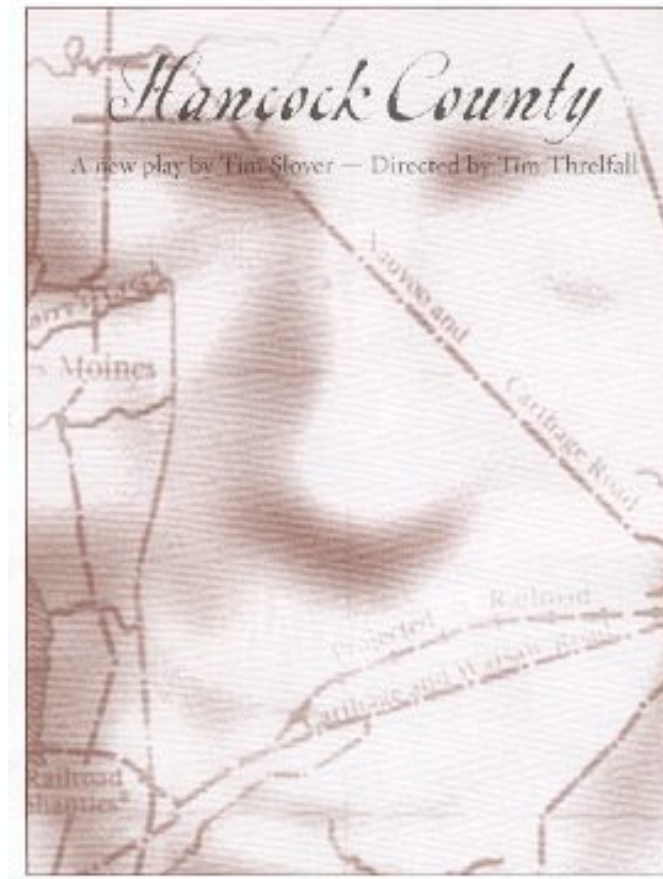


PERUSAL SCRIPT



by **Tim Slover**



ZION THEATRICALS

Salt Lake City

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HANCOCK COUNTY

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For Gene England,
who all his days lifted up an ensign of peace



“If you will not accuse me, I will not accuse you. If you will throw a cloak of charity over my sins, I will over yours.”

- Joseph Smith



Characters

ANN FLEMING, 32	Proprietess of Warsaw House
ELIZA GRAHAM, 33	Ann's niece, cook at Warsaw House
ORVILLE BROWNING, 39	Attorney
RICHARD YOUNG, 47	Judge
JOSIAH LAMBORN, 36	Attorney
BRIGHAM YOUNG, 44	Leader of the Mormon Church; same actor also plays WILLIAM DANIELS, 19, witness
THOMAS SHARP, 31	Defendant, Editor of the <i>Warsaw Signal</i> ; same actor also plays FRANK WORRELL, 24, witness

All also play neutral Actors and occasionally take other roles for a few moments.

TIM SLOVER

Tim Slover's plays have been produced off-Broadway and in professional regional and university theatres all over the US and in Canada. The Fulton Theatre in Lancaster, PA, commissioned and premiered two of Tim's plays, *TREASURE* (2004) and *LIGHTNING ROD* (2006). In 2006 he was appointed writer-in-residence at nearby Franklin & Marshall College. In the fall of 2008 his play, *JOYFUL NOISE*, received a staged reading at the Hampstead Theatre's Michael Frayn Space in London. *DESPISED*, his screenplay of *JOYFUL NOISE*, is optioned by Slickrock Films. His new eight-part radio drama, *THE CHRISTMAS CHRONICLES*, will air December 2009 on KBYU FM.

Tim's writing awards include the Grand Prize, 65th Annual Writers Digest Writers Awards; the Christopher Brian Wolk Award for Playwriting Excellence (Abingdon Theatre); a Cine Golden Eagle; a Freedoms Foundation George Washington Honor Medal; and a Hopwood Award for Best Play. His plays are published by the Samuel French Co. and Encore Performance Publishing; other of his writing has appeared in the National Biography of American Theatre, Sunstone Magazine, and been published by Signature Books and Silverleaf Press.

HANCOCK COUNTY by *Tim Slover*. One set. 5 men, 2 women. 2 hours. In 1845 the Mormon prophet Joseph Smith and his brother Hyrum were killed by a mob. The next year their accused assassins came to trial. *Hancock County* dramatizes that trial and the tensions between the Mormons, led by Brigham Young, and their enemies, who were trying to drive them from the state of Illinois.

"Hancock County" is a very fine play; an intelligent, thrilling, tightly-drawn courtroom drama/tragedy that unfolds into a meditation on America, violence, and forgiveness. It bears comparison to Robert Bolt's "A Man For All Seasons." -- R. W. Rasband of Association for Mormon Letters

"Hancock County" moves swiftly from one scene to another, using and re-using minimal set pieces and props. It also employs the occasional dose of dry humor..." -- Eric Snider, Provo Daily Herald

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Hancock County premiered in the Pardoe Theatre at Brigham Young University, February 13, 2002.

Direction: Tim Threlfall

Original Music: Marvin Payne

Scenic and Lighting Design: Rory Scanlon

Costume Design: Emily Hoem

Hair and Makeup Design: Teresa Marie Easton

Cast

Ann Fleming

Anna McKeown

Eliza Graham

Stephanie Foster Breinholt

Orville Browning

R. Jeremy Selim

Richard Young

Bob Nelson

Josiah Lamborn

Marvin Payne

Brigham Young

J. Scott Bronson

Thomas Sharp

Robert Gibbs

Hancock County was commissioned by BYU Department of Theatre and Media Arts with support from the R. Don and Shirley Oscarson Discovery Grant.

ACT ONE

Scene 1 -- Neutral playing space. As the audience enters the theatre, they hear the murmur and rush of the Mississippi River. At curtain Seven ACTORS in modern dress enter the playing space. THIRD and SEVENTH ACTORS are women. Two Actors carry large standing easels with pads of paper attached. They position them so one or the other is clearly visible to all parts of the audience. With markers they draw three sides of Hancock County.

FIRST ACTOR (YOUNG): Hancock County. A square of prairie on the edge of Illinois.

(They draw in the river to form the fourth side)

SECOND ACTOR (BROWNING): Its western corner cut off by the wide, meandering Mississippi River.

THIRD ACTOR (ELIZA): It is 1844. Hancock County has the largest population in the state.

FOURTH ACTOR (SHARP): 22,559 inhabitants. Half are members of a new religion, the Mormons. That half grows larger every month.

FIFTH ACTOR (LAMBORN): “My general invitation is, let all who will, come. Come and partake of the poverty of Nauvoo.” Joseph Smith, the Mormon prophet.

SIXTH ACTOR (BRIGHAM): Many established citizens fear the Mormons’ growing power.

SEVENTH ACTOR (ANN): Resent their buying up of land.

FIRST ACTOR (YOUNG): And hate their religious views.

SECOND ACTOR (BROWNING): “This deluded, fanatical, and ignorant sect is about to be poured upon us by thousands, and thus like the locusts of Egypt wither away every vestige of godliness.” Reverend B.F. Morris.

THIRD ACTOR (ELIZA): The tension between the Mormons and the old settlers is hemmed into a hectic triangle, with three cities at the points.

(They draw a star and write the name on the paper.)

FOURTH ACTOR (SHARP): Carthage, the county seat. Population 300.

FIFTH ACTOR (LAMBORN): Except during circuit court weeks in May and October, when the town swells up like a tick feeding on a steer.

(They draw a circle and write the name.)

SIXTH ACTOR (BRIGHAM): Warsaw. Population 500. Home to Thomas Sharp and his populist newspaper, the *Warsaw Signal*.

(They draw a circle and write the name.)

SEVENTH ACTOR (ANN): And Nauvoo, population 11,000, the biggest city in Illinois. Ten times bigger than Warsaw and Carthage put together.

FIRST ACTOR (YOUNG): Nauvoo is the Mormons’ Zion. Their kingdom of God on earth—

SECOND ACTOR (BROWNING): —built after what was left of them ran for their lives from their first kingdom of God across the river in Missouri.

THIRD ACTOR (ELIZA): Their leader is Joseph Smith: prophet, mayor, general of the Nauvoo Legion, and chief judge all rolled into one.

FOURTH ACTOR (SHARP): His followers revere him.

SIXTH ACTOR (BRIGHAM): “The honest-in-heart ran together and gathered around him and loved him as they did their own lives.” Brigham Young.

FIFTH ACTOR (LAMBORN): His detractors are equally passionate.

SEVENTH ACTOR (ANN): June 5, 1844. A new, anti-Mormon newspaper in Nauvoo prints its first edition.

