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The Affray: Lincoln's Last Murder Trial

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THE AFFRAY: LINCOLN'S LAST MURDER CASE

a play in six scenes

by

Jared Brown and Robert Bray

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THE AFFRAY: LINCOLN'S LAST MURDER CASE was originally produced in Bloomington, IL by the
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***THE AFFRAY: LINCOLN'S LAST MURDER CASE* was produced by the McLean County Museum of History in partnership with Judy Brown, producer/general manager/artistic director of Illinois Voices Theatre, a member unit of the Illinois Theatre Consortium, July 15, 16, 17, 2011 in the historic courtroom of the McLean County Museum of History, Bloomington, IL. The Play was directed by Jared Brown. The cast was as follows:**

Elizabeth Crafton, sister of Quinn Harrison & sister-in-law of Greek Crafton. Kate Rozycki
Peachy Quinn Harrison, killer of Greek Crafton Jeff S. Ready II
Greek Crafton, tormentor of Quinn Harrison David Krostal
John Crafton, brother of Greek Crafton John Fischer
Frederick Henry (doubles as the Court Clerk), friend of Quinn Harrison. . . . Nick McBurney
Benjamin Short, store owner Kevin Woodard
Abraham Lincoln, attorney for the defense John Michael Bowen
Peter Cartwright, witness for the defense & grandfather of the defendant David Flanders
Court Clerk (doubles as Frederick Henry), Nick McBurney
E. J. Rice, trial judge James Keeran
John Palmer, attorney for the prosecution Todd Wineburner

SCENE: Many places in Illinois

TIME: just before 1860

SYNOPSIS

Scene I: Eliza's Monologue – The sister of the accused and sister-in-law of the victim, Eliza Crafton sets the stage for the trial

Scene II: The Quarrel – A country road where Quinn Harrison and Greek Crafton meet on their way to a 4th of July picnic, and the flames of their old quarrel arise again

Scene III: The Knifing – At the picnic, Greek Crafton and his brother seek Quinn Harrison out with the intent to harm him, and things spiral out of control

Scene IV: Eliza Hires Lincoln – Eliza Crafton hires Abraham Lincoln to defend her brother Quinn Harrison for the murder of Greek Crafton

Scene V: Lincoln Calls on Cartwright – Abraham Lincoln calls on his old rival Peter Cartwright to ask him to testify at the trial

Scene VI: The Trial – Abraham Lincoln defends Quinn Harrison for the murder of Greek Crafton

SCENE ONE

Eliza's Monologue

(We're in the courtroom. All the major players are frozen in place – with Benjamin Short in the witness box – as the narrator, Elizabeth Cartwright Harrison Crafton, speaks directly to the audience)

ELIZABETH (NARRATOR)

Abraham Lincoln's last murder trial. Lincoln for the defense. The trial began in Springfield on August 31st, 1859 and ended on September 3rd. A speedy trial – certainly. A trial that culminated with a verdict that we can look on and say, with confidence, that it was justified? That's for you to determine. We'll show you what happened and how Lincoln dealt with it, and you can come to your own conclusion. That's Lincoln over there (*Lincoln is looking at a law book*), checking out a point of law. His adversary – there – is John M. Palmer, counsel for the prosecution and Republican candidate for Congress. (*Pointing to the judge*) That, of course, is the Judge, the honorable E. J. Rice – honorable, but not exactly the sharpest tack in the box. Here's the defendant. His name is a peculiar one: Peachy Quinn Harrison. His friends called him Quinn, but, as you'll see, the man he's accused of killing insisted on calling him Peachy. And who am I? Well, I'm Eliza Cartwright Harrison Crafton – Quinn Harrison's sister – *and* the sister-in-law of the man who was killed by Quinn, Greek Crafton. So I guess I could have given valuable testimony, but (*sarcastically*) I'm only a woman, after all, so nobody ever called me to the stand. But I can speak to you now that the trial's over. Let's begin by looking at the moment just before Greek was killed. Gentlemen, take your places, please. (*Greek Crafton and John Crafton enter and Quinn and Benjamin Short move into place. This is what we see: a tableau in which Quinn holds on to the railing that separates the audience from the actors. He is, in fact, holding on for dear life. Greek holds on to Quinn with his fist upraised, about to strike Quinn. Short is holding Greek, trying to pull him off Quinn. John Crafton, Greek's brother, is holding Short, trying to pull him away from Greek. There is no movement, until Elizabeth says*) Now, Quinn reaches for his knife and he STRIKES! (*The tableau comes to life, but in slow motion. Quinn removes a knife from his jacket pocket and stabs it between two of Greek's ribs; then he takes it out and brandishes it toward John Crafton, gashing John's left arm. Greek sinks to the floor; the others stand back from him, forming a semi-circle, breathing heavily. Elizabeth continues, as they maintain their positions.*) Did everyone see what happened? If not, you'll have an opportunity to see it again. Oh, yes, Quinn killed Greek, no doubt about that. But why? What drove him to do it? And could Abraham Lincoln manage to persuade the jury that my brother was innocent of murder, as the prosecution contended? Gentlemen, you may retire – offstage left. (*The men all go off left, and Elizabeth again speaks to the audience*) We're no longer in a courtroom now. What you're about to see takes place at a crossroads in the country. It's mid-morning as Quinn and his friend, Frederick Henry, are taking a leisurely stroll, on their way to a 4th of July picnic at Clary's Grove – but now, sneaking up behind them are Greek Crafton and his brother John.

SCENE TWO

The Quarrel

A meeting at a cross roads in the country. Mid-morning. Peachy Quinn Harrison (PQH) and a friend, Frederick Henry (FH) are walking along a country road, on their way to a 4th of July picnic at Clary's Grove. At a crossroads they encounter Greek Crafton (GC) and his brother John (JC), headed to the picnic as well. Greek, carrying a whiskey jug, has already been drinking and is sullen but not yet drunk. As there is an old quarrel between the Harrisons and Craftons, lately renewed, the meeting at the crossroads begins coolly but soon grows warm and finally hot.

GC: Hey, Peachy!

PQH: (*neutrally, perhaps just an edge*) Mornin', Greek, – say, have you seen my brother Peter? He's supposed to come along to the picnic with me and Fred, but weren't home by the time we left.

GC: He stole a march on you, *Peachy*.

PQH: Don't call me . . .

