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Pedler or Spy

Revolutionary War Military Court Trial

19 m, 3 f

By EDWARD VASSAR AMBLER



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TMP92-008564

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no - 1

Pedler or Spy

CHARACTERS

GENERAL WASHINGTON.

CAPTAIN NICHOLAS LONGWORTH ("Spy" or Pedler),
of the Royal Hussars, British Army.

MAJOR TAINTER,

COLONEL WADE,

MAJOR COOMBS,

COLONEL KELLY,

MAJOR HIGGINS,

COLONEL TITUS, Prosecuting Officer.

COLONEL SCHELL, Defensive Officer.

LIEUTENANT HEPWORTH, of Colonial Army.

GRISTY GRINDER, miller, old rustic of about 60.

UNCLE JASPER, old colored servant of Major Butterworth.

AMES FLINTLOCK, private in Colonial Army.

SIMON GUNWORTHY, private in Colonial Army.

JONATHAN HIGGS, stage-driver.

AUNT DINAH, old servant of Major Butterworth.

WIDOW JONES, mistress of the Red Goose Inn.

BETTY BUTTERWORTH, the cause of it all.

CLERK OF COURT.

TWO ORDERLIES.

} Examining-Board.

SUGGESTIONS: Slight comedy effect may be added by frequent use of snuff by various members of EXAMINING-BOARD. One old member may go to sleep and fall off chair. CLERK may have spectacles on end of nose, and speak with nasal twang. He, on the whole, can be somewhat of a comedian. UNCLE JASPER and AUNT DINAH can do silent comedy work during examining of others and GRISTY GRINDER can "doze off" at intervals.

SCENE: Courtroom of military barracks. All characters present on stage except JONATHAN HIGGS and BETTY BUTTERWORTH. At R., platform on which are seated behind long table WASHINGTON and EXAMINING-BOARD. Several rows of chairs for occupants of courtroom face platform.

WASHINGTON [*rising from behind table*]. Officers of the Continental Army, we are assembled to try a man for one of the most serious charges that circumstances of war can bring before a military court. We have before us a pedler, Jacob Javinsky, so called, who has been arrested, for good cause, as a suspected spy. We have summoned Lieutenant Hepworth, who brought about this man's arrest, as well as others connected with it. By examining these witnesses we hope to prove the guilt or innocence of the prisoner. Lieutenant Hepworth, take the witness-box.

[LIEUTENANT HEPWORTH *comes front.*]

WASH. Do you solemnly swear that in giving the evidence about to be called for, you will tell the truth, the whole truth and nothing but the truth?

HEPWORTH. I do so swear.

WASH. You are the instigator of this man's arrest, I believe?

HEP. I am, sir.

WASH. What were the circumstances that first led you to believe that this man is other than what he appears to be?

HEP. There were several of them, sir.

WASH. State the first.

HEP. Well, in the first place he was discovered as he tried to sneak through our lines.

WASH. By whom?

HEP. By a picket, sir, late at night.

WASH. He was challenged?

HEP. He was, sir, and he didn't respond.

WASH. Then the guard shot at him, I suppose.

HEP. He did not, sir.

WASH. What! didn't shoot? What did he think he was put there for—to keep the flies from lighting on his gun-barrel?

HEP. There was nothing to shoot at, General. The man was too all-fired lively.

WASH. Humph, it's a wonder that guard wakes up quick enough to go to bed at night. [*Turns to EXAMINING-BOARD.*] Have you any questions to ask?

COLONEL WADE. Where is this picket who first saw this prisoner?

HEP. I don't know, Colonel.

WADE. Don't know? [*Sharply.*] Why don't you know?

HEP. [*with a smile.*] Because he's dead.

WADE. Ahem, well, we won't try to hunt him up.

COLONEL KELLY. You say the prisoner was seen at another time? Describe the circumstance.

HEP. I saw him myself, Colonel, inside of our picket-line one night, late. When he saw me, he tried to hide behind a tree. Then I challenged him; but he didn't respond. Then when I drew my sword and demanded his surrender, the fellow ran.

WADE. You tried to catch him?

HEP. I did, but he disappeared behind a clump of trees.

WADE. What did you do then?

HEP. Why, when I got back to headquarters, I immediately ordered the pickets to look out for him.

MAJOR COOMBS. You say that this was late at night? What makes you so sure that this is the same man?

HEP. The moon was shining, Major, and I distinctly saw the pack on his back.

WADE. You say that he was within the picket-lines? At just what place did you see him?

HEP. Near the Butterworth estate, Colonel.

WADE. Near, you say, or within?

HEP. [*showing confusion.*] Well—ah—it was within, I think.

WASH. Within, was it? How did you happen to be within the Butterworth grounds at this time of night?

HEP. Er—pardon me, but I think that the answer to that is a private affair, General.

WASH. Very well, we won't exact an answer. Have you any other evidence against this man?

HEP. I have, sir. Call Mrs. Jones.

WASH. Mrs. Jones, you may step forward. You may be seated, Lieutenant.

