pointed with its bony finger to the fiery tomb of the whole race, already looming up in the distance before them. Day after day, I could see the dreadful ravages of this secret horror; doubly terrible, since they dared not divulge it. Still, do all that we could, the money could not be obtained. The day preceding the last one given, Summerfield was summoned before the committee, and full information given him of the state of affairs. Obdurate, hard and cruel, he still continued. Finally, a proposition was started, that an attempt should be made to raise the other half of the money in the city of New York. To this proposal Summerfield ultimately yielded, but with extreme reluctance. It was agreed in committee that I should accompany him thither, and take with me, in my own possession, evidences of the sums subscribed here; that a proper appeal should be made to the leading capitalists, scholars and clergymen of that metropolis, and that, when the whole amount was raised, it should be paid over to Summerfield, and a bond taken from him never to divulge his awful secret to any human being.

With this, he seemed to be satisfied, and left us to prepare for his going the next morning.

As soon as he left the apartment, the bishop rose, and deprecated the action that had been taken, and characterized it as childish and absurd. He declared that no man was safe one moment whilst "that diabolical wretch" still lived; that the only security for us all was in his immediate extirpation from the face of the earth, and that no amount of money could seal his lips, or close his hands. It would be no crime, he said, to deprive him of the means of assassinating the whole human family, and that as for himself he was for dooming him to immediate death.

With a unanimity that was extraordinary, the entire committee coincided.

A great many plans were proposed, discussed and rejected, having in view the extermination of Summerfield. In them all there was the want of that proper caution which would lull the apprehensions of an enemy; for should he for an instant suspect treachery, we knew his nature well enough to be satisfied, that he would waive all ceremonies and carry his threats into immediate execution.

It was finally resolved that the trip to New York should not be abandoned, apparently. But that we were to start out in accordance with the original program; that during the journey, some proper means should be resorted to by me to carry out the final intentions of the committee, and that whatever I did would be sanctioned by them all, and full protection, both in law and conscience, afforded me in any stage of the proceeding.

Nothing was wanting but my own consent; but this was difficult to secure.

At the first view, it seemed to be a most horrible and unwarrantable crime to deprive a fellow-being of life, under any circumstances; but especially so where, in meeting his fate, no opportunity was to be afforded him for preparation or repentance. It was a long time before I could disassociate, in my mind, the two ideas of act and intent. My studies had long ago made me perfectly familiar with the doctrine of the civil law, that in order to constitute guilt, there must be a union of action and intention. Taking the property of another is not theft, unless, as the lawyers term it, there is the *animus furandi*. So, in homicide, life may be lawfully taken in some instances, whilst the deed may be excused in others. The sheriff hangs the felon and deprives him of existence; yet nobody thinks of accusing the officer of murder. The soldier slays his enemy, still the act is considered heroical. It does not therefore follow that human life is too sacred to be

taken away under all circumstances. The point to be considered was thus narrowed down into one grand inquiry, whether Summerfield was properly to be regarded as *hostis humani generis*, the enemy of the human race, or not. If he should justly be so considered, then it would not only be not a crime to kill him, but an act worthy of the highest commendation. Who blamed McKenzie for hanging Spencer to the yard-arm? Yet in his case, the lives of only a small ship's crew were in jeopardy. Who condemned Pompey for exterminating the pirates from the Adriatic? Yet, in his case, only a small portion of the Roman Republic was liable to devastation. Who accuses Charlotte Corday of assassination for stabbing Marat in his bath? Still, her arm only saved the lives of a few thousands of revolutionary Frenchmen. And to come down to our own times, who heaps accusation upon the heads of Lincoln, Thomas or Sheridan, or even Grant, though in marching to victory over a crushed rebellion, they deemed it necessary to wade through seas of human gore? If society has the right to defend itself from the assaults of criminals, who, at best, can only destroy a few of its members, why should I hesitate when it was apparent that the destiny of the globe itself hung in the balance? If Summerfield should live and carry out his threats, the whole world would feel the shock; his death was the only path to perfect safety.

I asked the privilege of meditation for one hour, at the hands of the committee, before I would render a decision either way. During that recess the above argumentation occupied my thoughts. The time expired, and I again presented myself before them. I did not deem it requisite to state the grounds of my decision; I briefly signified my assent, and made instant preparation to carry the plan into execution.

Having passed on the line of the Pacific Railway more than once, I was perfectly familiar with all of its windings, gorges and precipices.

I selected Cape Horn as the best adapted to the purpose, and... the public knows the rest.

