

PHCD

STEREO

103

The Devil & Daniel Webster

Folk Opera In One Act

By **DOUGLAS MOORE**

The Festival Choir And Orchestra
Armando Aliberti, Conductor

1-15 The Devil & Daniel Webster Total Timing: 53:37
(Boosey & Hawkes)

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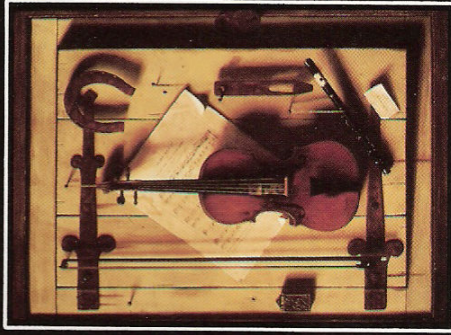
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The Devil & Daniel Webster

By **DOUGLAS MOORE**



THE FESTIVAL CHOIR AND ORCHESTRA
ARMANDO ALIBERTI, CONDUCTOR

STEPHEN VINCENT BENÉT

Stephen Vincent Benét, one of America's most brilliant and best loved authors, was born in Bethlehem, PA, July 22, 1898. After graduation from Yale he wrote his first novel, "*The Beginning of Wisdom*", and then lived in Paris for some time. A few years later, after much research, he wrote "*John Brown's Body*", which became a best-seller and brought him the Pulitzer Prize and financial success. The dramatic version had a brilliantly successful tour throughout the country.

In subsequent years he wrote a great many short stories and poems, among them his most famous story, "*The Devil & Daniel Webster*". Benét received numerous awards, including the O. Henry Story Prize and The Roosevelt Medal.

Douglas Moore, Benét's close friend and collaborator, writes of him: "When he arrived back in America after having won the Pulitzer Prize (for *John Brown's Body*) he was a national hero to be met by reporters at the ship. I went to meet him with some trepidation. I should never have worried about Steve. As the years went on he became a national institution, but there was never evidence of change in his friendships. The old warmth and generosity and gaiety never varied.

Benét's untimely death in 1943, at the age of 45, came as a crushing and unexpected blow to his many friends and admirers.

DOUGLAS MOORE

Douglas Moore was born in Cutchogue, Long Island, in 1893, and died in Greenport, N. Y., July 25, 1969. After desultory early music studies he began improvising and making up tunes at the age of thirteen.

He was graduated from Yale, where he studied with Horatio Parker and was active in musical and dramatic associations. He also studied at the Schola Cantorum in Paris and with Ernest Bloch in Cleveland. He began composing music in 1922 and one of his first compositions, "*Four Museum Pieces*", won him a Pulitzer Travelling Fellowship in 1926.

In the same year he joined Columbia University's Department of Music and attained full professorship in 1940. He became Executive Officer of the department at the same time. Moore was elected President of the National Institute of Arts and Letters in 1946, an honor which was his for several years.

Moore's work has been influenced by his literary friends, among them Archibald Macleish, Steven Vincent Benet and Vachel Lindsay. Through his friendship with Lindsay the young composer gained a new insight into the life of his country and into the richness and variety of the American scene, and as a result, his compositions reveal a man who has expressed his American heritage and his own ideals within the universal frame of the musical tradition.

Dr. Moore's first work on a typically American scene is "*The Pageant of P. T. Barnum*". In addition, he has composed two symphonies, the second of which received honorable mention by The New York Critics Circle in 1946-47, and he is the composer of numerous chamber music works, including a string quartet, "*The Ballad of William Sycamore*" and "*Down East Suite*". Most famous are Moore's operas: "*White Wings*", "*The Headless Horseman*", "*The Devil and Daniel Webster*", "*Giants in the Earth*", which was awarded the Pulitzer Prize for Music in 1951, "*Gallantry — A Soap Opera*", "*Wings of the Dove*", and "*Carry Nation*".

The Festival Choir And Orchestra

Armando Aliberti, Conductor

Cast of Characters

Daniel Webster, Secretary of State — Lawrence Winters, *baritone*
Jabez Stone, a New Hampshire farmer — Joe Blankenship, *bass*
Mary Stone, his wife — Doris Young, *soprano*
A Fiddler — James de Groat, *speaker*
Mr. Scratch, a Boston Lawyer — Frederick Weidner, *tenor*
Justice Hawthorne — Eugene Hartzell, *speaker*
Clerk — Werner Harms, *baritone*
Voice of Mister Stevens — James de Groat, *tenor*
Walter Butler, Juror — Werner Harms, *baritone*
King Philip, Juror — Eugene Hartzell, *bass*
Simon Girty, Juror — Nigel Douglas, *tenor*
Old Man — Thomas Eva, *tenor*
Old Woman — Jane Paul, *alto*
Other Woman — Liane Dubin,
 Sheila Gayle,
 Virginia Kondakjian, *sopranos*

