

BROTHER'S KEEPER

by
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EXT. TOWN OF GARSON PASS, TEXAS - MORNING

Sound of a church bell RINGING.

1869. Small secluded town. One long main road and one intersection. The church sits at the end. Livery, barn and blacksmith sit behind.

EXT. STREET IN FRONT OF THE CHURCH - MORNING

Rolling a cigarette, JAKE FULLER (41), impeccably dressed in black, stares down the deserted street. Confidence and charisma ooze from his pores.

Panicked, townspeople scurry into the church.

A young girl, hurried by an older lady, stumbles and falls in front of Jake.

Keeping a wary eye on Jake, the lady helps the child up.

Jake smiles and tips his hat. The lady turns quickly and rushes the child into the church.

COLTEN (O.S.)

Like sheep to the slaughter.

Jake turns to see BUTCH COLTEN (36), unshaven and sinister smile, standing behind him.

The ringing stops. The church doors close. Jake's men run out and put a beam through the doors, locking them.

Jake takes off his holstered pair of pearl-handled pistols and hands them to Colten.

COLTEN (CONT'D)

Couple of torches, that church'll
flame up like a candle.

JAKE

(scowls, walks away)
Just get the men in position.

Colten crosses the street.

Jake picks up a chair and walks in front of the church. He sits comfortably facing the street. Relaxing, he tilts his hat over eyes and folds arms.

b.g. Colten gives orders. The raggedy group of men scurry to their positions.

EXT. RIDGE OVERLOOKING GARSON PASS - MORNING

Ridge about two miles from the town.

Next to his horse, Ranger JEREMIAH "WHIT" WHITLOCK (38), looks through his monocular at the town.

Confident, but without the Jake's flash and dash, Whit exhibits a quiet unassuming manner.

Ranger BARRY WYNDHAM (33), in a long coat and bowler, paces back and forth.

WHIT

Twenty, maybe twenty-five.

Barry stares out into prairie. He begins pacing again.

WHIT (CONT'D)

Keep pacing like that, you'll be dead before they even get a chance to kill you.

BARRY

What did you see in that little piece of shit anyway?

Whit looks at the town through his glass.

WHIT

Remember meetin' an Eastern card shark a while back with the same problems.

Barry scoffs.

Something in the distance gets Barry's attention. He taps Whit.

A lone rider kicks up a dust storm.

Whit points his monocular.

RANGER KIRBY STREETER (23), races towards them. His hat flies backwards, held on by a lanyard.

Whit nods to Barry.

MOMENTS LATER

Kirby rides up and quickly dismounts. Barry eyeballs him.

KIRBY

What? Can't a man get a last poke
before he dies?

Putting the monocular in his saddlebag, Whit notices the
dynamic between the two.

WHIT

Kid's right, a man deserves his
last poke.

Barry waves off the comment.

KIRBY

How many?

WHIT

More than we wanted.

KIRBY

I was thinking --

BARRY

-- Oh, now this should be good.

Kirby glares at Barry, relents.

KIRBY

Fort Thomas is only a two-hour
ride, three at most.

Resolved, Whit stares at the town.

BARRY

Last I heard, people who are late
don't get an opinion.

Kirby stomps toward a defiant Barry.

KIRBY

Had 'bout enough of your lip.

BARRY

Time to teach you a lesson, boy.

BANG!

Barry and Kirby stop in their tracks. They turn to see
Whit with his pistol pointed up.

WHIT

Couple of minutes they'll be
enough killin' to go 'round.

Barry and Kirby reluctantly relent.

KIRBY

Why do what the calvary can?

Whit mounts his horse.

KIRBY (CONT'D)

We still get the reward.

WHIT

I aim to bring Jake in alive.

(saws his horse)

You wanna sit this one out, I'll understand.

Whit starts slowly toward the town. Barry mounts up.

KIRBY

(to Barry)

What's with him and Jake anyway?

BARRY

Some pots are better left
unstirred.

Barry slowly follows Whit. Kirby stares out, unsure.

BARRY (CONT'D)

A poke. Ride with the great
Whitlock. Kill some real bad
hombres. Ain't no better day to
die, boy. Ain't no better day.

Barry looks back at Kirby. Kirby mounts up and follows.

EXT. ABOUT A MILE FROM THE TOWN - MORNING

The three stop. Whit looks through his monocular.

WHIT

Reckon that Sharps of yours is
good from here?

Barry takes the long rifle from his saddle.

BARRY

'Pends who's shootin' ...

(cocks rifle)

Now, you just happen to have the
right man shootin'.

WHIT

Roof on the left, above the G.

Barry aims and fires.

Short delay, the man behind the "General Store" sign falls to the ground. Others on the roof scurry away.

A smug Barry puts the rifle away.

WHIT (CONT'D)

(looks at the sun)

They'll wanna keep the sun in our eyes. Shouldn't be too many on the right.

BARRY

I'll take the left then.

Barry rides off. Whit stares at Kirby and waits.

KIRBY

I don't have a good feelin' 'bout this, Whit.

Whit stares and waits. He starts slowly toward the town.

Kirby hesitates, then rides off to the right.

EXT. TOWN OF GARSON PASS - MAIN STREET - MORNING

Whit stops yards short of the town. He looks down the quiet desolate street.

Dismounted and with Winchesters in hand, Barry and Kirby disappear behind the buildings on either side.

Whit's horse starts acting up. He calms him.

WHIT

Yeah, I know, it's Jake.

He pulls out his Winchester and moves forward slowly.

A bullet hits a post near Whit. He turns quickly and kills the man.

A GUNSHOT and a THUD startle Whit. He turns quickly to see a fallen man on the street.

Movement between buildings, Whit aims. He relaxes as he sees Barry with his gun aimed at a roof.

Barry tips his bowler and disappears around the back.

Whit saddles his rifle and draws two pistols.

As GUNFIRE erupts. Whit spurs his horse forward.

Reins in his mouth, Whit flips from side to side firing, as he rides down the street.

Men appear from windows, alleys, balconies and roofs. Some fall dead.

Overwhelmed, Whit dismounts and hustles into a store.

BEHIND BUILDINGS

Looking between buildings, Barry sees Whit is pinned.

He aims at the roof, but can't get a shot. He heads to a staircase in the alley.

INT. STORE - MORNING

Whit tries to rise up, but a hail of GUNFIRE forces him back down.

EXT. TOWN OF GARSON PASS - ALLEY - MORNING

Rifle aimed to the roof, Barry creeps up the staircase.

Near the top, he sees three men firing on Whit.

He aims and fires rapidly. The men fall off the roof.

INT/EXT. STORE - MORNING

Shooting stopped, Whit rises up. Three men lie dead in the street.

Between buildings Barry makes himself noticeable.

Barry leans out and scans the street. He signals Whit it's clear.

EXT. TOWN OF GARSON PASS - INTERSECTION - MORNING

Using his horse as cover, Whit makes his way through the intersection. He sees Jake sitting alone and freezes.

BANG! A shot nicks Whit. He hustles through the intersection with his horse.

BEHIND THE BUILDINGS

Behind a water trough, Barry searches for the shooter.

A stable with its second floor doors open and a clear view to the intersection. Barry starts to it.

MAIN STREET

Reloading, Whit peeks out through the intersection.

Movement from behind. He turns quickly. Kirby crosses the street. Whit relaxes.

The SCREECH of saloon doors get his attention.

Down the street, the saloon doors are propped open.

Confused, Whit contemplates. He notices a horse and a dead body nearby.

INT. STABLE - MORNING

A sniper lies in wait on the second floor.

BARRY (O.S.)

Toss the rifle, real slow and
easy.

Barry aims his pistol at the sniper from behind.

The sniper throws the rifle aside and puts hands up.

BARRY (CONT'D)

Keep the hands where I can see 'em
and stand up.

The man starts to stand.

A GUNSHOT from below nicks Barry. Barry returns fire, killing the man below.

The sniper draws his pistol, turns and ...

BANG! BANG! He hits Barry in the stomach.

Barry fans his pistol, felling the sniper.

In pain, Barry puts his hand on the wound. He looks at the amount of blood on his hand.

He sits on a bale, slouching down.

BARRY (CONT'D)

(smiles)

Ain't no better day.

Barry succumbs.

INT/EXT. TOWN OF GARSON PASS - SALOON - MORNING

Behind turned tables, three nervous men aim their rifles out the open doors.

The silhouette of a man riding low on his horse appears in the picture window.

The horse and rider become visible in the doorway.

A MULTITUDE of GUNSHOTS as the three empty their rifles.

The dead body falls to the ground. The horse runs away.

Realizing, the men look at each other, confused.

CRASH. The picture window shatters as Whit flies through it on his horse. He fires his pistols, felling the men.

Whit dismounts and checks that he's alone.

Pistols in hand, he heads out the back of the saloon.

EXT. STREET IN FRONT OF THE CHURCH - MORNING

Between buildings, Whit peers out at Jake.

Noise above, Whit snaps his aim.

Kirby moves across the roof. Whit relaxes.

VOICES of three men exiting the next building gets Whit's attention. He puts his back to the wall.

The men pass Whit. Whit whistles. The men turn. Whit fells them before they can react.

CLAP! CLAP! CLAP! Jake claps but doesn't look up.

Whit's eyes dart to all the possible hiding places.

Jake tosses his cigarette, lifts his hat.

JAKE

Getting harder and harder to hire
a decent gun these days.

Jake puts his hands up and rises. He opens his jacket and twirls to show he's unarmed.

WHIT

Not like you to just give up.

JAKE

What would you have me do?
Challenge the great Jeremiah
Whitlock to a gunfight? I may be
crazy, but I'm not stupid.

WHIT

(over his shoulder)
We clear, Kirby?

ROOF

Kirby aims his rifle at Jake who slowly circles Whit, turning him away from the church.

KIRBY

Yeah, we're clear.

FRONT OF CHURCH

WHIT

(to Jake)
Guess we have a date with a judge
in Waco, then.

COLTEN (O.S.)

Judge's gonna have to wait.

Gun aimed, Colten walks out from the side of the church.

Whit aims one gun at him, the other stays on Jake.

JAKE

I believe you two have met.

COLTEN

Cat got your tongue? Or maybe it's
just seeing the only man that's
faster than you? That is, if
you're man enough to give me a
fair fight? Not like what you did
to my brother.

WHIT

Your brother got more of a chance
than he deserved.

Upset, Colten twists his neck, CRACKING it.

COLTEN

Heard you shot him in the back
like the coward you are.

Colten walks into the middle of the street.

Jake lowers his hands and leans against a hitching rail.

Whit signals Jake to keep them up.

JAKE

(crosses arms)
Don't think I'm your biggest
problem, right now.

Colten brazenly holsters his gun and assumes a
gunfighter's stance.

COLTEN

Whadda you say, legend?

WHIT

Kirby, keep your rifle at Jake's
head while I take care of that
ugly bastard over there. He moves,
kill him.

Whit holsters his guns and walks out to face Colten.

WHIT (CONT'D)

(aside, to Jake)
Ain't gonna work.

Colten's eyes narrow and his hand trembles. Whit stands
defiantly. His eyes focus to razor narrow slits.

Sweat appears on Colten's forehead. His nostrils flare
and his hand twitches. He draws.

BANG! BANG BANG! Whit fans three shots killing Colten.

WHIT (CONT'D)

(to Jake)
Told you, it wasn't gonna work.
(points down street)
Now, if you don't mind.

Jake remains against the hitch with his arms crossed.

JAKE

Told the dumb bastard he didn't
stand a chance.
(hesitates)
You thought he was my out? Hell,
(MORE)

JAKE (CONT'D)
you did me a favor. Saved me a lot
of money, too.

Whit realizes he's been played. He's eyes scope the area.

JAKE
You just never could believe that
everybody has a price.

Jake nods to Kirby.

ROOF

Kirby changes his aim to Whit.

BANG! Kirby's SHOT hits Whit in the hand. His gun flies.

Clutching his bloody hand, a shocked Whit looks up at
Kirby. He draws his second gun.

BANG! A shot hits the gun, sends it flying.

FRONT OF CHURCH

Whit gets up and starts toward his gun.

BANG! A shot hits Whit in the leg. He falls to his knees.

Jake walks out nonchalantly. Whit strains to his feet,
stumbles toward his gun.

Jake shakes head in disbelief. His eyes go to Kirby.

BANG! A shot to the same leg. Whit falls on his face.

KIRBY
(distraught)
Stay down, damn it.