[HEPWORTH resumes seat.]

[MRS. JONES *comes forward.*]

WASH. Where do you live, Mrs. Jones?

MRS. JONES. I am the runner of the Red Goose, down the Boston turnpike, close onto a quarter of a mile.

WASH. A red goose, aye,—do you keep any other kind of poultry?

MRS. J. [*sharply*]. What?

WASH. I say, do you keep any other kinds of poultry? I take it for granted that you run a poultry farm.

MRS. J. Well, I don't. All my poultry are human beings—though some of 'em *is* geese. I am the mistress of the Red Goose Inn [*emphatically*].

WASH. Ah—er—what is your husband's name, Mrs. Jones?

MRS. J. Husband? I'm thankful to say I ain't got none. He went off to fight the Britishers and never come back.

WASH. [*under his breath*]. Fortunate man! How old are you, if I may ask?

MRS. J. Well, I've seen about twenty-eight summers.

WASH. Er—yes—you must have been blind a long time since then.

WASH. [*turns to EXAMINING-BOARD*]. Gentlemen, you may continue the investigation.

KELLY. You have seen this prisoner before?

MRS. J. Yes, I have. He stopped at my place one night and asked for supper and lodgings. But when I told him how much, he said the price was outrageous, and that he was a poor pedler and that it would take all the money he had. After that he tried to get me to trade out his bill.

WADE. You say that he tried to sell you goods for his board,—what did he have in his pack?

MRS. J. Well, he had stockings, shoe-buckles, thread and needles, flint-stones, wigs and other thing-a-ma-jigs.

WADE. Did you see anything in his pack that you wouldn't expect to find there?

MRS. J. Wal, yes, when I come to think on't, he did have something down in the bottom of his pack which he seemed afraid of

showin'; I was kind of curious and tried to get a look, but the only thing I could see was a brass button stickin' through.

WADE. Aha! a brass button, you say? Did it look anything like the kind I have on my coat?

MRS. J. Well, no, it was kinder different; it had a man's head with a frowsled wig kinder rized up, on it.

KELLY. Aha! that's King George's phiz, all right.

MAJOR HIGGINS. Well, what happened after that?

MRS. J. Well, after some coaxin', I bought some stuff to help him out; then I told him that he would have to room with somebody else, as the house was full. He asked me who was in the room and I told him Lieutenant Hepworth was stayin' over night. He said, "What! Lieutenant Hepworth?", and I said "Yes." Then he wanted to know if he couldn't sleep down-stairs on the kitchen settee, as he had to start early and didn't want to wake anybody. I wasn't going to let him, but after that he acted kind of nice, and I hated to refuse 'im.

MAJOR COOMBS. He acted kind of nice, did he? What did he say?

MRS. J. [*simpers*]. I think you're too curious about other people's affairs; but if you've got to know, why—he said I reminded him of a handsome girl what he knew once who was just about my age, said she died from a broken heart because her pa had a grudge against him and wouldn't let her see him.

COOMBS. Did he say anything else?

MRS. J. Wal, no, leastwise not anything important. He went to sleep quite early, and when I got up in the morning he was gone.

KELLY. Gone, was he? What time did you get up?

MRS. J. Pretty nigh four o'clock.

KELLY. It's a wonder that fellow loses time by going to bed at all.

HIGGINS. Did you see him after that?

MRS. J. No, but I found this in the kitchen when I got up.
[*Hands letter to WASHINGTON.*]

WASH. Aha, what's this?—"Capt. Nicholas Longworth, 23rd

Regiment, Royal Hussars, addressed." What's this we have—a letter to some worthless redcoat? Hum, it doesn't say much,—looks as though a hen had fallen into the ink-horn and tried to wipe its feet off on this paper.

[WASHINGTON turns paper and looks at it upside down, and then sideways; looks perplexed and then turns it over to CLERK.]

WASH. You may translate these hieroglyphics into modern English.

CLERK [*looking it over a moment*]. Hum, it doesn't sound sensible. General, as near as I can make out, it reads: "Horse-radish will be ripe soon, don't eat your wig."

WASH. [*sharply*]. What?

CLERK. Well, that's' what it seems to say, General.

WASH. Here, hand that paper to Major here [*intimates TAINTER*]. Major, make some sense of this.

MAJOR TAINTER [*looking it over*]. This is plain enough, General; it says, "Don't be rash, will look for you soon; don't trust Higgs."

WASH. Ah, an interesting development, if that's what it says. Addressed to a British officer, evidently means an attack on us somewhere. Well, we will see what else we can find. You may be excused, Mrs. Jones.

[MRS. JONES resumes seat.]

WASH. Who is the next witness?

CLERK. Gristy Grinder, take the stand.

GRISTY GRINDER [*standing up*]. Wal, which one shall I take, General?

[Starts along, shoving a chair ahead of him.]

WASH. [*sharply*]. You are not here to move the furniture; step up front here.

[GRISTY lets go of chair and shambles forward.]

