

SCENE VI

(The light fades, and comes up 'on the center stage, showing the front of the courthouse and Jack's tavern. Men are coming from the tavern door, others walking along the street from right, evidently returning from Joe Nicholson's tavern. Some are walking up the courthouse steps. A crowd, men, women, boys and girls, fill the street immediately in front. Jethro is on the tavern porch, at left. As a tall, slender young man is mounting the courthouse steps, Jethro calls out.

JETHRO

Mr. Avery, how 'bout givin' us a little speech before the meetin' takes up?

(Waightstill Avery, the lawyer, turns, smiles, and several in the crowd applaud Jethro's suggestion.)

AVERY

Well, friends, there's little for me to say.

(He smiles, points inside the courthouse.)

I've been having my say inside. And I think the time has come to stop talking and start acting. That's my notion. And that's what I'm going to insist upon when we get back to work.

(He walks up the few remaining steps to the balcony.)

I don't think the present situation should be longer tolerated. I don't think we should stand idly by and permit our brothers in Boston to suffer because of this tyrannical government across the seas.

We are free men. We came into this wilderness--many of us here came ourselves and the rest of us are the second generation of those who came--to escape this very evil that is rearing its ugly head in Britain, this Tory snake that is attempting to stick its fangs into our free life in America. We came seeking freedom to live our own lives, to worship God in our own way. I say we must stand behind our brothers in Boston, in Massachusetts

Bay, wherever these Tories, against the good advice and athwart the will of their own liberal members of Parliament, are attempting to impose a foreign government--a foreign idea of government --on us free men in Boston, in Virginia, here in Carolina.

That's the way I see--

(He is interrupted by a short, bald man who comes running out from the store in right foreground. He is Duncan Ochiltree, the merchant.)

OCHILTREE

(Running across on fat legs toward Avery, waving his right arm.)

Wait a minute! Let me say a word!

(He stops near the courthouse steps, facing Avery and the crowd, looking toward audience.)

All you fokes is my friends. I like you all and I hope you like me. And I aint got no ax to grind. But I want to caution moderation. We musn't go too far, gentlemen. Now Lawyer Avery here is a fine young man, but he's got a lot of things to learn. He's full of fire and vinegar, which is all right for a young man to be. But old heads has got to study this thing. We got to take our time.

(He pulls out a big handkerchief, pauses, mops his forehead.)

Yes, sir, men, we don't want to be too rash. We don't want to make King George mad at us nor the government of England neither. It'll hurt business, men. After all, Mecklenburg's a long ways from Boston, and don't none of us drink no tea nohow. We ain't go no business messin' in Boston's affairs. We got to look after our ownelves. And if we tend our own business and let Boston and the Lord tend to her'n, we needn't be scared o' the British comin' way over here into these settlements after us. It's a long way from England to Mecklenburg and if we just

lay low and act quiet like we won't suffer none and we won't have our business ruint neither.

(He mops his face, looks about, as if for support, greeted by scowling faces.)

(From the balcony Avery glares at the fat merchant, levels his forefinger at him.)

EVERY

That's not my notion, Duncan Ochiltree. Nor is it the notion of my friends here.

(Avery sweeps his hand out to indicate the group. There is an angry buzz, and from the tavern porch Jethro O'Flannigan speaks out.)

JETHRO

It aint our notion, neither, Mr. Avery. I want to say I don't agree with Mr. Ochiltree, not in the least. I want to say I don't give a ha'-penny 'bout business when my rights is bein' threatened. I want to say that I'm not in favor o' leavin' the Lord to look after our brothers up in Boston and elsewhere where the King's bunch is tryin' to keep 'em down. The Lord has a plenty to do, and besides I figure it's our business to help those fokes out.

(From the group in the street and about the tavern shouts of approval greet Jethro's speech. Then from the porch near Jethro another man, his face a study in bewilderment, speaks:)

THE MAN

I'm in favor o' the rights o' free men, too. I showed I was in favor of it. You recollect, I was one of those who fit agin Tryon at Alamance Creek. And you all know what happened. You all know that Tryon he sent Waddell over these settlements and made us swear an oath to uphold the King and the royal government in Carolina. Well, I took that oath and there's



others here who took it. And I ask you Lawyer Avery, how can we declare ourselves agin the rule o' the King, whether we like it or not, when we took that oath?

(His question, it is evident, is causing concern among some of the men. Then John McKnitt Alexander, who quietly has come out on the courthouse balcony, speaks.)

