

# TRIAL BY JURY

A NOVEL AND ORIGINAL

*Dramatic Cantata*

BY

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## *Dramatis Personæ*

THE LEARNED JUDGE  
THE COUNSEL FOR THE PLAINTIFF  
THE DEFENDANT  
FOREMAN OF THE JURY  
USHER  
THE PLAINTIFF  
BRIDESMAIDS  
GENTLEMEN OF THE JURY

Modern dresses, without any extravagance or caricature. The plaintiff is dressed as a bride. The bridesmaids as bridesmaids.

The Judge, Counsel, Jury, and Usher, &c., should be as like their prototypes at Westminster as possible.

# TRIAL BY JURY

SCENE. – *A Court of Justice.*

*Barristers, Attorneys, Jurymen and Public discovered.*<sup>1</sup>

CHORUS.

5 Hark, the hour of ten is sounding;  
Hearts with anxious fears are bounding,  
Hall of Justice crowds surrounding,  
Breathing hope and fear –  
For to-day in this arena,  
10 Summoned by a stern subpœna,  
Edwin, sued by Angelina,  
Shortly will appear.

*Enter USHER.*<sup>2</sup>

SOLO – USHER.

15 Now, Jurymen, hear my advice –  
All kinds of vulgar prejudice  
I pray you set aside:  
With stern judicial frame of mind  
From bias free of every kind,  
20 This trial must be tried.

CHORUS.

From bias free of every kind,  
This trial must be tried.

*During Choruses, USHER sings fortissimo, ‘Silence in Court!’*

25 USHER.  
Oh, listen to the plaintiff’s case:  
Observe the features of her face –  
The broken-hearted bride.  
Condole with her distress of mind:  
30 From bias free of every kind,

---

<sup>1</sup> “*The Bench faces the audience, and extends along the back of the Court. The Judge’s desk C., with canopy overhead, Jury-box R. Counsel’s seats L., at right angle to Witness-box R.C., between Jury-box and Bench. Judge’s desk. Entrance to Court, R. and L. Judge’s entrance on to bench, in flat R. Under the JUDGE, sits the ASSOCIATE in barrister’s wig, gown and bands. Three steps lead from Witness-box on to Bench.*

*Barristers, Attorneys, and Jurymen discovered with USHER,*” in libretto in first edition of Vocal Score (VSL).

“*Barristers, Attorneys, and Jurymen discovered with USHER,*” in *Original Plays, First Series (OP)*.

<sup>2</sup> “*The USHER marshals the JURY into Jury-box,*” in *OP* and *VSL*. *VSL* adds: “*Ladies and Barristers cross to L., and sit on Counsel’s benches.*”

*Trial by Jury*

This trial must be tried!

CHORUS.

From bias free, etc.

USHER.

35 And when amid the plaintiff's shrieks,  
The ruffianly defendant speaks –  
Upon the other side;  
What *he* may say you needn't mind –  
40 From bias free of every kind,  
This trial must be tried!

CHORUS.

From bias free, etc.

*Enter* DEFENDANT.<sup>3</sup>

RECITATIVE – DEFENDANT.

45 Is this the Court of the Exchequer?

ALL.

It is!

DEFENDANT (*aside*).

50 Be firm, be firm, my pecker,<sup>4</sup>  
Your evil star's in the ascendant!

ALL.

Who are you?

DEFENDANT.

I'm the Defendant!

55 CHORUS OF JURYMEN (*shaking their fists*).

Monster, dread our damages.

We're the Jury,

Dread our fury!

DEFENDANT.

60 Hear me, hear me, if you please,  
These are very strange proceedings –  
For permit me<sup>5</sup> to remark  
On the merits of my pleadings,  
65 You're at present in the dark.

<sup>3</sup> *VSL: Enter* DEFENDANT L., *with Guitar*.

<sup>4</sup> *VSL and OP: Be firm, my moral pecker. The text under music in Vocal Score (VSM) is as above.*

<sup>5</sup> *VSL* omits "me".

DEFENDANT *beckons to JURYMEN – they leave the box  
and gather round him as they sing the following:*

70 That's a very true remark –<sup>6</sup>  
On the merits of his pleadings  
We're entirely in the dark!  
Ha! ha! Ho! ho!  
Ha! ha! Ho! ho!<sup>7</sup>

SONG – DEFENDANT.