Having been fully acquitted by two tribunals of the law, I make this final appeal to my fellowmen throughout the State, and ask them confidently not to reverse the judgments already pronounced.

I am conscious of no guilt; I feel no remorse; I need no repentance. For me justice has no terrors, and conscience no sting. Let me be judged solely by the motives which actuated me, and the importance of the end

accomplished, and I shall pass, unscathed, both temporal and eternal tribunals.

Leonidas Parker.

Additional Particulars

The following additional particulars, as sequel to the Summerfield homicide, have been furnished by an Auburn correspondent:

Mr. Editor: The remarkable confession of the late Leonidas Parker, which appeared in your issue of the 13th ultimo, has given rise to a series of disturbances in this neighborhood, which, for romantic interest and downright depravity, have seldom been surpassed, even in California. Before proceeding to relate in detail the late transactions, allow me to remark that the wonderful narrative of Parker excited throughout this county sentiments of the most profound and contradictory character. I, for one, halted between two opinions—horror and incredulity; and nothing but subsequent events could have fully satisfied me of the unquestionable veracity of your San Francisco correspondent, and the scientific authenticity of the facts related.

The doubt with which the story was at first received in this community—and which found utterance in a burlesque article in an obscure country journal, the Stars and Stripes, of Auburn—has finally been dispelled, and we find ourselves forced to admit that we stand even now in the presence of the most alarming fate. Too much credit cannot be awarded to our worthy coroner for the promptitude of his action, and we trust that the Governor of the State will not be less efficient in the discharge of his duty.

[Since the above letter was written the following proclamation has been issued.—P. J.]

Proclamation of the Governor.

\$10,000 Reward.

Department of State.

By virtue of the authority in me vested, I do hereby offer the above reward of ten thousand dollars, in gold coin of the United States, for the arrest of Bartholomew Graham, familiarly known as "Black Bart." Said Graham is accused of the murder of C. P. Gillson, late of Auburn, county of Placer, on the 14th ultimo. He is five feet ten inches and a half in height, thick set, has a mustache sprinkled with gray, grizzled hair, clear blue eyes,

walks stooping, and served in the late civil war, under Price and Quantrell, in the Confederate army. He may be lurking in some of the mining-camps near the foot-hills, as he was a Washoe teamster during the Comstock excitement. The above reward will be paid for him, dead or alive, as he possessed himself of an important secret by robbing the body of the late Gregory Summerfield.

By the Governor: H. G. Nicholson,
Secretary of State.

Given at Sacramento, this the fifth day of June, 1871.

Our correspondent continues:

I am sorry to say that Sheriff Higgins has not been so active in the discharge of his duty as the urgency of the case required, but he is perhaps excusable on account of the criminal interference of the editor above alluded to. But I am detaining you from more important matters. Your Saturday's paper reached here at 4 o'clock Saturday, 13th May, and, as it now appears from the evidence taken before the coroner, several persons left Auburn on the same errand, but without any previous conference. Two of these were named respectively Charles P. Gillson and Bartholomew Graham, or, as he was usually called, "Black Bart." Gillson kept a saloon at the corner of Prickly Ash Street and the Old Spring Road; and Black Bart was in the employ of Conrad & Co., keepers of the Norfolk Livery Stable. Gillson was a son-in-law of ex-Governor Roberts, of Iowa, and leaves a wife and two children to mourn his untimely end. As for Graham, nothing certain is known of his antecedents. It is said that he was engaged in the late robbery of Wells & Fargo's express at Grizzly Bend, and that he was an habitual gambler. Only one thing about him is certainly well known: he was a lieutenant in the Confederate army, and served under General Price and the outlaw Quantrell. He was a man originally of fine education, plausible manners and good family, but strong drink seems early in life to have overmastered him, and left him but a wreck of himself. But he was not incapable of generous or, rather, romantic acts; for, during the burning of the Putnam House in this town last summer, he rescued two ladies from the flames. In so doing he scorched his left hand so seriously as to contract the tendons of two fingers, and this very scar may lead to his apprehension. There is no doubt about his utter desperation of character, and, if taken at all, it will probably be not alive.

So much for the persons concerned in the tragedy at the Flat.

Herewith I inclose copies of the testimony of the witnesses examined before the coroner's jury, together with the statement of Gillson, taken in articulo mortis:

Deposition of Dollie Adams.

State of California, } County of Placer. } ss.