GC: He's already down to our place, took the wagon, goin' to round up some ladies for the picnic.

PQH: Don't call me Peachy! Yuh know I'd druther be called Quinn.

GC: Sure, *Peachy*. But concernin' your brother, Pete, I hear you been on him 'bout the company he keeps. . . namely, mine.

PQH: Well. . .

GC: Look, *Peachy* Quinn Harrison, never liked you and never will.

PQH: I ain't quarrelin' with you, Greek. Not today.

GC: (*with a mocking laugh*) Or *any* day! *You* quarrel with *me*. . . (*draws it out with emphasis*) *Peachy*? If there's to be a fight, I'll start it and I'll finish it. That's the way us Craftons handle Harrisons: we *break* you. . . (*turns to John*) though it wouldn't take much: this one looks like he'd snap off the family tree like a dead twig in a winter wind (*both brothers laugh*).

PQH: (*growing angry but still in control of himself*) Big talk, Greek. Whiskey talk, by the look and sound of it. All I wanted to know was where my brother was at and you started in. . . .

GC: (*makes a mock-offer of the jug to Quinn, then takes a swig*) Yeah, and I'm keepin' on. As for Pete, why, I'm just showin' him the ropes—gals an' all, you know—how to git 'em, how to fit 'em and how to quit 'em. It's the Crafton way, tried and true. And I must say, young Peter's coming along purty well—kinda slow to go, though, like with all you Harrison boys. Makes me wonder, sometimes. . . .

JC: (*grabs Greek's free arm*) Christ sake, Greek, shut it down, will you? We don't want no trouble, leastwise not here and now.

FH: (*attempting to soothe things*) Listen to your brother, Greek. Ain't no time nor place for a quarrel.

GC: (*drinks slowly, then speaks deliberately*) Don't agree there, Fred. Maybe I *want* to quarrel. Right here. (*puffs up*) And it's a great day for it. Independence Day. . . and I feel FREE! (*dancing, then menacingly toward Quinn*)

PQH: (*angry now, and supercilious, but afraid underneath; becomes almost hysterical*) At this rate, you'll be dead drunk by picnic time, Greek! You're corruptin' an innocent boy and crowin' about it! You disgust me! You're *nothin'*, you hear me!? NOTHIN'!

GC: (*challengingly, with plenty of sarcasm*) Oh? Then just watch this 'nothin' do somethin'. . . to you you won't forget. . . (*moves toward Quinn*). You're just a momma's boy, Harrison, a pimple-faced pansy. . . *Peachy Quinn Harrison*. . . *peach-fuzz* is all you'll ever be able to grow!

PQH: (*makes to start toward Greek*) You damned son-of-a-bitch!

FH: (*holding Quinn back*) You, Crafton. Shut your trap! You know what you're sayin' 'gainst Quinn ain't fair. He's sickly these days, that's all. Can't hardly look after himself. So just pipe down. You and John go your way and we'll ours. And for God's sake try to leave the jug alone before yuh spoil everybody's holiday.

GC: Hah, hah, hah, hah hah. . . The very notion of *you* tellin' *me* my business. . . . (*laughs some more*) Why, Fred, you're 'bout as feeble a man as pasty peach-fuzz there.

FH: That's as may be, Crafton—but it ain't me you got a quarrel with, so stop your sneerin'!

GC: (*continues laughing, almost to himself*) A pair of pansies.

JC: I said that's enough, Greek! (*aside to his brother*) More than trouble, you're makin' a fool of yourself.

GC: (*spurning him*) Whose side you on, anyway, little brother? (*takes off his jacket and moves toward Quinn & Fred*) Let's have it out right here and now! (*gets in Quinn's face; Henry moves aside and toward John*)

PQH: (*upset and scared, backing away*) I don't want to fight. . . I can't fight. (*more forcefully*) But I'll shoot you if you touch me!

(*here Fred & John move apart from Quinn & Greek, eyeing one another anxiously*)

GC: (*tauntingly*) YOU shoot ME? What with, a little pop-gun like the one you got? Or try to stab me with that whittlin' knife you make your dolls with? (*with his right hand grabs Quinn by his lapels*) Go ahead, get your gun and your knife: that's about the difference between us. I'll shake 'em right out of your pantlegs onto the ground (*makes a show of shaking him; Quinn struggles to get free but can't*) See, Peachy, I could wring your puny neck with this one hand and take a dram from the jug with the other! But I won't. Wring your neck, I mean (*pushes Quinn away rudely, sips whiskey, then turns his back*).

PQH: (*recovering a bit but still shaking with fear and rage*) You ever so much as touch me again and I'll kill you, Greek Crafton! I will. That's a promise. I'll gut you like a dog!

FH: (*aside to Quinn*) Let's get going. . . before you get him goin' again. . . . (*Quinn, still shaking, looks silently at Greek's back*)

GC: (*continuing with his back to Quinn; his speech moves from threatening to reflective, as if the whiskey finally turns Greek's thoughts inward toward soliloquy; but now he's drunk enough not to make much sense*) 'Touch me'—that what you call it when you do it, Peachy? Well, don't worry. Our time for *touchin'* will come. And soon. Bet on it.

JC: (*who has moved toward his brother during this speech, as Fred toward Quinn, shaking him*) Greek: snap out of it! (*then, with just the ghost of irony, to Fred & Quinn*) Boys, good mornin' to you. See you again over to the Grove (*exits leading a subdued Greek*).

PQH: (*stops halfway off stage; disengages from Fred and, near tears, makes a helpless gesture, indicating a revulsion of feeling*).

SCENE THREE

The Knifing

ELIZA CRAFTON: The 4th of July picnic in the grove actually turned out to be peaceful and lovely. The Harrisons and Craftons kept well shy of one another—there was plenty of room for both clans to have their space. I made the rounds of the picnic by myself, eyes and ears open for gossip. Of course talk got around about the quarrel at the crossroads, and there was a lot of tsk-tsking about Quinn and Greek. Most folks seemed to think it was just boys being boys, but you could tell that some of the picnickers were real excited about how the old family feud might break out again in earnest—some real violence and blood instead of just wrestling and boxing for fun. I saw Quinn a couple of times that afternoon. He worried me. Never really calmed down, roamed here and there with high-strung nervous energy, babbling about getting a knife and that Greek better watch out, and so on. For his part, Greek spent a lot of time talking with his father and brothers. I didn't know what about, then, but two weeks later it became clear that on the Fourth of July, 1859, old man Crafton had declared a vendetta. So let's see what happened at Benjamin Short's drug store, there in Pleasant Plains, on July 16th.