Whit tries to crawl.

Jake puts his hand up for Kirby to stop.

Kirby disappears to the back of the roof. Jake picks up
Whit's gun.

JAKE
We're not kids anymore, Jeremiah.

Jake points the gun at Whit's head.

WHIT
This isn't you.

Jake cocks the hammer.

JAKE

You really think they're gonna let me live?

(looks around)

This ... This is all I've ever known.

Mounted, Kirby brings Jake's horse from behind the building. He freezes when he sees Jake pointing the gun.

KIRBY

No. You said you'd spare him.

JAKE

It has to end sometime.

Jake stares at a pained Whit. His determined look begins to break. His hand starts to tremble. A tear appears.

WHIT

We're still family, Jake.

Jake turns away.

He gathers himself, turns and pistol whips Whit, knocking him out.

JAKE

I don't have a family.

MOMENTS LATER

At his horse, Jake buckles his holster. He takes a small bag from his saddle and tosses it to Kirby.

JAKE (CONT'D)

You'll find your mother and sister in a cabin just east of the pass.

Kirby's stares sympathetically at Whit. His lip trembles.

JAKE (CONT'D)

Get out of here before I change my mind.

Kirby saws his horse and rides off. Jake mounts up.

Jake rides up to the church door and knocks the beam off the door.

He takes a long look at Whit and rides off. People exit the church. Some run to Whit's aid.

EXT. MAIN STREET, WACO, TEXAS - AFTERNOON

Using a cane, Whit storms out of the "TEXAS RANGERS" office and crosses the street.

Dapperly dressed, COLONEL PARKER (64), follows closely.

WHIT

Not gonna let those sons of
bitches railroad me.

COLONEL PARKER

All they said was you were a
little reckless.

Reaching the other side, Whit stops and turns.

WHIT

If I had known about Kirby --

COLONEL PARKER

-- You'd have stormed in after
Jake, just the same.

Whit turns and limps down the sidewalk. Parker follows.

COLONEL PARKER (CONT'D)

Just go back inside and pick up
your badge, son.

WHIT

And do what? You heard 'em, I
ain't fit for active duty any
more.

They reach the livery. A boy brings out Whit's horse and a loaded packhorse. Concerned, Parker raises an eyebrow.

WHIT (CONT'D)

(to the boy)
Got everything?

The boy nods. Whit's pays him and checks the horses.

COLONEL PARKER

I know the whole idea of Jake
comin' in over somebody else's
saddle eats at your gut, but you
gotta let it go.

Whit tries to tighten the cinch, but jerks back in pain from his heavily bandaged right hand. He tries again, succeeding.

WHIT

Over a saddle or sittin' up, I
gotta be the one.

Came in saddle, Whit steps back to figure out how he's
going to mount the horse.

COLONEL PARKER

You know he'll be halfway across
the country by now.

WHIT

He'll head where he knows best.
Where he'll fit in.

COLONEL PARKER

The Dakota territory? A healthy
man'll be lucky to survive that
trip. Not to mention they won't
take too kindly to a lawman up
there.

WHIT

Guess it's good that I'm not a
lawman anymore.

Whit tries to mount his horse, but can't due to his leg
and hand.

Parker rolls his eyes and cups his hands to help.

Whit wants no help. He climbs, crawls and pulls until
he's mounted. Parker looks on incredulously.

COLONEL PARKER

Isn't it enough that Barry's dead?

Whit saws the horse.

COLONEL PARKER (CONT'D)

How many more are gonna die
because of your stupid obsession?

Ignoring Parker, Whit rides out.

EXT. WHIT'S CAMP IN WOODS - EVENING

A can on a rock ten yards from Whit. Whit looks down at
his pistol, hesitantly.

He grimaces as he picks it up. His hand trembles.

He aims. The hand shakes more violently.

He misses. The pain causes him to drop the gun.

Gritting his teeth, he picks the gun up again.

Withstanding the pain, he misses again and again, 'til pain forces him to drop the gun.

EXT. WOODED MOUNTAIN - MORNING

Poncho on, Whit rides up the mountain as rain pours down. His right hand clenches and unclenches on a wad of clay.

DAYS LATER

Bundled up, Whit rides down a slippery slope in a snow storm. Right hand clenches and unclenches on the clay.

EXT. CAMP IN THE WOODS - EVENING

Snow on the ground. Next to the campfire, a bundled Whit flexes his hand on the clay. A can sits on a rock fifteen yards away.

Whit takes a swig of whiskey and gathers himself.

He exhales, draws his pistol and aims. His hands shakes noticeably less.

Hint of doubt on face, he fires and hits the can.

Confidence grows as he fires again and again, each shot sending the can flying.

Smiling, he twirls the gun and holsters it.

EXT. WYOMING FOREST - MORNING

Spring day. Whit makes his way down a forest stream. Something in the woods gets his attention.

He dismounts, grabs his cane and draws his pistol.

SUPER: "Wyoming Territory"

Whit cautiously limps his way to the edge of the trees. Staying hidden, he looks into a clearing.

JACOBY BROWN (33), a heavy-set African-American, sits on a horse. His hands are tied and his head is in a noose. His face is bruised and his clothes tattered.

Jacoby sits upright and proud, defying his tormentors.

Four armed and mounted white men surround him.

Whit loses balance, stumbles and falls. He crawls quickly to cover.

Alerted, the LEADER nods for a younger man to check.

The younger man dismounts, draws his pistol and heads in the Whit's direction.

LEADER

(to Jacoby)

Now's a good time to admit what you've done, boy.

JACOBY

I'll talk to you in hell.

LEADER

Maybe, but I can guarantee you'll be the one waitin'.

HARRY, an older man on horseback, points his rifle.

HARRY

Just let me shoot the bastard.

LEADER

(breaks off a branch)

That would be unamerican to just up and shoot a free man. You do know they're free now ... unfortunately.

(tests the switch)

No, proper thing here's a good old-fashioned lynchin'.

WHIT (O.S.)

Too nice a day for a hangin'.

Startled, the three men turn, hands on their guns.

Whit approaches, his gun in the back of the younger man.

WHIT (CONT'D)

And hangin' a free man ... That would be unamerican.

HARRY

Looks like we got ourselves a NEGRO lover.

LEADER

That right? You got a soft spot
for his type?

WHIT

Man's color's no interest to me,
but, if a man's gonna die, it
should be for the right reasons.

HARRY

He forced himself on my wife,
that's reason enough.

WHIT

(to Jacoby)

That right? You force yourself on
this man's wife?

JACOBY

We loved each other.

HARRY

(aims rifle)

That's a God-damned lie.

Whit cocks his pistol. The Leader puts his hand out for
Harry to relent.

LEADER

You can understand Harry's
frustration. Man comes home, finds
his wife in bed with another man
That's bad enough, but given he's,
uh --

WHIT

-- ugly? Yeah, my wife doin' a man
that ugly would make me mad, too.
Still not enough for a hangin'.

HARRY

My wife wouldn't do no black man.

JACOBY

Well, she did and she enjoyed
every minute.

HARRY

(aims again)

You black bastard son of a bitch.

Whit moves his pistol to the younger man's head.

LEADER

Stand down, Harry, you're gonna
get everybody killed.

(to Jacoby)

If I was you, boy, I'd check that
mouth.

The third man slowly widens, straying from Whit's view.

LEADER (CONT'D)

(to Whit)

Wife testified. We all heard it.

JACOBY

Ain't true. They beat it out of
her. Ruined that beautiful face.

Oblivious to Whit, the third rider gets the younger man's
attention.

LEADER

Seems we're at a deadlock, but,
you gotta think, do you really
want to risk your life for some
dumb coon, especially since
there's four of us and, uh ...

(nods to Whit's leg)

...just about one of you.

(switch to Jacoby's
horse)

Now, boy!

Younger man pulls away. The horse runs, leaving Jacoby
hanging and kicking violently. Chaos ensues.

Whit fells the Leader and the third man before they can
get off a shot.

He points his pistol at a frozen, wide-eyed Harry, who
saws his horse and gallops off.

Whit fires at the rope, but hits the branch.

Limping forward, Whit fires again hits the branch again.
He stumbles and falls.

Whit look up. The branch breaks from Jacoby's weight.
Jacoby hits the ground gasping for air.

Whit gets up, limps to Jacoby and cuts him free.

JACOBY

You coulda just shot the rope.

The sound of RUSTLING in the bushes gets their attention. The younger man runs away, they relent.

Whit helps Jacoby to his feet. They look at the bodies.

WHIT

Better get these buried before they come back. Figure you're free to take what you need.

JACOBY

You headed North?

Whit nods.

JACOBY (CONT'D)

Mind if I ride along 'til Bixby?

Whit shrugs.

EXT. PATH THROUGH WOODS - MORNING

Wearing the dead men's clothes, Jacoby rides behind Whit on the narrow path.

JACOBY

Can't, for the life of me, figure it out.

Whit rolls his eyes, doesn't look back.

JACOBY (CONT'D)

Nope, just doesn't make any sense.

Annoyed, Whit looks back for more.

JACOBY (CONT'D)

Just tryin' to figure why a white man, and a gimp at that, would ride in and save my sorry black ass? Don't make no sense.

WHIT

(turns to the front)
Seemed like the right thing. And I didn't ride in, I walked.

JACOBY

Looked more like limped to me.

(hesitates)

Nah, no white men, I know, helps because it just seemed like the right thing.

WHIT

You're free to leave.

JACOBY

So, I could just up and ride off
and you wouldn't be upset in the
least?

WHIT

Not in the least.

JACOBY

And I wouldn't owe you anything?

WHIT

Not a thing.

They ride a couple of steps. Whit looks back at Jacoby.

JACOBY

Leave a gimp alone in these parts?
Wouldn't be right. I'll just make
sure you get to Bixby.

Amused, Whit turns forward.

LATER

Jacoby's sings poorly as the two wind down a hill.

Whit glares at Jacoby showing his annoyance. Jacoby
stops.

Whit turns forward. Jacoby stops singing.

WHIT

You keep that noise up, I might
hang you.

JACOBY

Not like you're a whole bunch of
chatty.

(hesitates)

You'd think after two days, you'd
know something about a man.

WHIT

Now, I might just shoot you.

JACOBY

You got a woman or something
waiting for you up in Bixby?

WHIT
 (relents)
 Just looking for my brother.

JACOBY
 A family man. Says a lot about a
 man's character.

WHIT
 I'm gonna kill him.

Confused, Jacoby stops in his tracks.

JACOBY
 (to self)
 And I needed saving.

Something catches Whit's attention. He signals Jacoby to
 be quiet. He points through the trees.

EXT. ROAD TO BIXBY - MORNING

NAPOLEON "NAP" NEILSEN (22), son of Inger "Swede"
 Neilsen, sexually taunts SUE DRAPER (33) by the side of
 her wagon. A wagon wheel lies on the ground.

In front of the wagon, an amused SLEDGE RYAN and a third
 man watch from their horses.

EXT. PATH THROUGH WOODS - MORNING

Whit points to Jacoby's rifle.

WHIT
 You know how to use that?

Jacoby smirks and unsaddles the rifle. He saws his horse
 and heads into the woods.

EXT. ROAD TO BIXBY - MORNING

Nap reaches to caress Sue's face. She scrunches against
 the wagon.

In the back of the wagon, a blanket rises. The eyes of
 JOHANN (10) and PETER DRAPER (8) appear.

NAP
 We can fix that wheel. Ain't gonna
 cost you much either.

Nap reaches for her skirt. Sue swats his hand away.

SUE

I'm sure I'll be able to take care
of it myself.

Nap grabs and caresses one of Sue's hands.

NAP

I don't know. That's a big wheel
for such a small lady.

(changes tone)

I think you should just let us do
it.

(looks to his men)

Then you'll have the whole
afternoon to show your
appreciation.

The two riders are amused. Sledge notices something
behind the wagon. He nods to Nap.

Mounted, Whit saunters up.

WHIT

Afternoon. Anything I can help
with?

SUE

My wagon seems to have thrown a
wheel.

NAP

And we were just about to repair
it. So, thanks, but no thanks.

Sledge and the third man have their hands on their guns.

WHIT

Is that right, ma'am, these men
are just helping you?

Sue starts to answer. Nap cuts her off.

NAP

Told you, we got this. Now be on
your way.

WHIT

Lady just seems a little too upset
if you ask me.

Whit notices Jacoby making his way behind Nap's men. He
rises in his saddle as if to dismount.