THIRD ACTOR (ELIZA): “We pledge our unmitigated disobedience to Joseph Smith, the self-constituted monarch, and to his gross moral imperfections.” *The Nauvoo Expositor.*

SECOND ACTOR (BROWNING): The next day, the Nauvoo City Council orders the press destroyed.

SEVENTH ACTOR (ANN): A detachment from the Nauvoo Legion smashes the press and scatters the type.

FIRST ACTOR (YOUNG): In Warsaw, editor Thomas Sharp is quick to react.

FOURTH ACTOR (SHARP): “We hasten to inform you of the outrage perpetrated by the ruthless, lawless band of Mormon mobocrats upon our rights and interests, at the dictum of that unprincipled wretch, Joe Smith.” *The Warsaw Signal*

SIXTH ACTOR (BRIGHAM): Within days, Joseph and his brother, Hyrum, are in jail at Carthage, awaiting a hearing.

FIRST ACTOR (YOUNG): And that is where they are murdered.

Third and Seventh Actors tear the sheets of paper off and exit with them.

Underneath are simple outlines of standing men, one on each sheet, both alike.

FIFTH ACTOR (LAMBORN): June 27, 1844. Hot and humid. A sky full of clouds gives way to glaring sun.

SECOND ACTOR (BROWNING): Seven men from the Carthage militia guard the jail.

SIXTH ACTOR (BRIGHAM): Inside with Joseph and Hyrum are two friends, Church leaders Willard Richards and John Taylor.

Commotion, getting louder.

FOURTH ACTOR (SHARP): 5:00 p.m. Between one and two hundred discharged soldiers from the Warsaw militia smear their faces with gunpowder and make for the jail.

FIRST ACTOR (YOUNG): “A party of men are coming to take Joe Smith and hang him in the square! Come on, you cowards, damn you, come on! Those boys guarding the jail will all be killed!” Tom Marsh, officer in the Carthage militia.

FIFTH ACTOR (LAMBORN): In the event, not one guard receives even a scratch—

SIXTH ACTOR (BRIGHAM): --despite the hundreds of rounds fired.

FIRST ACTOR (YOUNG): Now some in the crowd below begin firing up into the second story window.
Gunfire.

FOURTH ACTOR (SHARP): Others rush up the steps inside the jail to the room where the four men are held.

SECOND ACTOR (BROWNING): Now Joseph and his brother prepare to fire pistols smuggled into them earlier.

FIRST ACTOR (YOUNG): All brace themselves against the door.

Gunfire, wood shattering.

SIXTH ACTOR (BRIGHAM): Now the men with the blackened faces fire on the door, shattering a panel four feet three inches from the floor. The prisoners jump back. Hyrum Smith fires his revolver, hitting no one.

FIFTH ACTOR (LAMBORN): A shot through the door hits Hyrum in the face, on the right side of his nose.

Gunshot. An Actor makes a red mark on the face of the outline of a man.

SECOND ACTOR (BROWNING): A second shot through the jail window hits Hyrum in the back.

Gunshot. The Actor marks the shot in red.

FIRST ACTOR (YOUNG): Hyrum falls to the floor, face up.

FIFTH ACTOR (LAMBORN): “I am a dead man,” he says.

FOURTH ACTOR (SHARP): He never moves again.

SECOND ACTOR (BROWNING): He is 44 years old.

FIRST ACTOR (YOUNG): And now his brother bends over him.

SIXTH ACTOR (BRIGHAM): “Oh, my poor, dear brother Hyrum,” he says.

SECOND ACTOR (BROWNING): Now Joseph flings open the door and fires all six shots at his enemies on the other side. He throws the gun down and slams the door.

FIFTH ACTOR (LAMBORN): Now, with his cane, John Taylor tries to beat down the barrels of the guns sticking through the hole.

Gunfire. Smoke begins to seep into the playing space.

FOURTH ACTOR (SHARP): A barrage of bullets blows him back from the door, and he is grievously wounded, but survives.

FIFTH ACTOR (LAMBORN): Now Joseph runs to the window, hoping to jump. Crossfire hits him from the hole in the door and through the window from the yard below.

FIRST ACTOR (YOUNG): One ball in the right collar bone.

Gunshot. Red mark on the Joseph outline.

SECOND ACTOR (BROWNING): One ball in the chest.

Gunshot. Red mark.

SIXTH ACTOR (BRIGHAM): Two in the back.

Gunshots. Red marks.

FOURTH ACTOR (SHARP): And now he falls through the window to the ground below.

FIFTH ACTOR (LAMBORN): “Oh Lord, my God,” he says.

SECOND ACTOR (BROWNING): “He raised himself up against the well curb. He drew up one leg and stretched out the other and died.” Thomas Dixon, eyewitness.

SIXTH ACTOR (BRIGHAM): He is 38 years old.

FOURTH ACTOR (SHARP): “Carthage Jail, 8:05 o’clock p.m. Joseph and Hyrum are dead.

Fifth and Sixth Actors tear the outlines of Joseph and Hyrum from the easels.

Taylor wounded. I am well. The citizens here are afraid of the Mormons attacking them. I promise them no!” Willard Richards.

Fifth and Sixth Actors carry the outlines through and around the playing space. It is a stylized funeral procession.

FIRST ACTOR (YOUNG): The Mormons do not attack.

SECOND ACTOR (BROWNING): Instead, they grieve, in their thousands.

FOURTH ACTOR (SHARP): “The very streets of Nauvoo seemed to mourn.” Vilate Kimball.

FIRST ACTOR (YOUNG): The news hit “like a thunderbolt, crushing the people to earth.” Emily Dow Partridge.

Fifth and Sixth Actors exit with the outlines.

FOURTH ACTOR (SHARP): Afraid their enemies would try to desecrate the bodies of the Smiths—

SECOND ACTOR (BROWNING): —they hold a public funeral for coffins filled with sand and rocks, and

then secretly bury the brothers in unmarked graves.

FOURTH ACTOR (SHARP): Governor Thomas Ford, to the Illinois House of Representatives

FIRST ACTOR (YOUNG): *(taking a speech from a pocket and reading it.):* “The state will find and prosecute the perpetrators of this bloody deed. They will be brought before a court of justice in Hancock County. We will vindicate the violated honor of the state of Illinois.”

The men leave, revealing two women, in period dress, and a wooden table with an accounts book, an open strong box, a bucket and a scrub brush on it.

Scene 2 -- Saturday, May 17, 1845 -- Warsaw House, Warsaw/Hamilton House, Carthage/Temple Site & Mansion House, Nauvoo. *Early morning. ELIZA GRAHAM, 33, thin and used to hard work, will take up her task of scrubbing the table in a moment. But right now she is examining the bruises on the arms of another woman, ANN FLEMING, 32. Just under the surface, Ann is always a little bit scared. At the moment she stands with her blouse unbuttoned so that she and ELIZA can examine her arms. She fights back tears.*

ANN: I told you. It didn't leave hardly a mark on either arm. It ain't bad, at all.

ELIZA: I can see bruises starting.

ANN: Where?

(She examines the back of her upper arm.)

Oh. Well, that won't show, will it?

ELIZA: Is that all you're worried about, Ann?

ANN: *(She shrugs her blouse back on.)* My head aches a bit. He shook me pretty good, I guess. You didn't see it, did you?

ELIZA: No, I was out back, checking on the stove.

ANN: Nor hear nothing?

ELIZA: I heard his voice raised is all.

ANN: Poor man. He's so worried.

ELIZA: Don't see why he takes his worry out on you, though.

ANN: Now listen, Eliza. Mr. Fleming didn't take nothing out on me. It ain't like he planned it. He just exploded. You know how black powder explodes.

ELIZA: You're my kin, Ann. I can't help worrying for you.

ANN: Well, don't go blaming my husband. Please.

ELIZA: What set him off this time?

ANN: Don't say "this time." There ain't so many times.

ELIZA: There aren't so few either.

ANN: It's his money worries getting worse, is all. We ain't bringing enough money into the tavern with just the drinkers, Mr. Fleming says.

(ELIZA begins scrubbing the table.)

If we're going to make Warsaw House go, we got to get more boarders. Like they do over to Hamilton House in Carthage.

(She breaks down a little.)

And I've tried.

ELIZA comforts her, putting her arms around her.

ELIZA: *I know you have.*

Ann resists because receiving comfort feels like disloyalty to her husband.

ANN: No. Now, I'm alright. I'm getting back to work.

(She returns to her business, which is going over the accounts. She picks up a bundle of cash.)

Oh, I meant to tell you. The Larimores are short. They're a whole dollar short almost.

ELIZA stops scrubbing, considers.

ELIZA: The Larimores? I don't think so. Is that January?

ANN: *(looks at paper wrapped around bundle)* That's what you wrote down on the paper.

