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Family Plays

The Shaggy Dog Murder Trial

**By
Joanna H. Kraus**



The Shaggy Dog Murder Trial

First produced by the Department of Theatre,
State University of New York College at Brockport.

Drama. By Joanna H. Kraus. Based on New York's Barge Canal history. Cast: 2 to 4m., 3 to 5w., 1 either gender. This one-act, participatory play is designed for a student audience of 4th through 7th graders. The script may also be used as a theatre-in-education vehicle. The dramatization is based on one of America's most unusual court cases, in which a mongrel dog is accused when a boy drowns. It results in a trial that receives nationwide coverage, splitting the town in half. The testimony of the witnesses is contradictory. It is up to the audience to vote whether the shaggy dog should live or die. A study guide is available in the script. *Simple int. set. Suitable for touring. Costumes of upstate New York in 1936. Approximate running time: 60 minutes. Code: SU2.*



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A play for young audiences
based on New York's Barge Canal history by

JOANNA HALPERT KRAUS

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“Produced by special arrangement with
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THE SHAGGY DOG MURDER TRIAL was first presented by the Department of Theatre, School of Arts and Performance, State University of New York College at Brockport, April, 1986 and toured area schools with the following cast:

Cast
(in order of appearance)

Barney Wyman	A. Sean Phelan
Justice Locke	Tanya Hart
Kathy Owens	Susan M. Doyle
Andrea Lee Ross	Carolyn Corallo
Bradford Kelly	Michael Wech
Bixby Price	A. Sean Phelan
Diana Darling	Susan M. Doyle
Millicent Read	Crissa House
Peter Henderson	David Dellea
Alma Winters	Anna Maria Manso
Directed by	Joanna H. Kraus
Set Designed by	Gary Musante
Costumes Designed by	Susan Tucker

A scene from the above was also developed by the Children's Theatre Mini-Tour, State University of New York College at Brockport as a segment in *OUR SPIRIT SHOWS*, a celebration of the Rochester Sesquicentennial, 1984.

The play is loosely based on Barge Canal history. However, all proper names have been changed in the interest of respecting the privacy of the individuals and canines involved.

PRODUCTION NOTE OPTION

An alternative way to perform **THE SHAGGY DOG MURDER TRIAL** is to handle the script as a Theatre-in-Education vehicle. See **APPENDIX**.

CAST OF CHARACTERS

ETHAN JEREMIAH LOCKE . . . Justice of the Peace. Firm, fair. 60.

or

EDNA VICTORIA LOCKE

BRADFORD KELLY Prosecuting Attorney. Intelligent, conscientious. Early 30's.

ANDREA LEE ROSS Defense Attorney. Bright, ambitious, clever. Late 20's.

BARNEY WYMAN Narrator and Cameraman. A newsreel photographer for a national movie company. Early 30's. (Can also play BIXBY PRICE and PETER HENDERSON.)

BIXBY PRICE Owner of NEVADA, the dog accused. Convinced his dog is innocent. Mid 20's. (Can also play BARNEY WYMAN and PETER HENDERSON.)

DIANA DARLING Precocious, adventurous, and enjoys attention. About 11. (Can also play KATHY OWENS.)

PETER HENDERSON Friend of the deceased. Loyal, trustworthy. About 14. (Can also play BARNEY WYMAN and BIXBY PRICE.)

KATHY OWENS Press Reporter for a small city newspaper. Talkative, enthusiastic. About 25. (Can also play DIANA DARLING.)

ALMA WINTERS Mother of the deceased. Grief stricken. Early 40's. (Can also play MILLICENT READ.)

MILLICENT READ Veterinarian and Secretary of the Dog Society. Crisp, efficient and prim. 40. (Can also play ALMA WINTERS.)

NEVADA The shaggy dog accused of murder. NEVADA is never actually seen by the audience, but his cage is onstage throughout the trial.

LEROY A dog that looks like NEVADA. LEROY is not actually seen by the audience but is carried onstage during the trial.

Although there are ten characters, the play can easily be performed by three men and three women (or two men and four women).

THE TIME

A summer morning in August, 1936.

THE PLACE

The old Town Hall of a Barge Canal village in upstate New York.

THE SHAGGY DOG MURDER TRIAL

SCENE: the old Town Hall of a Barge Canal village in upstate New York. At present it is cluttered with movie newsreel and photographic equipment. Onstage is a judge's bench, a witness stand, a lawyer's table, and a large cage, which houses the accused.

SOUND: occasionally barks, yelps, and growls emanate from within the cage establishing the presence of NEVADA, a black and brown shaggy dog, a cross between an Airedale and a German Shepherd. Only NEVADA'S wagging tail is visible to the audience.

The performers refer to the dog, talk to him, and pat him on the head. But the audience never actually sees NEVADA except in the mind's eye.