WHIT (CONT'D)

You know what? Two more hands'll
get this done a lot faster.

Nap puts his hand on his holstered pistol.

NAP

Best move on before it's more than
that wheel that needs fixin'.

WHIT

(nods toward Jacoby)
I'd be real careful about cockin'
that hammer.

Nap hesitates, then relaxes and starts to laugh.

NAP

This is where I'm supposed to turn
around and let you get the draw on
me? My pa didn't raise no fool.

JACOBY (O.S.)

Maybe it was your mother then.

Jacoby walks out of the trees with his rifle aimed.

JACOBY (CONT'D)

No offense to your ma that is.

NAP

Boy, you have no idea who you're
pointing that rifle at.

JACOBY

'Til I find out, why don't you
relieve yourself of that sidearm.
(to Nap's men)
You, too. All of 'em. Rifles, too.

The men look to Nap. Jacoby notices the dynamic. He
raises his aim at Nap.

JACOBY (CONT'D)

Fool or not, I think ma would like
to see her son again.

Tension mounts. Nap relents. They all throw their weapons
on the ground.

NAP

(to Whit)
You just unleashed a whole
hornets' nest once Swede finds
(MORE)

NAP (CONT'D)

out.

(to Jacoby)

And, boy, you best beware, we still have lynchin's in these parts.

JACOBY

So I've heard.

Backed up to rear of the wagon, Sue realizes her boys are partially exposed. She covers them up quickly.

The second rider draws a gun from his back.

BANG! Rider's pistol goes flying. He grabs his hand.

Surprised, Jacoby looks at Whit with his pistol out.

WHIT

Guns'll be with the sheriff in Bixby. Now, if you don't mind leavin', we got a wheel to fix.

Staring ominously, Nap passes Jacoby and mounts up.

NAP

You're gonna regret this day.

Nap and his men ride off.

Whit dismounts and walks to Sue. Jacoby dismounts and checks out the wagon and wheel.

WHIT

You okay?

SUE

Yeah, I think. Thank you. Thank you so much.

WHIT

Not really the kind of place for a lady, let alone one with two boys.

Sue is surprised. Big smiles, the boys pop up from under the blankets.

SUE

My brother-in-law came out two years ago to put down a stake. Boys are getting to an age where they need a man around. Figured now was as good a time as ever.

Whit looks to Jacoby by the wheel. Jacoby nods.

WHIT
Bixby's only a couple miles. Guess
we can get you there.

LATER

Wheel fixed, Jacoby hitches the horse to the wagon.

Sue and Whit stand near at front of the wagon. The boys
play behind the wagon's seat.

SUE
Just can't thank you enough.

WHIT
It was our pleasure, ma'am.

Jacoby gets in the driver's seat. Sue pulls Whit aside.

SUE
Um, he's getting in the wagon?

WHIT
Wheel's still pretty bad. It's
gonna take an experienced hand.

Sue nervously looks at Jacoby. The boys play with his
nappy hair from behind. Annoyed, Jacoby swats them away.

SUE
But he's --

WHIT
-- Fat? Should be enough room.

Whit mounts his horse. Apprehensive, Sue gets in next to
Jacoby. They pull out.

EXT. ROAD TO BIXBY - EVENING

Dusk is falling. Whit and the wagon head down the road.

A wooden post sign reads "DRAPER FARM" and points to a
side path.

Elated, Sue stands and points to the sign.

EXT. DRAPER FARM - EVENING

Exiting the trees, the group comes to a sudden halt.

Yards away, the main house is burned down. The barn and is in disrepair. The fields are chopped up and barren.

Distraught, Sue hops off the wagon before Jacoby can grab her. She runs toward the house.

BURNOUT HOUSE

In front of the house, Sue drops to her knees, broken.

Whit dismounts. Jacoby helps the boys off the wagon.

The boys run up and hug Sue. Whit approaches her. Jacoby takes his rifle and disappears in the burnt out ruins.

Sue looks to Whit for answers.

WHIT

Best guess, Indians.

PETER

Mommy, where's Uncle Daniel?

Sue's look snaps to Whit for answers.

WHIT

Let's not jump to any conclusions.
 (looks at sky)
 It's getting dark. We should put
 up here for the night. We can find
 out all we need to know tomorrow.

Sue nods and gets up. She walks to the fields and stares. Whit follows her.

SUE

Why would God do this?
 (turns to Whit)
 Why would he have us travel all
 this way? For this?

Whit doesn't answer.

SUE (CONT'D)

(pounds Whit's chest)
 Why? Why? Why?

Distraught, Sue collapses into an awkward Whit's arms.

SUE (CONT'D)

(pulls back)
 I'm sorry. I just ...

WHIT

It's okay.

Sue puts her head on Whit's chest. He does his best to comfort her.

SUE

It's just ... I had such big hopes. Now, I have nothing.

WHIT

I'm sure we'll find answers tomorrow.

BEHIND THE HOUSE

Jacoby bends down, runs his fingers through the ashes. He sniffs them.

The sound of HOOFS ON THE GROUND gets his attention.

Riders speed toward the house.

Cocking his rifle, Jacoby hides behind the chimney.

FRONT OF HOUSE

MAX NEILSEN (25), illegitimate son of Swede, and five men pull up in front of Whit and Sue.

WHIT (CONT'D)

Can I help you?

MAX

You can start by getting off my dad's land.

SUE

(storms toward Max)
It's not your dad's --

WHIT

(grabs Sue)
-- Sign on the post says its the Draper Farm. This is Sue Draper.

Max is taken aback when he hears the name.

MAX

Daniel your husband?

SUE

Brother-in-law.

MAX

After the Indians attacked, your brother took the first offer and hightailed it out of here.

SUE

Daniel wouldn't leave us.

MAX

Ma'am, I understand your distrust, but this land makes cowards of a lot better men than Daniel. Now, if you don't mind?

Sue looks to Whit.

WHIT

She's got the two young boys and it's getting late. How about you let us set down for the night?

Max looks off to the side, relents.

MAX

One night, that's it.

Max sees his horse and leaves. His men follow.

SUE

One night? This is my land.

WHIT

Been a long day, get some sleep.

Annoyed, Sue grabs the boys and stomps off. Jacoby appears next to Whit and holds out his fingers.

JACOBY

You know of any Indians that use lamp oil on their arrows?

Growing concerned, they stare at the riders leaving.

EXT. TOWN OF BIXBY - MAIN STREET - MORNING

Small one-road town. A jail faces the road at the far end. Livery, blacksmith and other businesses sit behind.

Unfinished construction and a saloon on left. Businesses and buildings on the right. Houses in the distance.

Storefront window reads: "Mayor's Office, Deeds and Records, Telegraph Service."

Sue hops off the wagon. Whit and Jacoby dismount and hitch their horses. Sue helps the boys off the wagon.

MAYOR DAILY (45) looks out the window. SERGI ILLIKOFF, a Russian immigrant, sits at the telegraph.

Sue and the boys heads into the Mayor's Office.

Whit takes the bag of guns from the wagon. Using his cane, he heads to the jail.

Whit looks back at Jacoby, who is leaning on the wagon.

JACOBY

You don't really expect a black man to walk into a jail on his own?

Whit smirks. He continues toward the jail.

INT. JAIL - MORNING

Feet up on his desk, a babyfaced SHERIFF BOBBY THOMPSON (19) sits and reads the dime-store novel in his hand.

His other hand practices his draw, twirling his gun each time before he holsters it.

Whit is taken aback as Bobby draws just as he enters.

Bobby scrambles to holster his gun and put the book down.

BOBBY

Sorry about that. I was, uh...

WHIT

(throws sack on desk)
Took these from a group of men about five miles out. Told 'em they could pick 'em up here.

Curious, Bobby looks at Whit from different angles. It makes Whit uneasy.

In a eureka moment, Bobby picks up the novel. He looks at the cover.

INSERT: Cover reads: "FURTHER EXPLOITS OF WHIT WHITLOCK." It has a poor drawing of Whit hanging from the side of his horse with both pistols blazing.

BACK TO THE SCENE

BOBBY

You're him, by golly. Right in my office.

Whit is annoyed. Bobby picks up a stack of the novels.

BOBBY (CONT'D)

I've read 'em all. Some as many as five times. I can tell you every gunfight you ever had.

Whit looks off. Bobby puts the novels down.

BOBBY (CONT'D)

Oh, guess you probably don't wanna talk about yourself?

WHIT

These guys were harassing a woman. The leader went by Nap. He mentioned a Swede fellow.

Disturbed, Bobby freezes. Whit waits for more.

BOBBY

Nap's Swede's son, the man that built this town. He's a little mischievous, but not really that bad. I'll have a talk with him.

Whit scowls. He relents and turns to leave.

WHIT

Well, those boys'll be in for their guns. Make sure you have a nice long talk with 'em.

BOBBY

Oh, I will, real long.

Annoyed, Whit smirks and leaves.

Bobby looks at the novel and smiles like a boy who got his first kiss.

EXT. TOWN OF BIXBY - MAIN STREET - MORNING

Leaving the jail, Whit limps toward Jacoby.

b.g. Bobby exits the jail and sits in a chair.

WHIT

He'll have a talk with 'em.

JACOBY
Our boy Nap and his buddies just
went into the saloon.

WHIT
They see you?

b.g. Sue exits the Mayor's Office.

JACOBY
I'm still alive, aren't I?
(sees Bobby staring)
Seems like you have an admirer.

Whit turns. Bobby waves.

Behind Jacoby and Whit, Sue puts the boys in the wagon.
She takes out a shotgun.

WHIT
Reads too much.

Bobby leans out. He rises slowly, focused behind the two.

Whit and Jacoby turn. Sue aims at the Mayor's Office.

SUE
That's our land.

BAM! The shotgun blast shatters the Mayor's window. It
sends Sue flying backwards on her butt, losing the gun.

Whit, Jacoby and Bobby hustle to her.

Whit helps Sue up. Bobby picks up the shotgun, looks into
the Mayor's Office. Jacoby hustles to comfort the boys.

People come out of the shops. INGER "SWEDE" NEILSEN (53),
huge man with a Swedish accent, exits the General Store.
Max is with him.

Well-dressed, Swede's friendly manor conceals an
unbridled ambition, serpent's tongue and cunning mind.

SUE (CONT'D)
(to the window)
Daniel would never sell his dream.

b.g. Swede and Max approach.

INT. MAYOR DAILY'S OFFICE - MORNING

Mayor Daily cowers under the desk.

MAYOR DAILY (O.S.)
 I don't make the deals, Miss
 Draper. I just do the paperwork.

EXT. TOWN OF BIXBY - MAIN STREET - MORNING

Bobby grabs Sue by the arm.

BOBBY
 'Fraid you're gonna have to come
 with me, ma'am.

SUE
 What? He's the thief. You should
 be putting him in jail, not me.

Max whispers in Swede's ear.

WHIT
 You're not seriously gonna take
 the lady in, Sheriff. She's
 obviously distraught.

SUE
 I am not distraught.

BOBBY
 Law's been broken. If anybody
 knows that it's you.

WHIT
 (nods to the wagon)
 You charge her, it'll change those
 boy's lives forever.

Conflicted, Bobby looks at the boys. Swede steps up.

SWEDE
 Man's got a point, Sheriff.

BOBBY
 You want me to let her go?

SWEDE
 Those boys need their mom a lot
 more than our mayor needs a
 window.

BOBBY
 I guess ...
 (hesitates)
 Can I have a minute, Mister
 Neilsen?

SWEDE
 (nods, to Sue)
 Excuse us, ma'am.

Swede, Max and Bobby move out of earshot. Jacoby takes the boys out of the wagon. They race to their mom.

From Bobby's nod and Swede and Max's glances, it is obvious the talk is about Whit.

Swede approaches Whit. Bobby goes to the Mayor's Office.

SWEDE (CONT'D)
 (to Whit)
 No more beautiful sight than a
 mother and her children.

Sue sends the boys to Jacoby and approaches Swede.

SUE
 I need to thank you, Mister?

SWEDE
 Inger Nielsen, but around here
 everybody calls me Swede.

Sue is taken aback by the name.

SWEDE (CONT'D)
 I understand your hesitation. Your
 brother-in-law was a good man,
 just not meant for the harsh
 realities of this place.

Sue fights to hold her tongue.

SWEDE (CONT'D)
 Given the condition of the place,
 my offer was very fair.

SUE
 I guess we can put it behind us
 for now.

SWEDE
 (holds out hand)
 Good, I look forward to seeing you
 and your boys around my town.