ELIZA: Then they're not short. January they left for five days upriver to visit Abraham's father's cousin, remember?

ANN: 'Course I don't remember. That's why I got you. So they ain't short?

ELIZA: No.

(ANN puts the bundle into the box, takes out another—Mr. Fox's—while ELIZA watches.)

And neither is Mr. Fox. Least not yet. It's June 16 he's supposed to pay us in stove wood.

ANN: Do you remember everything?

ELIZA: Listen, Ann, I'll do this reckoning. You hate it.

ANN: You don't mind?

ELIZA: I don't mind a bit. I'll do it later.

ANN: Alright. Thank you. I do feel a bit...peculiar.

ELIZA finishes her scrubbing.

ELIZA: *(sighs)* That's the last of them. We're ready for breakfast. I think I'll go to bed an hour. I was up late with supper. Do you mind?

ANN: 'Course not. Adeline can manage. Or Ashbel can come in if we get a lot.

(ELIZA turns to go.)

Or wait, Eliza. Wait just a minute. There's something else.

(ELIZA turns, wearily.)

Won't you sit down?

(ELIZA sits; Ann paces nervously.)

We need to talk just a little bit.

They disappear for the moment. ORVILLE BROWNING, 39, sits at a table, contemplating his cup of coffee. Ambient noise of a busy tavern/inn: Hamilton House, Carthage. Browning's puritanical religiosity is complemented by his careful grooming and vests of extravagant design. For a moment he sips contentedly, reflecting on his past successes and anticipating his future triumphs. Then RICHARD YOUNG, 47, enters the room, carrying traveling bags and dusty

from a long trip. Young is handsome, unfailingly cordial. Browning, who has been watching for him, sees him before he sees Browning.

BROWNING: Judge! Judge Young!

(Young looks around. Browning is at his elbow, hand outstretched.)

It's Orville Browning, Judge. Welcome to Carthage.

YOUNG: *(not quite placing him)* Mr. Browning.

BROWNING: I'm counsel for the defense, Judge. I'm representing the men accused of murdering the Smiths.

YOUNG: Oh, yes. Of course. Forgive me, Mr. Browning. The journey has wearied me.

BROWNING: *(indicating the table)* Will you join me?

YOUNG: I'm just on the way up to my room.

BROWNING: You've come from Quincy?

YOUNG: And from Springfield yesterday. So I believe a spell of rest will do me good.

BROWNING: I took the liberty of ordering you a breakfast, Judge.

YOUNG: Breakfast?

BROWNING: They say it's the best in Carthage. It should be out in under three minutes.

YOUNG: *(deciding to sit down)* Well, alright. Thank you, Mr. Browning.

BROWNING: Not at all.

YOUNG: You seem to have anticipated my arrival.

BROWNING: I made the journey two days ago. Sabbath travel is abhorrent to me.

YOUNG: Ah yes, I believe I recall that now.

BROWNING: "Six days may work be done; but in the seventh is the Sabbath of rest, holy to the Lord."

YOUNG: I respect your devotion, sir.

BROWNING: "Whosoever doeth any work in the Sabbath day, he shall surely be put to death."

YOUNG: Yes. Not in Illinois, of course.

BROWNING: *(smiles)* No. Has Murray arrived yet?

YOUNG: Who? Oh. Hadn't you heard? He's retired from the case.

BROWNING: Has he? I can't say I blame him.

YOUNG: The Governor has asked Josiah Lamborn to step in.

BROWNING: *(surprised and dismayed, but struggling not to show it)* Josiah Lamborn? Really?

YOUNG: Bit of a tall order for him, with so little time to prepare.

BROWNING: *(still trying to take it in)* That changes things.

YOUNG: Oh? Why is that?

BROWNING: Murray McConell's a man of integrity. But Josiah Lamborn...

YOUNG: You have a low opinion of him?

BROWNING: Well, the profaneness. Lately, the drinking.

YOUNG: Yes, that's a pity, isn't it?

BROWNING: And he took bribes.

YOUNG: Once or twice. Allegedly.

BROWNING: When he was Attorney General of Illinois! He brought shame to an honorable profession. I

believe he should have been disbarred.

YOUNG: *(mildly)* Well, he did some fine work for the state, I thought.

Browning pulls back. He was getting too heated, and that would defeat his main purpose.

BROWNING: You're right, of course. You're a compassionate man, Judge. It's an honor to have you sitting this case.

YOUNG: *(sighs)* I never thought I'd be out circuit-riding again. But Governor Ford wants a genuine supreme court judge, so here I am.

BROWNING: He hopes the trial will discredit you, of course.

YOUNG: Who does? The Governor? Why would he hope that?

BROWNING: Because you're opposing him in the next election. Aren't you?

YOUNG: I've heard that rumor.

BROWNING: I fervently hope it's more than a rumor.

YOUNG: You say this as a Whig?

BROWNING: We feel—myself and an influential segment of our party—we feel Illinois needs someone above politics now. She needs a statesman.

YOUNG: *(savoring the word a little)* A statesman.

BROWNING: We think it's you, sir.

YOUNG: Do you?

BROWNING: Yes, sir, we do. We all feel it would be an honor to support a man of your caliber.

YOUNG: *(pleased)* Well, that's very gratifying. That's really very gratifying, Mr. Browning.

BROWNING: So we mustn't let this trial besmirch your reputation in any way.

YOUNG: *(thoughtfully)* No. No, we mustn't. That's a good point.

BROWNING: You can count on me, sir.

YOUNG: Thank you.

BROWNING: Speaking of the trial, there's just a small issue...

YOUNG: Yes?

BROWNING: Yes. It's about jury selection.

YOUNG: Really? Well, what's troubling you, Mr. Browning?

Browning and Young both leave as BRIGHAM YOUNG, 44, beardless, burly, in shirtsleeves, comes on quietly to work on a window frame. Brigham conveys an impatient competence, as though he were often just a little behind in a crucial timetable known only to him. At the moment, it would be easier to believe him to be a good glazier than the leader of a church. JOSIAH LAMBORN, 36, comes on. He is tall, thin, soberly and carelessly dressed. Brigham looks up to see Josiah take a well-practiced swig from a hip flask and then replace it into a coat pocket. Now Josiah sees Brigham.

LAMBORN: I wonder if you could help me out here. I'm looking for Brigham Young.

BRIGHAM: Why don't you try the Mansion House? He's generally down there.

LAMBORN: Well damn it, they told me down there he was up here.

BRIGHAM: They did, did they?

LAMBORN: Said he was up here working on this thing. *(looks up at temple)* What is this, the next state capitol?

BRIGHAM: It's a temple.

LAMBORN: A temple? Well, I'll be damned. Do you know where Young is?

BRIGHAM: I might. You are, sir?

LAMBORN: Josiah Lamborn.

BRIGHAM: You're the Attorney General.

LAMBORN: Former Attorney General.

BRIGHAM: You're prosecuting in the murder trial.

LAMBORN: Trials, with an s. There's two of them. Joseph Smith now, save his brother for later.

BRIGHAM: Really? What advantage is there in that?

LAMBORN: Oh, keeps it simple for the jury. Look, mister, you go on working on your temple. I'll find Young. He must be around here somewhere.

BRIGHAM: (*sticks out his hand*) You've found him, Mr. Lamborn.

(*Lamborn takes his hand.*)

You must forgive me. There are so many writs out against me these days, I have to be careful about people I don't know. I've told them that at the Mansion House. They don't seem to listen.

LAMBORN: It's an honor to meet you, sir. Now I'm not real sure about your position here. I know to you folks Joseph Smith—

BRIGHAM: Joseph was the Prophet, Mr. Lamborn. I'm just President of the Council. And the Twelve.

LAMBORN: Well, that sounds important. The twelve what?

BRIGHAM: Apostles.

LAMBORN: Apostles? Like in the Bible?

BRIGHAM: Yes.

LAMBORN: (*surprised and amused*) Are you sure?

BRIGHAM: (*just a hint of severity*) What where you expecting?

LAMBORN: Well, someone...more sort of...

(*changes his mind*)

Listen, you can't go by me, I ain't a religious man.

BRIGHAM: Just now, of course, I'm a glazier. What Joseph began, we will finish. Even if, like Israel of old, we must do it with a trowel in one hand and a sword in the other.

LAMBORN: I guess what I'm driving at, is what should I call you?

BRIGHAM: What do you think of the windows?

LAMBORN: The windows?

BRIGHAM: The way they catch the sun.

LAMBORN: That's your part, the windows?

BRIGHAM: That's right.

LAMBORN: Well, there's certainly a lot of them.

(*This was not the answer he was hoping for.*)

BRIGHAM: I think you better call me Mr. Young. And now you'll have to excuse me. This window needs to be in that wall before the Council meeting at noon.