WASH. Judging from appearances, you are a miller.

GRISTY. Wal, yes, I be.

WASH. Where do you do business?

GRISTY. Down the crick, 'bout a mile.

WASH. Have you seen this person before? [*Indicates prisoner.*]

GRISTY. Wal, yes, I reckon.

WASH. When and what were the circumstances?

GRISTY. Wal, it was one night as I war goin' through the mill. I stumbled over what first I thought war a bag of meal. I would have gone on but I thought I heard a noise like a pig an' so I calculated that my old black sow had wandered in lookin' fer trouble. I got down on my hands an' knees an' felt around till I felt somethin' hard, an' when I found out that it warn't the kind of pig I war lookin' fer, but a man's foot, I was natur'ly kinder upsot. I listened, an' the man seemed ter be mumblin' somethin' ter himself in his sleep.

KELLY. Did you hear what he was mumbling?

GRISTY. Wal, it sounded as though he war sayin' sumthin' about American an' spy, as though he war afraid of sumthin'; then I woke him up an' he said, "Who are you, anyhow?" Then he picked up a pack like a pedler's pack, an' skeepdaddled without offerin' apologies or tryin' to pay fer his bed.

WADE. How do you know this is the same person?

GRISTY. By the pack and the size of his feet.

WADE. Sounds convincing. Is your eyesight perfect?

GRISTY. Wal, yes?

WADE. Is your hearing good?

GRISTY. Heh?—what's that you say?

WADE [*louder*]. Is your hearing good?

GRISTY. Oh, yes—yes.

WADE. Have you ever had any trouble with your eyes?

GRISTY. I have spells when I can't see at all.

WADE. Didn't I understand you to say that your eyesight was perfect?

GRISTY. Eh, I meant that when there is nothing the matter with my eyes, my eyesight wuz all right.

WADE. Do you get up before your wife in the morning?

GRISTY. Wal, not generally.

WADE. Do you sleep long after your wife gets up?

GRISTY. No, I just lay abed and rest.

WADE. Does your wife call you?

GRISTY. Yes, six or seven times generally before I hear her.

WADE [*sarcastically*]. Yes, your hearing is extraordinary. Gentlemen, it is quite evident that this gentleman presents evidence which is quite incompetent and immaterial.

WASH. Well, we will take it for what it's worth. Have you any more questions to ask? [*Pauses a second.*] Very well, you may be seated, Grinder. [*GRISTY shuffles back to seat.*] Call the next witness.

CLERK. Jasper Johnson, take the stand.

UNCLE JASPER [*hobbling up front*]. Here ah is, sah.

WASH. What is your title and occupation.

JASPER. Heh? [*Holds hand to ear.*]

WASH. I say, what do they call you—what do you do?

JASPER. Oh, yes, yes, ah saw him—that's him, massa.

WASH. [*turns to KELLY*]. Here, Colonel, you can make more noise than I can, see if you can penetrate this man's skull.

KELLY [*loudly*]. What do they call you, where do you live, what's your work?

JASPER. Oh, yes, dey calls me long about five in de mawnin'. Ah's Uncle Jasper, sar, an' ah's de butler foh Massa Butterworth.

KELLY. Well, Uncle Jasper, when have you seen this man before? [*Points to PEDLER.*]

JASPER. Ah seed this 'ere gemmen a-sneakin' through Massa Butterworth's graveyard, an' ah thought he was a ghos'—yes, sah, just as sho as you bahn, scaired me mos' stiff; fact is, ah was so scaired ah couldn't run at all, sah, an' ah could feel myself growin' pale.

KELLY. When you came back to your senses, Uncle, what did you do?

JASPER. Heh?

KELLY. I say, when you came to your senses, what happened?

JASPER. Ah didn't come to mah senses. Ah come to de fence! An' while ah stands thar with mah knees knockin' together, it stood up straight an' yells like a dawg with its tail run ova; then ah was sho' it war a ghos' an' befo' I realized it, ah was a runnin' foh de house faster'n ah evah run afore, sah, yes, sah.

KELLY. When did you see him next?

JASPER. It was when ah went out to lock up de chickens foh de night. Ah seen him again sneakin' roun' de back of de house, then ah runs an' hides in de woodshed an' peeks through a hole in de side. By an' by I seed him a-comin' out of de back door ob Massa Butterworth's house with a pack on his back; then ah saw foh sho' that he war no ghos' at all, but jes' a-sneakin low down thief; so ah sneaks out o' dat woodshed an' ah stahted foh dat man, yes sah, ah stahted foh dat man; ah stahted foh him, sho's you bawn, an' he didn't stop to grease his knees, no sah, he didn't. He ran roun' de house an' me aftah him; then he stahted foh de bahnyard, an' ah was aftah him, oh, yes, ah was aftah him. Then befo' he knowed it he ran kerplunk in de duck pond. Ah guess it kin' ob surprised him, fo' he did sputter an' spit for far, sah; but ah war aftah him, ah jumped right in kerplunk, ah did, right ovah mah head, an' when ah comed up dat man war nowhar, sah, he had erradicated himself f'om de face ob de earth, ah thought he war drowned till ah saw him to-day, sah.