Unconvinced, Sue shakes hands and heads to the boys.

SUE
(turns back)
Would you know of Daniel's
whereabouts?

Swede measures his words.

SWEDE
I think he said he was going west.

MAX
He mentioned something about San
Fransisco.

Dejected, Sue joins the boys. Swede turns to Whit.

SWEDE
Can't imagine what they went
through to get here. And for what?
(extends hand)
Swede ... Swede Nielsen.

Shaking hands, Whit starts to reply. Swede cuts him.

SWEDE (CONT'D)
-- I know who you are, Mr.
Whitlock. Seems our sheriff has a
childlike fascination with your
career. I'm also guessing that
you're the one that had the run-in
with my son, Nap.

Whit becomes uneasy.

SWEDE (CONT'D)
Don't worry, I am well aware of
his preponderance for mischief,
especially when it comes to the
young ladies.

Swede glances at his pocket watch.

SWEDE (CONT'D)
It's not often we get a celebrity
in these parts. Why don't you join
me at my ranch tonight?
(turns to leave)
You'll find I have the best finest
bourbon and cigars in the whole
territory.

Before Whit can answer ...

SWEDE (CONT'D)
I'll see you at six.

Jacoby comes up from behind.

JACOBY
New friend?

WHIT
(stares at Swede)
Why would a man, so fearful of
another Indian attack that he sold
off everything he valued, go off
into the wilderness by himself?

INT. SWEDE'S RANCH - DINING ROOM - EVENING

Alone, Swede feasts at a long table. Nap bursts in.

NAP
How could you embarrass me like
this?

SWEDE
(doesn't look up)
Sit down and eat.

NAP
You invite the gimp to our house?
Why not invite the black boy, too?

Swede's voice becomes sterner. He doesn't look up.

SWEDE
I said sit down and eat.

NAP
You expect me to eat with you
after you did this to me?

Swede looks at Nap. He pours wine into his goblet.

SWEDE
You did this to yourself when you
didn't handle it on the road.
(gulps down the wine)
My son got outfoxed by a man with
one leg and his house boy.

Nap starts to talk. Swede puts his hand up to stop him.
Swede refills his wine.

SWEDE (CONT'D)

(gets up)

I had such high hopes for you. You were going to inherit all this. The empire I built. Instead I got a weak pathetic clown.

(walks toward Nap)

I do blame myself, though, for indulging your infantile wants all these years.

Swede delivers a huge backhand to Nap's face. It sends Nap to the table. His mouth bleeds.

Swede shoves him into a chair.

SWEDE (CONT'D)

I will fix your problem as I have done before and you will start acting like the man I'd hope for. Otherwise, and make no mistake, I will feed your carcass to the pigs as I do all my problems.

Embarrassed, Nap looks down.

SWEDE (CONT'D)

Do you understand?

Head down, Nap nods meekly.

Swede grabs his hair and forces his head up.

SWEDE (CONT'D)

Look at me boy. I said do you understand?

Max opens the door and sticks his head in. He freezes.

MAX

Um, sorry to disturb you, dad, but Mr. Whitlock is here. I put him in the den.

Glaring at the trembling Nap, Swede nods and let's go of his hair. Max leaves.

Swede finishes his wine and throws the goblet. He leaves.

SWEDE

Now eat before the food gets cold.

Crying like a baby, Nap slumps in the chair.

DEN

Exotic animal heads adorn the walls. Swords are on display behind the desk. A chess board sits to the side.

Smoking a cigar, Whit sits opposite Swede. Swede pours two bourbons. He hands one to Whit.

SWEDE (CONT'D)

Now this, Mr. Whitlock, this is the nectar of the gods.

Whit takes a sip and agrees.

SWEDE (CONT'D)

With all the savagery around this place, I make it a point to have all the comforts of civilization.

(leans back)

So, tell me, Mr. Whitlock, what brings Texas's most famous ranger to my humble town?

WHIT

Not a ranger anymore. Once the current situation gets squared away, I'll be moving on.

SWEDE

By current situation, I assume you mean Miss Draper and her boys?

WHIT

I'm concerned.

SWEDE

As am I.

(hesitates)

And your house boy? He just passing through with you?

Whit is taken aback by the statement.

WHIT

If you mean Jacoby, you'll have to ask him.

SWEDE

Yes, of course. Theirs is a change I'm still getting use to.

WHIT

I was hoping you could see to somehow givin' the Draper woman back her land.

SWEDE

Even with all my sympathies, I am a businessman first.

WHIT

Not askin' for a donation. She has a little savings and I wouldn't mind throwin' in what I have.

SWEDE

You seem taken by this woman?

WHIT

Just tryin' to help.

SWEDE

(nods to chessboard)
You play?

Whit shakes his head.

SWEDE (CONT'D)

Neither do I. Oh, I learned. Got pretty good at it, too. But it always seemed such a waste of time. You take your opponents pieces, then you give 'em back and start all over again.

WHIT

Just a friendly way to pass time.

SWEDE

(gets up)
Time is too valuable to just let it pass, Mister Whitlock.
(goes to trophy wall)
Now these magnificent beasts, they know what real competition is. They ask for no ground and they give none.

WHIT

A simple no would have been fine.

SWEDE

You did say that once the lady was settled you'd be on your way?

Whit acknowledges he did.

SWEDE (CONT'D)

Unfortunately, I already have plans for the Draper plot. However, I do have another homestead on the south side of town. It'll take some work, but if she's willing, I'd call it an even trade.

WHIT

I'll run it by her.

SWEDE

Tell her to be at Mayor Daily's tomorrow at nine sharp.

Whit gets up, shakes hands and leaves. Swede's servant enters as he does.

SWEDE (CONT'D)

Get the carriage ready. I think I'll spend the night in town.

INT. BIXBY SALOON - EVENING

Crowd is large and rowdy.

Max makes out with a young whore at a table. He gets up and pulls the whore from the table to the stairs.

TRIX McALESTER (48), madam and Max's mother, looks on with disdain from the bar.

Swede appears next to Trix.

SWEDE

Is that any way for a mother to be looking at her son?

Max enters a room upstairs with the reluctant whore.

TRIX

I swear, if he lays one hand on that girl --

SWEDE

-- You'll do nothing. If you weren't his mother, I'd have you doin' Chinamen up in the mines.

(to the bartender)

Bottle of my private stock.

Staring at the door Max entered, Trix starts to leave. Swede pulls her back.

SWEDE (CONT'D)
Don't you wanna reminisce?

TRIX
Told you, never again.

The bartender puts the bottle on the bar.

SWEDE
'Fraid the word of a whore doesn't mean much to me.

She steps away. Swede reaches for her. Trix pulls a hidden derringer from her dress.

Swede wrestles it from her, discharging it in the fracas.

All goes QUIET. All eyes turn to the two.

Swede delivers a huge backhand to Trix's face. It sends he flying up against a door on the side.

SWEDE (CONT'D)
And right to your door.
(turns to the bar)
Now, go get yourself ready.

Lip bleeding, Trix looks for help that doesn't come. She backs into her room.

Sinister stare, Swede takes a swig from the bottle. He suddenly realizes that everybody is looking at him.

SWEDE (CONT'D)
What's the matter? Haven't you ever seen the proper way to treat a whore?

Bottle in hand, Swede heads to Trix's room.

EXT. TOWN OF BIXBY - MAIN STREET - MORNING

Men replace the Mayor's window. Jacoby and Whit wait outside it. Bobby sits outside the jail.

WHIT
I can tell you one thing he wants.
That's me and you out of his town.

Jacoby raises an eyebrow, waits for more.

WHIT (CONT'D)

It really doesn't matter. Soon as
that ink's dry, I'm out of here.

The CRASH of glass and a loud THUD startles them.

The whore lies beneath a shattered second-floor saloon
window that Max nonchalantly looks out of.

Jacoby, Whit, Bobby and a number of townspeople rush out.
Faced bruised, Trix exits the saloon.

Bobby turns the dead girl over. Her face is beaten to a
pulp. He looks at Trix and shakes his head.

INT. MAYOR DAILY'S OFFICE - MORNING

Swede and Sue sit opposite Daily. On the side, Sergi
shows the boys the telegraph.

Seeing the commotion, Sergi stands up to look outside.

MAYOR DAILY

(hands Swede a paper)
Just one more signature.

Swede signs and passes it to Sue.

Noticing Sergi looking outside, Swede joins them.

Sue signs and passes the paper back to Daily.

MAYOR DAILY (CONT'D)

Welcome to Bixby, Miss Draper.

SWEDE

Are we done?

MAYOR DAILY

I believe so.

Before Daily can finish his words, Swede storms out.

EXT. TOWN OF BIXBY / FRONT OF SALOON - MORNING

Whit notices Trix seething at Nap. A derringer slips from
her sleeve to her hand.

BOBBY

(to crowd)
Anybody see what happened?

Trix moves deliberately to the saloon. Whit grabs her and pulls her aside.

TRIX

I should have killed that boy a long time ago.

Whit snatches the derringer from her.

b.g. Swede approaches Bobby.

WHIT

You wouldn't get within ten feet of him.

Trix looks at the window where a smirking Max now sits in the frame.

WHIT (CONT'D)

There'll be a better time.

Trix relents. Whit cautiously releases her.

BOBBY

Awful lot of bruises, Max.

MAX

Dumb bitch got herself all doped up and just jumped out the window. Tried to grab her, but, seeing my pants were down ...

Torn, Bobby obviously knows it's a lie.

MAX (CONT'D)

(looks at crowd)
Anybody see anything different?

The crowd puts their heads down and shuffles their feet.

MAX (CONT'D)

Guess you're gonna have to take my word, Sheriff.

(to Trix)

And I should get my money back, seeing I wasn't even finished. That is, unless you wanna fill in, mom.

Irate, Trix steps toward the window, Whit grabs here.

SWEDE

He's right Bobby. Two-bit whores like her, they get tired of

(MORE)

SWEDE (CONT'D)
spreading their legs. Next thing
you know they're high on drugs,
then one day ...
(to Trix)
Isn't that right, Trix? Don't you
ever get tired?

Trix bites her lip.

BOBBY
From that height, maybe a broken
leg or two.

Swede leans in and whispers to Bobby.

SWEDE
She's a fuckin' whore. We'll get
ten more.

Swede turns to the crowd.

SWEDE (CONT'D)
Show's over, folks.
(to Bobby)
Let's get the girl to the
undertaker.

Unconvinced, Bobby picks up the body and leaves.

Swede walks up to Trix, who is being held by Whit.

SWEDE (CONT'D)
(holds out money)
See the girl gets a proper burial.

Trix spits in Swede's face. Swede wipes the spit with the
money. He puts it down the front of Trix's dress.

SWEDE (CONT'D)
(to Whit)
If you're thinking of throwing
this one a poke ... she's all
dried up.

Swede walks away.

LATER

Situation is cleaned up, Bobby sits outside the jail.

Jacoby and Whit load supplies on the wagon. The boys sit
in the back.

JACOBY
 (stares at Bobby)
 You believe that guy, sitting all comfortable like nothing happened?

WHIT
 Don't think he has much of a choice.

JACOBY
 You don't believe that.

There is a commotion behind them. They turn.

The bartender runs ROSCOE TANNER (64), scruffy and a sloppy drunk, from the saloon, tosses him into a puddle.

Roscoe lands with a splash. His bottle flies away.

BARTENDER
 (goes back to bar)
 And don't come back.

Jacoby helps Roscoe up. Whit hesitates, then joins them. b.g. Annoyed, Bobby saunters slowly to them.

JACOBY
 You okay, buddy?

Soaked and grimy, Roscoe's searches around.

ROSCOE
 I need to find ...
 (sees bottle)
 There it is.

Roscoe staggers toward the bottle. He notices Whit. He squints, trying to focus.

ROSCOE (CONT'D)
 Is that you, Jeremiah?
 (feels Whit's face)
 It is you, isn't it?

Jacoby is totally confused. Bobby comes up behind them.

BOBBY
 Sorry 'bout this.
 (to Roscoe)
 Come on, Roscoe. Time to sleep it off.

Whit holds Bobby off.

WHIT
It's okay, I got this.

Roscoe gets sick and pukes on Bobby's boots.

BOBBY
Damn you, Roscoe.

WHIT
You go get yourself cleaned up.
I'll take care of him.

BOBBY
If you want the headache.
(leaves)
If that doesn't come off, you're
buying me new boots, Roscoe.