L I B R E T T O

1 FIRST WOMAN: Right nice wedding.
 FIRST MAN: Handsome couple.
 SECOND WOMAN: Oysters for supper.
 SECOND MAN: And layer cake.
 OLD MAN: Makes me feel young again! Oh, by jingo!
 OLD WOMAN: Henry, Henry, you've been drinking cider.
 FIDDLER: Set to your partners! Dosey do!
 CHORUS: Mary and Jabez, Jabez and Mary, Mary Jabez Mary Jabez Mary. (*Feet stamping, exclamation.*)
 CHORUS OF WOMEN: Knew her when she was.
 CHORUS OF MEN: Knew him when he was.
 WOMAN: She's a good housekeeper.
 MAN: He's a thriving man.
 OLD MAN: Young again, young again, that's the way I feel!
 OLD WOMAN: Henry Henry, careful of your rheumatiz!
 FIDDLER: Pick up your heels and how to your lady! (*Jabez and Mary dance solo—others clap hands.*)
 THIRD WOMAN: Pretty as a picture.
 THIRD MAN: Fine herd of cattle.
 OLD MAN: Wonder where he got it all, Stones was always poor.
 OLD WOMAN: Henry, Henry, don't you start to gossip.
 CHORUS OF WOMEN: Gossip's got a sharp tooth.
 CHORUS OF MEN: But it can't touch them.
 MAN: Some day he'll be governor.
 CHORUS: Wonder where he got it. But that's his business. Nothing like a wedding. Wedding in the summer wedding and the long grass growing. Fine haying weather. Beebalm weather. Weather for the bridegroom. Weather for the bride. Beebalm weather for the bride.
 FIDDLER: Left and right Grand chain! (*Feet stamping, general applause, the fiddle squeaks and stops.*)
 FOURTH MAN: Let's hear from the State Senator!
 CHORUS: Speech! Speech! (*Fiddle flourish.*)
 JABEZ: (*Embarrassed.*) Neighbors, friends, I'm not much of a speaker, spite of your lecting me to State Senate. But we're certainly glad to have you here, me and Mary. And we want to thank you for coming and I want to tell you that Mr. Webster has promised to honor us with his presence tonight. (*Applause from crowd.*) And meanwhile, well, there's Mary and me and, if you folks don't have a good time, well, we won't feel right about getting married at all. Because I know I've been lucky, and I hope she feels that way, too. And, well, we're going to be happy or bust a trace. So there. (*Applause.*)
 JABEZ: Mary,
 MARY: Mr. Stone,
 JABEZ: Mr. Stone,
 MARY: My husband,
 JABEZ: That's a big word, husband.
 MARY: It's a good word.
 JABEZ: Are you happy, Mary?
 MARY: Yes, so happy I'm afraid.
 JABEZ: Afraid?
 MARY: My young days, my young ways, my prim and narrow room, the straight long seam I sewed, the maiden seam, I must give up to be plowed earth and flowering trees, welcome but strange to me, strange as a dream.
 JABEZ: I know how much you give, the lilac and the bloom, your young days, your young ways, and yet I swear, the mountain and the pine themselves shall be the sign that love's a thing divine and worth the care.
 MARY: My mornings, my cool eyes, the quiet thoughts I had, the dreaming, half afraid, yet wishful too. Are changed within my breast to wonder and unrest. I know that this is best, yet this is new.
 JABEZ: Yet must I hold you fast although the joys you've had. Your mornings, your cool eyes were dearer to you for love's the summer kind, the harvest and the wind and ev'ry year, shall find our love more true.
 MARY: For love's the summer kind,
 JABEZ: The harvest and the wind.
 MARY: The fiddler and the dance.
 CHORUS OF WOMEN: The bridegroom and the bride. We'll dance the night, till morning brings the day, for we are New England's pride.
 CHORUS OF MEN: The bridegroom and the bride. We'll dance the night away boys, till morning brings the day, boys, and then we'll cut the hay, boys, for we're New England's pride.
 MAN'S VOICE: Dan!

ANOTHER VOICE: Black Dan!! He's come!
MAN'S VOICE: Three cheers for the greatest man in the U.S., three cheers for Dan! Webster! (*Burst of cheers from crowd.*)

CHORUS: New England's, New England's pride,
WEBSTER: Neighbors, old friends, it does me good to hear you. But don't cheer me, I'm not running for President this summer. (*Crowd laughs.*) I'm here on a better errand, to pay my humble respects to a most charming lady and her very fortunate spouse.

FIDDLER: (*There is the twang of a fiddlestring breaking.*) Tarnation!

WEBSTER: We're proud of State Senator Stone in these parts, we know what he's done. Ten years ago he started out with a patch of land that was mostly rocks and mortgages, and now, well, you've only to look around you. I don't know that I've ever seen a likelier farm, not even at Marshfield, and I hope, before I die, I'll have the privilege of shaking his hand as Governor of this State. I don't know how he's done it, I couldn't have done it myself. But I know this, Jabez Stone wears no man's collar. (*Discardant note from fiddle.*) Congratulations, Stone, you're a lucky man. And now, if our friend in the corner will give us a tune on his fiddle. (*Pause, a trifle irritated.*) I said, if our friend in the corner would give us a tune on his fiddle. (*Twang of fiddlestring.*)

FIDDLER: Hell's delight, excuse me, Mr. Webster. But the very devil's got into that fiddle of mine. She was doing all right up to just a minute ago. But now I've tuned her, and tuned her, and she won't play a note I want. (*At this point, Mr. Scratch makes his appearance. He has entered unobserved, from the other side of the stage and mixed with the crowd while all eyes were on Daniel Webster. He is, of course, the devil, a New England devil, dressed like a rather shabby attorney, but with something just a little wrong about his clothes and appearance, possibly his gloved hands, certainly his air. He carries a large, black tin box, like a botanist's collection box, under one arm. Now he slips through to the first rank of the crowd and confronts the fiddler.*)
SCRATCH: Maybe you need some rosin on your bow, fiddler.