WADE. You say you chased this man till he disappeared. Is this the biggest lie you ever told?

JASPER [*confusedly*]. No, sah; yes, sah; no sah, ah nebah tol' a lie, sah.

WADE. Hum, very likely. You are a peculiar nigger, aren't you?

JASPER. Heh?

WADE. I say, you are a peculiar nigger, aren't you?

JASPER. Ah, yes, sah; no, sah; leastwise, ah doan' know, sah.

WADE. You weren't fool enough to go back to the house and tell all about it that same night, were you?

JASPER. Oh, no, sah, ah jes' went back in de house an' sat

down as cool as could be, an' ah didn't tell a soul till next day, ah didn't want to scare 'em, sah.

WADE. You went in and sat down, hey? Were there many people there?

JASPER. Oh, yes, sah, three or four, sah.

WADE. And they didn't say a word to you about your looks?

JASPER. No, sah.

WADE. Extremely strange that this didn't cause some remarks, considering the fact that you just crawled out of a duck-pond. You would have really chased that man if you hadn't been too frightened to stick your woolly billiard-ball out of the woodshed, wouldn't you?

JASPER [*confusedly*]. Yes, sah,—e-e-ne, no sah,—ah,—who tol' you ah didn't chase that man, sah?

WASH. You may be seated, Jasper, we won't make you any blacker than you are by drawing out more lies. Call the next witness.

[JASPER *retires.*]

CLERK. Simon Gunworthy, you may come forward.

WASH. Simon Gunworthy, what have you to do in this case?

SIMON. I captured him, sir, I and Amos Flintlock, there

WASH. Captured who?

SIMON. That there spy. [*Points to prisoner.*]

WASH. Oh, all right, you may question him, gentlemen.

HIGGINS. You captured him, eh? How did you come to do it?

SIMON. It was this way, Major. Lieutenant Hepworth came to me one night and told me to be on the lookout for this here pedler. It was a-long about twelve o'clock when I heard somethin' a-rustlin' and I challenged. There was no answer and I fired in the direction of the noise. When I did that I heard footsteps a-runnin' away, and so I started after them when I came bang onto Amos Flintlock, who was tryin' to hold onto him. My! but he did twist and flounder! Well, we got him quieted down and started for headquarters. On the way the prisoner tried to swallow this paper which he had in his hand.

[SIMON hands small paper ball to CLERK.]

WASH. You may read it.

CLERK. It reads, "Dangerous. Come Wednesday night."

HIGGINS. This arrest was made on Wednesday night, was it?

SIMON. It was, Major.

HIGGINS. Hm, this looks bad enough.

KELLY. Did he have his pack when you arrested him?

SIMON. He did, sir.

KELLY. When you got him to headquarters, did you search him?

SIMON. We did, Colonel—went all through the stuff in his pack.

KELLY. Did you find a military uniform of any description?

SIMON. Yes, sir. Folded into a tight bunch in the very bottom of his pack was the uniform of the British Royal Hussars.

KELLY. Hm—that is the most important fact yet developed! Any ammunition?

SIMON. No, sir.

WADE. How did the prisoner behave, after his arrest?

SIMON. As peaceable as a lamb, Colonel.

WADE. Did he say anything to implicate himself at all?

SIMON. No, sir, he only joked, by tinder, if he didn't! Says he, "When I heard the devil spittin' fire on one side, I run right into the deep sea. When you opened fire on a peaceable pedler like myself right in the middle of the night, why I naturally thought you were a highwayman and not a friend."

WASH. Any other questions? If not, call the next witness.

[SIMON resumes seat.]

CLERK. Amos Flintlock, you are wanted.

[AMOS FLINTLOCK comes forward.]

WASH. You were the first man to lay hands on the prisoner, I believe.

AMOS. I reckon I was.

WASH. How did you happen to be in front of this man when he ran?

AMOS. That was because I warn't behind him. You see it war this way, General. Lieutenant Hepworth had told me to be on the lookout for trouble, so when I heerd a gun fired I started for the scene of hostilities. I hadn't gone far when I heard a man tearin' through the underbrush for all he was worth, so I just grabbed him sudden like and held on till Gunworthy showed up.

WASH. Very good. Is there anything else about the prisoner which hasn't been told by Gunworthy?

AMOS. I reckon not, General.

WASH. Very well, you may be excused. Call the next witness.

[AMOS takes seat.]

CLERK. Dinah Johnson.

[AUNT DINAH comes forward.]

WASH. Where do you live and what do you do?

DINAH. I'se de housekeepah foh Massa Butterworth, sah.

WASH. Is that your husband? [*Points to JASPER*].

DINAH [*after long, searching, scornful look at JASPER*]. I reckon he is, sah.

WASH. Can you tell as big a story as he can?