LAMBORN: Can I give you a hand? I've got awful important things to talk to you about before the trial. And I only got a couple of days.

BRIGHAM: That depends, Mr. Lamborn. Let me see your hands.

(Lamborn holds his hands out uncertainly.)

No, I don't think you can. You go on back down to the Mansion House and take some refreshment. I'll be with you presently.

Lamborn starts to go, turns back.

LAMBORN: This case can be won, Mr. Young. I can win it.

They exit as Ann and ELIZA return. Now it is ELIZA who is pacing, agitated. Ann tries to soothe her.

ANN: Now, please, Eliza, please, you got to understand. Mr. Fleming—

ELIZA: That's why Mr. Fleming turned into black powder.

ANN: What?

ELIZA: That's why he shook you.

ANN: Now—

ELIZA: He wanted to kick me out and you said no.

ANN: He ain't kicking you out. It ain't permanent. It's only for court week coming up. We can make some money, Mr. Fleming says. Then you'll come back.

ELIZA: Do you promise, Ann? Do you swear it?

ANN: Of course. Two weeks and you'll be right back in your rooms, alright?

(ELIZA doesn't respond. Ann becomes more importunate, taking a silly line.)

Alright, Lizzy, dear, who's everything nice and not a scrap of bad in her?

ELIZA: *(smiling, relenting)* Oh, alright.

ANN: Good! Now, will you still do the reckoning later on?

ELIZA: *(looking down at the box in her hand, which she had forgotten)* Of course I will.

ANN: You got a head for it.

(She puts an affectionate arm around ELIZA, strokes her head.)

Everything stays right in there.

The bell rings outside. The two women look at one another for a moment before TOM SHARP, 31, wanders in. He is editor of the Warsaw Signal newspaper. Sharp is an intelligent and clever man, perpetually convinced of the soundness of his own beliefs.

SHARP: Good morning.

ANN: Why, Mr. Sharp, good morning. Look, Eliza, it's Mr. Sharp. We haven't seen you in here for a month of Sundays.

SHARP: I'm just on the way to my newspaper.

ANN: Well, we'll get you some breakfast.

SHARP: Just coffee, I think. Did you see the sky last night, Ann?

ANN: We was in all night with guests.

SHARP: Just about half a moon shining down on the River. The willows hanging over the slip. Beautiful.

ANN: I'll get you your coffee, Mr. Sharp.

SHARP: Oh, Eliza can get it, can't she?

ELIZA: Sure. I'll just make some.

ELIZA exits. As soon as she is gone:

ANN: (*confidentially*) Mr. Sharp, do you know of any persons of upstanding character who might like to board here at Warsaw House? At least for court week. Looks like we got a vacancy or two.

SHARP: Oh. Then you must know about the indictments.

ANN: About the what?

SHARP: Folks accused of the Smith murders. Two of your boarders are indicted.

ANN: (*not taking it in*) Two of my boarders...

SHARP: Are being put on trial for the murder of old Joe Smith.

ANN: No! That can't be.

SHARP: Oh, don't worry. Nobody's taking it seriously.

ANN: Who's on trial?

SHARP: Well, Senator Davis for one. Listen, while she's getting the coffee. I'm just wondering. I heard a rumor. Is Eliza Graham a Mormon?

ANN: What?

SHARP: I'm just wondering.

ANN: Why? I don't understand.

SHARP: Just answer my—

ELIZA: (*returning with the coffee*) Looks like Mr. Fleming made some before he left for Boston.

ELIZA pours Sharp's coffee.

SHARP: Thank you, Eliza.

ANN: Who else, Mr. Sharp? Who else besides Senator Davis?

ELIZA: What about Senator Davis?

ANN: Eliza, he's on trial for murder, Mr. Sharp says.

ELIZA: No.

ANN: Yes!

SHARP: My oath.

ANN: Now who else from here, Mr. Sharp? (*realizing and blurting it out*) Of course! Mr. Aldrich!

SHARP: Yes. (*surprised into being almost menacing*) That's right. How do you come to know that?

Immediately Ann knows she has said the wrong thing.

ANN: Well. It was in the newspaper, wasn't it?

SHARP: Not that I know of. I haven't printed a word of this yet.

ANN: Well then, some other paper, I guess.

SHARP: Which paper?

Ann is flustered, tries to gather her wits.

ELIZA: No, I think Mr. Fleming heard it, didn't he, Ann?

ANN: That's right. Of course. It was Mr. Fleming told us.

SHARP: He did? That's peculiar.

ELIZA: Isn't it though?

SHARP: Well, it's humorous, really. Accusing men like that of murder. Men who practically built the county.

As I say, nobody's taking it seriously.

ANN: No.

SHARP: I mean the Governor's got to indict somebody. Might as well be his enemies.

ANN: I'm sure you're right. Mr. Fleming reads your editorials.

ELIZA: Though we keep ourselves to ourselves mostly.

SHARP: I'll tell you, though. Whoever did put bullets in Smith, we ought to pin medals on them. They were patriots. That's what I'm on my way to print in the paper this morning. They put an end to the career of a tyrant.

ANN: A tyrant.

SHARP: Joe Smith, the tin-horn Jesus. He'd just about taken us all over. Well, you know that. Him and his mob of immigrant foreigners.

ELIZA: There's no law against being a religious man, so far as I know.

SHARP: Well, no, no law against being religious. Long as you're building up the kingdom of God, instead of one for yourself.

(getting agitated)

Long as you don't make yourself mayor, judge, jury, and general of the biggest army in the state. That's what Smith did. I don't understand how you can defend him.

ELIZA: I'm certainly not defending him.

SHARP: Did you know he was running for President? How'd you like to have Joe Smith in charge of the United States of America, telling you what God says you got to do?

ANN: Are you sure we can't get you breakfast, Mr. Sharp? There won't be no charge.

SHARP: And what about freedom of the press? That's about the most sacred thing in the Constitution.

ELIZA: I'm sure you're right.

SHARP: Old Joe ran roughshod right over it. He just smashed up the *Expositor* when it dared to print the truth about him. When a tyrant takes away the precious freedoms of the people—well, what did George Washington do? What did Thomas Jefferson do? I tell you, whoever put bullets in him ought to get medals.

ANN: I never heard it put quite so plain, before. Did you, Eliza?

ELIZA: No.

SHARP: Alright then. Listen, I apologize. It just makes my blood boil. A tyrant gets turned into a martyr and the folks who stopped him go on trial. That's not right. That's not American.

ANN: You're right.

SHARP: And I'll tell you another thing, ladies. Whoever testifies against these patriots...

ANN: What?

SHARP: Well, let's just leave it at this: there's been killing already, hasn't there?

(fishing for a coin and putting it on the table)

Thanks for the coffee.

(He turns to go, then back casually.)

Oh. I should mention. I'm one of the defendants.

ANN: Mr. Sharp!

SHARP: Oh, I'm not surprised. Everybody attacks the press. Now, neither of you heard any talk in here about those killings did you?

ANN: No.

SHARP: I mean last year when it happened? Or later on? You know how people talk in a tavern sometimes.

ANN: Goodness, no.

SHARP: Eliza?

ELIZA: I generally don't pay attention to what people say in here.

SHARP: Good girl. Well, it looks to be another fine day. I'm going to go out and breathe the free air. Keep safe. Remember, this new man, Brigham Young's still got the Mormon army.

He leaves. The two women stand in silence for a moment. Ann is extremely frightened. Eliza is icy calm and suddenly very weary.

ANN: Eliza .

ELIZA: What.

ANN: Eliza, why did he say all them things?

ELIZA: Because he's threatening us, of course. He knows what we heard that night, and he's warning us not to testify.

ANN: But we wouldn't. Months and months, we haven't told a soul.

ELIZA: Until you bring up Mr. Aldrich.

ANN: It just slipped out.

ELIZA: We got to be real careful now, 'til court week's done.

ANN: If we talked, we'd lose everything. Don't he know that? Mr. Fleming'd take a fit.

ELIZA: Mr. Fleming will make sure you don't come before the court. Listen to me. You'll never have to testify. It's going to be alright.

ANN: (*suddenly remembering*) Eliza! Mr. Sharp asked was you a Mormon.

ELIZA: He did?

ANN: Yes.

ELIZA: (*Instantly, she knows what this means.*) I have to leave. Tonight. I guess I'll go on back to Nauvoo.

ANN: Why?

Fear makes ELIZA suddenly irritated.

ELIZA: Oh, Ann, can't you remember anything? I testified. To the grand jury last year.

ANN: But you didn't tell them nothing, did you?

ELIZA: No! Of course not! But I'm—whatever that is—I'm on record. The folks from the court will come looking for me to testify again. I thought they wouldn't, but Mr. Sharp must think they will. And I'm not a good liar.