FIDDLER: Maybe I do and maybe I don't. But who

are you? I don't remember seeing you before.
SCRATCH: Oh, I'm just a friend, a humble friend of the bridegroom's. (*He turns towards Jabez.*) (*Apologetically.*) I'm afraid I've come in the wrong way. Mr. Stone, you've improved the place so much since I last saw it, that I hardly knew the front door. But, I assure you I came as fast as I could. (*With a great effort.*) Mary, Mr. Webster, this is a friend of mine from Boston, a legal friend. I didn't expect him today, but . . .

SCRATCH: Oh, my dear Mr. Stone, an occasion like this, I wouldn't miss it for the world. (*He bows.*) Ah! Charmed, Mrs. Stone. Delighted, Mr. Webster. But, don't let me break up the merriment of this meeting. (*He turns and put his collecting box down on the table.*)

FIDDLER: (*With a grudge, to Scratch.*) Boston lawyer, eh?

SCRATCH: You might call me that.

FIDDLER: And what have got in that big, tin box of yours? Law papers?

SCRATCH: Oh, curiosities, for the most part. I'm a collector, too.

FIDDLER: Don't hold much with Boston curiosities myself. And you know about fiddling too, do ye? Know all about it? (*Noise of fiddle.*) Here, play it yourself then and see what you can make of it. (*He thrusts the fiddle into Scratch's hands and retires in a huff.*)

SCRATCH: (*With feigned embarrassment.*) But really, I . . . (*He bows toward Stone.*) Shall I, Mr. Senator?

JABEZ: No, No! (*Jabez makes a helpless gesture of assent.*)

MARY: (*To Jabez.*) Mr. Stone, are you ill?

JABEZ: No, no, but I feel it's hot . . . (*With a burst.*) Oh, let him play! Don't you see he's bound to?

Don't you see there's nothing we can do? (*Rustle of discomfort among the guests. Scratch draws the bow across the fiddle in a horrible discord.*)

FIDDLER: I told you so, stranger, the devil's in that fiddle.

SCRATCH: I'm afraid it needs special tuning. (*He tunes the violin.*) There, that's better. And now for this happy, this very happy occasion, in tribute to the bride and groom, I'll play something appropriate, a song of young love.

MARY: Oh Jabez, Mr. Webster, stop him! Do you see his hands? He's playing with gloves on his hands.

SCRATCH: Young William was a thriving boy. Listen to my doleful tale. Young Mary Clark was all his joy. Listen to my doleful tale. She swore she'd love him all his life. She swore she'd be his loving wife. Listen to my doleful tale. But William found a gambler's den. Listen to my doleful tale. And drank with liv'ly stable men. Listen to my doleful tale. He played the cards, he played the dice. He would not listen to advice. And when in church he tried to pray the devil took the words away. The devil got him by the toe. Listen to my doleful tale. And so, alas he had to go. Listen to my doleful tale. "Young Mary Clark, young Mary Clark, I now must go into the dark." Listen to my doleful tale. Young Mary lay upon her bed. Listen to my doleful tale. "Alas, my William is dead." Listen to my doleful tale. He came to her a bleeding ghost. . . . Ha, ha, ha. (*Scratch breaks off into a mocking laugh—Webster interrupts.*)

WEBSTER: Stop! Stop! You miserable wretch, can't you see that you're frightening Mrs. Stone? (*He wrenches the fiddle out of Scratch's hand and tosses it aside.*) And now, sir, out of this house!

SCRATCH: You're a bold man, Mr. Webster. Too bold for your own good, perhaps. And, after all, you know, it wasn't my fiddle. It belonged to the . . . (*To Fiddler.*) Idiot!!! What are you doing with my collection box?

FIDDLER: Boston lawyer, eh? Well I don't think so. I think you've got something in that box of yours you're afraid to show. And by jingo. . . . (*He opens the box. A white moth flutters out. Thunder-clap is heard, as box is opened.*) Why t'aint nothing but a moth.

MARY: A white moth, a flying thing.

WEBSTER: A common moth, Telega polyphemus.

CHORUS: A moth, just a moth, a moth.

FIDDLER: But it ain't no common moth! It's got a death's head on it!

VOICE OF MOTH: Help me, neighbors, help me!

WEBSTER: What's that? It waits like a lost soul.

MARY: A lost soul.

CHORUS: A soul lost in darkness, in the darkness.

VOICE OF MOTH: Help me, neighbors, help me!

FIDDLER: It sounds like Miser Stevens.

JABEZ: Miser Stevens?
MARY: A lost soul lost.