DINAH. No self-respectin' nigga would try to, sah.

WASH. [*laughs*]. Very good. Gentlemen, you may proceed with the questioning.

WADE. You are the confidential servant of the Butterworth's, I take it?

DINAH [*proudly*]. Ah reckon I knows a heap 'bout de Butterworths dat de othah nigga's don't know, sah.

WADE. Very well, have you seen this prisoner before?

DINAH. 'Deed ah has, sah, lots of times.

WADE. You have, hey?—where have you 'seen him?

DINAH. At Massa Butterworth's house. He cumed to de house one night about nine o'clock when nobody was home 'cept Miss Betty and I. When ah went to de door an' saw nothin' but a pedler, ah tol' him to go-long. Jes' then, Miss Betty cumed

out into de hall an' says, "Dat's all right, Aunt Dinah, I want to buy something f'om this man. You may be 'scused," so I went back into de dinin'-room an' commenced to work. Pretty soon ah gets mighty curious 'cause ah didn't heah nothin' f'om Miss Betty an' ah stahts to walk into de pawlah, when ah finds de doh shet in mah face. Then ah war mighty curious, foh shuah. Then ah heahs a mighty queer sound ovah in de conah——

KELLY. You say you heard a queer sound. What was it like?

DINAH. Well, ah should say that it sounded like a cow drawin' its foot out of de mud. Ah finds a crack in de door an' peeps through. Ah could hawdly believe mah eyes, sah. Thar in de conah war Betty wit dat pedler a-sittin' on de same sofa, his mouf close up by her ear, an' talkin' mighty confidential.

KELLY [*with a smile*]. This is getting interesting. You say they were talking very confidential?

DINAH. Yas, sah, ah heard dat pedler say somethin' about nearly gettin' cotched, but dat it war worf riskin' foh her sake, an' somethin' about gettin' her note.

KELLY. What happened after that?

DINAH. Well, long 'bout ten o'clock he cl'ared'out an' I didn't see him foh a week or so.

WADE. Did Miss Betty say anything to you about him?

DINAH. Yas, sah; she tol' me not to say a word to anybody about him, as she tol' me that he war an ol' friend of hers that she knowed in Boston, an'——

WADE. Did Miss Betty visit Boston very often?

DINAH. Yas, sah, befoh the redcoats got so promisc'ous roun' hyah she libed with her aunt in Boston foh' a long time.

KELLY. Did you find out anything more about this pedler?

DINAH. Wal, yas, sah; one night while he war thar, that thar soldier-man,—what's his name?—ah—Heppirouth, called, an'——

KELLY. Ah—Hepworth—had he ever called there before?

DINAH. Yas, sah, he had called an occasion ob times, sah, to see Miss Betty, sah.

KELLY. Well, what happened on this night?

DINAH. Well, ah didn't know what to do with him, seein' as

this other man war in the pawlah, but ah finally sot him down in de hall an' than tol' Miss Betty.

WADE. What did Miss Betty say?

DINAH. Oh, she said, "*That man!*" [*very emphatically*], as tho' she war mad an' didn't like him at all. Then she tol' this pedler man to go out in the dinin'-room an' keep out o' sight. Then she cumed out an' invited Heppiworth in de pawlah, but he didn't stay long. Ah don't know how she got rid of him, an' then she tol' pedler man dat de coast war clear, an' de pedler cumed back. He didn't stay long aftah dat, tho', 'cause ah was shuttin' de shutters f'om de outside when he sneaked off de stoop. De fust thing dat ah heard war him a-talkin' to somebody down de path an' ah rec'nized Heppiworth's voice sayin', "I'll get even wid you fo' dis." I guess he war layin' low fo' him all de time.

[HEPWORTH *clears throat and looks annoyed.*]

WADE. Things are looking a little more clear.

[*Prisoner smiles and looks rather scornfully at HEPWORTH.*]

WASH. Any more questions, gentlemen? [*Pauses.*] Call the next witness.

[DINAH *goes to seat.*]

CLERK. Is Miss Butterworth present?

ORDERLY. She has been summoned, General, but cannot be found.

WASH. Very well, we will continue without her. Fellow-officers, have you anything to say before a vote is taken on the prisoner's guilt?

COLONEL TITUS. Officers of the Army, in times of trouble, such as these, our justice should be quick; and, when a man from our enemies' territory is discovered in our midst in disguise, there is but one alternative—that man is a spy, and as a "spy" he should die,—a spy, gentlemen, who in the guise of an honest pedler makes eyes at our women-folk, and by his flattery seeks to accomplish his ends—ends which are detrimental to the cause of our beloved country and cause, an accursed Britisher, who has brought his troubles on himself. We have the evidence that he tried to break

through our lines at an hour when an honest pedler would be in bed, and this with the evidence furnished by several important witnesses shows without doubt we have a dangerous man on our hands. However, it is not necessary to argue a case such as this; military precedence shows us the decision merited; and what better can we do than leave the final judgment with our superior officer [*indicating* GENERAL WASHINGTON].