75 When first my old, old love I knew,  
My bosom welled<sup>8</sup> with joy;  
My riches at her feet I threw –  
I was a love-sick boy!  
No terms seemed too<sup>9</sup> extravagant  
Upon her to employ –  
80 I used to mope, and sigh, and pant,  
Just like a love-sick boy!  
Tink-a-Tank – Tink-a-Tank.<sup>10</sup>  
But joy incessant palls the sense;  
And love, unchanged, will cloy,  
85 And she became a bore intense  
Unto her love-sick boy!  
With fitful glimmer burnt my flame,  
And I grew cold and coy,  
At last, one morning, I became  
90 Another's love-sick boy.  
Tink-a-Tank – Tink-a-Tank.

CHORUS OF JURYMEN (*advancing stealthily*).

95 Oh, I was like that when a lad!  
A shocking young scamp of a rover,  
I behaved like a regular cad;  
But that sort of thing is all over.  
I am<sup>11</sup> now a respectable chap  
And shine with a virtue resplendent,  
And, therefore, I haven't a scrap<sup>12</sup>  
100 Of sympathy with the defendant!  
He shall treat us with awe,  
If there isn't a flaw,  
Singing so merrily – Trial-la-law!

<sup>6</sup> *OP* precedes this line with the line “Ha! ha! ha!”

<sup>7</sup> In *OP* and *VSL* the last two lines are replaced by “Ha! ha! – Ha! ha!”

<sup>8</sup> “swelled” in *VSL* and *OP*. “welled” in *VSM*.

<sup>9</sup> “too” is omitted in *VSL* and *OP*.

<sup>10</sup> This line omitted in *OP*. Also in following verse.

<sup>11</sup> *VSL* and *OP* “I am” is contracted to “I'm”.

<sup>12</sup> *VSM*: “rap” instead of “scrap”.

*Trial by Jury*

105 Trial-la-law – Trial-la-law!  
Singing so merrily – Trial-la-law!

*(They enter the Jury-box.)*

RECITATIVE – USHER (*on Bench*).

110 Silence in Court!<sup>13</sup>  
Silence in Court, and all attention lend.  
Behold your Judge! In due submission bend!

*Enter JUDGE on Bench.*

CHORUS.

115 All hail, great Judge!  
To your bright rays  
We never grudge  
Ecstatic praise.  
All hail!  
May each decree  
As statute rank  
120 And never be  
Reversed in banc.  
All hail!

RECITATIVE – JUDGE.

125 For these kind words accept my thanks, I pray.  
A Breach of Promise we've to try to-day.  
But firstly, if the time you'll not begrudge,  
I'll tell you how I came to be a Judge.

ALL.

130 He'll tell us how he came to be a Judge!

JUDGE.

Let me speak!

ALL.

Let him speak.

JUDGE.

135 Let me speak!

ALL.

Yes, let him speak, etc.  
Hush! hush! He speaks.

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<sup>13</sup> This line omitted in *VSL* and *OP*.

140

SONG — JUDGE.

When I, good friends, was called to the bar,  
I'd an appetite fresh and hearty,  
But I was, as many young barristers are,  
An impecunious party.  
I'd a swallow-tail coat of a beautiful blue –  
A brief which I bought of a booby –  
A couple of shirts and a collar or two,  
And a ring that looked like a ruby!

145

CHORUS.

150

He'd<sup>14</sup> a couple of shirts, etc.

JUDGE.

In Westminster Hall I danced a dance,  
Like a semi-despondent fury;  
For I thought I never should hit on a chance  
Of addressing a British jury –  
But I soon got tired of third-class journeys,  
And dinners of bread and water;  
So I fell in love with a rich attorney's  
Elderly, ugly daughter.

155

CHORUS.

160

So he fell in love, etc.

JUDGE.

The rich attorney, he jumped with joy,  
And replied to my fond professions:  
"You shall reap the reward of your pluck, my boy,  
"At the Bailey and Middlesex Sessions.  
"You'll soon get used to her looks," said he,  
"And a very nice girl you'll find her!  
"She may very well pass for forty-three  
In the dusk, with a light behind her!"

165

CHORUS.

170

"She may very well", etc.

JUDGE.