CHORUS: The miser, Miser Stevens.

FIDDLER: It sounds like Miser Stevens, and you had him in your box. But it can't be. He ain't dead.

JABEZ: He ain't dead, I tell you he ain't dead. He was just as spry and mean as a woodchuck, Tuesday.

CHORUS: Miser Stevens, soul of Miser Stevens, but he ain't dead. (*Chimes off stage.*)

SCRATCH: Listen!

MARY: The bell, the church bell that rang for my wedding.

WEBSTER: The church bell, the passing bell.

JABEZ: The funeral bell.

CHORUS: The church bell, the passing bell. Miser Stevens dead.

VOICE OF MOTH: Help me, neighbors, help me! I sold my soul to the devil, but I'm not the first or last. Help me. Help Jabez Stone.

SCRATCH: Ah, would you! (*He claps his hands and catches the moth in his handkerchief and stuffs it back in his pocket.*) . . . got you back again.

VOICE OF MOTH: (*Muffled.*) Lost, all lost.

CHORUS: (*All turn to Jabez.*) Jabez Stone, answer us, answer us, Jabez Stone.

MARY: Tell them dear, answer them, you are good, you are brave, you are innocent.

WEBSTER: Answer them, Mister State Senator.

JABEZ: Who's your friend in black, Jabez Stone? Jabez Stone, where did you get your money, Jabez Stone? Jabez Stone, answer us, answer us!

WOMAN: Help me, neighbors! Help me!

MAN: To the devil! To the devil!

MAN: To the devil! To the devil!

CHORUS: He's sold his soul to the devil! For that he must atone. He may sigh and grieve, he may weep and pray. But the man who has sold his soul away must burn in flame till the Judgment Day! God help you, neighbor Stone!

JABEZ: But neighbors, I didn't know, I didn't mean . . . Oh! Help me!

CHORUS: He's sold his soul to the devil!

SCRATCH: To the devil!

MEN: To the devil!

CHORUS: He's sold his soul to the devil for that he must atone! He has blotted his name with an iron

pen from the Cuddy record of Christian men. And none shall look on his face again! God help you, neighbor Stone! God help you, neighbor Jabez Stone! *(They rush out, noise of moving and overturned chairs. Webster puts his hand on Jabez's head, then goes out slowly.)*

MARY: My dear, my dear.
JABEZ: It's all true, Mary. All true. You must hurry.

JABEZ: Hurry! Hurry! After them, back to the village, to your folks. Mr. Webster will take you, you'll be safe with Mr. Webster. You see, it's all true and he'll be back in a minute, the other one. I've got until twelve, that's the contract. But there isn't much time.

MARY: Are you telling me to run away from you, Mr. Stone?
JABEZ: You don't understand, Mary. It's true.

MARY: We made some promises to each other. Maybe you've forgotten them. But I haven't. I said it's for better or worse. It's for better or worse. I said in sickness or health. Well, that covers the ground, Mr. Stone.

JABEZ: But Mary, I command you, you must. God my God. For this, people shall be my people and thy ways liked the name of Ruth, liked the thought of her. I always thought, I'll call a child Ruth sometime. I guess that was just a girl's notion. But, oh, Jabez, why?

JABEZ: I wanted clothes from a city store, and a big white house with a big front door. I wanted to be State Senator. I worked like time but I had no chance, not even a pair of Sunday pants, and the stones boiled up from the middle of hell in the hazy scabbled fields that I knew so well. You could work all day 'till you broke your bones but the only crop was a crop of stones. The horse got colic, the plow got stuck and the woodchuck ruined the garden truck. Till all I could think of, every night, was fever and ague and bugs and blight and Mary, Mary, back in the town, with her hair put up where it used to be down, grown a woman and walking proud as the wind that walks with the summer cloud, the kind, warm weather, that grows the corn. Well, a man gets tired of it, day on day, and a man gets wishing he wasn't born, and a man talks wild, when he feels that way.

MARY: If you'd only said, if you'd only said! You must have thought me a featherhead! If you'd only told, if you'd only told! I'd have kept your house in the mire and cold. I'd have asked no more, I'd have asked no more. I'd have fed the chickens and stroked the cat and seen you wipe your shoes on the mat. I wouldn't have asked for more than that!

JABEZ: Well, that was a day just like any day, a kind of average you might say, but a mean east wind and a mean small rain and the only cow gone dry again. I stubbed my toe on a broken stick I said it then, and I said it quick, "I'd sell my soul for about two cents!" It was my offence! It was my offence! Said it and meant it, Mary, too. But I didn't mean it to come true. But that was the trouble. He came that night. Very polite, yes, very polite! Slick as a whistle, I guess you'd say, though the dog looked at him and ran away. And I pricked my thumb with a silver pin and I signed the paper and did the wrong and I knew in my heart it was mortal sin, but I'd waited long, oh, I'd waited long! And it's all come true, yes it's all come true. I've got the riches and married you, and, oh God Almighty, what shall I do?

MARY: You can't lose him on the mountainside. Miser JABEZ: You can't lose him on the mountainside. Miser Stevens I think he tried.

MARY: Let us pray, let us pray that we shall not part! JABEZ: I'd pray if I could, but I can't start, for there's something burning about my heart.