JOHN MCKNITT ALEXANDER

Ezra, I believe I can help you answer that. It is a fact that many in Mecklenburg took that oath. And an oath is binding. To violate an oath endangers one not only to the wrath of the one injured, but also to hell-fire itself. But, Elam, you have forgot one thing. We took an oath to uphold the King and the King's government in these parts, that's true, but the conditions under which we took the oath no longer apply. That oath applied only so long as the King and his government in Carolina gave us protection. Now that protection has been withdrawn, and the oath is thereby nullified. The King has sent his soldiers to enslave our brothers in Boston. There has been bloodshed there. The soldiers have assaulted free and law-abiding citizens. There is no royal protection in Boston any more. There's none in the colonies. The King is assaulting us rather than protecting us. The contract has been broken. The oath is no longer binding.

(Alexander pauses. Now his face lights up, he points toward a tree off right.)

Look, Ezra, it's like this. See, that oak tree over there. It's full of green leaves. This is May. Today we take an oath. With our hands upon the Holy Scriptures we swear to uphold the oath as long as the leaves are on the tree. Through June and July and August and September the oath is binding. But when fall comes, Ezra, and there's frost in the air, and the leaves

fall, well, then, we are no longer bound. We are absolved of our oath. And now that the King has assaulted us, our brothers in Boston, and is denying us our liberties and his protection, the oath we took no longer binds us. We are free men again.

(Alexander turns toward a young man near him on the balcony.)

Is that not the way it is, Pastor Balch?

PASTOR HEZEKIAH BALCH

You are right, Mr. Alexander. When one party to a contract violates it, there is no longer a contract.

EZRA

(From the tavern porch, happily.)

He's right! I see it now. The King has killed the oath his ownself!

(Pastor Balch, John McKnitt Alexander, Waightstill Avery and several others go into the courthouse, several men on the tavern porch disappear inside, and the crowd in the street thin out. Then the attention of those remaining on the tavern porch is caught by someone approaching off left, and Jethro points, left.)

JETHRO

Stranger. I aint never seen that horse before. Looks like he's been ridin' him hard, too.

(As the stranger rides up on his sweat-foamed horse, one of the loungers on the tavern porch steps down and takes the horse's rein. David, who has come out through the tavern door, helps the man alight.)

DAVID

You have had a long ride, sir?

THE STRANGER

Yes, from this side of Salisbury since daylight. I'm pretty tired, and my horse is all in. Seems to be some sort of

meeting here today.

DAVID

Yes, we have a convention of delegates considering the situation of the colonies to take action on what should be done.

THE STRANGER

I come in good time then. I'm from up Boston way, and I hear grave news. The British are warring on us. At Lexington in Massachusetts they fired on our militia, killed our men. The war is on. I was sent to warn you in the south, and ask for aid. Here--

(He thrusts a handbill into David's hand.)

Read it. And --and could I have a drink?

DAVID

(Turning to Jethro)

Take the gentlemen inside and see that he is served properly.

(As the crowd begins to push toward center, Jethro and the express rider go up the steps, inside the tavern. The crowd begins calling out to David. He mounts the tavern porch.)

Folks, this man is an express rider from up in Massachusetts colony. He has a serious message for us. The British have fired on Americans at Lexington, near Boston--

(He looks at the handbill.)

Yes, it was on April 19--just exactly a month ago today. This message has come with unbelievable speed. Southward to New York and Philadelphia and Annapolis, over the Potomac at Mount Vernon, through Williamsburg, and New Bern, perhaps--

(He is interrupted with cries of "Read it! Read it!")

JETHRO

(Reading.)



"This day the blood of Americans has been spilt in defense of their homes and their freedom. On the common at Lexington the British soldiery has slain inoffensive citizens who sought only the protection of themselves and their families, their liberties and their honor. At the bridge at Concord more blood was spilt. The British have returned to Boston but only to plan new attacks upon us. Friends of liberty everywhere, Americans all! We conjure you by all that is dear, by all that is sacred; we beg and entreat, as you will answer it to your consciences, to your hearts, above all, to God Himself, that you will hasten and encourage by all means possible the enlistment of men to form an army to fight for freedom, and that you send them forward with all expedition. The war is on, citizens of America! The die has been cast! Let us stand together, let us fight like free men to protect our liberties!"

(As David Barksdale finishes reading the handbill the angry muttering of the crowd increases. He walks down the tavern steps, crosses to the courthouse, starts up the courthouse steps, pauses, holds up the handbill.)

I'm going to give this to the men inside.

(He smiles grimly.)

This should stir them up in there.

VOICE FROM THE CROWD

It shore ought to. It's time they was stoppin' discussin' and arguin' and startin' to doin'.

(As David walks inside the courthouse, the light dies on the scene, and comes up on the Narrator.)