The rich attorney was good as his word;  
The briefs came trooping gaily,  
And every day my voice was heard  
At the Sessions or Ancient Bailey.  
All thieves who could my fees afford  
Relied on my orations,

175

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<sup>14</sup> "He'd" omitted in *VSL* and *OP*.

180                                   And many a burglar I've restored  
   To his friends and his relations.

  CHORUS.

  And many a burglar, etc.

  JUDGE.

185                                   At length I became as rich as the Gurneys –  
   An incubus then I thought her,  
   So I threw over that rich attorney's  
   Elderly, ugly daughter.  
   The rich attorney my character high  
 190                                   Tried vainly to disparage -  
   And now, if you please, I'm ready to try  
   This Breach of Promise of Marriage!

  CHORUS.

  And now if you please, etc.

195                                   JUDGE.

  For now I'm a Judge!

  ALL.

  And a good Judge too!

  JUDGE.

200                                   Yes, now I'm a Judge!

  ALL.

  And a good Judge too!

  JUDGE.

205                                   Though all my law be<sup>15</sup> fudge,  
   Yet I'll never, never budge,  
   But I'll live and die a Judge!

  ALL.

  And a good Judge too!

  JUDGE (*pianissimo*).

210                                   It was managed by a job –

  ALL.

  And a good job too!

  JUDGE.

  It was managed by a job!

---

<sup>15</sup> "is" in *VSL* and *OP*, "be" in *VSM*.



215

ALL.

And a good job too!

JUDGE.

220

It is patent to the mob,  
That my being made a nob  
Was effected by a job.

ALL.

And a good job too!

*Enter COUNSEL FOR PLAINTIFF. He takes his place in front row of Counsel's seats.*<sup>16</sup>

RECITATIVE – COUNSEL.

225

Swear thou the Jury!

USHER.

Kneel, Jurymen, oh, kneel!

*All the JURY kneel in the Jury-box, and so are hidden from audience.*

USHER.

230

Oh, will you swear by yonder skies,  
Whatever question may arise,  
'Twixt rich and poor, 'twixt low and high,  
That you will well and truly try?

JURY (*raising their hands, which alone are visible*).

235

To all of this we make reply,  
To all of this we make reply,  
By the dull slate of yonder sky:  
That we will well and truly try.

*(All rise with the last note.)*<sup>17</sup>

240

DEF., COUN., JUDGE *and* USHER.  
They will well and truly try!

JURY  
We'll try!

---

<sup>16</sup> VSL: *Enter COUNSEL FOR PLAINTIFF. He takes his place in front row of Counsel's seats, nearest to audience.*

OP: *Enter COUNSEL FOR PLAINTIFF.*

<sup>17</sup> *All rise with the last note, both hands in air in VSL and OP which include the following recitative:*

RECIT – USHER

This blind devotion is indeed a crusher!  
Pardon the tear-drop of the simple Usher.

*(He weeps.)*

This recitative is not included in VSM.

RECITATIVE – COUNSEL.<sup>18</sup>

245                   Where is the Plaintiff?  
                      Let her now be brought.

RECITATIVE – USHER.

Oh, Angelina! Come thou into Court!  
Angelina! Angelina!!

*Enter the BRIDESMAIDS.*

250                   CHORUS OF BRIDESMAIDS.

Comes the broken flower –  
          Comes the cheated maid –  
Though the tempest lower,  
          Rain and cloud will fade!

255                   Take, O maid, these posies:  
                      Though thy beauty rare  
Shame the blushing roses,  
                      They are passing fair!

260                               Wear the flowers till they fade;  
                                  Happy be thy life, oh maid!

*The JUDGE, having taken a great fancy to FIRST BRIDESMAID, sends her a note by USHER, which she reads, kisses rapturously, and places in her bosom.*

*Enter PLAINTIFF.*

SOLO – PLAINTIFF.

265                   O'er the season vernal,  
                      Time may cast a shade;  
Sunshine, if eternal,  
                      Makes the roses fade!

270                   Time may do his duty;  
                      Let the thief alone –  
Winter hath a beauty,  
                      That is all his own.

                                  Fairest days are sun and shade:  
                                  I am no unhappy maid!