MARY: But you must not go, you must not go! I say that I will not have it so, I'll get the judge from the county town.

JABEZ: Who'll face the devil and do him brown? There isn't a lawyer known to man! *(Webster appears in the doorway.)*

JABEZ: Good evening neighbors! Perhaps I can! MARY: Mr. Webster!
JABEZ: Dan! Webster! But I thought. . . .
JABEZ: You'll excuse me for leaving you for a moment. I was just taking a stroll on the porch, in the cool of the evening. Fine summer evening too.

JABEZ: Well, it might be, I guess, but that kind of depends on the circumstances.

WEBSTER: H'm. . . yes, I happened to overhear a little of your conversation. I gather you're in trouble, neighbor Stone.

JABEZ: Sure trouble.

WEBSTER: Sort of law case, I understand.

JABEZ: You might call it that, Mr. Webster. Kind of a mortgage case, in a way.

MARY: Oh! Jabez!

WEBSTER: Mortgage case. Well, I don't generally plead now, except before the Supreme Court, but this case of yours presents some very unusual features and I never deserted a neighbor in trouble yet. So if I can be of any assistance.

MARY: Oh Mr. Webster, will you help him out?

JABEZ: It's a terrible lot to ask, Mr. Webster. But, well, you see, there's Mary. And, if you could see your way to it. . . .

WEBSTER: I will.

MARY: Oh, Mr. Webster! *(She weeps.)* Mr. Webster!

WEBSTER: There, there, Mrs. Stone. After all, if two New Hampshiremen aren't a match for the devil, we might just as well give the country back to the Indians. When is he coming, Jabez?

JABEZ: The time is getting late.

WEBSTER: Then I'd better refresh my memory. The . . . er. . . mortgage was for a definite term of years.

JABEZ: Ten years.

WEBSTER: And it falls due?

JABEZ: Tonight. Oh I can't see how I came to be such a fool!

WEBSTER: No use crying over spilt milk, Stone. We've got to get you out of it, now. But tell me one thing. Did you sign this precious document of your own free will?

JABEZ: Yes, it was own free will, I can't deny that.

WEBSTER: H'm, that's a trifle unfortunate. But we'll see.

MARY: Oh, Mr. Webster, can you save him? Can you?

WEBSTER: I shall do my best, madam. That's all you can ever say, till you've seen what the jury looks like.

MARY: But, even you, Mr. Webster. . . oh, I know you're Secretary of State, I know you're a great man, but it's different fighting the devil!

WEBSTER: Have you ever seen my farm at Marshfield, madam?

MARY: No, sir.

WEBSTER: Well, it's a pretty place, even if I do say so myself. I've got a ram, Goliath. He was raised on Marshfield grain. He's got horns like a morning glory vine and he butts like a railroad train. I've got a ram, Goliath, named for the Philistine. And I wrestle him every Tuesday night, with these two hands of mine. I've got a bull, King Stephen, a bull with a rolling eye. When he stamps his foot, the stars come out and the lightning blinks in the sky. I've got a bull, King Stephen, with a kick like a cannon ball. But he acts like a sucking turtle dove when I go into his stall. I'm not an idle boaster. Let this be said of me. I was born in old New Hampshire and I always fought for the free.

They know about Daniel Webster wherever the eagle flies, and they know he stands for the Union and doesn't stand for lies. Ask at the workmen's cottage, ask at the farmer's gate! They know about Daniel Webster, the pride of the Granite State. They know about Daniel Webster as only neighbors can. And he'll fight ten thousand devils to save a New Hampshire man! And he'll fight ten thousand devils to save a New Hampshire man!

JABEZ: You hear, Mary? Mr. Webster. But, oh there must be some way I can help!

MARY: Yes, and I trust Mr. Webster. But, oh there must be some way I can help!

WEBSTER: There is one, madam. . . and a hard one. As Mr. Stone's counsel, I must formally request your withdrawal.

MARY: No.

WEBSTER: Madam, think for a moment. You cannot help Mr. Stone. . . since you are his wife, your testimony would be prejudiced, and frankly, madam, in a very few moments, this is going to be no place for a lady.

MARY: But I can't, I can't leave him, I can't bear it.

WEBSTER: You must go, Mary, you must.

JABEZ: Pray madam, you can help us with your prayers. Are the prayers of the innocent unavailing?

MARY: Oh, I'll pray, I'll pray. But a woman's more than a praying machine, whatever men think. And how do I know?

WEBSTER: Trust me, Mrs. Stone. *(He supports her to the door.)*

MARY: Now may there be a blessing and a light betwixt thee and me, forever. For as Ruth unto

9

10

Neomi, so do I cleave unto thee. Set me as a seal upon thy heart, as a seal upon thine arm, for love is strong as death, Many waters cannot quench love, neither can the floods drown it. As I cluth unto Neomi, so do I cleave unto thee. The Lord watch between thee and me when we are absent one from another. Amen, amen.

WEBSTER: *(Whispering.)* Mr. Webster, for God's sake, Mr. Webster has set your horses and get away from this place as fast as you can.