Large imposing placards with opposing views are placed throughout the auditorium.

"SPARE NEVADA'S LIFE!"

"NEVADA IS DANGEROUS!"

"JUST A PLAYFUL PUPPY!"

"MONGREL IS MURDERER!"

"A DOG IS MAN'S BEST FRIEND!"

"TIE HIM UP. BUT DON'T SHOOT!"

"AN ACCIDENT—NOT MURDER!"

"DEMOCRACY MEANS INNOCENT UNTIL PROVEN GUILTY!"

"DESTROY KILLER DOG!"

LIGHTING: the airy room is flooded with summer sunlight.

As the members of the audience enter, each is handed a contrasting two-colored ballot. One side has a large "AYE" printed on it. The other side has a large "NAY" printed on it.

The audience become the spectators in the crowded courtroom.

AT RISE: BARNEY WYMAN back in operating a "coffee grinder", a hand crank movie camera. He is taking newsreel footage of JUSTICE LOCKE, who strides to the judge's bench and then poses beside it. BARNEY WYMAN is a newsreel photographer for a national movie company. Also narrator. He is in his early 30's. JUSTICE LOCKE is Justice of the Peace, firm, fair, 60.

SOUND: camera whirrs.

BARNEY: That's it, Justice Locke! That's it!

(Finishes.)

Thank you! This newsreel's going to be shown in every movie theatre in America!!

(As narrator.)

Folks, all the fanfare of a murder trial is here in upstate New York. Now on a hot day in August, most folks go the the beach. But there's one village on the Barge Canal, where everyone's gone to the Town Hall. Why? Because a shaggy dog was accused of murder. That's right. Murder! Four weeks ago, on July 4th, a boy dived into the canal for a swim, when a huge dog jumped on him. The boy drowned, and some insist that the dog in the canal was Nevada. That's the same dog you see here locked in a cage. A defendant who can not speak for himself! Is Nevada guilty or not? Is he a vicious beast? Or is he a playful pup?

(Gestures to posters in audience.)

The opinion's divided.

(Reads from posters.)

"Mongrel is murderer!" "A dog is man's best friend!"

(Continues.)

Today the eyes of the entire nation are on this small village. Today Justice of the Peace Ethan Jeremiah Locke must decide Nevada's fate. But he won't do it alone! Because all the good folks sitting here have ballots in their hands. And at the conclusion of the trial, each one will vote "AYE", Nevada should live-or "Nay". And here's Movie News to cover the event. Where the action is, that's where my camera is! Barney Wyman, Movie News.

JUSTICE LOCKE: Remember, Mr. Wyman, this is a courtroom, not a movie theatre.

BARNEY: Oh, don't worry, your Honor. I'm an old hand at this. You won't even know I'm here.

JUSTICE LOCKE: I doubt that! But remember this court serves justice! Not popcorn!

BARNEY: Right, your Honor. I'll stay out of the way.

JUSTICE LOCKE: See that you do, young man. See that you do!

(BARNEY exits. KATHY OWENS rushes in. She is a Press Reporter for a small city newspaper. Talkative, enthusiastic. About 25.)

KATHY: Hold it, your Honor! Please!

(Snaps a still photograph.)

Thanks. Mind if I take one of the accused?

JUSTICE LOCKE: Well, hurry up.

(KATHY OWENS darts over to cage and snaps a photograph of NEVADA using a flashbulb.)

SOUND: a low growl.

(Gestures to audience.)

I never figured on so many folks.

KATHY OWENS: Justice Locke, is it true you're getting letters from all over the country?

JUSTICE LOCKE: Not just the United States, Miss Owens. This morning I got six from Europe. Special delivery!

KATHY OWENS: It sounds like the whole world is watching this case.

(Whips out notepad.)

What do they say?

JUSTICE LOCKE: Well now, when you've lived as long as I have, you'll learn that folks don't differ too much, no matter where they come from. Some write the dog should live. And some write the dog should die. Well, just look at the signs out there.

KATHY OWENS: *(Reads from specific posters.)*

"Destroy killer dog!" "Democracy means innocent until proven guilty!" "Tie him up. But don't shoot!"

SOUND: Voices from the audience echo argumentatively the sentiments on the posters.

Your Honor, what do you predict?

JUSTICE LOCKE: Predict! Predictions are for weather reports and fortune tellers! Not for the law! And the only way I've been able to do my job here is to keep an open mind. Justice, Miss Owens, demands an open mind!

KATHY OWENS: Oh boy, this'll make a front page story for the

(Inserts name of local paper.)

Mind if I quote you, your Honor?

JUSTICE LOCKE: Go right ahead. But you must take a seat now, Miss Owens. It's high time to begin.