WASH. The arraignment by Colonel Titus is very logical. Are there any more remarks?

[*Pause and silence.*]

WASH. You have heard the evidence. Nothing more need be said. Clerk, call the roll for the verdict—"Guilty" or "Not Guilty."

[CLERK *calls roll and all members of* EXAMINING-BOARD *answer "Guilty."*]

WASH. Sufficient. The verdict is guilty. Bring the prisoner forward.

[PRISONER *is brought forward by two orderlies.*]

WASH. Before sentence is imposed, have you anything to say for yourself?

PRISONER [*sharply*]. Nothing that you would care to believe.

WASH. Very well, I shall have to impose the sentence, which is deservable for such an offense as yours. I hereby pronounce that at sunrise to-morrow, you are to be—

[*Commotion outside. Loud talking—feminine voice is heard, "I must see him—I must!"*]

[ORDERLY *steps hurriedly in and salutes.*]

ORDERLY. Miss Butterworth is here, General, and demands immediate admittance.

WASH. [*very sharply*]. Show her in.

[BETTY BUTTERWORTH *is brought in, trembling.*]

WASH. So, you are Miss Butterworth?

BETTY. Yes, I am.

WASH. You know this pedler?

BETTY [*agitatedly*]. Yes, I do, sir, and that he is innocent of wrong intent!

WASH. How well do you know him?

BETTY. Very well. He has had business at our house a number of times.

WASH. What kind of business, if I may ask?

BETTY [*faltering a trifle*]. He is a pedler, sir.

WASH. That is evading my question. What was his business when he visited your house?

BETTY. Why, he often stopped to talk with us when he was there.

WASH. Stopped to talk, did he? How is it that a man of his station was on such intimate terms with your family?

BETTY [*confusedly*]. He—he—he wasn't always a pedler, sir; he lost his money after the war began.

WASH. Hm—yes—he did, did he? He was too big a coward to fight when his country needed him, so he turns pedler because it is a quiet, harmless sort of an occupation.

BETTY [*angrily*]. He is not a coward, sir.

WASH. Aha, you seem to be pretty much interested in him when you defend him in that style. What have you to ask her, gentlemen?

KELLY. Did he ever stop at your place when your parents were away?

BETTY [*dropping head in girlish confusion*]. Yes.

KELLY. Do you know Lieutenant Hepworth?

BETTY. I do.

KELLY. Did he ever visit your house when this pedler was there? [*Indicates PRISONER.*]

BETTY [*after a pause*]. He did.

KELLY. What was your reason for hiding the pedler until the Lieutenant went away on that night?

BETTY [*very much startled*]. Who told you?

KELLY. Never mind who told me. The pedler didn't like the Lieutenant very well, did he?

BETTY. No, neither do I.

KELLY. If you don't like him, how is it you allow him to call?

BETTY. I think that if you should ask him, Lieutenant Hepworth might tell you that he has already received his dismissal at my hands.

WADE. Do you realize that we hold evidence which will condemn this pedler as a spy unless we find out something more about his identity than we know now?

[BETTY puts hand to eyes in distress, staggers slightly.]

WADE [reaching over and getting two paper missives from CLERK]. Did you ever see these two messages before?

BETTY [in surprise]. Why yes, I wrote them. They can't be used as evidence of his guilt—when I myself wrote them!

WADE. You wrote them? What about this Captain Longworth to whom they are addressed?

BETTY. Why—Captain Longworth is—is——

WADE. Is who?

BETTY. Well, I suppose you are bound to find it out. Captain Longworth is this pedler. Those notes were written to warn him against coming to the house. Father don't like him because he's fighting on the other side, so he could only visit me when father was away.

KELLY. Who is this man Higgs, mentioned in the letter?

BETTY. He is the man who carried the letters.

KELLY. Oh, he is? Then I take inference from your story that this British soldier, garbed as a pedler, came over the boundary——

BETTY. In the interests of love and not war! Oh, believe me, I—I—it is painful for me to confess this—but for his sake I will do it. It was for love, only for that. He is not a spy! He has a perfect right to come to my home if he chooses.

WASH. He is a soldier of the army of invasion! He was captured in the enemy's territory in disguise. You say his only object was to visit you. Perhaps you say this but to shield him. How do we know that you are not his accomplice?

BETTY [proudly]. My family name is sufficient. My father

has too long been identified with all the interests of the Colonies to be anything but loyal.

WASH. We are not questioning your father, we are questioning you.

BETTY. I am not a Royalist, sir; I stand as loyal to the Colonists as my father; and it is unfair to condemn me because I love a man who through force of circumstances has been brought up to believe differently than myself. It is just as unfair to condemn him, sir.

WASH. [*rather impatiently*]. Well, well—we won't argue the point now. Love and reason never did go hand in hand.

KELLY. Did Lieutenant Hepworth know this prisoner personally?