WEBSTER: *(Pleadingly.)* You've brought me a long way, neighbor, to tell me you don't like my company. JABEZ: I've brought you a devilish way and now I see my folly. Let him claw into me if he wants to, but he musn't get you. Mr. Webster, he musn't get you!

WEBSTER: I'm obliged to you, neighbor Stone, it's kindly thought of. But there's a jug on the table and a case in hand. And I never left a jug or a case half-finished in my life. *(Knock at the door. Jabez gives a cry.)* Ah, I thought your clock was a trifle slow, neighbor Stone, come in! *(Scratch enters.)*

[1] SCRATCH: Ah, Mr. Webster this is a pleasure! WEBSTER: Attorney of record for Jabez Stone. Might I ask your name?

SCRATCH: I've gone by a good many. Perhaps Scratch will do for the evening. *(He sits at the table and pours a drink from the jug. The liquor steams as it pours into the glass while Jabez watches, terrified.)* And, now, I call upon you, as a law-abiding citizen, to assist me in taking possession of my property.

WEBSTER: Not so fast, Mr. Scratch. Produce your evidence, if you have it. SCRATCH: *(Scratch takes out a black notebook and examines papers.)* Slattery, Stanley, Stone. *(Takes out a deed.)* There, Mr. Webster. All open and aboveboard and in due legal form. Our firm has its reputation to consider, we only deal in the one way.

WEBSTER: *(Taking deed and looking it over.)* H'm . . . this appears, I say it appears, to be properly drawn, but this precious document isn't worth the paper it's written on. The law permits no traffic in human flesh.

SCRATCH: Oh, my dear Mr. Webster! Courts in every state in the Union have held that human flesh

is property and recoverable. Read your Fugitive Slave Act. Or shall I cite Brander versus McKae? WEBSTER: *(Unwillingly.)* You seem to have an acquaintance with the law, sir.

SCRATCH: Sir, that is no fault of mine. Where I come from, we have always gotten the pick of the Bar.

WEBSTER: *(Changing his note, heartily.)* Well, come now, sir, surely we can settle this little difficulty out of court. My client is quite prepared to offer a compromise. *(Scratch smiles.)* A very substantial *(shaking his head)* Damn it, man, we offer ten thousand dollars! *(Scratch sighs, "No.")* Twenty thousand, thirty, name your figure! I'll raise it if I have to mortgage Marshfield!

SCRATCH: Quite needless, Mr. Webster. There is only one thing I want from you, the execution of my contract.

WEBSTER: Then I stand on the Constitution! I demand a trial for my client.

SCRATCH: The case is hardly one for an ordinary jury, and, indeed, the lateness of the hour.

WEBSTER: Let it be any court you choose, so it is an American judge and an American jury. Let it be the quick of the dead. I'll abide the issue.

SCRATCH: You have said it. *(He points his finger at the place where the jury is to appear. There is a clap of thunder, lights blink. As he recites his incantation the light in the jury box gradually grows stronger and the ghost-like figures of the jurymen are seen seated there.)*

JABEZ: In God's name, who are these?

[2] SCRATCH: I summon the jury. Mister Webster demands. From churchyard mould and gallows grave, brimstone pit and burning gulf, I summon them! Dastard, liar, scoundrel, knave, I summon them! Appear! There is Simon Girty, the renegade, the haunter of the forest glade, who joined with Indian and the wolf to fight the pioneer. The blood upon his hunting shirt is not the blood of a deer. There's Walter Butler, the Loyalist who carried a fire brand in his fist of massacre and shame. King Philip's eye is wild and bright, they slew him in the great swamp fight, but still with terror and affront the land recalls his name. Blackbeard Teach, the pirate fell. Smoked the stranger, hot from hell. Dace, who broke men on the wheel. Morton of the tarnished steel, I summon them, I summon them from their

tormented flame! Quick or dead, quick or dead, broken heart and bitter head, true Americans, each one, traitor and disloyal son, cankered earth and twisted tree, outcasts of eternity, twelve great sinners, tried and true for the work they are to do! I summon them! I summon them! Appear, appear, appear!

JABEZ: A jury of the dead!

JURY: Of the dead!

JABEZ: A jury of the damned!

JURY: Of the damned!

SCRATCH: Are you content with the jury, Mr. Webster?

WEBSTER: Quite content. Though I miss General Arnold from the company.

SCRATCH: Benedict Arnold is engaged upon other business. Ah, you asked for a justice . . . I believe. *(Justice Hawthorne enters.)* Justice Hawthorne is a jurist of experience. He presided at the Salem Witch trials. There were others who repented of the business later. But not he, not he!

HAWTHORNE: Repent of such notable wonders and undertakings? Nay, hang them, hang them all!

CLERK: *(Oyez, oyez, oyez.)* All ye who have business with this court of special session, this night, come forward!

HAWTHORNE: Call the first case. CLERK: The World, the Flesh and the Devil versus

HAWTHORNE: Who appears for the plaintiff? SCRATCH: I, Your Honor.

HAWTHORNE: And for the defendant? WEBSTER: I.

JURY: The case, the case, he'll have little luck with this case. HAWTHORNE: The case will proceed.