Whit and Jacoby hold up the barely conscious Roscoe.

WHIT
Put him in the wagon.

JACOBY
Jeremiah?

WHIT
Dad's deputy. Practically raised
me and my brother.

They put Roscoe in the back of wagon.

ROSCOE
(smiles)
Jeremiah, you came back.

Roscoe dozes off.

MOMENTS LATER

Sue hums as she down the sidewalk towards the wagon.

Roscoe tries to sleep in the wagon, but the boys tease him. He swats them away. Jacoby and Whit wait.

SUE
Took me a while to barter the man
down, but I got us a plow mule --
(sees Roscoe)
-- There's a man sleepin' in my
wagon.

WHIT

I'm sorry, ma'am, but I just ran into Roscoe and seein' that he's dear to me, I was hopin' ...

SUE

(sniffs, waves hand)
He's drunk.
(pulls boys away)
You don't know where he's been.

WHIT

He's kinda fallen on hard times, but I can vouch, when he's straight, there's no better man.

Sue is unsure.

WHIT (CONT'D)

Just needs a place to dry out.

Sue looks to Jacoby, who smiles and shrugs.

SUE

Well ... I suppose, but he sleeps in the barn.

Whit smiles and nods.

SUE (CONT'D)

Let's go see our new home.

Whit and Jacoby mount up. Sue drives the wagon. They pull out.

EXT. OLD HAYES FARM - AFTERNOON

Whit and Jacoby ride next to the wagon as they exit into a clearing.

The Hayes Farm has definitely seen better days.

Sue puts her arms out and smiles.

SUE

It's wonderful.

She looks at a bewildered Whit and Jacoby.

SUE (CONT'D)

Two days ago, I lost everything. Now I have a home. I have hope.
(gets off wagon)

(MORE)

SUE (CONT'D)
Coat of paint, little elbow
grease, we can do this.

Sue looks at Jacoby, who looks at Whit. Whit looks away.

JACOBY
Ma'am, I ain't got no place to go.
For a hot meal and place to sleep,
I'd be happy to work, but I can't
speak for everybody here.

Sue look at a conflicted Whit. The glimmer of hope leaves
her face.

SUE
What was I thinking, you've
already done way too much.

Whit hesitates, relents.

WHIT
I suppose a couple of days won't
hurt.

Sue and boys celebrate.

She helps the boys off the wagon. They head to the house.

Seeing Jacoby smirking, Whit realizes.

WHIT (CONT'D)
Me? Her? It's not like that.

Still smirking, Jacoby dismounts and follows Sue.

JACOBY
Yeah, and you were really shooting
at the branch.

Roscoe rises from the wagon.

ROSCOE
(smiles at Whit)
Jeremiah? What are you doin' in my
dream?

Roscoe falls backward, passed out.

EXT. TOWN OF BIXBY - MAIN STREET - AFTERNOON

Jacoby packs the wagon with the supplies that are stacked
on the sidewalk.

Bobby sits in front of the jail. Nap and Sledge wait outside the Mayor's Office.

Nap notices Jacoby and nudges Sledge. They walk casually towards him.

Oblivious to Nap's arrival, Jacoby tries to pick up a board. Nap steps on it, snapping it to the sidewalk.

Jacoby looks up without raising his head.

JACOBY

Not lookin' for any trouble.

b.g. Bobby notices the confrontation. He gets up and starts slowly to the group.

NAP

Trouble? No, no trouble. Me and Sledge were just wondering about you working for the Draper woman. Now, I say it's out of the kindness of your heart. But Sledge, he thinks you're getting some special privileges, if you know what I mean.

Jacoby continues to avoid eye contact.

JACOBY

Just tryin' to help out.

NAP

(takes foot off)
That's good, cause we wouldn't take kindly to a Blackie taking advantage of our women.

Not looking up, Jacoby picks up the board and puts it on the wagon. Bobby appears behind Nap.

BOBBY

Everything okay here?

NAP

Just thanking the man for helping out Miss Draper and her boys.

BOBBY

That right?

Jacoby nods meekly. Bobby isn't convinced.

BOBBY (CONT'D)

Alright then, you said your peace.
Now be on your way.

Nap passes Jacoby as he leaves and leans in.

NAP

Don't think I forgot about what
happened on the road, boy.
(tips hat to Bobby)
Enjoy your day, Sheriff.

Bobby and Jacoby watch Nap and Sledge walk to the Mayor's Office.

BOBBY

A lot of anger in that young man.

Out of earshot, Swede storms out of the Mayor's Office waving a paper and obviously angry. He confronts Nap.

Bobby looks at Jacoby, who shrugs.

Swede slaps Nap viciously.

Swede mounts up. He throws the paper at Nap, saws his horse and gallops off.

INT. SWEDE'S RANCH - DEN - EVENING

Having been pushed, Nap stumbles through the doorway and onto the floor. Swede follows, slamming the door behind.

SWEDE

You said the surveyor was taken
care of.

NAP

I swear I put the fear of God in
that man.

SWEDE

Fear of God? What about the money?

Nap inches backward on hands and feet. Swede stalks him.

SWEDE (CONT'D)

Speak up, boy. That was a lot of
money for any man to turn down.

Face contorted in fear, Nap continues backwards until he's pinned against the wall.

NAP

I, um, got myself into a little,
gambling mess up in Yankton.

Swede's eyes widen. He circles his son.

NAP (CONT'D)

I didn't know the game was rigged.
I'll get it all back. I promise.

Swede unleashes a vicious backhand across Nap's face.

SWEDE

You think I care about that money?
That's a pittance compared to what
was coming.

A backhand with the opposite hand sends Nap down.

NAP

So they take the southern route.
We own all the --
(realizes)
-- The Old Hayes Place. You gave
it to that woman.

Swede looks off.

NAP (CONT'D)

This isn't about me.

Incensed, Swede lashes out with another backhand.

He takes his belt off and forms a loop.

Naps scrunches up against the wall.

NAP (CONT'D)

I didn't mean that, dad.

Swede walks to the door, opens it and calls out.

SWEDE

Max, get in here.

Swede seethes as he stares at Nap cowering in the corner.

NAP

No, dad, no. I promise I'll fix
it.

Max freezes when he sees Nap. He looks to Swede.

SWEDE

Close the door and sit down.

(waits)

I said sit down.

Max closes the door and sits on the sofa.

SWEDE (CONT'D)

Watch and learn what happens if
you ever screw up like your
brother.

Face frozen in shock, Max looks on.

NAP (O.S.)

Just give me a chance. I promise.
I'll make it right. Please.

The CRACK of leather hitting flesh.

Max cringes and jerks back. He reacts again and again as
the sound repeats.

EXT. OLD HAYES FARM - MORNING

Jacoby and Roscoe paint the house. Whit works on a fence
post in the field. He is without his cane.

Jacoby starts singing poorly.

Roscoe winces at the sound, trying to ignore it. Finally
he has enough.

ROSCOE

Are you gonna keep crackling like
a sick hen all day?

Jacoby looks at Roscoe, but continues singing.

ROSCOE (CONT'D)

(to self)

Where's my bottle when I need it?

Sue and the boys exit the house carrying a meal. They
approach Jacoby and Roscoe.

JACOBY

Oh, great, I'm famished.

Jacoby and Roscoe sit. The boys hand out plates and
bread. Sue serves them as she admires their work.

SUE

Amazing what a coat of paint can do.

Roscoe and Jacoby mumble incoherently as they eat.

SUE (CONT'D)

(looks around)

There's no way a single woman can handle this place. The right thing to do is to bring in some partners.

Jacoby and Roscoe stop mid-bite and look at her.

ROSCOE

I don't know, ma'am, there are a lot of people who would take advantage of a lady.

SUE

I'm not talkin' about strangers, I'm offering you two a share.

JACOBY

I ain't got no money.

SUE

There'll be plenty of work to pay it off.

Jacoby looks at Roscoe.

ROSCOE

I ain't had a steady roof over my head for the longest time. A warm meal and a bed is all I need.

Sue looks at Jacoby.

JACOBY

If it's okay with you, I'll take the same deal as Roscoe.

Sue relents. She stares out affectionately at Whit.

ROSCOE

As much as I would like it, don't go thinking you're gonna change that bull's mind.

SUE

If he insist on leavin', least I can do is make sure it's on a full
(MORE)

SUE (CONT'D)

stomach.
(to the boys)
Come on, boys.

MOMENTS LATER

Roscoe and Jacoby eat near the house. Sue and Whit do the same by the fence. The boys play nearby.

JACOBY

You think he has any idea as to her feelings?

ROSCOE

Jeremiah? He's always been one to put blinders on when he gets his mind set to scratchin' an itch.

JACOBY

Never knew a man so bent on killing his brother.

Roscoe stops in mid bite.

ROSCOE

Jeremiah told you that?

Jacoby acknowledges he did.

ROSCOE (CONT'D)

Their father was a good sheriff and a better man, but all that killin' gets to even the best of men. After his wife died, the bottle took over. Rage had to go someplace.

JACOBY

His sons?

ROSCOE

One night Jeremiah shows up at my door, face all bruised. Thought it was just more of the same. By the time I got to their house, the whole town had gathered. They found Jake standing over his father's body with the dad's pistol in his hand.

Jacoby stares out at Whit.

ROSCOE (CONT'D)

Jeremiah's never talked about it,
but best I can figure is Jake came
home, found the dad beating on his
little brother and had enough.

JACOBY

Don't explain the whole killin'
part?

ROSCOE

Town spared Jake the rope, but,
given the places they sent him,
I'm not sure they did him any
favors. Jeremiah's not trying to
kill Jake. He's tryin to save him.

Roscoe and Jacoby stare out at Whit and Sue.

ROSCOE (CONT'D)

(gets up)

Best get back to work if you're
gonna finish paintin' this house
before dark.

JACOBY

Me? What happened to us?

ROSCOE

And listen to that singin'?

Roscoe walks slowly toward Whit.

BY FENCE

Whit and Sue sit and eat. b.g. Roscoe slowly approaches.

SUE

... Got killed in a card game back
in Chicago, five years ago.

WHIT

Sorry for your loss.

SUE

Given the person he was, it was
probably a blessing. His brother,
Daniel, he was good man. What
about you, Mister Whitlock, you
ever been married?

WHIT

No ma'am.

SUE

Come on, a handsome man like you,
there's gotta be a long line of
women waitin'.

WHIT

Given where I've been and what
I've done, I wouldn't be too good
of a husband.

Roscoe approaches. She picks up the pot and plates.

SUE

The little I know you, I really
doubt that, Mister Whitlock.

Sue heads to the house, passing Roscoe on the way.

ROSCOE

(tips hat)
Food was great ma'am.

SUE

Thank you.

Roscoe notices a torn Whit staring at Sue.

ROSCOE

(to Whit)
Good ones like her are hard to
find.

Annoyed, Whit goes back to work on the fence.

ROSCOE (CONT'D)

Yeah, keep sellin' that story.

WHIT

A little too old for your
preachin'.

ROSCOE

You know even if you do find Jake,
they'll only --

WHIT

(stops working)
-- I've stared into the eyes of a
lot of killers. Saw the blackness.
It's like their souls are gone.
When I look into Jake's ...
there's life.

ROSCOE
(waves him off,
leaves)

In all my days, I ain't never seen
a man so bent on his past he can't
see what's right in front of him.

Whit scoffs and goes back to work. Roscoe leaves.

Conflicted, Whit stares at Sue talking to Jacoby.

EXT. HAYES PLACE - EVENING

Outside the main house, Whit checks his horse. Jacoby
approaches.

JACOBY
So this is it?

WHIT
Figured it's time.

JACOBY
You know they're still gonna hang
him.

WHIT
Roscoe talks too much.

JACOBY
What about the farm?

WHIT
(mounts up)
You and Roscoe can handle it.

Jacoby stares at Whit's cane in the saddle.

JACOBY
And here I thought you only needed
it because of your leg.

Jacoby heads to the house where an upset Sue stands in
the doorway.

Torn, Whit sees his horse and gallops off.

Disappointed, Sue goes inside.

EXT. TOWN OF BIXBY - EVENING

As Whit exits the General Store, a voice from the street
gets his attention.

BILLY (O.S.)
Max Neilsen, I'm callin' you out.

A drunk, staggering BILLY MCDONALD (42), stands in front of the saloon in a gunfighter's stance.

BILLY (CONT'D)
You heard me, Max. You killed my wife. You stole my land. Now come out and face your punishment.