Said witness, being duly sworn, deposes as follows, to wit: My name is Dolly Adams, my age forty-seven years; I am the wife of Frank G. Adams, of this township, and reside on the North Fork of the American River, below Cape Horn, on Thompson's Flat. About one o'clock p. m., May 14, 1871, I left the cabin to gather wood to cook dinner for my husband and the hands at work for him on the claim. The trees are mostly cut away from the bottom, and I had to climb some distance up the mountainside before I could get enough to kindle the fire. I had gone about five hundred yards from the cabin, and was searching for small sticks of fallen timber, when I thought I heard some one groan, as if in pain. I paused and listened; the groaning became more distinct, and I started at once for the place whence the sounds proceeded; about ten steps off I discovered the man whose remains lie there (pointing to the deceased), sitting up, with his back against a big rock. He looked so pale that I thought him already dead, but he continued to moan until I reached his side. Hearing me approach, he opened his eyes, and begged me, "For God's sake, give me a drop of water!" I asked him, "What is the matter?" He replied, "I am shot in the back." "Dangerously?" I demanded. "Fatally!" he faltered. Without waiting to question him further, I returned to the cabin, told Zenie, my daughter, what I had seen, and sent her off on a run for the men. Taking with me a gourd of water, some milk and bread—for I thought the poor gentleman might be hungry and weak, as well as wounded—I hurried back to his side, where I remained until "father"—as we all call my husband—came with the men. We removed him as gently as we could to the cabin; then sent for Dr. Liebner, and nursed him until he died, yesterday, just at sunset.

Question by the Coroner: Did you hear his statement, taken down by the Assistant District-Attorney?—A. I did.

Q. Did you see him sign it?—A. Yes, sir.

Q. Is this your signature thereto as witness?—A. It is, sir.

(Signed) Dollie Adams.

Deposition of Miss X. V. Adams.

Being first duly sworn, witness testified as follows: My name is Xixenia Volumnia Adams; I am the daughter of Frank G. Adams and the last witness; I reside with them on the Flat, and my age is eighteen years. A little past one o'clock on Sunday last my mother came running into the house and informed me that a man was dying on the side-hill, from a wound, and that I must go for father and the boys immediately. I ran as fast as my legs would carry me to where they were "cleaning up," for they never cleaned up weekdays on the Flat, and told the news; we all came back together and proceeded to the spot where the wounded man lay weltering in his blood; he was cautiously removed to the cabin, where he lingered until yesterday sundown, when he died.

Question. Did he speak after he reached the cabin?—A. He did frequently; at first with great pain, but afterward more audibly and intelligibly.

Q. What did he say?—A. First, to send for Squire Jacobs, the Assistant District-Attorney, as he had a statement to make; and some time afterward, to send for his wife; but we first of all sent for the doctor.

Q. Who was present when he died?—A. Only myself; he had appeared a great deal easier, and his wife had lain down to take a short nap, and my mother had gone to the spring and left me alone to watch. Suddenly he lifted himself spasmodically in bed, glared around wildly and muttered something inaudible; seeing me, he cried out, "Run! run! run! He has it! Black Bart has got the vial! Quick! or he'll set the world afire! See, he opens it! O my God! Look! look! look! Hold his hands! tie him! chain him down! Too late! too late! oh, the flames! Fire! fire! fire!" His tone of voice gradually strengthened until the end of his raving; when he cried "fire!" his eyeballs glared, his mouth quivered, his body convulsed, and before Mrs. Gillson could reach his bedside he fell back stone dead. (Signed) X. V. Adams.

The testimony of Adams corroborated in every particular that of his wife and daughter, but set forth more fully the particulars of his demoniac ravings. He would taste nothing from a glass or bottle, but shuddered whenever any article of that sort met his eyes. In fact, they had to remove

from the room the cups, tumblers, and even the castors. At times he spoke rationally, but after the second day only in momentary flashes of sanity.

The deposition of the attending physician, after giving the general facts with regard to the sickness of the patient and his subsequent demise, proceeded thus:

I found the patient weak, and suffering from loss of blood and rest, and want of nourishment; occasionally sane, but for the most part flighty and in a comatose condition. The wound was an ordinary gunshot wound, produced most probably by the ball of a navy revolver, fired at the distance of ten paces. It entered the back near the left clavicle, beneath the scapula, close to the vertebrae between the intercostal spaces of the fifth and sixth ribs; grazing the pericardium it traversed the mediastinum, barely touching the oesophagus, and vena azygos, but completely severing the thoracic duct, and lodging in the xiphoid portion of the sternum. Necessarily fatal, there was no reason, however, why the patient could not linger for a week or more; but it is no less certain that from the effect of the wound he ultimately died. I witnessed the execution of the paper shown to me—as the statement of deceased—at his request; and at the time of signing the same he was in his perfect senses. It was taken down in my presence by Jacobs, the Assistant District-Attorney of Placer County, and read over to the deceased before he affixed his signature. I was not present when he breathed his last, having been called away by my patients in the town of Auburn, but I reached his bedside shortly afterward. In my judgment, no amount of care or medical attention could have prolonged his life more than a few days.