(KATHY OWENS moves out of the way, as JUSTICE LOCKE bangs his gavel. BRADFORD KELLY enters. He is the Prosecuting Attorney. Intelligent conscientious. Early 30's. At the same time ANDREA LEE ROSS enters. She is the Lawyer for the Defense. Bright, ambitious, clever. Late 20's.)

BRADFORD KELLY: Good morning, Miss Ross.

ANDREA ROSS: Good morning, Mr. Kelly.

BRADFORD KELLY: How's your client?

ANDREA ROSS: How would you like to live in a cage?

BRADFORD KELLY: He's just a dog!

ANDREA ROSS: *(Bristling.)*

Do you have a dog?

BRADFORD KELLY: If I did, you can be sure I wouldn't let him roam around free. A dog needs a leash.

ANDREA ROSS: A dog needs a friend! My job is to fight injustice. And to speak for those who can't speak for themselves!

BRADFORD KELLY: Oh, is that your job in the big city, Miss Ross? To speak for dogs?

ANDREA ROSS: I speak for my client!

BRADFORD KELLY: Do you like defending criminals?

ANDREA ROSS: That dog is not a criminal! I don't know where you trained as a lawyer, Mr. Kelly, but let me remind you, in this country, a man, woman, child, or animal is INNOCENT UNTIL PROVEN GUILTY!

BRADFORD KELLY: AGREED! And I intend to prove he's a killer!

ANDREA ROSS: Mr. Kelly, do you know what murder is?

BRADFORD KELLY: It's killing.

ANDREA ROSS: No, it is much more than that! The legal definition of murder is "pre-meditation upon the part of the killer. It's the unlawful killing of a human being with malice aforethought." Now, how can you determine criminal responsibility for a dog? Any dog! So, why put Nevada to death for something he is clearly incapable of doing?

BRADFORD KELLY: Not incapable, Miss Ross. After all, guard dogs have always been trained to attack.

ANDREA ROSS: That's different They're trained. By people. It's not what dogs do normally.

BRADFORD KELLY: *(Thumps briefcase.)*

My research shows, Miss Ross, that any dog can have an aberration. It can suddenly attack without reason.

ANDREA ROSS: *(Thumps, briefcase.)*

And my research shows, Mr. Kelly, that dogs can and do save human lives!

BRADFORD KELLY: I heard you like novelty cases, Miss Ross. Are you going to represent a rabbit next!

JUSTICE LOCKE: *(Bangs gavel.)*

Miss Ross and Mr. Kelly, please do not confuse the issue, Kindly remember that we are assembled in this courtroom to hear a case about a dog—not to witness a dog fight!

(ANDREA ROSS and BRADFORD KELLY speak simultaneously.)

ANDREA ROSS:
Excuse me, Your Honor.

BRADFORD KELLY:
Sorry, Your Honor.

JUSTICE LOCKE: Attorney for the Defense, Andrea Lee Ross, you may summon your first witness.

ANDREA ROSS: I call Bixby Price to the stand.

(BIXBY PRICE enters. He is the owner of NEVADA, the dog that is accused. BIXBY PRICE is in his mid 20's. He is convinced that his dog is innocent. He x to NEVADA's cage. Impulsively, he reaches into the dog's cage and pats the dog's head.)

SOUND: a bark.

BIXBY PRICE: Hello, ol'fella.

(NEVADA wags his tail. BIXBY PRICE x to JUSTICE LOCKE.)

JUSTICE LOCKE: *(Holding out Bible.)*

Place your left hand on the Bible.

(BIXBY PRICE obeys.)

Do you swear to tell the whole truth and nothing but the truth, so help you God?

BIXBY PRICE: I reckon I do, Justice Locke, sure as I'm standin' here.

JUSTICE LOCKE: The words "I do" are sufficient.

BIXBY PRICE: I do.

ANDREA ROSS: Mr. Price, is that your dog?

BIXBY PRICE: Yes. Nevada.

ANDREA ROSS: How old is he?

BIXBY PRICE: Seven months.

ANDREA ROSS: And how long have you had him?

BIXBY PRICE: Why, since he was born. I was working in the Northwest, and there was this litter of puppies. Seven puppies. I took care of'em all. When I came back East, Nevada came with me. We sort of got attached to each other. He's named for the state he was born in. Nevada. And he's never been a lick of trouble.

ANDREA ROSS: Does Nevada like to swim?

BIXBY PRICE: Sure. He's gone swimming with me in the Barge Canal lots of times.

ANDREA ROSS: How many?

BIXBY PRICE: Oh, two dozen times.

ANDREA ROSS: When he was in the water, did he ever claw or bite you or jump on you?

BIXBY PRICE: Absolutely not!

ANDREA ROSS: Does Nevada like children?

BIXBY PRICE: Sure. He likes to play ball with them.

ANDREA ROSS: Mr. Price, are you aware of the section of the State Farm-Market Law that provides for the destruction of vicious animals?