275                   *The JUDGE having by this time transferred his admiration to PLAINTIFF, directs USHER to take the note from FIRST BRIDESMAID and hand it to PLAINTIFF, who reads it, kisses it rapturously, and places it in her bosom.*<sup>19</sup>

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<sup>18</sup> VSL and OP:

RECIT. – Counsel.  
Call the plaintiff.  
RECIT. – Usher

Oh Angelina! Angelina!! Come thou into Court.

<sup>19</sup> VSL: *By this time the JUDGE has transferred his admiration to ANGELINA.*

CHORUS OF BRIDESMAIDS.

Wear the flowers, etc.<sup>20</sup>

280

JUDGE.<sup>21</sup>

Oh, never, never, never, since I joined the human race,  
Saw I so exquisitely fair a face.

THE JURY (*shaking their forefingers at him*).

Ah, sly dog! Ah, sly dog!

285

JUDGE (*to JURY*).

How say you? Is she not designed for capture?

FOREMAN (*after consulting with the JURY*).

We've but one word, my lord, and that is – Rapture!

PLAINTIFF (*curtseying*).

290

Your kindness, gentlemen, quite overpowers!

JURY.

We love you fondly, and would make you ours!

THE BRIDESMAIDS (*shaking their forefingers at JURY*).

Ah, sly dogs! Ah, sly dogs!

295

JURY.

We love you fondly, and would make you ours!

(*Shaking their fists at the DEFENDANT.*)<sup>22</sup>

Monster! Monster! dread our fury!

300

There's the Judge and we're the Jury,

Come, substantial damages!

Substantial damages!

Damages!

Dam –

USHER.

305

Silence in Court!

RECITATIVE – COUNSEL FOR PLAINTIFF.

May it please you, my lud!

Gentlemen of the Jury!

ARIA.

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<sup>20</sup> *VSL* and *OP*: During chorus ANGELINA collects wreaths of roses from BRIDESMAIDS and gives them to the JURY, who put them on, and wear them during the rest of the piece.

<sup>21</sup> *VSL* and *OP*: (*to ASSOCIATE.*)

<sup>22</sup> This direction, following chorus and the Usher's "Silence in Court!" do not appear in *VSL* or *OP*.

310 With a sense of deep emotion,  
 I approach this painful case;  
 For I never had a notion  
 That a man could be so base,  
 315 Or deceive a girl confiding,  
 Vows, *etcetera*, deriding.

ALL.

He deceived a girl confiding,  
 Vows, *etcetera*, deriding.

PLAINTIFF *falls sobbing on COUNSEL's breast and remains there.*

320 COUNSEL.  
 See my interesting client,  
 Victim of a heartless wile!  
 See the traitor all defiant  
 Wear<sup>23</sup> a supercilious smile!  
 325 Sweetly smiled my client on him,  
 Coyly woo'd and gently won him.

ALL.

Sweetly smiled, etc.

COUNSEL.  
 330 Swiftly fled each honeyed hour  
 Spent with this unmanly male!  
 Camberwell became a bower,  
 Peckham an Arcadian Vale,  
 Breathing concentrated otto! –  
 335 An existence *à la* Watteau.

ALL.

Breathing concentrated otto! etc.<sup>24</sup>

COUNSEL.<sup>25</sup>

340 Picture, then, my client naming,  
 And insisting on the day:  
 Picture him excuses framing  
 Going from her far away:  
 Doubly criminal to do so,  
 For the maid had bought her *trousseau*!

345 ALL.

Doubly criminal, etc.

---

<sup>23</sup> VSL and OP: Wears

<sup>24</sup> VSL and OP: Bless us, concentrated otto! Etc.

<sup>25</sup> VSL and OP: (*coming down with PLAINTIFF, who is still sobbing on his breast.*)

COUNSEL (*to PLAINTIFF, who weeps*).

Cheer up, my pretty – oh, cheer up!

JURY.

350

Cheer up, cheer up, we love you!

COUNSEL *leads* PLAINTIFF *fondly into Witness-box; he takes a tender leave of her, and resumes his place in Court.* PLAINTIFF *reels as if about to faint.*

JUDGE.

355 That she is reeling  
Is plain to see!

FOREMAN.

If faint you're feeling  
Recline on me!

360 *She falls sobbing on to the FOREMAN'S breast.*

PLAINTIFF (*feebly*).

I shall recover  
If left alone.

ALL (*shaking their fists at DEFENDANT*).