(Signed) Karl Liebner, M. D.

The statement of the deceased was then introduced to the jury as follows:

People of the State of California, } vs. } Bartholomew Graham. }

Statement and Dying Confession of Charles P. Gillson, taken in articulo mortis by George Simpson, Notary Public.

On the morning of Sunday, the 14th day of May, 1871, I left Auburn alone in search of the body of the late Gregory Summerfield, who was reported to have been pushed from the cars at Cape Horn, in this county, by one Leonidas Parker, since deceased. It was not fully light when I reached the track of the Central Pacific Railroad. Having mined at an early day on Thompson's Flat, at the foot of the rocky promontory now called Cape Horn, I was familiar with the zigzag paths leading down that steep

precipice. One was generally used as a descent, the other as an ascent from the cañon below. I chose the latter, as being the freest from the chance of observation. It required the greatest caution to thread the narrow gorge; but I finally reached the rocky bench, about one thousand feet below the grade of the railroad. It was now broad daylight, and I commenced cautiously the search for Summerfield's body. There is quite a dense undergrowth of shrubs thereabouts, lining the interstices of the granite rocks so as to obscure the vision even at a short distance. Brushing aside a thick manzanita bush, I beheld the dead man at the same instant of time that another person arrived like an apparition upon the spot. It was Bartholomew Graham, known as "Black Bart." We suddenly confronted each other, the skeleton of Summerfield lying exactly between us. Our recognition was mutual. Graham advanced, and I did the same; he stretched out his hand and we greeted one another across the prostrate corpse.

Before releasing my hand, Black Bart exclaimed in a hoarse whisper, "Swear, Gillson, in the presence of the dead, that you will forever be faithful, never betray me, and do exactly as I bid you, as long as you live!"

I looked him full in the eye. Fate sat there, cold and remorseless as stone. I hesitated; with his left hand he slightly raised the lapels of his coat, and grasped the handle of a navy revolver.

"Swear!" again he cried.

As I gazed, his eyeballs assumed a greenish tint, and his brow darkened into a scowl. "As your confederate," I answered, "never as your slave."

"Be it so!" was his only reply.

The body was lying upon its back, with the face upwards. The vultures had despoiled the countenance of every vestige of flesh, and left the sockets of the eyes empty. Snow and ice and rain had done their work effectually upon the exposed surfaces of his clothing, and the eagles had feasted upon the entrails. But underneath, the thick beaver cloth had served to protect the flesh, and there were some decaying shreds left of what had once been the terrible but accomplished Gregory Summerfield. A glance told us all these things. But they did not interest me so much as another spectacle, that almost froze my blood. In the skeleton gripe of the right hand, interlaced within the clenched bones, gleamed the wide-mouthed vial which was the object of our mutual visit. Graham fell upon his knees, and attempted to withdraw the prize from the grasp of its dead possessor. But the bones were

firm, and when he finally succeeded in securing the bottle, by a sudden wrench, I heard the skeleton fingers snap like pipe-stems.

"Hold this a moment, whilst I search the pockets," he commanded.

I did as directed.

He then turned over the corpse, and thrusting his hand into the inner breast-pocket, dragged out a roll of MSS., matted closely together and stained by the winter's rains. A further search eventuated in finding a roll of small gold coin, a set of derringer pistols, a rusted double-edged dirk, and a pair of silver-mounted spectacles. Hastily covering over the body with leaves and branches cut from the embowering shrubs, we shudderingly left the spot.

We slowly descended the gorge toward the banks of the American River, until we arrived in a small but sequestered thicket, where we threw ourselves upon the ground. Neither had spoken a word since we left the scene above described. Graham was the first to break the silence which to me had become oppressive.

"Let us examine the vial and see if the contents are safe."

I drew it from my pocket and handed it to him.

"Sealed hermetically, and perfectly secure," he added. Saying this, he deliberately wrapped it up in a handkerchief and placed it in his bosom.

"What shall we do with our prize?" I inquired.