ANN: Eliza, you can't tell nobody. Not one soul. Even in Nauvoo. You can't!

ELIZA: There's nobody I'm talking to in Nauvoo. Now you never told Mr. Fleming what you heard that night

ANN: You know I didn't. Of course not.

ELIZA: So we're alright there.

ANN: (*Ann starts to cry.*) Oh, Lordy, why'd Mr. Sharp talk about killing?

ELIZA: Listen. We'll make it through this alright. You'll be safe here. And nobody'll come after me in Nauvoo. Just don't talk about it.

They disappear as Brigham and Lamborn appear mid-conversation at the Mansion House. Lamborn has got a lot of papers spread out, not neatly, on a table. He takes a pull from his hip flask, leaves it on the table.

LAMBORN: Alright. Let me boil the case down to its essentials.

BRIGHAM: Are you a drunkard, Mr. Lamborn?

LAMBORN: This? This clarifies the mind, is all. Half the time I fill it with sarsaparilla. Now—

BRIGHAM: Were you in this habit as Attorney General?

LAMBORN: Look, Mr. Young, in my experience, the practice of law requires the occasional stiff one.

BRIGHAM: It does not inspire confidence.

Lamborn puts the flask on the table.

LAMBORN: There. I just became a teetotaler. Now. No one knows who actually shot your man, Smith.

BRIGHAM: Which is why this trial has always been a lost cause.

LAMBORN: No, it ain't. Because you don't have to pull a trigger to be guilty of murder. Look. I'm Tom Sharp. I'm the editor of the *Warsaw Signal*. I hate you Mormons. So I tag along with the militia. And when the Governor sends word to discharge it, I give the men a fire-breathing speech—telling them to go on out to the jail and end the tyranny and lawlessness of old Joe Smith while they got the chance.

BRIGHAM: Mr. Lamborn!

LAMBORN: If Sharp did that—if he incited to murder—if any of the defendants did—then they're just as guilty as if they fired the shots. That's the law.

BRIGHAM: (*considering*) Conspiracy...

LAMBORN: Yes, sir, Mr. Young. Conspiracy to commit murder. And now here's where you come in. You help me get witnesses from your people. Folks who heard a defendant conspire—or boasted about the murders afterwards.

BRIGHAM: I see.

LAMBORN: (*looking through papers*) How about John Taylor? He was in the jail.

BRIGHAM: He gave his affidavit.

LAMBORN: It would be a whole lot better if he showed up to tell his story to the jury.

BRIGHAM: He has still not completely recovered from his wounds.

LAMBORN: Even better. Can he limp?

BRIGHAM: Elder Taylor will not return to Carthage. His life is in danger there.

LAMBORN: But if you talk to him—

BRIGHAM: Why don't you get your witnesses from the militia? A hundred men heard Sharp and the rest of them.

LAMBORN: Oh, I will. I'll compel their testimonies and get what I can. But they're hostile, and they'll lie. Now.

(picking up another sheet of paper)

How about Mr. Daniel Jones? His affidavit's promising.

BRIGHAM: I'm thinkng of sending him on a preaching mission.

LAMBORN: Sending him on a—!

(finds more papers)

Alright. How about Stephen Markham? He was there or thereabouts.

BRIGHAM: I'm thinking of sending him on a mission, too.

LAMBORN: Mr. Young. Can you explain to me why you're being so damn unhelpful? I got to face Orville Browning in that courtroom. You don't know what that means.

BRIGHAM: What do you get out of all this, Mr. Lamborn?

LAMBORN: I get to see murderers convicted.

BRIGHAM: I may look like a Vermont yokel to you, Mr. Lamborn. Some day laborer who got put in charge of a church for a joke. That doesn't mean I am.

Lamborn takes a moment to decide.

LAMBORN: Alright. Here's what I get. I get back into the charmed circle. Nobody wanted this case, Mr. Young. Two prosecutors quit. Do you want to know why? Because being on the Mormon side is a losing proposition. That means when I win, I ain't the disgraced Attorney General anymore. I'm the best damn attorney in Illinois. That honest enough for you?

BRIGHAM: Yep. Now here's what I want. To finish the Prophet's temple and keep my people safe. Consider their danger if they testify.

LAMBORN: The state will provide them protection.

BRIGHAM: Like it did for Joseph and Hyrum.

LAMBORN: Mr. Young—

BRIGHAM: Do you know what a night-rider is?

LAMBORN: No.

BRIGHAM: We do. Because they ride to our houses at night and set fire to them. Thirty homes since the murders.

LAMBORN: Well, that's terrible, of course. Still—

BRIGHAM: If you stir things up, I think it'll get worse.

LAMBORN: I can compel Mormon witnesses, you know.

BRIGHAM: You can. And I can continue to send them on missions.

LAMBORN: Mr. Young, don't you want your prophet avenged?

BRIGHAM: I want to put a saddle on a horse this second and get my hands around the neck of anyone who even thought of harming him.

LAMBORN: Well, don't you think God wants that, too?

BRIGHAM: The will of the Lord and what I want aren't the same thing.

LAMBORN: Well, what if he tells you to get me some witnesses?

BRIGHAM: Then, Mr. Lamborn, I'll pass the news on to you.

LAMBORN: Good. I hope he tells you soon.

Lamborn picks up his flask and leaves. Brigham is alone.

BRIGHAM: So do I.

Brigham leaves as ELIZA and Ann come on. They are at Warsaw House. ELIZA has a travelling bag. She is ready to go to Nauvoo.

ANN: Oh, Eliza. Now that you're really leaving...

ELIZA: Will you talk to Mr. Fleming? Make sure he knows I'm coming back?

ANN: You know I will.

(thinking of it for the first time)

Eliza, where you going to stay in Nauvoo?

ELIZA: There's a place I can go back to, I think.

ANN: Maybe you'll like it better there now.

ELIZA: I liked it well enough before, mostly.

ANN: I'll come visit you, maybe.

ELIZA: Good. I'd like that. Now, don't say anything, remember. We're the silent sisters, right?

ANN: That's us.

**Scene 3 -- Sunday, May 18, 1845 -- Mansion House/Browning's room at Hamilton House, Carthage/
Warsaw House/Grove, Nauvoo/Mansion House/Browning's room.** ELIZA turns and is in the Mansion House, Nauvoo, talking to Brigham Young. He is on his way to his office, carrying papers.

BRIGHAM: Sister Eliza ...Graham, isn't it?

ELIZA: Yes.

BRIGHAM: Welcome back to Mansion House.

ELIZA: Thank you.

BRIGHAM: We still use the wing in the back for the hotel.

ELIZA: I remember.

BRIGHAM: Of course. Well. Will you be content with your old duties?

ELIZA: Thank you. I'll only be troubling you a couple of weeks.

BRIGHAM: They tell me you make the best breakfasts in the county.

ELIZA: Oh, anybody can cook.

BRIGHAM: No, Sister Eliza. I can assure you from personal experience: not everybody can cook. Now, good breakfasts improve relations with our neighbors. We sorely need that.

ELIZA: I'll do my best while I'm here.

Brigham gazes around the room for a moment. He is unable to resist bringing up the subject:

BRIGHAM: They tell me it was in this room. This is where everybody came to see the bodies.

ELIZA: Yes.

BRIGHAM: I wasn't here. I was back east. Apparently...they plugged up Joseph's wounds with cotton. They soaked it in camphor so the...smell...

Emotion he doesn't want to show keeps him from going on.

ELIZA: I heard that.

BRIGHAM: You didn't come?

ELIZA: No.

BRIGHAM: Oh.

ELIZA: I'm not much in the Church these days.

BRIGHAM: I see.

ELIZA: Am I still welcome?

BRIGHAM: Tell me. What do you think of the temple so far?

ELIZA: Oh, it's beautiful! Truly.

BRIGHAM: What do you think of the windows?

ELIZA: They're beautiful.

BRIGHAM: *(smiles)* You stay here as long as you like.

Brigham leaves for his office while ELIZA puts on an apron and leaves for the kitchen. Browning comes on in his room at Hamilton House. He puts on his coat, takes his hat, cane and Bible and starts to leave the room. Sharp knocks.

BROWNING: Yes.

SHARP: I wondered if I might have a moment. *(Browning opens the door.)* May I come in?

BROWNING: It is the Sabbath. I am on my way to church.

SHARP: I'm here on behalf of the other defendants.

BROWNING: Nevertheless.

SHARP: Mr. Browning, the trial begins tomorrow. We need to know your defense. Our defense.

BROWNING: This day hath the Almighty hallowed. I will not profane it. If your wish is that he sustain us in this trial, I enjoin you to search for him in prayer all this day.

He gets a considerable distance before Sharp blurts out:

SHARP: You defended Joe Smith once. People say you were his friend. How do we know you'll do a good job for us?