WEBSTER: Your Honor, I move to dismiss the case on the grounds of improper jurisdiction.

HAWTHORNE: Motion denied.

WEBSTER: On the grounds of insufficient evidence.

HAWTHORNE: Motion denied.

JURY: Motion denied, denied, motion denied.

WEBSTER: I'll take an exception.

HAWTHORNE: There are no exceptions in this court. JURY: No exceptions, no exceptions in this court. It's a bad case Daniel Webster, a losing case.

WEBSTER: Your Honor. . . .

HAWTHORNE: The prosecution will proceed. SCRATCH: Your Honor, Gentlemen of the Jury. This is a plain, straight-forward case. It need not detain us long. It will not detain us long.

JURY: *(In unison.)* It will not detain us long. SCRATCH: Consider as one thing alone, the transfer-ence, partner-ship, and sale of a certain piece of property Co. wit, his soul, by Jabez Stone, farmer, of Cross Corners, New Hampshire. That transference, bar-ter, sale is attested by a deed. I offer that deed in evidence and mark it Exhibit A.

WEBSTER: I object.

HAWTHORNE: Objection denied. Mark it Exhibit A.

JURY: Mark it Exhibit A, Exhibit A, *(Jury examines the deed.)*

SCRATCH: This deed, as you see, is properly drawn up and witnessed.

JURY: We know the deed, the deed, it burns our fingers, we do not have to see the deed. It's a losing case.

SCRATCH: It offers incontestable evidence of the truth of the prosecution's claim. I shall now call Jabez Stone to the witness stand.

CLERK: Jabez Stone to the witness stand.

JURY: Jabez Stone to the witness stand. Jabez Stone he's a fine, fat fellow, Jabez Stone. He'll fry like a batter cake once we get him where we want him.

WEBSTER: Your Honor, I move that this jury be discharged for flagrant and open bias!

HAWTHORNE: Motion denied.

WEBSTER: Exception.

HAWTHORNE: Exception denied.

JURY: Denied, denied, his motion's always denied.

WEBSTER: Your Honor!

JURY: Jabez Stone, Jabez Stone. *(Jabez very scared, takes the witness stand.)*

CLERK: Do you solemnly swear, testify, and it's no good for we don't care what you testify.

JABEZ: I do.

SCRATCH: What's your name? JABEZ: Jabez Stone.

SCRATCH: Occupation? JABEZ: Farmer.

SCRATCH: Residence? JABEZ: Cross Corners, New Hampshire.

JURY: A farmer, he'll farm in hell, we'll see that he farms in hell.

SCRATCH: Now, Jabez Stone, answer me, you'd better

know you haven't got a chance and there'll be a place by the fire for you.

WEBSTER: I protest! This is intimidation! This is blackmail!

HAWTHORNE: The protest is irrelevant, incompetent and immaterial. We have our own justice, the protest is denied.

JURY: Irrelevant, incompetent and immaterial, we have our own justice. Oh-ho Daniel Webster.

SCRATCH: Did you or did you not sign this document? JABEZ: Oh, I signed it! You know I signed it. And, if I have to go to hell for it, I'll go!

JURY: One of us, one of us now, we'll save a place by the fire for you, Jabez Stone.

SCRATCH: The prosecution resigns.

HAWTHORNE: Remove the prisoner.

WEBSTER: But I wish to cross-examine, I wish to prove. . . .

HAWTHORNE: There will be no cross-examination. We have our justice. You may speak, if you like, but be brief.

JURY: Brief, be very brief, we're weary of earth, incompetent, irrelevant and immaterial. They say he's a smart man Webster, but he's lost his case tonight. Be brief, be very brief, we have our own justice here.

MARY: (*Offstage.*) Set me as a seal upon thy heart, as a seal upon thine arm. . . .

JURY: A seal, ha, ha, a burning seal.

MARY: For love. . . .

JURY: Ha, ha, ha, a burning seal.

MARY: Is strong as death. Love is strong.

JURY: Death is stronger than love. Set the seal upon Daniel Webster, the burning seal of the lost, make him one of us, one of the damned, one with Jabez Stone. (*The clerk advances upon Webster as if to take him into custody.*)

JURY: Sit!

WEBSTER: Be still! I was going to thunder and roar. I shall not do that. I was going to denounce and I shall not do that. You have judged this man already with your abominable justice. See that you defend it. For I shall not speak of this man, you are demons now, but once you were men. I shall speak to every one of you. Oh common things I speak, of small things and common. The freshness of morning to the young, the taste of food to the hungry, the day's toil, the rest by

the fire, the quiet sleep. These are good things. But without freedom they sticken without freedom they are nothing. Freedom is the bread and the morning and the bright sun. It was for freedom we came in the boats and in the ships. It was for freedom we came. It has been a long journey, a hard one, a bitter one. But out of the wrong and right, the sufferings and the starvations, there is a new thing, a free thing. The traitors in their treachery, the wise in their wisdom, the valiant in their courage, all, all have played a part. It may not be denied in hell nor shall hell prevail against it. Have you forgotten this? Have you forgotten the forest?

GIRTY: The forest, the rustle of the forest, the free forest.

WEBSTER: Have you forgotten your lost nation?