"Our prize?" As he said this he laughed derisively, and cast a most scornful and threatening glance toward me.

"Yes," I rejoined firmly; "our prize!"

"Gillson," retorted Graham, "you must regard me as a consummate simpleton, or yourself a Goliath. This bottle is mine, and mine only. It is a great fortune for one, but of less value than a toadstool for two. I am willing to divide fairly. This secret would be of no service to a coward. He would not dare to use it. Your share of the robbery of the body shall be these MSS.; you can sell them to some poor devil of a printer, and pay yourself for your day's work."

Saying this he threw the bundle of MSS. at my feet; but I disdained to touch them. Observing this, he gathered them up safely and replaced them in his pocket. "As you are unarmed," he said, "it would not be safe for you

to be seen in this neighborhood during daylight. We will both spend the night here, and just before morning return to Auburn. I will accompany you part of the distance."

With the sangfroid of a perfect desperado, he then stretched himself out in the shadow of a small tree, drank deeply from a whiskey flagon which he produced, and pulling his hat over his eyes, was soon asleep and snoring. It was a long time before I could believe the evidence of my own senses. Finally, I approached the ruffian, and placed my hand on his shoulder. He did not stir a muscle. I listened; I heard only the deep, slow breathing of profound slumber. Resolved not to be balked and defrauded by such a scoundrel, I stealthily withdrew the vial from his pocket and sprang to my feet, just in time to hear the click of a revolver behind me. I was betrayed! I remember only a flash and an explosion—a deathly sensation, a whirl of the rocks and trees about me, a hideous imprecation from the lips of my murderer, and I fell senseless to the earth. When I awoke to consciousness it was past midnight. I looked up at the stars, and recognized Lyra shining full in my face. That constellation, I knew, passed the meridian at this season of the year after twelve o'clock, and its slow march told me that many weary hours would intervene before daylight. My right arm was paralyzed, but I put forth my left, and it rested in a pool of my own blood. "Oh, for one drop of water!" I exclaimed, faintly; but only the low sighing of the night blast responded. Again I fainted. Shortly after daylight I revived, and crawled to the spot where I was discovered on the next day by the kind mistress of this cabin. You know the rest. I accuse Bartholomew Graham of my assassination. I do this in the perfect possession of my senses, and with a full sense of my responsibility to Almighty God. (Signed) C. P. Gillson.

George Simpson, Notary Public. Chris. Jacobs, Assistant District-Attorney. Dollie Adams, } Witnesses. Karl Liebner, }

The following is a copy of the verdict of the coroner's jury:

County of Placer, } Cape Horn Township. }

In re C. P. Gillson, late of said county deceased.

We, the undersigned, coroner's jury, summoned in the foregoing case to examine into the causes of the death of said Gillson, do find that he came to his death at the hands of Bartholomew Graham, usually called "Black Bart," on Wednesday, the 17th May, 1871. And we further find said Graham guilty of murder in the first degree, and recommend his immediate apprehension.

(Signed) John Quillan,
Abel George,
Alex. Scriber,
(Correct:) Wm. A. Thompson.

Peter McIntyre,

Thos. J. Alwyn, Coroner.

The above documents constitute the papers introduced before the coroner. Should anything of further interest occur, I will keep you fully advised. Powhattan Jones.

Since the above was in type we have received from our esteemed San Francisco correspondent the following letter:

San Francisco, June 8, 1871.

Mr. Editor: On entering my office this morning I found a bundle of MSS. which had been thrown in at the transom over the door, labeled, "The Summerfield MSS." Attached to them was an unsealed note from one Bartholomew Graham, in these words:

Dear Sir: These are yours; you have earned them. I commend to your especial notice the one styled, "De Mundo Comburendo." At a future time you may hear again from

Bartholomew Graham.

A casual glance at the papers convinces me that they are of great literary value. Summerfield's fame never burned so brightly as it does over his grave. Will you publish the MSS.?

Here ends No. Two Western Classics Containing The Case of Summerfield by W. H. Rhodes an Introduction by Geraldine Bonner and a Frontispiece After a Painting by Galen J. Perrett the Typography Designed by J. H. Nash of this First Edition One Thousand Copies Have Been Issued Printed on Fabriano Handmade Paper Published by Paul Elder and Company and Done into a Book for them at the Tomoye Press in the City of New York MCMVII.

*** END OF THE PROJECT GUTENBERG EBOOK THE CASE OF SUMMERFIELD ***

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 41 Watchung Plaza #516, Montclair NJ 07042, USA, +1 (862) 621-9288. 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.