(Saturday, July 16, 1859, at about 8:30am, Short's Drug Store, Pleasant Plains IL. Greek Crafton (GC) and his brother, John (JC), have come to town, Greek with the avowed intention to 'whip' Peachy Quinn Harrison (PQH). JC enters the store first and, silently acknowledging the proprietor, Benjamin Short (BS), moves to the far end of the long counter, leans against it. Short sits reading a newspaper, paying little attention to John. Now Greek enters)

BENJAMIN SHORT: *(looking up from his paper)* Yer early this morning.

GREEK CRAFTON: *(in a monotonous voice, as if entranced)* Yes, I wanted to start when it was cool and have the cool time for it.

BS: *(puzzled)* Cool time for what?

GC: *(as if he hasn't heard)* Yes, the cool time for it. I allow to whip Quinn Harrison today.

BS: *(now somewhat apprehensive)* What's this all about, Greek?

GC: It's none of yer business.

BS: Maybe not, son. But this *is* my business—my *place* of business, and I'll not have any fightin'! If that's what you Craftons are here for, you can forget it right now and get out of my store! Let me give you a little piece of advice —

GC: When he comes through that door, I'm goin' to do it. I have it from Pa to do it.

JOHN CRAFTON: That's right, Short. We have it from Pa to do it.

BS: Damn it, boys, I said I won't stand it! Take yourselves somewhere's else to do your brawlin'. Better yet, go on home! In any case, there'll be no Crafton-Harrison feud on my premises!

GC: When he comes in, I'm goin' to do it. Pa said to do it.

JC: Yes. . . .

BS: *(underneath)* Then I guess I'll have to send for the sheriff.

PEACHY QUINN HARRISON: *(entering, does not see Greek, who takes off his coat and hat, preparing to fight)* Mornin', Mr. Short.

BS: Crazy Crafton clan, anyway.

PQH: May I have a look at your paper?

BS: Well, I s'pose – but what's this I hear about you carryin' a knife, Quinn?

(Quinn takes the knife out of his pocket and shows it to Short, then puts it back in his pocket. Just as Quinn starts to reach for the paper, Greek steps up and grabs him from behind by the shirt collar) What the. . . who's . . . ?! *(turns his head to see Greek)* Greek! Lemme go! Yuh know I don't want to fight you!

GC: But now I've got you cornered, *Peachy*, and I'm goin' to whip you right here. I have it from Pa to do it. Hey, John! Come over here and pin his arms so I can have my first clear punch! *(grabs Quinn's arms)*

BS: *(sternly)* Let him go, John! I told you I won't have a fight in my store!

JC: *(roughly pushing Short aside)* Let them fight, Short! Greek *should* whip him! *(moves to grasp Quinn in a bear hug but Short heads him off)*

PQH: *(freeing a hand from Greek's hold, he grabs the rail of the counter)* For God's sake, Mr. Short, help me! I can't fight them both!

(We see the following: Quinn holding onto the rail for dear life; John now holding Quinn around his arms and chest; Short holding Greek, trying to pull him off Quinn. In this wise they move slowly toward the far end of the counter.)

JC: Do him now, Greek! Finish him off right now!

PQH: *(now feeling cornered by the Crafton brothers)* Jesus Christ, have I no friends here!? *(takes a blow from Greek, but gets his right arm free and goes for his knife; turning back to his left, PQH puts the blade between two of GC's ribs, all four inches of*

it to the hilt; then takes it out and brandishes it toward John in a wild swing that gashes John's left arm)

JC: The son of a bitch has cut me! Watch out, Greek!

GC: *(stupefied)* It's too late for that! I'm stabbed!

(Greek sinks to the floor against the counter; the others stand back from him, in a semi-circle, chests heaving but with nothing to say.)

PQH: Oh, my God! *(He runs out of the store)*

SCENE FOUR

Eliza Hires Lincoln

ELIZA CRAFTON (*to the audience*): Greek died two days later. My brother Quinn, afraid that he would be indicted for murder, went into hiding. I never did know where, because Quinn wouldn't tell anyone, not even his little sister. While he was gone, folks around Springfield couldn't talk about anything but the affray. At first they seemed split on whether or not murder had been done, but after Quinn ran away, public opinion took a definite shape: people said that Quinn wouldn't have run away if he hadn't murdered Greek. Of course, John Crafton's stories about what "really happened" – he said that Quinn had intended to kill Greek from the very beginning – didn't help Quinn in the eyes of the public. Finally, though, about two weeks after he ran away, Quinn returned from wherever he'd been hiding, and, as the police said, he "voluntarily surrendered." I knew that he'd need a good lawyer, so I determined to hire the best attorney in all of Springfield: Abraham Lincoln, whose reputation was well established throughout Illinois. Mr. Lincoln had served a term in Congress and had run – although, true, it was an unsuccessful run – for the Senate. I called on him as soon as he could see me.

(*Elizabeth crosses to Lincon's "office," where he is seated, knocks on the "door".*)

EC: Mr. Lincoln. I have an appointment.

ABRAHAM LINCOLN: (*Looking at a law book*) It's Mrs. Crafton, isn't it? Please, come in. Now, let me see. You're married to William Crafton, I believe – the brother of Greek and John Crafton, is that right?

EC: Yes, sir, but I'm also the sister of Quinn Harrison.

AL: Well, my goodness. You're certainly in the middle of everything, aren't you?

EC: That's true.

AL: And where do you stand about the affray everyone's talkin' about? Where do your sympathies lie?

EC: I strongly believe that my brother acted in self-defense, Mr. Lincoln. You see, Greek was a natural bully. He didn't like Quinn – I heard him say so many times – and he made my brother's life miserable. It's true that Quinn bought a weapon – a knife – but only because he was afraid that Greek would attack him.

AL: I see.

EC: (*after a brief pause*) Will you take our case, Mr. Lincoln? Will you defend Quinn if he's indicted for murder?

AL: I should tell you that things don't look good for your brother, ma'am. I certainly couldn't guarantee that he won't be found guilty – whether I represent him or not.