BETTY. Only indirectly, Colonel. He was aware that I knew Captain Longworth in Boston, and when he found out that I didn't favor his suit, he wanted to know if Captain Longworth wasn't the cause. And after he had seen him at my home here—

KELLY. Did he appear very angry, then?

BETTY. He did!

WASH. About this man Higgs—is he a servant of yours?

BETTY. He drives the Boston stage-coach, sir.

WASH. [*turning to ORDERLY*]. Jones, when does the Boston stage leave this post?

ORDERLY [*steps up and salutes*]. It is due to leave now, sir.

WASH. Detain it, then, and bring Higgs here at once.

ORDERLY. Very well, sir.

[*ORDERLY goes out and a loud "Whoa!" is heard.*]

WASH. Are there any more questions? [*Pause.*] If not, you may be excused, Miss Butterworth.

[*BETTY drops into chair near PRISONER.*]

[*ORDERLY comes in holding Higgs, who resists slightly, and mutters, "I ain't done nothin'."*]

WASH. Oho, so you are Higgs, are you?

HIGGS. Sartin I be; but I ain't done nothin'.

WASH. Don't get excited—we don't intend to shoot you; what we want to know is, have you ever seen this pedler before?

HIGGS. I never done nothin' to him.

WASH. Well, well, who ever said you did?—we want to know if you ever saw him before.

HIGGS. No, I ain't.

WASH. You haven't, hey? Did you ever see Miss Butterworth?

HIGGS. Sartin I have. She's rid to Boston with me heaps o' times.

WASH. Did you ever carry any mail for her addressed to Captain Nicholas Longworth?

HIGGS. I reckon not.

WASH. Could you swear to that?

HIGGS. I reckon it 'ud take a heap more'n that to make me use any swear words.

WASH. Well, we are not trying to remove the ribs of your moral character, but are you positively sure that you never carried a letter addressed to Captain Nicholas Longworth?

HIGGS. Ye don't expect me to remember the name on every letter I carry to Boston, do ye?

WADE. What's your first name, Mr. Higgs?

HIGGS. I reckon it's Jonathan.

WADE. Hum, Jonathan, that's a good honest name. By the way, Jonathan, what was your reason for reading that letter which you carried to this pedler here?

HIGGS. Read it? I didn't even open—a—a—how can I read a letter when I never saw it?

WADE. Hum, it would be a hard task to read it, if you never saw it. But since you've admitted that you have, you may tell us how many letters you carried to Captain Longworth.

HIGGS. That's my business.

WASH. Your business, is it? Well, Mr. Higgs, we would like to buy a share in your business at the expense of two months in the guard-house, so you may please come to an agreement.

HIGGS. Well, I reckon you want to know it all, an' I reckon

I've got to tell you. I took about a dozen letters to the Cap'n, there.

KELLY. Were they all love-letters?

HIGGS. How do I know, seein' as how I didn't read 'em.

KELLY. That sounds likely. Do you expect us to believe that?

HIGGS. Guess you'd give up tryin' to read a letter, too, when you found it's stuck with sealin'-wax.

KELLY. Where did you deliver these letters?

HIGGS. Post Road Inn, clos' t' Boston.

KELLY. How is it that you dared to carry these letters between the lines when you might get shot for it.

HIGGS. I reckoned that anything Miss Butterworth wanted me to do was all right.

WASH. Oh, yes, of course,—you didn't get paid for it?

HIGGS. Wal, I don't run a stage for all the air I can swaller.

WASH. Well, Higgs, we are finished with you for the present. If ever we catch you again acting as a carrier-pigeon, or even a dove of peace, we will make you look like a nutmeg-grater.

[HIGGS *tremblingly finds chair and sits down.*]

WASH. Bring the prisoner forward again. So you are Captain Nicholas Longworth, are you?

PRISONER. I am compelled to admit it.

WASH. How many times have you been through our lines in guise of a pedler?

PRISONER. Oh, if you must know, I should say a dozen or fifteen times.

WASH. What, you have been through our lines a dozen or fifteen times and have only been seen twice? How long has this been going on?

PRISONER. Oh, three or four months.

WASH. Huh!—it's about time you were caught. I presume that the next time you come visiting, you would have brought the whole British army with you.

PRISONER. No danger, General. I would find it mighty incon-

venient to call on my girl with the whole British army at my heels; there is only room for two of us in the parlor.

WASH. Hum—yes—I had to court mine when the whole family was present, which is a blamed sight worse; there was only one room in the house.

PRISONER. Well, I had a nigger peeking through the keyhole, which was enough for me.

KELLY. Did you visit the Widow Jones, and talk nice to her, as she says?

PRISONER. Well, I stopped at her place over night and incidentally tried to be friendly.

WADE. Do you make love to every female you happen to see?

PRISONER. When a man's in danger of having a sponge made of himself by bullet-holes, he will make love to anything if it keeps him out of trouble.

WADE. Ah—yes—mere diplomacy. Then you were by no means anxious to encounter Lieutenant Hepworth here, so you preferred to sleep on the kitchen settee rather than see him?