Browning turns to face Sharp.

BROWNING: Whom God places in my way to defend, I defend. He sustains me, Mr. Sharp, and insures the victory. Particularly when my opponent is also his.

SHARP: You mean Joe Smith?

BROWNING: I mean Josiah Lamborn.

SHARP: Look. We're innocent. All of us.

BROWNING: I must ask you never again to speak to me on that subject. That is a matter entirely between you and the Almighty. It does not concern me at all.

He walks off, leaving Sharp in some confusion. After a moment, he leaves in the other direction as Lamborn comes into Warsaw House. He is in mid-conversation with a very suspicious Ann.

LAMBORN: *(frowning at his piece of paper)* Mrs. Fleming is it?

ANN: That's right.

LAMBORN: Is your husband in?

ANN: No, he ain't, but there's big strong fellas just a call away if I need them.

LAMBORN: Oh, you won't need them. I'm a lawyer, ma'am.

ANN: That ain't entirely reassuring.

LAMBORN: I'm here on court business. I'd like to ask Mr. Fleming—

ANN: He ain't got nothing to say about court business.

LAMBORN: Well—

ANN: Neither do I. Want some coffee?

LAMBORN: Well, what about

(looks at paper)

Miss Eliza Graham?

ANN: She ain't here.

LAMBORN: Do you mind telling me where she went?

ANN: Yes, I would. She's just—gone.

LAMBORN: Well, that's kind of peculiar, ain't it? To be just gone?

ANN: No, it ain't. It ain't the least peculiar to go visiting folks when you want to.

LAMBORN: *(He scribbles his name and address on a piece of paper.)* I'm staying over at Hamilton House in Carthage. Would you mind letting me know next time she stops in from Nauvoo?

ANN: Sure.

LAMBORN: *(looks up at Ann)* Nauvoo, huh? *(takes the paper back)* Thanks, Mrs. Fleming. I'll have that coffee some other time.

He leaves. Ann looks stricken. Brigham comes on to address a large body of (unseen) Mormons in the grove. Ambient outdoor sounds.

BRIGHAM: Brothers and sisters, I feel like shouting hallelujah that ever I knew Joseph Smith. He was our beloved Prophet. He communed with angels and with the great Jehovah himself. And he brought before our eyes the things of God. *(Eliza comes on to listen to Brigham.)* Now, tomorrow begins the court trial of the lawless men who killed him.

Lamborn comes on, holding some disorganized papers. He sees ELIZA and approaches her. He consults a paper.

LAMBORN: Miss Eiza Graham?

She turns to look at him apprehensively.

BRIGHAM: Some of you have been called to be jurors. A few have volunteered to give testimony. May the Lord bless you and protect you.

LAMBORN: Do you mind if we have a talk? Down at the Mansion House?

BRIGHAM: For all the rest, we will attend to our own business and go nowhere within miles of Carthage. We will keep the peace, and we charge all others to do the same.

Brigham leaves. Ambient sounds out. ELIZA and Lamborn are now mid-conversation in the Mansion House.

ELIZA: It's a lost cause. Everybody says so.

LAMBORN: It ain't a lost cause! Listen, there's going to be plenty of Mormons on the jury. There has to be. It's the law. You people make up half the county.

ELIZA: What do you mean, "you people"?

LAMBORN: Oh, you're going to tell me you're not a Mormon? You just happened to move to Nauvoo this week?

ELIZA: What if I told you I'm not?

LAMBORN: Well, are you or ain't you?

ELIZA: I got nothing to say. I already told everything to the grand jury last year.

Lamborn shuffles his papers, finds the sheets he wants.

LAMBORN: Yeah, but the thing is, I've read your testimony, and it's a couple jiggers short of a full drink.

ELIZA: What?

LAMBORN: It's incomplete, Miss Graham. That's why it caught my eye. Oh, I ain't saying you told lies. But the questions weren't very good, were they?

ELIZA: What do you mean?

LAMBORN: (*consulting the transcript sheet*) “Did you hear gunshots at any time?” “Do you harbor personal feelings against any defendant?” Pretty easy questions to answer without saying much.

ELIZA: I..I told the truth.

LAMBORN: Miss Eliza Graham. Up until yesterday, you spent pretty much every day working and living in the one place everybody in Warsaw came to talk. Now suddenly, at the start of court week, you pack up all your things and move out here. And you’re telling me you don’t have a story to tell?

ELIZA: I can’t remember any more than I told the grand jury.

LAMBORN: You can’t remember.

ELIZA: No.

LAMBORN: Are you scared, Miss Graham?

ELIZA: Why don’t you compel my testimony, if you don’t believe me? I heard you been doing that with militia fellas around the county. Why don’t you get Sam Fleming to haul me over to Carthage?

LAMBORN: Would you tell the truth if I did? Or would you forget the same things you forgot to tell the grand jury?

ELIZA: I got nothing to say.

She walks quickly away from Lamborn, who gazes after her. Browning comes on, in his room in Carthage. He is in shirtsleeves, taking his tie off, preparing for bed. A knock.

BROWNING: Who is it?

SHARP: (*off*) It’s Thomas Sharp, Mr. Browning.

Browning opens the “door”.

BROWNING: It is exceedingly late, Mr. Sharp.

SHARP: Right. It’s past midnight. It’s no longer Sunday. May I come in?

BROWNING: This is iniquitous.

SHARP: Yes, I apologize. We’re a little anxious, as I’m sure you can appreciate.

BROWNING: Come in, then.

SHARP: Thank you.

Browning lets him in. They sit.

SHARP: Mr. Browning, there’s something I want to say.

Sharp hesitates for a moment, not sure how to begin.

BROWNING: Yes?

SHARP: Just...hear me out. Will you?

BROWNING: Of course, Mr. Sharp. You’re my client.

Sharp gets up, goes to look out a window.

SHARP: If you get up at dawn, and you look out—that way (indicates the direction) you can watch the sun bring the prairie alive, foot by foot. And then, when it hits the River it turns it into silver.

BROWNING: Why are you telling me this?

SHARP: Because it’s how we feel. This is our place. It’s our home. It was our Zion, until the Mormons came and overran it.

BROWNING: (*He stands.*) Thank you, Mr. Sharp. I appreciate your feelings.

(*He begins to usher Sharp out the door.*)

Now, if there is nothing further, a good night's sleep is the best arrow an attorney has in his quiver.

SHARP: Wait. Wait! What about our defense?

BROWNING: What about it, Mr. Sharp?

SHARP: Well, here's what we've been thinking. We figure we can get 25, maybe 30, witnesses testifying to our character, our stature in the community. We're all prominent men.

BROWNING: I have no intention of calling character witnesses. I will advance no positive case. There is none to be made.

SHARP: But—

BROWNING: It is well known that the Warsaw militia killed Joseph Smith.

SHARP: Well, yes, but--

BROWNING: Four of you defendants are officers in that militia.

SHARP: Now, wait. Hold on. Just because—

BROWNING: And your newspaper bellowed for Smith's death and justified the murder afterwards.

SHARP: You believe we're guilty!

BROWNING: (*irritated*) Mr. Sharp, I will not ask you again: do not bring up that irrelevant subject! Now, if it would ease your mind to learn my intentions, I will explain. But briefly. I need my sleep.

SHARP: Alright.

BROWNING: First, Mr. Lamborn will present his witnesses—

SHARP: He won't find any witnesses.

BROWNING: You made sure of that, did you? (*with distaste*) Are you sure you've threatened everybody?

SHARP: Listen. We've got a right to look after ourselves. That's in the United States constitution.

BROWNING: Lamborn always finds witnesses, believe me. It will then be my task to bring to light their defects, their secret sins. Everyone has them. I guarantee he'll find no witness I can't impeach.

SHARP: And that's it?

BROWNING: You claim Smith's death wasn't a murder, isn't that right?

SHARP: It wasn't. It was an execution, a just execution for his crimes. He was a tyrant, a violent, bloody Napoleon. He--

BROWNING: Yes, yes. Well, we need another execution.

SHARP: Damn it, Browning, what are you talking about?

BROWNING: His body is gone. His character remains. We must execute his character. I will demonstrate that Smith was so odious, so dangerous that the public was only safe with him dead.

SHARP: Now you're making sense. Here's where I can help. I'll—

BROWNING: You can assist by sitting quietly in the courtroom and looking as innocent as possible. And getting me a copy of the *Expositor* newspaper.

SHARP: That's all you need?

BROWNING: That and a new jury. Don't worry. I've been working on that, too.

Scene 4 -- Monday, May 19 & Wednesday, May 21, 1845 -- Judge's chambers, Carthage court/Brigham's

office, Mansion House/Hamilton House/Courtroom/Temple Site. Sharp disappears and Young and Lamborn join Browning. Young begins to speak immediately, while entering. Browning straightens his tie, rolls down his sleeves, and picks up a large book. Young and Lamborn read documents which we understand have just given them by Browning. Throughout, Browning tries to acknowledge Lamborn as little as possible, directing all his energies towards Young.