EC: Of course. I understand. But I'd like to know that Quinn's defense is in the hands of the most respected lawyer in the county.

AL: Flattery will get you everywhere, Mrs. Crafton. All right, I'll do as you ask.
(There's a brief pause) I imagine you're concerned about my fee. Well, let's see how I fare in court before we discuss that. I'd like to win this case, of course – but, even more, I'd like to know that I still have your respect when it's all over.

EC: You certainly have that now, sir. I would have voted for your party when you ran for the Senate last year, by the way – if only the government would allow women to vote. And if you run for President, as I've heard you might, you'll not only have my respect but my support, insofar as I can persuade my male friends and relatives to vote for you.

(Lincoln solemnly extends his hand. Elizabeth, equally solemnly, takes it, and curtseys.)

One more thing, Mr. Lincoln. I'm also the granddaughter of your old adversary Peter Cartwright. And I think Grandpa can be of help to us in this case. I hope you'll call on him and see what he has to say.

AL: I haven't seen your grandfather for many years, Mrs. Crafton. And I can't say that our relations have been anything more than cordial for a long time. In fact, "cordial" is probably too strong a word. Still, I'll call upon him, Mrs. Crafton. Without delay.

SCENE FIVE

Lincoln Calls on Cartwright

ELIZA CRAFTON: Now we come to moment when Lincoln, who didn't seem to have much of a case, went to the home of my grandfather, a preacher who called himself "God's Breaking Plow." Grampa was also active in politics, serving two terms in the state legislature. But when he ran for Congress in 1846 – thirteen years before the trial took place – he lost. And who won that race? None other than Abraham Lincoln, a man Grampa came to detest. And now, here was Lincoln at the door, hoping that Grampa would give testimony for the defense.

(Lincoln moves a chair into place; this is where Cartwright will sit. He also sets a chair opposite it for himself. Then Lincoln returns to the defense table and sets the law book down. Elizabeth steps aside to make way for Cartwright, who enters from offstage and pantomimes opening a door. Cartwright sits and closes his eyes. Lincoln, holding his stovepipe hat, moves into position from the defense table in the courtroom, stands on the other side of the "door" and "knocks".)

ABRAHAM LINCOLN: Good morning, Reverend. I'd like to have a word with you.

PETER CARTWRIGHT: A word with *me*? You must have fallen on hard times, Lincoln, if you've come to my house to talk to *me*. Me, the man you've barely acknowledged in the last thirteen years.

AL: Not at all, sir. I hope that we're still friends. I certainly bear no grudge against my worthy opponent of days gone by.

PC: You don't, eh? Well, the feeling's not mutual. What do you want?

AL: May I come in, sir?

PC: *(after a moment)* Well, come in if you want to.

AL: *(Steps in and removes his hat)* May I sit?

PC: No, you cannot sit. You can just tell me what you want and get the devil out of here.

AL: *(Turning his hat in his hand, awkwardly. Clearly, he's ill at ease)* It's about the death of Greek Crafton at the hands of Quinn Harrison. I'm the defense counsel for Quinn – and I need your help.

PC: My help? You need my help. But not just to win this case, I'll wager. The rumor's pretty strong that you intend to run for President of the United States next year, is that right?

AL: I haven't decided yet, Reverend. Some people think I might be able to win the Republican nomination, though, and I'm willing to listen to them.

PC: But it wouldn't look so good if you lost this case, would it? Last year you lose the race for the Senate to Stephen Douglas and now you might lose a murder case? I'd say nobody's going to vote for a lawyer who couldn't even win a case in the town where he's been living for – what is it? More than twenty years. I can see that you *need* me, Lincoln. That's how I see it. What about you?

AL: I do need you, Reverend Cartwright, that's true. Not because I want to be president but because I want to save the life of your grandson.

PC: And what do you expect me to do?

AL: Well, I'd like you to testify on Quinn's behalf. Tell the jury how sickly the boy is, how he couldn't possibly have held his own in a fight with Greek.

PC: I could do more than that if I had a mind to. You know that I heard Greek's dying words, don't you?

AL: No, I hadn't heard that.

PC: Well, you're pretty ill-informed, Mr. Want-to-be-President-wanted-to-be-Senator, aren't you, Lincoln?

AL: (*Swallowing hard, but willing to take Cartwright's abuse if it will serve his cause*) I'd like to hear about those dying words, Reverend.

PC: I'll bet you would. But I'm not about to say any more on the subject – not until I get on the witness stand, anyway.

AL: I hope you understand, Reverend Cartwright – I couldn't call you to the stand without knowing what you'd be likely to say.

PC: Oh, you couldn't, eh? Well, if you want my testimony, that's my condition. You call me to the stand and I'll tell the jury – *and you* – what I know.

AL: Will your testimony be favorable to Quinn? I have to know that much, at least.

PC: Grovel, Lincoln, grovel. I've waited a long time to see this.

AL: (*with a flash of anger*) Don't go too far, Reverend. I'll put up with your insults only so far.

PC: (*hotly*) You'll put up with anything you need to do in order to get my testimony. You know it and I know it, too.

AL: (*ibid*) Now, listen, Reverend. There's no point in our arguing about things that happened years ago. I know you're still smarting from the beating you took in '46 –

PC: (*ibid*) And you're still wringin' your hands about the beatin' *I* gave *you* in the election for state representative in 1832.

AL: (*ibid*) Ancient history! Twenty-seven years ago, for heaven's sake. I put that behind me years ago.

PC: (*ibid*) No, I think it's still gallin' you, Lincoln. Admit it, man. They call you "Honest Abe," don't they? Well, be honest, for once in your life.

AL: (*He begins to leave, angrily. After counting to ten, he calms down and turns to address Cartwright without rancor*) Could we set the past aside, Reverend? I've come to talk to you about saving the life of your grandson. Surely that's more important than opening old wounds.

PC: (*he takes a deep breath; more calmly*) I suppose it is, Lincoln. All right, I'll testify for the boy. (*sits*)

AL: And tell about Greek's dying words?

PC: (*with a hint of a smile – but a malicious smile*) I'll do that, too.

AL: Thank you, Reverend. I'll be going now. (*He turns to the "door," then turns back*) By the way, what was it that Greek said as he lay dying?

PC: Still at it, aren't you, Lincoln? I told you before and I'll tell you again: you'll find out what Greek had to say when I'm in the witness box.