Max struts out of the saloon. Others follow, including Trix and Sledge.

As Whit watches, Sergi approaches from behind.

SERGI
This will not end well.

Putting on gloves, Max saunters out onto the street.

MAX
You're drunk, Billy, go home.

WHIT
(to Sergi)
Get the Sheriff.

SERGI
(heads off)
Won't help. Never does.

BILLY
I ain't got no home, you took it along with my wife. All I got left is my name and I intend to defend that.

Max faces Billy. The crowd forms a corridor.

MAX
(to the crowd)
You all heard him, it's self-defense.

Max pushes his coat open, giving him access to his gun. He wiggles his fingers, ready to draw.

MAX (CONT'D)
Call it, Sledge.

SLEDGE
(smirks)
One ...

(MORE)

SLEDGE (CONT'D)

(Pause)

Two ...

Max draws on two.

BANG! A shot from an approaching Whit knocks the gun out of Max's hand. Billy stands frozen.

WHIT

I didn't hear three.

Sledge draws.

BANG! Sledge's gun goes flying. Whit's eyes snap to an approaching Bobby.

MAX

It was a fair fight, Bobby, 'til the gimp showed.

Bobby takes in the situation.

BOBBY

(to Max)

Get out of here, Max, before I run you and Sledge in.

Max glares at Whit.

BOBBY (CONT'D)

You don't want your father havin' to come and get you?

Max and Sledge relent and mount up.

MAX

(to Whit)

This ain't over, gimp.

They ride out. Bobby and Whit holster their guns.

BOBBY

All right people, show's over.

(to Billy)

Come on Billy, you can sleep it off in a cell.

The crowd disperses. Whit walks to his horse.

Trix comes up behind him.

TRIX

Tryin' to figure if you're really that brave or just plain dumb.

WHIT
 (checks saddle)
 Little of both.

TRIX
 People around here been waitin' a
 long time for somebody to stand up
 to the Neilsens.

WHIT
 (tightens the cinch)
 You got a sheriff.

Trix looks at Bobby walking Billy to the jail and scoffs.

TRIX
 They'd pay a lot of money for the
 right man.

WHIT
 (mounts up)
 Not looking for a job.

TRIX
 I'm not talking about a job, I'm
 talking about a war.

Concerned, Whit stares at Trix. He saws his horse and
 rides off.

INT. OLD HAYES FARM - MAIN HOUSE - EVENING

A dejected Jacoby, Sue, Roscoe and the boys sit around
 the table. Heads down, they fiddle with their utensils.

ROSCOE
 Jesus, Mary and Joseph, it's not
 like somebody died.
 (reaches for food)
 Well, I'm starvin'.

A KNOCK on the door. Everybody looks up in anticipation.

Sue gets up, fixes herself and opens the door. She is
 disappointed to see Swede.

Swede becomes confused by her reaction.

SUE
 I'm sorry, Mister Neilsen, I
 thought you were somebody else.
 Please, come in.

Swede enters. He is disappointed to see the others.

SUE (CONT'D)

We were just eating, would you care to join us.

SWEDE

I was hoping I could talk to you privately. It's very important.

Jacoby takes the hint, picks up his plate. He takes Roscoe's plate.

ROSCOE

Hey, I'm not finished.

Jacoby kicks Roscoe under the table.

JACOBY

Why don't you go play a game with the kids?

ROSCOE

(realizes, annoyed)
Come on boys, let's play.

Roscoe and the boys go off to a corner. Jacoby takes the plates and washes them in a bucket.

Swede sits. Sue sits opposite him.

SUE

You sure I can't get you anything?

SWEDE

I'd really like to make this as quick as possible.

Attention on Swede, Jacoby and Roscoe tend to their tasks.

SWEDE (CONT'D)

I have done you a terrible misjustice. One that I have not been able to sleep with for days. This ... dump in no way comes close to Daniel's place.

SUE

I don't know, we've kinda grown used to it.

SWEDE

I just couldn't live with myself
knowing I took advantage.

(takes out papers)

I am prepared to give you Daniel's
original claim and buy back this
... shack.

Swede slides the papers to a confused Sue.

As she reads them, Swede takes out a pen and small bottle
of ink. He opens the bottle.

Sue's head snaps up in disbelief.

SWEDE (CONT'D)

The profit is for the work and
effort you've put into the place.

Sue just stares at Swede, unable to find the words.

SWEDE (CONT'D)

If you don't find it adequate.

SUE

No, this offer is ... very
gracious.

Swede dips the pen and holds it out for Sue.

SWEDE

Then, would you please indulge an
old man tryin' to right his
wrongs?

Sue takes the pen and hesitates.

ROSCOE

(clears throat)

Don't forget the partners.

JACOBY

That's right, we all get a vote.

Confused, Swede looks to Sue.

SUE

It seems that Mr. Brown and Mr.
Tanner have taken me up on my
offer of a stake in the farm.

JACOBY

And as a partner, I vote no.

ROSCOE

I second that.

SWEDE

Miss Draper, an offer like this
doesn't come around every day.

PETER

Mom, we don't want to move again.

JOHANN

Yeah, we like it here.

SUE

(hands Swede the pen)
I'm afraid it's decided then.

Swede bites his lip. Hiding his anger, he gets up.

SWEDE

Please, think it over.
(heads to the door)
This wilderness is not a safe
place for a woman with two young
boys.

Swede tips his hat to Sue. He turns to leave.

ROSCOE

Good luck sleeping tonight, Mister
Neilsen.

Swede freezes in the doorway. He clenches his fist, but
doesn't look back. He leaves.

Roscoe and the boys rejoice.

EXT. OLD HAYES FARM - EVENING

Obviously upset, Swede hustles into his carriage with Nap
as the driver.

Nap looks at him in anticipation. Swede shakes his head.

NAP

She'll come around.

SWEDE

I don't have time. Tell Max to
burn it down.

NAP

I can handle it.

SWEDE

Like you handled her brother-in-law's place?

Let down, Nap pulls out.

MORNING

Sue stands in the doorway. Jacoby hitches the wagon. Peter, Johann and Roscoe exit the house.

SUE

And where might you boys be going?

PETER

Roscoe's taking us fishing down at the pond.

JOHANN

Says if we catch something, we can cook it for dinner.

JACOBY

Well then, catch me a big one.

The boys nod. They march off with Roscoe.

SUE

They've really grown fond of him.

JACOBY

Not sure who's gettin' the most out of that.

SUE

I'm heading to the orchard, you got room for a passenger?

Jacoby gets in the wagon.

JACOBY

Hop in, I'll drop you off.

Sue gets into the wagon. They pull out.

EXT. WOODS NEAR THE OLD HAYES FARM - MORNING

Hiding in the woods, Sledge sees the wagon pull out. He quickly mounts up and races off.

INT. GENERAL STORE, BIXBY - AFTERNOON

Jacoby drops a sack on the counter. He looks at a list.

JACOBY
Pickling juice?

STORE OWNER
(points)
Bottom shelf.

Jacoby kneels to read the labels on various jars.

The RING of the door opening, followed by the sound of
BOOTS on the wood floor.

Nap and three men walk up behind an oblivious Jacoby. Nap
nods to the owner, who hustles out.

Jacoby finds the right jar, gets up and turns.

JACOBY
This is the last --

Jacoby finds himself face to face with Nap.

JACOBY (CONT'D)
I ain't looking for no trouble.

NAP
Seems to find you, boy.

Jacoby looks out to see his rifle in the wagon.

Jacoby cracks the bottle on Nap's head. He throws a bag
of flour at Nap's men and tries to escape.

Nap's men take him down. They beat him mercilessly.

NAP (CONT'D)
Don't kill him. Wouldn't be any
fun.

Pinned to the floor, Jacoby struggles as Nap sits on him.
Nap holds a large Bowie knife over Jacoby.

NAP (CONT'D)
Gonna enjoy branding this one.

Nap rips open Jacoby's shirt. He brings the knife down.

Jacoby screams in pain.

INT. OLD HAYES FARM - MAIN HOUSE - AFTERNOON

Peeling apples, Sue is startled by the sudden CLANK of metal cans outside.

She looks out to see one of Swede's men running with a number of empty cans towards Max and Sledge.

Sue goes to the cupboard and grabs a shotgun.

EXT. OLD HAYES FARM - AFTERNOON

Sledge works a fire. Max dips the cloth-covered arrows in a bucket. Swede's man reaches them.

MAX

Could you make anymore noise?

SWEDE'S MAN

Place'll go up like a candle.

MAX

(to Sledge)

You're sure?

SLEDGE

Her and the Jacoby went into town.

Max lights an arrow and shoots it at the house. The flame spreads rapidly due to the accelerant.

SLEDGE (CONT'D)

Don't understand why we have to play this game every time.

MAX

It's what the old man wants.

A shotgun BLAST causes the men to drop to the ground. They reach for their guns.

SUE (O.S.)

That one's a warning.

MAX

(to Sledge)

I thought you said it was empty.

SLEDGE

It was, I swear.

BANG. Another BLAST causes the men to duck again.

SUE (O.S.)

Next one's at your head, Max.

Startled at hearing his name, Max contemplates.

MAX

(to Swede's man)

Get me the Kentucky.

Both men look at Max like he's crazy.

SLEDGE

Your father made it clear.

MAX

She saw my face.

SWEDE'S MAN

I don't know about this, Max.

MAX

And when she points a finger at us, what's my father say then?

Swede's man relents and runs to the horses.

BANG! Another BLAST from the house.

SUE (O.S.)

Last warning, Max.

Swede's man returns and gives the long-rifle to Max.

MAX

(yells to Sue)

Just give us a minute.

(loads rifle)

We were just havin' a little fun.

The flames on the house grow larger.

SUE

Is that what you told Daniel?

MAX

(to the men)

Meet me down by the lake.

Max moves stealthily to get an angle. The other two run to their horses, mount up and ride off.

EXT. LAKE AREA - AFTERNOON

Roscoe paces nervously, stopping to look through the woods. The sound of a shotgun BLAST causes him to jump.

PETER

Is that shooting?

Roscoe mutters to himself.

A rifle SHOT and his head snaps back to the woods.

Roscoe eyes dart around the woods. He notices a small cavern near them.

ROSCOE

How about we play a game?

JOHANN

But what about the fish?

ROSCOE

I think they need a break.

(ushers the boys in)

Come on, get in here.

Another rifle SHOT and Roscoe looks up.

ROSCOE (CONT'D)

Remember the game we played where you hid and I tried to find you?

PETER

But you already know where we are?

JOHANN

This isn't a game is it, Roscoe?

ROSCOE

(picks up foliage)

I need you to stay perfectly quiet 'til I get back.

(covers opening)

Don't speak, come out or move for anybody except me.

The opening almost covered, the boys nod.

JOHANN

Is mama okay?

Roscoe doesn't answer. He covers the last open space.

MOMENTS LATER

Frightened, Johann and Peter hug in the recess of the cavern.

Suddenly, HOOF BEATS.

Through the foliage, horse legs appear. Next the boots of Sledge and Swede's man come into view as they dismount.

SLEDGE (O.S.)

I swear it was empty.

SWEDE'S MAN (O.S.)

Yeah, good luck convincing Swede.

EXT. OLD HAYES FARM - AFTERNOON

Roscoe appears from the woods as the house burns.

Shocked, he rushes into the house.

INT. OLD HAYES FARM - HOUSE - AFTERNOON

Covering his mouth, Roscoe enters the flaming house and fights through the smoke. Seeing Sue on the floor, he picks her up and carries her out.

EXT. LAKE AREA - AFTERNOON

Johann and Peter watch the boots pacing.

SLEDGE (O.S.)

You think those boys were in there?

The sound of HOOF BEATS.

SWEDE'S MAN (O.S.)

Guess we'll find out.

Max's unique snakeskin boots appear as he dismounts.

SLEDGE (O.S.)

I swear, Max, she left with Jacoby.

MAX (O.S.)

Don't worry I cleaned it up.

The boys jump back at the sound of a GUNSHOT.

Sledge falls dead right in front of the opening, his lifeless face staring at them.

MAX (O.S.) (CONT'D)
Find some big rocks. We'll dump
him in the lake.

Wide-eyed and shaking, the boys hug each other as the
body is dragged from their view.

INT/EXT. DOCTOR'S HOUSE - EVENING

Small house outside the town. The DOCTOR answers the
door. Roscoe carries a seemingly lifeless Sue.

ROSCOE
She's been shot.