365 Oh, perjured lover,  
Atone! atone!

FOREMAN.

Just like a father  
I wish to be. (*Kissing her.*)

370 JUDGE (*approaching her*).

Or, if you'd rather,  
Recline on me!

*She jumps on to Bench, sits down by the JUDGE, and falls sobbing on his breast.*<sup>26</sup>

COUNSEL.

375 Oh! fetch some water  
From far Cologne!

ALL.

For this sad slaughter  
Atone! atone!

380 JURY (*shaking fists at DEFENDANT*).

Monster, dread our fury –  
There's the Judge, and we're the Jury!  
Monster, monster, dread our fury.

---

<sup>26</sup> VSL and OP: *She staggers on to Bench...*

USHER.<sup>27</sup>

385 Silence in Court!

SONG – DEFENDANT.

Oh, gentlemen, listen, I pray,  
Though I own that my heart has been ranging,  
Of nature the laws I obey,  
390 For nature is constantly changing.  
The moon in her phases is found,  
The time and the wind and the weather,  
The months in succession come round,  
And you don't find two Mondays together.  
395 Consider the moral, I pray,  
Nor bring a young fellow to sorrow,  
Who loves this young lady to-day,  
And loves that young lady to-morrow.

BRIDESMAIDS (*rushing forward, and kneeling to JURY*).

400 Consider the moral, etc.

You cannot eat breakfast all day,  
Nor is it the act of a sinner,  
When breakfast is taken away,  
To turn his attention to dinner;  
405 And it's not in the range of belief,  
To look upon him as a glutton,  
Who, when he is tired of beef,  
Determines to tackle the mutton.  
But this I am willing to say,  
410 If it will appease her sorrow,  
I'll marry this lady to-day,  
And I'll marry the other to-morrow!

BRIDESMAIDS (*rushing forward as before*).

But this he is willing to say, etc.

415 RECITATIVE – JUDGE.

That seems a reasonable proposition,  
To which, I think, your client may agree.<sup>28</sup>

COUNSEL.

420 But, I submit, m'lud, with all submission,  
To marry two at once is Burglaree!

(*Referring to law book.*)

---

<sup>27</sup> Omitted in *VSL* and *OP*.

<sup>28</sup> *VSL* and *OP* insert:

ALL  
Oh, Judge discerning!

In the reign of James the Second,  
 It was generally reckoned  
 As a rather serious crime  
 To marry two wives at a<sup>29</sup> time.

425

*(Hands book up to JUDGE, who reads it.)*

CHORUS.

Oh, man of learning!

USHER *and* JURY.

430

Oh, man of learning!

QUARTET.

JUDGE.

A nice dilemma we have here,  
 That calls for all our wit,  
 For all our wit:

435

COUNSEL.

And at this stage, it don't appear  
 That we can settle it.

DEFENDANT *(in Witness-box)*.

440

If I to wed the girl am loth  
 A breach 'twill surely be –

PLAINTIFF.<sup>30</sup>

And if he goes and marries both,  
 It counts as Burglaree!

445

ALL.

A nice dilemma, etc.

DUET – PLAINTIFF and DEFENDANT.

PLAINTIFF *(embracing him rapturously)*.

I love him – I love him – with fervour unceasing,  
 I worship and madly adore;  
 My blind adoration is always<sup>31</sup> increasing,  
 My loss I shall ever deplore.

450

Oh, see what a blessing, what love and caressing  
 I've lost, and remember it, pray,

455

When you I'm addressing, are busy assessing  
 The damages Edwin must pay!

<sup>29</sup> “one time” in *OP* and *VSL*. As here in *VSM*.

<sup>30</sup> *VSL*: (R.C.)

<sup>31</sup> “ever increasing” in *VSM*.



Yes, he must pay!<sup>32</sup>

DEFENDANT (*repelling her furiously*).

460 I smoke like a furnace – I’m always in liquor,  
 A ruffian – a bully – a sot;  
 I’m sure I should thrash her, perhaps I should kick her,  
 I am such a very bad lot!  
 I’m not prepossessing, as you may be guessing,  
 She couldn’t endure me a day;  
 465 Recall my professing, when you are assessing  
 The damages Edwin must pay!

PLAINTIFF.

Yes, he must pay!

470 *She clings to him passionately; after a struggle, he throws her off into arms of*  
 COUNSEL.<sup>33</sup>

JURY.