AL: And you won't even tell me if what you'll say will be favorable to Quinn's defense?

PC: How many times do I have to tell you? You'll find out what Greek said when the jury finds out. That's my proposition. Take it or leave it.

(*Lincoln fiddles with his hat for a while, uncertain what to say. Finally:*)

AL: I'll take it. Have to, I suppose. But I don't like it. I'll be sweatin' it out until you're finished testifying.

PC: (*Chuckles to himself*) That'll make it all worthwhile. For me, anyway. Now I'll thank you to get out of my house and leave me alone.

(Lincoln extends his hand. Cartwright gets out of the chair and turns away)

ELIZA CRAFTON: And that's where they left it. Lincoln got what he wanted – or, at least, he hoped he had. Gentlemen, we're about to begin the courtroom scene. Take your places, please. *(The actors in the courtroom scene go on stage and take their places. Eliza turns to address the audience)* Once my Grandfather was on the stand he could say anything at all – and Lincoln was terrified that what he had to say might lose the case for the defense and condemn his client to death.

SCENE SIX

The Trial

(This scene takes place in the courtroom. The judge is in his place, Palmer in his, Lincoln standing and addressing the jury. Quinn sits at the defense table. Short is in the witness box. The Court Clerk is to stage left of the Judge. After her narration, Elizabeth takes a seat beside her grandfather.)

JUDGE RICE: You may resume, Mr. Lincoln.

ABRAHAM LINCOLN: We will prove, gentlemen, that the defendant, Quinn Harrison, is absolutely innocent of the crime with which he is charged. His action was one of self-defense, as we shall demonstrate. Quinn Harrison is not a murderer but a frail young man who was terrified that Greek Crafton, who was, as you know, large and imposing, might beat him to death. First, however, in order to establish how the affray resulting in Greek Crafton's death came about, I will resume my interrogation of the proprietor of Short's drugstore, Benjamin Short.

BENJAMIN SHORT: *(to the judge)* Do I need to take the oath again?

JUDGE RICE: No, Mr. Short, you've already done so. Proceed, Mr. Lincoln.

AL: *(to Short)* Do you recall the precise date the affray occurred, Mr. Short?

BS: Well, you know, it's funny, 'cause normally I wouldn't remember a thing like that. But my wife's birthday was comin' up on the Monday following and I recall wonderin' just what sort of a gift she'd like. I thought maybe I'd get her –

AL: I won't trouble you for the details of the gift, Mr. Short. Please just answer the question. On what date did the incident concerning my client and Greek Crafton take place?

BS: Accordin' to my recollection, it was on a Saturday, and the date would've been July 16th. Y'see, the store was closed on Sunday, so it couldn't have been the 17th. And I was drivin' my horse and buggy back from Shale Bluff, where I had been visitin' my brother on the 15th, so –

AL: Thank you, Mr. Short. I can see that your knowledge on the subject is veritably encyclopedic. We'll accept your answer. The incident occurred on Saturday, July 16th.

BS: That's right. And it was purty early in the mornin', I remember. Prob'ly not even eight-thirty, or maybe even closer to eight. On account of I had just opened up the store and I had been preparin' some medications in the little dispensary in the back room. Charles Vandergriff, it was, who helped me out with the carpentry on that room –

AL: We'll move on, thank you. Was anyone else in the drugstore when Quinn Harrison came in that morning?

BS: Well, I'm glad you asked me that question, Mr. Lincoln, on account of the fact that Greek Crafton's brother John waltzed on in not long after the store opened. He didn't say a word; jes' walked over to the counter and leaned up against it. So, naturally, that set me to wonderin' what John Crafton was waitin' for.

AL: What happened next?

BS: A little while later Greek Crafton come in and says he's goin' to whip Quinn. And I thought to myself, this is beginnin' to look like it might be a situation, 'cause I knew that Greek and Quinn wasn't gettin' along too well. So, a minute after that, Quinn Harrison comes in the store and sits hisself down on a stool near the front door. I'm sittin' on another stool, just about two – or maybe one and a half – feet away. We both started readin' the paper, don't you know. I asked him if he still had that knife he bought a few weeks before – well, it wasn't no secret, you know; half the town knowed he'd bought a knife – and he took it out of his pocket and showed it to me. Didn't say nothin', just took out the knife and showed it to me. But the thing was, y'see – he didn't realize that John Crafton was in the store at that time, leanin' against the counter. But just then Quinn looked up and what did he see but John. And I'll tell you what he did. He put that knife away quicker than you could say "Cheese" on a sunny day. (*He laughs uproariously, but no one else cracks a smile. Short eventually subsides.*) Looked a little abashed to my eyes, like he'd almost been caught out showin' me somethin' he shoulda been concealin', if you know what I mean.

AL: What followed then, Mr. Short?

BS: Well, Greek comes right on over and grabs Quinn by the collar. Quinn looks purty surprised and purty alarmed, I guess you'd say.

JOHN PALMER: (*Stands*) Objection. Mr. Short cannot know how Quinn felt at that moment; he can only surmise.

BS: (*angrily*) I didn't say I knowed it, I said how Quinn *looked*. If you'd been listenin', you wouldn't have nothin' to object to.

JR: (*confused; to the court clerk*) Does this require a ruling?

CLERK: I don't think so, judge. (*Palmer sits.*)

JR: Counsel for the defense may continue.

AL: Now, Mr. Short, please describe what happened next.

BS: Well, Greek hollers at John to pin Quinn's arms. But Quinn grabs the rail and holds on for dear life. I grab ahold of Greek, tryin' to pull him off Quinn.

AL: Did John Crafton say anything at this point?

BS: He sure did. "Let 'em fight," he says. And then he says, "Greek *should* whip him. Do it now, Greek," he says. "Finish him off right now." Greek makes a fist with his right hand, y'see, and then brings it down on Quinn. That's when I let go. Couldn't hold on to Greek any more. He was jest too strong for me.

AL: And how did Quinn Harrison react to being punched violently?

JP: (*Stands abruptly*) Objection! Counsel is characterizing Greek's blow as a violent punch – but it might well have been a mild slap.

JR: Well, I think I've got to sustain that one. (*Looks to the clerk; sotto voce*) What do you think? (*The clerk covers his mouth with his hand and whispers into the judge's ear*) I thought so. All right, then. Objection sustained. The jury will disregard Mr. Lincoln's characterization. (*Palmer sits*)

AL: Please continue, Mr. Short.