The doctor signals Roscoe in. Cautiously, he looks out
and sees the boys in the wagon. He closes the door.

Roscoe places Sue on the table.

As the doctor checks her, Roscoe looks over his shoulder.

DOCTOR
How did this happen?

ROSCOE
Not sure.

DOCTOR
She's lost a lot of blood. Even if
I manage to get the bullet out ...

Roscoe leans closer. The doctor's stare lets Roscoe know
he is annoying him.

ROSCOE
I'll, uh, go tell the sheriff.

Doctor nods. Roscoe walks to the door.

ROSCOE (CONT'D)
She's got two young boys, Doc. You
gotta save her.

The doctor nods unconvincingly. Roscoe leaves.

INT. TOWN OF BIXBY - EVENING

Boys in hand, Roscoe walks toward the jail. He stops and
squats down to talk to them.

ROSCOE

'Til we figure this out, nobody
must know you're mom's alive.
Okay?

The boys nod. Max exits the jail behind Roscoe.

Roscoe turns into Max causing an awkward situation.

MAX

If you're here to tell the sheriff
about the attack, I already did.

Roscoe stares quizzically at Max.

Johann sees Max's boots, his eyes widen. He tugs Peter's
arm and points. Both boys hide behind Roscoe.

MAX (CONT'D)

I was on the main road and saw the
fire. Got there a little too late.

(sees boys' reaction)

Can only imagine what they're
going through, being so young.

(looks at Roscoe)

Still, the lady should've realized
she wasn't meant for this place.

(heads to the saloon)

If there's anything me or my dad
can do, you come see us.

Peter tugs on Roscoe's arm. Roscoe bends down to listen.
Peter points to Max's boots. Roscoe's jaw drops.

LATER

Trix walks down the sidewalk. She hears MOANS from the
alley.

Halfway down the alley, a beaten, blood-soaked, semi-
conscious Jacoby lies between barrels.

Trix runs up and checks him. Jacoby mutters incoherently.

Blood on his shirt, she opens it and cringes. Carved into
Jacoby's chest is the Neilsen's circled N.

TRIX

Should've known.

(looks around)

Let's get you outta here.

Trix props up Jacoby. They head out of the alley.

INT. DENTON JAIL - MORNING

Sheriff relaxes at his desk. Whit enters.

SUPER: Town of Denton, Two days later.

DENTON SHERIFF
You must be Whitlock?

Whit acknowledges.

DENTON SHERIFF (CONT'D)
'Fraid you're too late. Fuller and
his gang headed up north last
night. They're probably clear up
to Silver Lake by now.

Showing his disappointment, Whit turns to leave.

DENTON SHERIFF (CONT'D)
Shame what happened in Bixby.

Whit turns and waits for more.

DENTON SHERIFF (CONT'D)
Figured you knew. Indians attacked
some lady's homestead 'bout a day
ago. Heard they left her and the
place in pretty bad shape.

Whit hesitates, then hustles toward the door.

DENTON SHERIFF (CONT'D)
If your got a notion going after
Fuller, I'd think twice unless
you're bringing an army. He's
joined up with Cole and Barnett.

Whit leaves.

EXT. TOWN OF BIXBY - MAIN STREET - AFTERNOON

Roscoe enters the General Store just as Swede exits.

b.g. Leaning against a carriage, Max waits in front of
the saloon.

SWEDE
Roscoe, I was hoping to see you.

Apprehensive, Roscoe acknowledges Swede.

SWEDE (CONT'D)
Terribly tragedy, the Draper
woman. How are the boys doing?

ROSCOE
As good as can be.

SWEDE
Losing your mother like that ...
My heart just goes out to them.
(hesitates)
So much so that I'm still willing
to honor my full offer on the
Hayes' place and a cash value for
Daniel's plot ... to help the boys
out.
(leans in)
Even throw in a little something
extra for the partners.

ROSCOE
I'll pass it on.

Swede notices the stage pulling in across the street.

SWEDE
You know that if those boys become
wards of the state or if that plot
remains barren, anybody can claim
it.

b.g. Exiting the stage, BRETT SWENSON, a dapperly dressed
railroad executive, and his guards are greeted by Nap.

Swede starts toward the stage.

SWEDE (CONT'D)
I'd think about it.

Swede shake hands with Brett. They get in the carriage.
Max and Brett's men mount up. They ride out.

Roscoe enters the store.

LATER

Roscoe exits the General Store. He is surprised to see
Whit hitching his horse. He hustles to him.

ROSCOE
Jeremiah! Jeremiah!

Whit sees Roscoe and eagerly meets him.

WHIT

Is it --

Roscoe hushes him and pulls him into an alley.

WHIT (CONT'D)

Is it true?

ROSCOE

It was touch and go for a while,
but it looks like she'll be okay.

Whit takes it in. Roscoe looks around nervously.

ROSCOE (CONT'D)

She at doc's with the boys.
Figured it was better if nobody
knew she was alive 'til we found
out where the lines are drawn.

WHIT

Jacoby?

ROSCOE

Nap took to slicing him up pretty
good. He's holed up with Trix in
the saloon.

(hesitates)

It wasn't Indians.

WHIT

(glares at saloon)

Swede's boys?

Whit clenches and unclenches his hands.

ROSCOE

Don't go gettin' all lathered up,
they just left with some new suit
off the stage.

(sees Whit's anger)

Doc ain't got many more beds.

Whit seethes, relents.

INT. DOCTOR'S HOUSE - BEDROOM - AFTERNOON

Whit sits on the bed next to a sleeping Sue. He holds her
hand. The Doctor stands by the door.

DOCTOR

A weaker person wouldn't have made
it.

Sue opens her eyes, sees Whit and smiles.

SUE
You came back?

WHIT
Should've never left.

SUE
No, you were right. This is no
place for a single mother.

WHIT
Things change.

SUE
(concerned)
Whatever you're thinking ...

Sue starts to cough.

WHIT
You just worry about getting on
your feet again. Those boys need
you.

Sue's cough gets worse. The doctor steps forward.

DOCTOR
We should let her sleep.

Whit nods.

WHIT
(lets go of hand)
I'll stop back regularly.

Whit heads to the door.

SUE
It's only land.

Whit leaves. The Doctor tends to Sue who grows more
concerned.

EXT. BIXBY SALOON - EVENING

A tipsy Max exits the saloon. Bottle in hand, he staggers
to his horse. He takes a long chug and tosses the bottle.

The CLICK of a gun being cocked get his attention. He
strains his eyes to the side.

WHIT (O.S.)
 Been busy while I've been gone?

From behind, Whit unarms Max.

MAX
 If it ain't the gimp? Feelin'
 guilty about leavin' the woman for
 the savages. Heard they all had
 their way with her.

Whit forcibly pulls Max's hands behind his back.

WHIT
 (ties Max's hands)
 Only thing I'm feelin' guilty
 about is not putting a bullet in
 your head that first night.

Whit turns around a smirking Max.

WHIT (CONT'D)
 Now, I'll just happy to see you
 hanging at the end of a rope.

MAX
 Nobody in this town's gonna point
 a finger at me.

WHIT
 Don't need a finger, just a judge.

MAX
 Swede owns every on of those from
 here to Colorado. What are you
 gonna do, shoot me yourself?

WHIT
 No, but I may hang you.

Whit pistol-whips Max sending him to the ground.

INT. JAIL - EVENING

Feet on the desk, Bobby nods off in his chair.

The SOUND of the door opening awakens him.

Becoming uneasy, he stares out into the darkened street.

Gun pointed, Whit appears from the side. He drags a hog-tied and gagged Max into the jail.

Bobby is at a loss.

WHIT

Don't want any trouble. Just put your guns on the desk, keep your hands where I can see 'em and step away.

Bobby does as told.

WHIT (CONT'D)

Keys for the cell?

BOBBY

You gonna tell me what this is about?

WHIT

Keys.

Bobby stands defiant. Whit points the gun at Max's head and cocks the hammer.

BOBBY

Alright. Alright.

He takes the keys from the draw and tosses them to Whit.

WHIT

I'm arresting Max for the attempted murder of Sue Draper.

Gun aimed at Bobby, Whit unties Max's legs. He helps him up, pushes him into the cell and locks it.

BOBBY

That's a mighty big accusation.

WHIT

Ain't no accusation.

Whit reaches through the bars and unties Max's hands.

MAX

(tugs his gag off)
He's lying, Bobby. Ain't got no witnesses.

WHIT

You don't shut up, I'm might not wait for a judge.

BOBBY

(to Whit)
Assuming it's true, why not just
let me handle it.

MAX

True? Listen to yourself.

WHIT

Can't take that chance.

BOBBY

I'm the sheriff for God's sake.

MAX

(to Bobby)
Law don't pay you, my father does.

Max having made his point, Whit looks to Bobby.

MAX (CONT'D)

Come on, Bobby, you don't want an
angry Swede comin' down here.

WHIT

You're pushin' it, Max.
(points Bobby to the
door)
Now, if you don't mind.

A moment of tension, Bobby relents.

MAX

(to Bobby)
You really gonna leave? He's got
one fuckin' leg for Christ's sake.

At the door, Bobby looks back at Whit.

BOBBY

It's a delicate balance with
Swede. Last three sheriffs just up
and disappeared. Way I look at it,
what good do I do these people if
I'm dead? He'll be coming fast and
with a lot of firepower. You best
be ready.

MAX

(to Whit)
You hear that, gimp? You're a dead
man. I'm looking at a dead man.

WHIT

(to Bobby)
Close the door behind you.

Bobby leaves, closing the door.

MAX

You can't leave. He's fuckin'
crazy.

Whit sits at the desk, puts feet up and picks up a dime-store novel. He becomes amused as he scans it.

INT. SWEDE'S RANCH - DEN - EVENING

Swede and Brett look over a map. Brett's two guards sit on the sofa. Nap leans against the door frame.

BRETT

Given the surveyor's report,
there's no way I can change the
board's decision.

SWEDE

A couple of days, I'll have all
the southern plots.

b.g. Daily comes to the door and whispers to Nap. Nap's eyes narrow. He stands up straight as he listens.

BRETT

I leave tomorrow with the southern
route or Denton's the hub.

Brett signals his guards that he's finished. They get up. Swede grabs Brett's arm. Tensions mount.

SWEDE

We had a deal.

Brett looks down at Swede's hand with disdain.

BRETT

(pulls arm away)
'Til your son screwed it up.
(to his guards)
We're done here.
(leaves)
Should've handled it yourself.

Brett and his guards pass an unaccommodating Nap.

Nap stops Swede, who follows. Nap whispers in his ear. Swede's eyes widen. He storms out.

EXT. SWEDE'S RANCH - EVENING

A number of Swede's men stand around. Brett gets in his carriage. A guard drives and the other mounts up.

Swede storms out of the house. Nap follows.

SWEDE

If it's more money you want, just
say a number.

Brett ignores Swede and taps his driver. Swede nods to Nap.

BANG. BANG. Nap fells the two guards.

Brett sits, frozen in fear.

SWEDE (CONT'D)

(to his men)

Show Mr. Swenson to his room. He's
gonna be stayin' with us for a
while.

Two men take Brett off the carriage and lead him inside. Swede addresses the rest of his men.

SWEDE (CONT'D)

Mount up. We got a problem in town
to deal with.

Swede, Nap and the men start to mount up. Swede grabs Nap's arm before he's in the saddle.

SWEDE (CONT'D)

You stay and watch Swenson.

Nap stares in disbelief as the others ride off.

INT. BIXBY SALOON - EVENING

Saloon is empty except for Bobby, at the bar, and Trix, who leans against her room door, hands hidden behind her.

Bobby's badge lies on the bar next to a bottle.

Bobby stares at himself in the mirror. He guzzles a shot, winces, then looks in the mirror to see Swede enter.

A pistol in each hand, Swede stares at Bobby.

In the mirror, Bobby sees Swede puts the pistols on the bar next to the badge.

BOBBY
Just what is it you pay me for?

SWEDE
To protect this town.

BOBBY
This town or your town?

SWEDE
It's all the same.

Bobby pours and guzzles another shot. He pours one more.

Swede grabs his arm before Bobby can drink the shot.

SWEDE (CONT'D)
Man gets his gun taken, feels his
manhood challenged, he starts to
question if he's good enough.
(moves the bottle)
Only way to face that demon is to
put it down at its source.

BOBBY
(pulls arm away)
This isn't about my manhood. This
is about where the line's drawn
and who gets to cross it.