PUBLIC

We would be fairly acting,  
 But this is most distracting!  
 If, when in liquor; he would kick her,<sup>34</sup>  
 That is an abatement.

She loves him and madly adores him, etc.

RECITATIVE – JUDGE.

475 The question, gentlemen - is one of liquor,  
 You ask for guidance - this is my reply:  
 He says, when tipsy, he would thrash and kick her,  
 Let’s make him tipsy, gentlemen, and try!

COUNSEL.

With all respect  
 I do object!

480 PLAINTIFF.<sup>35</sup>  
 I do object!

DEFENDANT.  
 I don’t object!

ALL.

485 With all respect  
 We do object!

<sup>32</sup> VSL and OP omit this line.

<sup>33</sup> VSL and OP: *She clings to him passionately, he drags her round stage, and flings her to the ground.*

<sup>34</sup> VSL and OP omit “If, when in liquor... abatement.” And the lines for PUBLIC.

<sup>35</sup> Instead of this line for PLAINTIFF, VSL and OP have:

ALL.  
 With all respect  
 We do object!

JUDGE (*tossing his books and papers about*).

490 All the legal furies seize you!  
 No proposal seems to please you,  
 I can't sit up here all day,  
 I must shortly get away.  
 Barristers, and you, attorneys,  
 Set out on your homeward journeys:  
 Gentle, simple-minded Usher,<sup>36</sup>  
 495 Get you, if you like, to Russher;  
 Put your briefs upon the shelf,  
 I will marry her myself!

*He comes down from Bench to floor of Court. He embraces ANGELINA.*

FINALE.

PLAINTIFF.<sup>37</sup>

500 Oh, joy unbounded,  
 With wealth surrounded,  
 The knell is sounded  
 Of grief and woe.

COUNSEL.<sup>38</sup>

505 With love devoted  
 On you he's doated.  
 To castle moated  
 Away they go.

DEFENDANT.<sup>39</sup>

510 I wonder whether  
 They'll live together  
 In marriage tether  
 In manner true?

USHER.<sup>40</sup>

515 It seems to me, sir,  
 Of such as she, sir,  
 A judge is he, Sir,  
 And a good judge too.

ALL.<sup>41</sup>

<sup>36</sup> VSL and OP omit "Gentle, simple-minded Usher... Russher;"

<sup>37</sup> VSL stipulates (L.C.)

<sup>38</sup> VSL: (R.C.)

<sup>39</sup> VSL: (L.)

<sup>40</sup> VSL: (R.)

<sup>41</sup> VSL and OP:

CHORUS

It seems to me, sir, etc.

520 Oh, joy unbounded, etc.  
JUDGE.  
Yes, I am a Judge.<sup>42</sup>  
ALL.  
And a good Judge too!

525 JUDGE.  
Yes, I am a Judge.<sup>40</sup>  
ALL  
And a good Judge too!

JUDGE.  
530 Though homeward as you trudge,  
You declare my law is fudge,  
Yet of beauty I'm a judge.  
ALL.  
And a good Judge too!

535 JUDGE.<sup>43</sup>  
Though defendant is a snob.  
ALL.  
And a great snob too!

JUDGE.  
540 Though defendant is a snob.  
ALL.  
And a great snob too!  
Though defendant is a snob,  
He'll reward him from his fob.

545 So we've settled with the job,  
And a good job too!  
CURTAIN<sup>44</sup>

---

<sup>42</sup> *VSL* and *OP*: Oh, yes, I am a Judge.

<sup>43</sup> *VSL* and *OP*: This, and subsequent lines, are omitted.

<sup>44</sup> *VSL*: JUDGE and PLAINTIFF dance back, hornpipe step, and get on to the Bench – the BRIDESMAIDS take the eight garlands of roses from behind the Judge's desk (where one end of them is fastened) and draw them across the floor of the Court, so that they radiate from the desk. Two plaster Cupids in bar wigs descend from flies. Red fire.

*OP*: JUDGE and PLAINTIFF dance back on to the Bench – the BRIDESMAIDS take the eight garlands of roses from behind the Judge's desk (where one end of them is fastened) and draw them across the floor of the Court, so that they radiate from the desk. Two plaster Cupids in bar wigs descend from flies. Red fire.