BS: OK, well, Quinn gets his left arm free, reaches into his pocket and takes out his knife. It's got a blade that's, oh, I should say four inches long, or maybe three and a half. Anyway, Quinn shoves it right into Greek's belly. John gets cut, too, but it don't seem too bad – not like the mortal wound Greek had. So, while Greek is slippin' to the floor, John stumbles backwards, reelin' from the pain of the cut on his arm.

AL: And did Quinn say anything at that point?

BS: He did. He shouts out: "Jesus Christ! Have I no friends here?" And that was it. The affray was over. Quinn run out of the store. I don't know where he was goin', prob'ly home, I suspect. Greek's lyin' on the floor, moanin'. And I go out lookin' to get help. Well, the first person I run into –

AL: That will do, Mr. Short. I think the jury has all the information it needs. (*To Palmer*) Your witness, counselor.

BS: Already? But don't you want to know –

AL: Not at this time.

JR: Mr. Palmer, do you wish to cross-examine?

JP: No, your honor, I waive cross-examination.

JR: Mr. Short, you are excused.

(Short, rather put out, thinks of saying something else, but decides against it. He leaves the witness stand and goes to sit among the spectators).

Call your next witness, Mr. Lincoln.

(As Lincoln turns toward the Judge to announce that witness, Elizabeth rises from her place among the spectators. Everyone else on stage freezes. Elizabeth crosses to center stage and addresses the audience)

ELIZA CRAFTON: Abraham Lincoln had only one more witness to call upon – my grandfather, Peter Cartwright. He hoped he would not have to call him to the stand at all, for he still didn't know what Grandpa would say. Would it help Quinn? Or would it do just the opposite? Would Grandpa's testimony persuade the jury that Quinn was innocent of the charge of murder or would it leave the impression that Quinn had intended to kill Greek all along? And what was the mysterious statement that Greek had made when he lay upon his deathbed? Mr. Lincoln had no inkling of what Greek might have said, and he was terribly nervous – I think he might even have been terrified – about what my grandfather would say. *(She moves back to her place among the spectators. The characters come alive – i.e., no longer frozen in place)*

JUDGE RICE: We're waiting on you, Mr. Lincoln. Who is your next witness?

ABRAHAM LINCOLN: *(exploding)* For heaven's sake, give me a moment, Judge Rice. I need a moment to ponder.

JOHN PALMER: *(stands)* And what is there to ponder, I wonder? Either Mr. Lincoln is going to call the next witness or he is not.

JR: Take your seat, Mr. Palmer. And you – *(pointing at Lincoln)* – I'm telling you for the last time to call your next witness. The gentlemen of the jury cannot spend all day while you "ponder."

AL: I ask only a moment to think through whether or not I will call another witness to the stand.

JR: Mr. Lincoln, I warn you, I will proceed directly to final arguments unless you call your witness *now*.

AL: *(with some anger)* Is that your ruling, Judge?

JR: That's my ruling.

AL: *(under his breath – but clearly heard by everyone)* I never heard of such a preposterous ruling.

JR: Don't try my patience, counselor. (*A moment passes, while Lincoln considers his course of action*)

AL: I call to the witness stand the Reverend Doctor Peter Cartwright.

(*Cartwright takes his place in the witness box*)

JR: About time. (*Lincoln shoots him an angry look*)

CLERK: You swear to tell the truth, the whole truth, and nothing but the truth, so help you God? (*Cartwright presses his hand on to a bible*)

PC: I swear.

JR: I am correct in saying that this is your last witness, am I not?

AL: (*stands*) That's correct, your honor. (*He steps to the witness box*) State your name, please.

PETER CARTWRIGHT: Peter Cartwright.

AL: You have evidence of Quinn Harrison's state of health, I believe. Please convey that to the gentlemen of the jury.

PC: (*Speaking in a voice "tremulous with age and feeling"*) Well, he was a very healthy child, as I understood it, for a good many years; but his health began to decline when he reached manhood and I considered he was employed in too much business for his health, and I remonstrated with his father on the subject.

AL: He was not a strong young man, then?

PC: No. I know from my own certain knowledge that for a good many years he has been a sickly, puny fellow, not able to do what we would call common manual labor. His health has been very feeble, he has often been laid up. I would put it even more strongly: he has on more than one occasion been sick nigh unto death.

JP: (*stands*) I object, your honor. This testimony is patently absurd. No one else would characterize Quinn Harrison as "sick nigh unto death." I ask that the jury be told of the relationship of the defendant with the witness, the Reverend Dr. Cartwright.

JR: (*Indicates that he wants the court clerk to come near him. The judge whispers in the clerk's ear. The clerk whispers in the judge's ear. Then the judge addresses the courtroom*) Sustained. (*To Cartwright*) Please state your relationship to Quinn Harrison.

PC: I am the boy's grandfather. Everyone here knows that.

JP: And, as his grandfather, you naturally wish us to believe that the defendant would not have had the strength to withstand an assault by a man of normal strength.

PC: Not as his grandfather, sir. Simply as an objective witness.

(The clerk clears his throat. The judge realizes that it's up to him to speak)

JR: The jury will draw their own conclusions as to your objectivity, Reverend.

AL: *(his nervousness betraying him, he speaks angrily both to the Judge and to Palmer)* May I point out that no one has ever questioned Reverend Cartwright's integrity, in this matter or any other. I deeply resent counsel for the prosecution attempting to impugn the veracity of this distinguished man.

JP: Reverend Cartwright would have us believe that his grandson was so lacking in strength he knew that he could not defend himself against Greek Crafton, so he purchased a knife as a precaution, *(with sarcasm)* just in case Greek should happen one day to strike him. I am astonished, Mr. Lincoln, that you should offer such an absurd defense. I ask for a ruling on this, judge. On what legal ground can self-defense be introduced in this case?

JR: On what ground? Well, I'm not really sure what to -- *(The clerk, who has opened a volume, hands it up to the Judge)* What? Oh -- oh, I see. *(To the courtroom)* Let me quote from Illinois law. *(He reads from the volume he is holding)* "If a person kill another in self defense, it must appear that the danger was so urgent and pressing, that, in order to save his own life, or to prevent his receiving great bodily harm, the killing of the other was absolutely necessary; and that the slayer, in good faith, endeavored to decline any further struggle before the mortal blow was given."