KING PHILIP: My lost nation, my fires in the wood, my warriors.

WEBSTER: Have you forgotten the sea and the way of ships.

TEACH: The sea, and the swift ships sailing the blue sea.

JURY: Forgotten, remembered, forgotten yet remembered.

WEBSTER: You were men once, have you forgotten? JURY: Men once, men once, we were men once. We had not thought of it not remembered but we were men.

WEBSTER: Now here is a man with good and evil in his heart. Do you know him? He is your brother; will you take the law of the oppressor and bind him down? It is not for him that I speak. It is for all of you. There is a seal in his hand and But it is a proud thing, so. There is a seal of manly kind. We are tracked and trapped, we stumble into the pit, out of the pit, we rise again. No demon that we ever foiled can know the inward, broken freedom with their hands and cast her out from the nations, yet shall she live again while man lives. She shall live in the blood and in the heart, she shall live in the earth of this country. She shall not be named in vain. When the whips of the oppressors are broken and their names forgotten and destroyed, I see you, mighty, shining, liberty, liberty! I see free men walking and

15 talking under a free star! God save the United States and the men who have made her free.

JURY: We were men, we were free, we have not forgotten. Our children shall follow and be free.

WEBSTER: The defense rests.

HAWTHORNE: (*Rapping with gavel.*) The jury will retire to consider its verdict.

BUTLER: (*Rising.*) The jury has considered its verdict. We find for the defendant, Jabez Stone.

SCRATCH: (*Protesting.*) Your Honor!

BUTLER: Perhaps 'tis not strictly in accordance with the evidence. But even the damned may salute the eloquence of Mr. Webster. (*A trumpet call like the cry of a cock. Judge, Clerk, and Jury vanish. Mary appears in the doorway.*)

JABEZ: They're gone, and it's morning! Mary!

MARY: I'm here and I'm waiting. (*They rush together.*)

JABEZ: Mary, Mary, I have you in my arms. I have you in my heart, forever, for the winters and the summers in my heart, forever in my heart, the glad days, rejoicing in our love. Our love, our strong harvest, to the light beyond, light to the light everlasting, forever.

MARY: I have you in my arms. I have you in my heart, forever, for the winters and the summers, the sorrow and the gladness, the proud days, our love, our rejoicing, our love, our rejoicing, forever.

WEBSTER: But I'll have the dead and I'll have you! SCRATCH: Come, sir, let me go! Ouch, sir, let me go!

WEBSTER: I'll have you hide and tallow, too. . . . SCRATCH: Ouch, let me go! Let me go! Ouch, ouch!

WEBSTER: You've settled accounts with Jabez, let him be! But you haven't settled accounts with neighbors! And now we'll give you a shivaree! Neighbors! Neighbors!

SCRATCH: Oh sir, no sir! Oh sir, no sir!

MARY AND JABEZ: Neighbors, neighbors!

WEBSTER: Come on and see what sort of a shab-sided lantern jested, fortune telling note shaver I've got by the scruff of the neck! Bring on your kettles and your pans!

MARY AND JABEZ: Neighbors, neighbors! Neighbors all.

WEBSTER: Bring on your fiddles and your palm leaf fans!

MARY, JABEZ AND WEBSTER: For the devil's sly and the devil's tough, but we've seen his cards and we've called his bluff. . . .

WEBSTER: And now, we'll make him holler enough!

MARY, JABEZ AND WEBSTER: Drive him out!

WEBSTER: Out of New Hampshire.

MARY, JABEZ AND WEBSTER: Neighbors, drive him out! (*The neighbors rush in, beating pans, firing guns, making the hideous, merry racket of a shivaree. They swing Mr. Scratch into a sort of Virginia Reel, ending up in his running a gauntlet through whacking pans.*)

CHORUS: We'll drive him out of New Hampshire! We'll drive old Scratch away! He can call on Lowells and Saltonstalls, but he can't come here for his codfish balls! We'll drive him out of New Hampshire, and balk him of his prey! We'll drive him out of New Hampshire, we'll drive old Scratch away. I don't say about Massachusetts, Vermont. I do not say, but he can't come here for his holidays. We're on to the devil and his ways, and we'll drive him out of New Hampshire, we'll drive old Scratch away! Forever and a day, we'll drive old Scratch away! Pie for breakfast, pie! Pie for breakfast, pie! Apple, pumpkin, mince and raisin!

MARY: As Ruth to Naomi so cleave I to thy side.

CHORUS: Blueberry, cranb'ry, squash and lemon pie for breakfast, pie!

JABEZ: The mountain and the pine, the harvest and the corn.

MARY: As Esther the lowly to kings in their pride, I cleave to thee, to thee.

JABEZ: The corn, the fiddler and the dance. The bridegroom and the bride, and the bride. The bridegroom and the bride.

WEBSTER: I've got a ram, Goliath, he can butt through an iron door, but he acts like a sucking turtle dove when I go into his stall.

CHORUS: Apple, raisin, lemon, mince for breakfast, apple, pumpkin, mince and raisin, blueberry, cranb'ry, squash and lemon pie. Pie for breakfast, pie for breakfast, pie! New England's pride. New England's pride.