YOUNG: This is certainly an unusual request to make of the court, Mr. Browning.

LAMBORN: Unusual, hell, It's a damn freak of nature!

BROWNING: Judge, will you please direct counsel for the prosecution not to blaspheme?

LAMBORN: I'll tell you what's blasphemous, Richard. *(He reads his copy.)* "Hancock County commissioners are very much prejudiced. They chose the panel of jurors in such an unfair manner as to imperil the defendants' rights and lives." Now that's a downright obscenity.

BROWNING: Does prosecution deny that two-thirds of the county commissioners are Mormon?

LAMBORN: What I deny, Orville, is that the jury panel is unfair and oppressive just because it's got some Mormons on it.

BROWNING: Judge, this is a formal affidavit requesting that you quash this prejudiced panel.

LAMBORN: Look who signed it, Richard.

YOUNG: Signed by the defendants. That is unusual.

LAMBORN: Orville, you can't quash a jury panel because the defendants don't like who's on it!

YOUNG: What's your precedent, Mr. Browning?

Browning opens his volume and shows the relevant passage.

BROWNING: Blackstone, Volume 4. You'll note that if there is a "tolerable ground of suspicion" that those selecting jurors are prejudiced, the court may select a new panel.

YOUNG: And you're saying the county commissioners are prejudiced because they're Mormons.

BROWNING: Well, surely.

LAMBORN: Why?

BROWNING: Is it likely that they would stop at anything to see the blood of their prophet avenged?

LAMBORN: Well then, why didn't they pick all Mormons for the panel? Why less than half?

BROWNING: *(turning to Lamborn at last)* Why surely, Mr. Lamborn, you of all people understand the importance of creating the illusion of honesty.

LAMBORN: Richard, there's a procedure to follow here. If Orville wants to impeach the county commissioners, you've got to hold a hearing, and he's got to produce evidence of prejudice.

YOUNG: We don't have time for that. The whole case has got to be decided this week. I'm due in Springfield.

LAMBORN: Orville, name me one single case in the whole history of US jurisprudence where a panel of legally selected jurors has been set aside because the defendants asked the judge pretty please.

BROWNING: Stop calling me by my Christian name. We are not intimates. Admittedly, Judge, there is no precedent—

LAMBORN: Right.

BROWNING: but there has never been a case like this.

LAMBORN: It's a murder case. There's been plenty of those.

BROWNING: No. This is a test of whether or not a court will uphold what it means to be American. How do

you think it feels? To put your life's blood into farms and towns. And then to watch while a hoard of strangers—many of them foreigners—moves in to threaten all you've built.

LAMBORN: Don't you like foreigners, Orville?

BROWNING: You go to the polls, but the hoard always outvotes you because its—its Napoleon—is telling it how to vote.

LAMBORN: What's your evidence for that? The *Warsaw Signal*?

BROWNING: So it creates county commissioners and a jury to convict innocent men. Judge, I put it to you. Will anything happen to the hoard this time? Or will tyranny continue to reign? It's in your hands. What would a statesman do?

LAMBORN: Richard, if you quash this panel, it'll be a signal that you don't intend to conduct a fair trial. My friendly witnesses'll run for cover. And I ain't got that many.

YOUNG: Are you accusing me of impropriety? You?

LAMBORN: (*suddenly realizing*) Wait a minute. You two already talked about this, didn't you?

YOUNG: Enough. I've heard enough.

LAMBORN: You cooked this up earlier.

YOUNG: I'm going to accept the defendants' affidavit. The panel of jurors is hereby quashed. I will direct Sheriff Deming to select a new panel—

BROWNING: Well, actually, Judge, remember: Sheriff Deming is named in the affidavit. He, too, is prejudiced.

YOUNG: Ah. Well then, the next selector is—

BROWNING: --the coroner, who, unfortunately, is a justice of the peace in Nauvoo, and so—

LAMBORN: Here's an idea. Why don't you just ask the defendants who they want on the jury?

Lamborn turns and is immediately in conversation with Brigham in Nauvoo.

BRIGHAM: First the judge allows indicted murderers to roam the county freely. And now he dismisses the entire panel of jurors!

LAMBORN: It ain't good, I know.

BRIGHAM: There's not one Mormon on that jury now. This is justice in Hancock County!

LAMBORN: I can still win the case, if I get the witnesses.

Brigham takes a letter from his pocket and unfolds it.

BRIGHAM: Mr. Lamborn, you must be the last man in Illinois not to know what this trial is really about. Listen.

(reads)

“The people of Hancock County cannot rise above the prejudices excited by your religion. I confess I do not foresee the time when you will be permitted to enjoy quiet. Signed, the Honorable Thomas Ford, Governor of Illinois.”

Lamborn grabs the letter, surprised.

LAMBORN: When did he send this?

BRIGHAM: Three weeks ago. So you see, the Governor's not looking for a conviction. He's looking for an eviction. Ours.

LAMBORN: How could Tom Ford...?

BRIGHAM: The trial is just to clear his name before the next election. And we will no longer have anything to

do with it.

LAMBORN: Is that God speaking to you? Is that the will of the Lord?

BRIGHAM: It is the will of Brigham Young!

Brigham leaves as ELIZA comes on. Immediately Lamborn is in mid-conversation with her.

LAMBORN: Miss Graham, witnesses are deserting this case like paint peeling off in July. I know you got a story to tell.

ELIZA: If I do, I'm not telling it to a room full of guns and not a Mormon on the jury. I'm sorry. Goodbye, Mr. Lamborn.

LAMBORN: Yeah, goodbye. Only I don't understand you people, I really don't. I thought this "Brother Joseph" meant something to you.

ELIZA: (*heatedly*) You listen to me. Tom Sharp said he'd make trouble for me and my aunt. He talked about killing. Am I supposed to risk that for—for a man who...

LAMBORN: Who what? A man who what?

ELIZA: Nothing. I never wished him any harm. But now he's dead, I don't have to go risking myself and my kin for Joseph Smith.

LAMBORN: You got something against him?

ELIZA: Of course not.

LAMBORN: Don't you people more or less worship the man?

ELIZA: No. They...revere him.

LAMBORN: Well, then?

ELIZA: Well that doesn't mean everything he did or said was perfectly right!

LAMBORN: Oh. See, I thought the idea was, Smith got his news straight from God. Otherwise why keep him on the payroll?

ELIZA: Don't say such things.

LAMBORN: All the time getting revelations for you. So why don't you do something for him and testify?

ELIZA: Revelations! Well, they can't all have been revelations, can they?

ELIZA turns and is in Brigham's office at Mansion House. Lamborn exits.

ELIZA: He keeps at me to testify.

BRIGHAM: I'll tell him to stop.

ELIZA: He said none of us cares about the Prophet.

BRIGHAM: It's a lawyer's trick, Sister Eliza, to apply pressure.

ELIZA: I don't know what to do.

BRIGHAM: And you figure I've got some counsel for you.

ELIZA: That's what I...hoped.

BRIGHAM: Only, you aren't much in the Church these days. Right?

ELIZA: No. You're right. I should go.

BRIGHAM: Well, to be honest, on the subject of this trial, the heavens seem to be brass.

ELIZA: Oh.

BRIGHAM: And I'll tell you why. I've got so much anger piled up around my spirit right now, the Lord can't clear away the brush. At this moment, I would rather have a six-shooter than all the lawyers in Illinois.

Sorry.

ELIZA: Well, I'll—I guess I'll head on back downstairs.

(But she can't. Suddenly blurting out:)

How can...how can a revelation... How can something that comes from God hurt people? How can that happen? If it hurts someone, it can't come from God, can it?

BRIGHAM: Seems unlikely.

ELIZA: Right.

BRIGHAM: *(quietly)* But there are what you might call precedents. The Book of Job. Abraham and Isaac. Paul with rocks flung at his head in Lystra. Christ in Gethsemane. Joseph and Hyrum in Carthage Jail.

ELIZA: Oh.

BRIGHAM: I don't know, Sister Eliza. I'm afraid it may just be that hurt and the will of the Lord do sometimes travel the same road. But if they do, in the end, I know that road leads straight to His arms.

ELIZA disappears as Ann comes on and talks as though through a door.

ANN: I'm sorry I upset you, dear, but you was insistent to know, so I told you. Dear. Mr. Fleming. Please don't take on and be upset. I hate it when you shut yourself up like this. Won't you come out?

Drumroll. Brigham turns and is at the temple site. Ambient early morning noises.