AL: I trust that Mr. Palmer is satisfied -- and that he will moderate his tendency to interrupt at every turn.

JP: I shall interrupt, as you put it, as I see fit. Furthermore --

JR: *(banging his gavel)* Order, order. You will not address one another directly. You will observe the decorum of the courtroom. Sit down, Mr. Palmer. Mr. Lincoln, you may continue your examination of the witness. And you will confine yourself to questioning the witness. There is no need for these outbursts.

(Palmer sits)

AL: You have my most sincere apology, your honor. *(He takes a deep breath, then addresses Cartwright)* Dr. Cartwright, were you present in Greek Crafton's home shortly before he died?

PC: I was.

AL: And what was your purpose for going to the Crafton home after Greek had been stabbed in the affray at Benjamin Short's drugstore?

PC: A messenger from Greek Crafton arrived at my home to summon me to the bedside of the dying man. I hoped to comfort Crafton and his family. It was and is my duty as a man of God.

AL: And were you at any time alone with Greek Crafton as he lay upon his deathbed?

PC: Not alone, precisely. A crowd of people were present, two of them being Dr. John Slater and my son, Madison Cartwright. But Greek spoke directly to me when he said –

JP: (*rising abruptly*) Objection, your honor! Unless other witnesses come forward to corroborate Reverend Cartwright's testimony, it cannot be substantiated. Anything the Reverend might say about Greek's statement to him must therefore be considered hearsay evidence.

PC: (*Thundering*) I believe that my reputation is such that the jury understands that I would not testify to anything that is not true in every detail.

JP: True to your loyalty to your grandson, perhaps, and your natural wish to see him acquitted, but –

JR: (*pounding the gavel*) Mr. Palmer, I have warned you before. You will not speak until you have been recognized by the court.

JP: Your honor, this man would have us believe that his truth is everyone's truth. But I contend --

JR: Mr. Palmer, I am tempted to hold you in contempt. Sit down, if you please. I will allow the witness to answer Mr. Lincoln's question.

(*Palmer sits*)

AL: I had not known Mr. Palmer's gift for theatricality, your honor. He struts like an actor upon a stage – like the great Edwin Booth, perhaps, or his lesser-known brother Wilkes. But the business we conduct today is surely too solemn for such histrionics.

JR: Mr. Lincoln, do not further try my patience.

AL: Under no circumstances, sir, would I do so. (*Turning to Cartwright; taking the plunge into the unknown*) As I recall, Reverend Cartwright, we were discussing the moments you spent with Greek Crafton as he lay upon his deathbed. Did Crafton make any comments to you before he died?

PC: He did.

AL: (*pauses for a moment, then decides that he cannot cut off Cartwright's testimony at this point. He swallows and continues:*) Please repeat those comments to us now.

PC: (*Trying to collect himself*) You lawyers have me so tangled that I don't know which end of me is up. But I'll try to be as collected as I can. On the evening of the affray – that is, on July 16th, I went to see Greek, who was lying on a pallet and said he was in terrible pain. I held his hand.

AL: And did Greek say anything at the time?

PC: He did. I'll never forget the words Greek spoke. "Reverend, the honest hour has come," he said to me, "and in a few moments I expect to stand before my final judge. Do you think there is any mercy for me?" I told him how sorry I was for the calamity that had befallen him, and then, to my surprise, he said, "I have brought it upon myself and I forgive Quinn! I forgive him and I want it said to all my friends that I have no enmity in my heart against Quinn – or any man."

AL: (*clearly relieved. He wipes his face with a handkerchief*) And those were his exact words?

PC: Exactly. They are imprinted upon my memory.

JP: (*rises*) Objection, your honor. It is not possible for anyone, not even the distinguished Reverend Dr. Cartwright, to remember a conversation with such precision. I suggest that we are listening to a well-rehearsed flight of fancy.

PC: (*Standing and thundering at Palmer*) On *this* occasion, I remember every word. I have visited hundreds of dying pillows, Mr. Palmer, and I never saw a man in a dying condition more composed. His mind seemed to be entirely fixed on his final destiny. It was, as you can imagine, a moment one could not forget. "I forgive him," Greek told me, "and I want it said to all my friends that I have no enmity in my heart against Quinn – or any man." (*sits*)

JP: (*To the judge*) I ask for a ruling, your honor. I also object on the basis that dying declarations are not admissible.

JR: One at a time, Mr. Palmer, one at a time. Seems to me that your first objection – the one you made a minute or two ago – is reasonable. It *would* be difficult for any man to remember what he was told word for word, especially since the incident occurred more than a month ago.

AL: (*furious*) Judge, I object most strenuously. Do you agree that the witness, a man of great reputation and great accomplishment, would not be able to recall verbatim the

comment of a dying man about his attitude toward the young man who killed him – especially when that man was his grandson?

JR: Well, if you put it that way . . . I need a moment to confer with the clerk of the court. (*The clerk steps toward the judge. The judge whispers in the clerk's ear. The clerk whispers in the judge's ear. The judge then addresses the courtroom*) I believe I spoke over-hastily. The counsel for the prosecution's objection is overruled. (*He turns to Palmer, who is about to speak*) Not a word, Mr. Palmer, not a word. I have called upon my deep knowledge of Illinois law, abetted by my long experience, and have reached a decision. I cannot look into Reverend Cartwright's mind or his heart, so I will allow his testimony to stand. The jurors can reach their own conclusion concerning the persuasiveness of his testimony. And your objection on the basis that dying declarations are not admissible is also overruled, for I know of no precedent for that notion in Illinois law.

AL: I can refer you to a precedent, your honor, that states positively that dying declarations *are* admissible in court.

JR: (*now he is angry*) I need no instruction from you, Lincoln! (*He bangs his gavel*)

AL: Only trying to be of help, Judge Rice. (*He smiles, now fully in possession of himself. Palmer grumbles – but sits. The judge turns to Lincoln*)

JR: Have you any further questions for Reverend Cartwright?

AL: No, your honor, no further questions.

JR: Cross-examination, Mr. Palmer?

JP: (*seething with anger*) I have been thwarted at every turn and prevented from presenting my case. This trial has fallen far short of a pursuit of the truth. I am appalled. Why should the prosecution even bother to appear in court when it so evident that our case will not be heard fairly? Therefore, I waive my right to cross-examination.