PRISONER. Sleep, did you say? You don't suppose I was fool enough to try to make myself comfortable on the soft side of that oak-seat, do you, when that dear friend of mine, the Lieutenant, might take a notion to look in on me at any moment? No, Colonel, that hay-stack was much more comfortable.

KELLY. Oho, so you skipped as soon as the widow got out of sight?

PRISONER. Quite so, Colonel. Your powers of penetration are extraordinary.

WADE. What was your object in frightening all the color out of this deluded nigger's face on that night that you encountered him in the graveyard? [*Points to JASPER.*]

PRISONER. Changed color, did you say? If you had seen him when I stood up and yelled, you would say that he was fast black—he certainly didn't stop to apologize for getting in my way.

WADE. Then you evidently thought it was easier to frighten him to death than to kill him by natural means.

PRISONER. That was one way to wake up that black carcass of

his; he would have stood there all night if I hadn't yelled to convince him that I was the real article, a real wig-raising ghost.

KELLY. I guess you were successful, all right.

COOMBS. What about Gristy Grinder's story here? Are you the man who talked in your sleep?

PRISONER. I don't know. I don't usually listen to myself when I'm asleep.

COOMBS. You were the man, then, that Gristy Grinder stumbled over?

PRISONER. I guess you would have thought so if you had been kicked out of a sound sleep by a pair of number thirteen feet. I thought I was hit by an American cannon-ball at first.

HIGGINS. What were you doing the night that you were captured?

PRISONER. I was going back to camp as fast as I could, when that irreproachable bush-treader challenged me. Being in somewhat of a hurry, why, I didn't stop to say "hello" just then, but kept on going. It rather surprised me when he opened up with that patent pill injector of his. Being in no ways anxious to stop one of his bullets, I was trying to get out of the way when I came bang into this other member of the reception committee.

WASH. Have you anything else to say for yourself, Captain?

PRISONER. Only that a little moderation be exercised when you sentence me.

WASH. You may be seated.

[PRISONER takes seat.]

WASHINGTON [turns to EXAMINING-BOARD]. Fellow-officers, we have heard the evidence in this case. The complications which have arisen will make the extent of this man's guilt a hard thing to decide. It, therefore, behooves us that we debate this subject somewhat before coming to a decision. An expression of your opinion is again in order.

COLONEL SCHELL. Gentlemen, officers of this Examining-Board, severe as I know our precautions must be in times of war; knowing full well that an officer of the British army must ordinarily suffer the penalty when he walks within our lines in times

such as these, yet my judgment, or—if you want to put it that way—my sympathy, gentlemen, is with the man who, with courage such as this, will risk his life for the girl he loves—loves, gentlemen, with the same strong heart-throbs that at one time made you risk the barks and bites of the family bulldog; and, in spite of all the enemy's outposts, in shape of stern papas and cautious mas, carry off the object of your affection. Gentlemen, shall this brave man suffer death because he loved? Can any man who looks at this innocent, charming girl at his side, question how he could do otherwise? Why even I—ahem! I mean you—could not do otherwise. Do we question the fact that he was in our midst on a journey of love only? We cannot question that; and, in spite of all the trumped-up evidence of a cowardly enemy—excuse me, gentlemen, for speaking thus of an officer in our cause—we have not one bit of evidence to call him a “spy.” Does the evidence of our wise and cautious friend, Uncle Jasper, darken this theory?—does the story of Aunt Dinah, with key-hole wisdom and ears of extraordinary propensity, do anything but prove our statement? What of our blushing young—gentlemen, I repeat, *young* mistress of the Red Goose Inn? Would you not make love to her—[*aside*] if you had to—[*aloud*] and the evidence of our man Jonathan Higgs, who is always ready to drive a bargain as well as a horse, helps our friend. Nor are we one whit changed in our opinions by our dusty friend, the miller, who, in his honesty of heart, is frank to say that he does not know at first sight the difference between a bag of meal and a pig. Gentlemen, we cannot but be lenient with this man who, enemy in *war*, must be our friend in *love*, and for the sake of love which is as fair as war, release him for this poor innocent girl. Can we break her heart? Assuredly *no*; and, if anybody is to be censured, let it be the man who started it all. I refer, gentlemen, to the man who, from jealousy, has tried to rid himself of an honorable rival. I need say no more, for I know, gentlemen, you *must* think as I do.

[WASHINGTON again calls for vote, resulting in verdict of “Innocent.”]

WASH. Fellow-officers, this is one of the most irregular things

that have ever come before this court. The prisoner is an officer in the opposing army and has been captured within our lines in disguise; but, in spite of it all, I'll be hanged if he ought to be shot! [*Very impetuously.*] I hereby order that he be exchanged as a regular prisoner of war—meanwhile [*smilingly*] let love have its way.

[*BETTY gives cry of joy. PRISONER reaches over and grasps her hand.*]

[CURTAIN]



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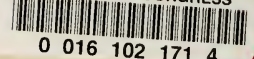
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