BRIGHAM: Brother Pitt, members of the Nauvoo Legion band, thank you for that stirring march. And now we all thank the Lord that the final capstone has been laid to the temple.

ANN: Alright then, you just stay in there for a spell. But honest, I think everything'll turn out right. We just have to make sure we don't... we don't tell no one about that night. Because you know **ELIZA:** won't. She's too scared. I've almost forgot it, myself, we been so busy.

BRIGHAM: It is a fine edifice, an edifice of beauty and grandeur. I believe the windows are particularly fine.

ANN: So we just won't talk about it. Eliza says that's the right thing. Or would you rather... would you rather we do something else?

BRIGHAM: I now pray the Almighty to defend us in this place and sustain us until it is finished inside and out and we have all got our endowments.

ANN: Mr. Fleming? Dear? You know I'll do what you think is right. Long as I don't have to go to court. I don't think I could [do that]... I can't do that.

BRIGHAM: And now, Brother Pitt, a final hymn.

The Actors playing Browning, Lamborn, and Sharp, now neutral again, come on as Ann and Brigham disappear.

FIFTH ACTOR (LAMBORN): The circuit court comes to Hancock County twice each year, in May and October.

SECOND ACTOR (BROWNING): It stays a week, clears up whatever business is put before it, and then moves on to another patch of Illinois prairie.

FOURTH ACTOR (SHARP): It is May 24, an especially clement spring Saturday. Two hundred Hancock County citizens crowd into the second-story courtroom in Carthage.

SECOND ACTOR (BROWNING): Roughly the same number as the mob that killed the Smiths.

Growing crowd noise.

FIFTH ACTOR (LAMBORN): "Almost everybody attending court comes armed to the teeth—as if this were a militia muster instead of a trial." The St. Louis Missouri Republican.

PERUSAL PAGES FILE -- Hancock County by *Tim Slover*

Young takes his place at the bench. He takes a gavel from a small black valise.

SECOND ACTOR (BROWNING): “The decision of Judge Young to quash the jury is considered a great victory for the defendants.” *The Burlington Hawkeye.*

The Actors playing Brigham, ELIZA, and Ann, now neutral again, come on with the red-marked body outline of Joseph Smith. They hang it high above the stage. It will preside, like a ghost, over the trial. Then they exit. Meanwhile:

FOURTH ACTOR (SHARP): “The impression appears to be that the Mormons will not attempt a very rigorous prosecution.” *The Sangamo Journal*

Lamborn, Sharp, and Browning take their places in the chairs, Sharp beside Browning. Young bangs his gavel.

YOUNG: *(reading)* The state of Illinois charges that the defendants, not having the fear of God before their eyes unlawfully, willfully, and of their own malice aforethought did cause to be killed and murdered Joseph Smith, Junior. Levi Williams, Mark Aldrich, William N. Grover, Jacob C. Davis, Thomas C. Sharp.

(He looks up.)

How do you plead?

Blackout.

26 other pages in act two

REVIEWS:

Hancock County

Harris Fine Arts Center, Brigham Young University, 13 February - 2 March 2002. Genre: Drama

Reviewed by: R. W. Rasband for AML

"Hancock County" is a very fine play; an intelligent, thrilling, tightly-drawn courtroom drama/tragedy that unfolds into a meditation on America, violence, and forgiveness. It bears comparison to Robert Bolt's "A Man For All Seasons" (if I'm not mistaken a line from that play, about how swearing an oath is like taking your soul in your hands, is alluded to in "Hancock County".) HC concerns the trial of the assassins of Joseph Smith in Illinois in 1845. Slover gets a rollicking, frontier, Mark-Twain-like quality to the story that draws you in like good historical fiction. The clash of visions between competing groups in America is a subject that will never go out of style, and those who follow the current state of "identity politics" will find much to think about here. The slipshod application of justice will also remind you of the Simpson case and other trials where fairness and expediency collide.

The cast is excellent. Marvin Payne is the hard-drinking, rumored-to-be-corrupt prosecutor Josiah Lamborn. He brings a rawboned, hard-bitten worldliness to the role that eventually dissolves into a humble acceptance of truth and fate. Jeremy Selim is Orville fate. Jeremy Selim is Orville fate. Jeremy Selim is Orville Browning, the lead defense attorney (and eventual co-founder of the Republican Party.) His oily sanctimony is made worse by his total sincerity -- he's a nightmare of the lawyer run amok (and a devastating comment on the intolerance of some 19th century Protestant Christians.) J. Scott Bronson makes a doughty, smart Brigham Young. Robert Gibbs is the nasty Tom Sharp, the editor of the "Warsaw Signal", who egged on the Smiths' murder. His flag-waving patriotism conceals a ruthless greed and self-interest. Anna McKeown and Stephanie Foster Breinholt poignantly portray the struggles of women on the edge of society of women on the edge of societeye edge of society; they look like pictures of my great-grandma's. And Bob Nelson is Judge Richard Young, opportunism personified.

Slover deftly deals with the folklore of retribution that grew up around the "fate of the persecutors." He reminds us that justice in this world is seldom so neat. The heart of the play is, interestingly enough, the King Follett discourse of Joseph Smith. Lamborn eventually comes to realize that Smith's enemies had to kill him because they could not stand the responsibility Joseph's vision would place on them. And Brigham Young finally comes to realize that sometimes you just have to "let go" in order to move on -- and that sometimes they way of the Lord wil get you hurt (one of the toughest lessons we have to learns and accept in this life.)

This is not a play that appeals just to the parochial interests of LDS audiences. Non-Mormons should find much to appreciate here; the magnificently drawn character of "gentile" Josiah Lamborn should be a vehicle through which many people can get a grip on what happens. Indeed, he contributes the central insight of the story: no one is just "one thing or the other." A crucial scene occurs when Eliza Graham must testify about her knowledge of the murderers' boasting. But she has also become aware of the secret system of "spiritual wifery" in Nauvoo and the pain it has caused the women, and she has been embittered by it. Lamborn tells her that everyone is human, even prophets; and "ain't that what you're supposed to do, forgive?" It's a powerful moment in a play that is full of them. If there were any justice in this world, someone would make an indie movie out of "Hancock County", it would become a hit and Tim Slover would become as famous as Neil LaBute. But as this play reminds us, justice is a slippery thing in this world. DON'T MISS THIS PLAY IF YOU CAN POSSIBLY GET TO IT!

Theater Review

"Hancock County," at BYU Feb. 13-March 2, 2002

Review by Eric D. Snider

Published in The Daily Herald on 2002-02-22

"Sometimes hurt and the will of the Lord do travel the same road," says Brigham Young in Tim Slover's new "Hancock County." Brother Brigham is a minor figure in the play, but that statement reverberates throughout it as a reminder that no matter how much we might want something, God usually has more information on the matter than we do.

"Hancock County" sets up a familiar theatrical and cinematic situation: the legal trial of a bad guy everyone wants to see punished. It's the real-life 1845 trial of five men accused of conspiring to kill Mormon Prophet Joseph Smith. (No one knew which of the 100 mobbers actually fired the bullets that killed him, so "conspiracy to murder" was the best the state of Illinois could do.)

It sets up a fine array of historical characters, too: a menacing newspaper owner (Robert Gibbs) among the defendants; a disgraced former attorney general (Marvin Payne) trying to regain some credibility by prosecuting the case; a deviously pious snake in the grass (R. Jeremy Selim) as defense attorney; a conflicted judge (Bob Nelson); a lapsed Mormon (Stephanie Foster Breinholt) too nervous to testify; her battered-wife relative (Anna McKeown); and, lurking along the sidelines weighing sadness with frustration, Brigham Young (J. Scott Bronson).

After setting up this tantalizing blend of situations and characters, though, Slover must stick to historical fact, which does not allow for as much justice as the viewer will want to see. It's a difficult dilemma for a playwright: You want the action to be satisfying, but you don't want to betray history. To an extent, though, the frustration felt by a sympathetic audience is part of the point; we feel a bit of what Brigham and the Saints felt, and the cast, directed by Tim Threlfall, gives it their all in conveying the bittersweet emotions of the day.

Like Slover's "Joyful Noise," seen and loved by thousands a few years ago, "Hancock County" moves swiftly from one scene to another, using and re-using minimal set pieces and props. It also employs the occasional dose of dry humor, such as when the prosecuting attorney says he hopes he isn't arrested for contempt of court, because "I don't like my chances for surviving the night in Carthage Jail."

The cast is top-notch on all sides, from Payne's alcoholic attorney to Selim's offensively smarmy defense lawyer; from Bronson's reluctant but powerful prophet to Breinholt's cowering witness. It is a clear, rich drama that is satisfying even when it doesn't go the way we want it to.

Should you go? Whether LDS Church history is your thing or not, "Hancock County" is an engrossing depiction of it.
Grade: A-