JR. You are skirting the edge of a citation for contempt of court, Mr. Palmer. I would advise you to address the court with greater respect. However, Reverend Cartwright, you are excused.

PC: Thank you, your honor. (*He rises and takes his place among the spectators.*)

JR: We will proceed directly to closing arguments. Mr. Palmer for the prosecution.

JP: (*moving to the jury box*) Gentlemen of the jury: I have demonstrated to you that Quinn Harrison publicly threatened to kill Greek Crafton, that he did so before witnesses, that he purchased a knife for the purpose of killing Greek, and that, after the incident, he showed no remorse. You will remember that the defense did not raise a single objection

on these points. And on what ground *has* the attorney for the defense relied? His entire case rests on the *supposed* fact that, on his deathbed, Greek Crafton told the Reverend Peter Cartwright that he bore no ill will to Quinn Harrison. But, as we must bear in mind, there were no witnesses to this supposed declaration. Secondly, Harrison was the grandson of Peter Cartwright – and, in his desperation to save his grandson from possible hanging, you must consider the possibility that Reverend Cartwright might well have shaded the truth. No, gentlemen, the case for the defense is lamentably weak. All of the evidence points in only one direction: that Quinn Harrison willfully murdered Greek Crafton. A verdict of guilty is the only possible verdict at which you can arrive. It is based on the facts, not – as with the testimony presented by the defense – on the fancies of a worthy, but perhaps confused, old gentleman. (*He returns to the prosecution table and sits*)

JR: Mr. Lincoln.

AL: (*moving to the jury box*) I ask the jury to recall that prior to the incident during which Greek Crafton was wounded by my client, Crafton had publicly threatened to whip Quinn Harrison. Remember, too, that Benjamin Short testified that he heard John Crafton urging his brother Greek on in the fight with Harrison, shouting “Do him now! Finish him off right now!” I will also remind you that as he lay upon his deathbed, Crafton stated without prompting or equivocation that he forgave Harrison – which must surely persuade you that Crafton had provoked the incident, that he realized and admitted that he had been the aggressor, and that he therefore held no grudge against my client. And you have heard about Crafton’s declaration that he held no enmity in his heart against Quinn Harrison from an unimpeachable source: Peter Cartwright, a respected man of the cloth, a public servant of great distinction, and a man whose wisdom and dedication to the truth is revered throughout our state; indeed, throughout the United States. I urge you, gentlemen, to arrive at a verdict of Not Guilty. Not a verdict of Manslaughter, for such a verdict would deny the fact that Quinn Harrison was threatened by a man far stronger than he, and that he acted purely in self-defense against an unprovoked attack. The homicide that resulted was, therefore, justifiable, and Quinn Harrison must be found Not Guilty. (*Lincoln pauses to collect himself*)

JR: Have you concluded, Mr. Lincoln?

AL: I have not, your honor. (*To the jury*) I want you to look into your hearts and souls and think about Mercy. It might be helpful if you ponder these words from William Shakespeare: “The quality of mercy is not strained. It droppeth as the gentle rain from heaven unto the place beneath. It is twice blest; it blesseth him that gives and him that takes. ‘Tis mightiest in the mightiest. It becomes the thronéd monarch better than his crown.” And later the character of Portia says, in Shakespeare’s words, “But Mercy is above this scepter’d sway, It is enthronéd in the hearts of kings, It is an attribute of God himself, and earthly power doth then show likest God’s, When mercy seasons justice.” (*Lincoln, moved, leans over his chair for a moment, then looks up at the jury*) Mercy, gentlemen. An attribute of God himself. I ask no less of you. I ask that you look at Quinn Harrison with the quality of mercy uppermost in your hearts. Let mercy,

gentlemen – let mercy season justice. *(Slowly, Lincoln returns to the defense table and sits. Everyone on stage freezes as Elizabeth rises from her seat among the spectators and speaks)*

EC: The jury retired at eleven minutes after four o'clock. They returned in little more than an hour. The foreman handed the verdict to the clerk of the court, who passed it on to Judge Rice.

CLERK: All rise.

Everyone stands to hear the jury's verdict read)

JR: *(Reading the jury's verdict)* "We, the Jury, find the defendant Not Guilty as charged in the indictment." *(Quinn rises, jubilantly. He embraces Lincoln. Palmer picks up his papers and angrily leaves the courtroom, followed by the Judge and the clerk. Elizabeth approaches Lincoln.)*

EC: Thank you, Mr. Lincoln, for everything you've done. You have saved my brother's life and I cannot thank you enough.

AL: Give your thanks to the members of the jury, Miss Elizabeth, not to me. They arrived at a just verdict – based on mercy – and also upon their intelligent analysis of the issues raised in this case.

(Elizabeth says nothing, but steps close to Lincoln and holds his arm for a moment in a gesture of gratitude. She returns to the defense table and embraces Quinn. Lincoln picks up his hat and begins to exit the courtroom. Cartwright moves toward Lincoln.)

BC: Lincoln!

AL: You had me frightened to death, you old fox. I can't recall a time in my entire experience of the law when I was so frightened. But you did it – and I thank you. You did it: you saved your grandson's life – and I thank you for telling the jury about Greek's final words. *(He shakes Cartwright's hand, but he seems more somber than jubilant.)*

BC: You believed what I said, then?

AL: Of course. You repeated what Greek told you – word for word.

BC: Did I, Lincoln? Well, I'm pleased that you think so.

(Lincoln and Cartwright freeze, as does everyone but Elizabeth, who steps forward to address the audience)

EC: And so the case came to an end – and so does our play. As you know, Abraham Lincoln went on to be nominated for the presidency of the United States by the

Republican party – and then was elected to that great office. And who knows? Had he not won the case in Springfield, things might not have worked out so well for him – or for our country.

(Elizabeth curtseys; all the other characters remain frozen as the audience applauds. This is followed by a general curtain call.)

Property List

3 19th century law books
1 retractable knife
1 Springfield newspaper from the 19th century
2 wooden stools
3 wooden chairs
Many sheets of paper -- all covered with handwriting to be divided between the defense
& prosecution tables
2 ink wells & pens
2 small wooden tables - one for the defense, one for the prosecution
1 slip of paper for jury's verdict
1 jury box
12 chairs in the jury box.