BIXBY PRICE: I am. But no matter what t'other people say, I know Nevada is not vicious!

ANDREA ROSS: That's just what I intend to prove. Mr. Price, I've summoned you here this morning, so that you can defend your dog. Mr. Kelly, the Prosecuting Attorney, thinks your dog is dangerous and should be executed.

BIXBY PRICE: NO! NO!! He's wrong! Nevada's my best friend. You can't take him away. You can't.

ANDREA ROSS: Would you tell the court why?

BIXBY PRICE: Because Nevada's no more a criminal than anyone sitting here!

(Glares at KELLY.)

Maybe less! He could not have drowned that boy. I'm sure of it. All you have to do is look at him. He's friendly, playful. Why, the best part of his day is when I come home. He jumps up, wags his tail, licks my face. He wouldn't hurt a young'un.

ANDREA ROSS: Mr. Price, where was Nevada on July 4th?

BIXBY PRICE: He was t'home. He didn't leave all day.

ANDREA ROSS: Your witness, Mr. Kelly.

BRADFORD KELLY: Mr. Price, you say Nevada was at home on July 4th?

BIXBY PRICE: Yes.

BRADFORD KELLY: Are you sure of that?

ANDREA ROSS: Yes! He was sitting next to my father's rocker on the porch most of the afternoon.

BRADFORD KELLY: Most of the afternoon, Mr. Price? But not all of the afternoon!

BIXBY PRICE: Well, not all afternoon. After all, Mr. Kelly, a dog's a dog!

BRADFORD KELLY: Precisely! Mr. Price, how would you describe your dog?

BIXBY PRICE: Part Airedale, part German Shepherd.

BRADFORD KELLY: In other words, a mongrel.

BIXBY PRICE: No! He's what I said he was.

BRADFORD KELLY: Mr. Price, would you agree that your dog is large?

BIXBY PRICE: Yes.

BRADFORD KELLY: That he's a stray?

BIXBY PRICE: I suppose so.

BRADFORD KELLY: That he's intelligent?

BIXBY PRICE: I reckon more than you are!

BRADFORD KELLY: Objection.

JUSTICE LOCKE: Objection sustained. The witness must confine himself to answering the questions without comments.

BIXBY PRICE: Sorry, Your Honor.

BRADFORD KELLY: I'll repeat the question.

BIXBY PRICE: I didn't forget it!

BRADFORD KELLY: Is the dog intelligent?

SOUND: a low growl.

BIXBY PRICE: DEFINITELY!!

BRADFORD KELLY: *(Consulting notes.)*

Is that why you sent him to obedience school last February?

BIXBY PRICE: Well. . .well, see my Pop thought as long as we was feedin' him, he might as well be a guard dog. But it weren't no good! He's just plain friendly. Even lets strangers pet him.

BRADFORD KELLY: What did he learn there?

BIXBY PRICE: To "heel" when I told him to. He didn't like going.

BRADFORD KELLY: But how long did he go?

BIXBY PRICE: For two months. . .maybe.

BRADFORD KELLY: Long enough to learn—

(Come closer.)

how to attack like a guard dog!

BIXBY PRICE: But he doesn't, I'm tellin' you. He doesn't. It's not his nature.

BRADFORD KELLY: *(With a look at ANDREA ROSS.)*

A dog's nature can change! An aberration, they call it, Mr. Price. That means "a departure from the normal." ANY dog can suddenly attack without reason. And you've just admitted, under oath, that your dog had training!

BIXBY PRICE: No! You don't know him like I do!

BRADFORD KELLY: Mr. Price, what was the weather like on July 4th?

BIXBY PRICE: You know as well as I do, Mr. Kelly. It was hot, muggy. A typical July 4th.

BRADFORD KELLY: A good day for a swim, Mr. Price?

BIXBY PRICE: Sure. *(Then senses trap.)* I told you Nevada was t'home!!

BRADFORD KELLY: But you've also testified one, that the dog liked to swim in the canal; two, that he'd accompanied you dozens of times in the past; three, that he'd attended obedience school to train to be a guard dog; four, that you were away part of the afternoon; five, it was a "hot, muggy, typical July 4th"; and six that your dog is intelligent. Presumably, if the dog is as smart as you claim, he could have found his way to the canal—ALONE!

(Triumphantly.)

That'll be all, Mr. Price.

BIXBY PRICE: But Nevada—

BRADFORD KELLY: That will be all, Mr. Price.

(BIXBY PRICE steps down, goes to cage and pats NEVADA's head.)

BIXBY PRICE: Don't you worry, ol'fella. Don't you worry.

(Glares at KELLY.)

I'm gonna fight for you!

(BIXBY PRICE exits.)

ANDREA ROSS: I call Diana Darling.

(DIANA DARLING enters. She is an eleven year old girl. Precocious, adventurous, and enjoys attention.)