Bobby downs the shot. He reaches out and grabs the
bottle.

SWEDE
Bottle's not gonna help.
(slides guns to
Bobby)
Town needs you, Bobby.

Bobby stares at the pistols.

BOBBY
(points to street)
That man you want me to kill. He's
the only reason I wanted this job
in the first place.

SWEDE
You knew the rules.

Bobby slides the badge toward Swede.

BOBBY
Need to get yourself a new dog.

Bobby pours and guzzles a shot as Swede looks on.

Swede puts his hand on his holstered gun.

The CLICKS of a shotgun's hammers gets his attention.

In the mirror, Trix aims a shotgun at Swede.

Swede hesitates, relents and storms out.

Bobby throws the glass, shattering the mirror. He gets up, stares at Trix for a moment and hustles out the back.

Trix reaches behind her and opens the room door. A bandaged, weakened Jacoby staggers out with his rifle.

EXT. TOWN OF BIXBY - MAIN STREET - EVENING

Fifteen mounted men with rifles span the street. A man holds Swede's horse. Swede approaches from the saloon.

Swede mounts up and nods to two men on the sidewalk. Holding sticks of dynamite, they sneak toward the jail.

Swede signals. The mounted men approach slowly in unison. They stop about ten to fifteen yards from the jail.

SWEDE

Mr. Whitlock, I am not an
unreasonable man. Release my son
and I will have mercy.

The men on the side sneak closer to the jail.

MOMENTS LATER

Frustrated, Swede taps his leg impatiently.

SWEDE (CONT'D)

I may be reasonable, but I am not
patient. Release my son now.

No answers, Swede signals and his men unleash a HAIL of RIFLE FIRE on the jail.

The men on the side light and toss the dynamite at the jail door.

The EXPLOSIONS knock the door off the hinges, creating a large smoke cloud.

A moment of silence.

A number of Swede's men dismount. Firing at will, they enter the jail.

MOMENTS LATER

The Swede's men exit the jail and signal it's empty.

Alerted, Swede's eyes dart from building to building.

SWEDE (CONT'D)

It's a trap.

Whit rises from the roof of the Mayor's Office and fells one of Swede's men.

A CRASH of glass from the saloon. Jacoby and Trix fire out the broken windows.

Swede and his men scramble in the chaos. Some are shot. Some are thrown. Some dismount and take cover.

BEHIND THE CONSTRUCTION

Hidden from view, Roscoe holds a shotgun to a hog-tied and gagged Max, as he watches the action.

ROSCOE

You better hope this works.

INT. BIXBY SALOON - EVENING

Trix and Jacoby fire rapidly. Bullets break windows and nick the wood around them.

TRIX

There's just too many of them.

EXT. TOWN OF BIXBY - MAIN STREET - EVENING

On the side of the saloon, Bobby twirls his two pistols and holsters them. Confidently, he redraws and struts onto the main street.

Brazenly, Bobby fells a number of surprised and flanked men as he continues forward.

Emboldened by Bobby's move, Whit rises and fires rapidly.

Behind the water trough, Swede watches his men fall. He signals two men near him.

Firing rapidly, they get up and run to three horses.

They mount up quickly and ride out.

MOMENTS LATER

Shooting stopped, bodies litter the street. Several of Swede's men have surrendered to Bobby. Whit stands on the roof. Trix and Jacoby exit the saloon.

After surveying the area, Whit tips his hat to Bobby, who nods and smiles in return.

EXT. SWEDE'S RANCH - EVENING

Swede and the two men gallop in. They dismount. A confused Nap exits the house.

Swede storms past Nap and into the house. Nap follows.

NAP

Where are the rest of the men?

INT. SWEDE'S RANCH - GREAT ROOM - EVENING

Swede paces. Nap enters.

SWEDE

Go up to Silver Lake and hire every gun you can find.

NAP

They'll be unreliable?

SWEDE

They'll be loyal to whoever pays 'em the most.

NAP

We can handle this, dad.

Swede whirls and delivers a vicious backhand that sends Nap reeling.

SWEDE

Just do what I say.

Nap storms out the door. Swede seethes.

INT. MAYOR'S OFFICE - AFTERNOON

Whit enters. Sergi sits at the telegraph and holds out a paper for Whit.

WHIT

Any problems?

Sergi looks at Daily's empty desk and chuckles.

SERGI

He's too busy, how you say,
pooping his pants over what
Mister Neilsen may do.

Whit reads the paper.

SERGI (CONT'D)

Just like you thought, Swede's
buyin' land cheap knowin' the
railroad's comin'.

Whit looks across the street at the construction.

SERGI (CONT'D)

With the hub here, trains'll be
coming and going from all over.

Whit hands the paper back.

WHIT

Post this someplace the whole town
can read it.

Whit starts to leave.

SERGI

If I may ask, how are Miss Draper
and the boys doin'?

WHIT

(turns back)
Good. Doc's keepin' 'em up at his
place.

b.g. A stage pulls into town.

Sergi nods behind Whit.

SERGI

Looks like your judge is here.

Whit sees the stage and hustles out.

BACKROOM

Back to the wall, Daily listens. He hurries out the back.

EXT. TOWN OF BIXBY - AFTERNOON

Whit exits the Mayor's Office. Bobby and Jacoby approach the stage from the jail.

Once stopped, the stage driver jumps off and runs away.

Concerned, Jacoby, Bobby and Whit stop in their tracks and look at each other. They sprint to the stage.

Whit opens the stage door and sees the judge and a marshal dead with bullet holes in their heads.

A note is attached to the judge's chest by a Bowie knife. It reads: "Swede's Law."

INT. SILVER LAKE SALOON - EVENING

SUPER: "Silver Lake, Dakota Territory"

Nap sits at a table with Jake, JOSH BARNETT (27) and HENRY COLE (24).

BARNETT

Your father's more than capable of handling four men by himself.

NAP

Aah, this gimp's in my dad's head.

COLE

Gimp's got a name?

NAP

Whit Whitlock.

Cole and Barnett look at each other, incredulously. The conversation gets a concerned Jake's attention.

NAP (CONT'D)

You heard of him?

BARNETT

Isn't a gun for miles that wouldn't like a shot at that son of a bitch.

COLE

You won't have any problem gettin' your army.

BARNETT

Count me and my boys in.

COLE

Same here.

They all look at a apprehensive Jake.

BARNETT

A man like you must've had a run-in with Whitlock somewhere down the line.

JAKE

Can't say that I have.

Jake pulls a woman onto his lap.

JAKE (CONT'D)

I'll just stay here. Make sure all these women don't miss you.

Jake flirts with the woman as the others pour shots and toast.

COLE

To the death of a legend.

BARNETT

To the death of a son of a bitch.

NAP

To the death of the gimp.

They down their shots.

Facing away, Jake's face grows deeply troubled.

INT. JAIL - EVENING

Dejected, Whit, Jacoby and Bobby sit around. Humming, Max lays on the cot in his cell. Roscoe fixes the door.

JACOBY

How'd they even know?

MAX

Swede knows everything.

Max confidently pulls his hat over his eyes. He resumes humming.

ROSCOE

If he doesn't stop that God-damn humming, I'm gonna kill him.

JACOBY
Best idea I've heard so far.

BOBBY
He's only got a handful of ranch
hands left.

Whit looks away, avoiding.

JACOBY
(to Roscoe)
They're only gonna blow it off
again.

ROSCOE
More I keep busy, the less I think
about bottom of some bottle.

They pick up on Whit's sheepish mannerisms.

JACOBY
Something you ain't tellin' us?

WHIT
(hesitates, relents)
Swede's sent up to Silver Lake for
some hired guns.

BOBBY
That's Dakota Territory.

ROSCOE
Every two-bit killer this side of
the Mississippi'll be available if
the price is right.

WHIT
If you wanna leave, now's the
time.

Interest perked, Max picks up his hat to watch. Whit
looks at each person. They avoid eye contact.

WHIT (CONT'D)
Speak your minds.

BOBBY
If I had to die, can't think of a
better place than at your side.

WHIT
Hopefully, it won't come to that.

ROSCOE

Hell, you already know my answer.

Max covers his eyes again and relaxes.

MAX

(imitates sheep)

Baa! Baa! Baa! Like sheep
following their shepherd to the
slaughter.

The group looks at a reluctant Jacoby.

JACOBY

Listen to you yourselves. Talkin'
like dyin's some kind of noble
act. I got places to see. Women to
love. I ain't ready to die.

(sees no reaction)

These are professionals we're
talking about, not some cattle
branders with rifles.

(points out the door)

And for a town that doesn't care?

MAX

The black sheep strays.

Jacoby looks to Whit.

WHIT

You don't owe me anything.

Jacoby gathers his strength and leaves.

MAX

Who'd have thought Blackie was the
only smart one?

Max resumes humming.

Roscoe picks up a tin cup and throws it at his cell. It
CLINKS off the bars.

After flinching, Max smiles and resumes his humming.

INT. SWEDE'S RANCH - DEN - EVENING

Swede stands behind his desk admiring the ornate sword in
his hands. Brett sits on the sofa.

SWEDE

I'm running out of patience.

BRETT

You can run out of anything you want, Denton'll be the hub.

SWEDE

What would your board think of their agent makin' side deals?

BRETT

(chuckles)

Your word against mine? Don't make me laugh.

Swede turns quickly and thrusts the sword into Brett.

SWEDE

We'll just have to make sure that your word doesn't get out, then.

Eyes bulging, Brett gasps as Swede removes the sword and stabs him again. Brett topples over, dead.

Bursting into the room, Nap freezes when he sees Swede nonchalantly cleaning the blade on Brett's clothes.

SWEDE (CONT'D)

Just cleaning up your mess.
(puts sword on stand)
You get the men?

NAP

They're in the other room.

SWEDE

(heads to the door)
Good. Get rid of the body.

Leaving, Swede passes Nap, who stares at Brett's body.

GREAT ROOM - LATER

Swede sits in a big chair. Daily sits opposite him, leaning forward eagerly. Nap, Barnett and Cole stand on the side with drinks in their hands.

SWEDE (CONT'D)

You're sayin' she's alive?

MAYOR DAILY

Came right from Whitlock's mouth.

Swede hesitates. He turns to Nap.

SWEDE

You and Daily fetch the woman and
the boys in the mornin'. We'll
meet you in town.

Nap nods. Swede notices that Daily's visibly concerned.

SWEDE (CONT'D)

Something wrong?

MAYOR DAILY

I'm not a gunfighter.

SWEDE

You're not the mayor anymore,
either. So, you're open to the new
job or expendable.

Daily gulps and accepts his fate reluctantly.

SWEDE (CONT'D)

Good.

(to Nap)

I want her and the boys alive.

NAP

Doc too?

SWEDE

Him we can make an example of.

Nap smiles. Swede holds up a glass of wine.

SWEDE (CONT'D)

To the hunt.

ALL

(toast)

To the hunt.

INT. DOCTOR'S HOUSE - EVENING

The doctor lets Whit, who is carrying a shotgun, in.

WHIT

(holds out shotgun)

Thought you may need this.

The doctor turns away and heads to his desk.

WHIT (CONT'D)

Nobody's safe, doc.

DOCTOR
(sits at desk)
I heal people. I don't kill 'em.

Whit looks at Sue's closed bedroom door.

DOCTOR (CONT'D)
She's much better, but I'd still
keep it short.

Whit enters the ...

BEDROOM

Sue is reading as Whit enters. Happy to see him, she becomes troubled when she sees the shotgun.

Whit puts the shotgun on her bed along with some ammo.

SUE
Guess you didn't take my advice.

WHIT
It's not gonna end any other way.

SUE
(sits up to get
close)
We can move. Go farther west. I
heard the land's real cheap there.

Whit's determined look tells her he's not leaving.

SUE (CONT'D)
If you feel guilty about leaving
me, don't. It was ...

Whit grabs and kisses a surprised Sue passionately.

She pulls away.

WHIT
(looks off)
I'm sorry ... I --

Sue grabs him and they kiss, long and passionately.

SUE
Don't do this. You can't win.

WHIT
(hesitates, leaves)
Don't hesitate to use it.

Sue sits up.

SUE
It's not worth it.

Whit gone, Sue pounds the mattress in frustration.

INT. TOWN OF BIXBY - MORNING

The town is a ghostly sight. Windows boarded up. There's no sign of life. Tumbleweed blows down the street.

Two wagons turned on their side form a redoubt in front of the jail. The stage sits in front of the saloon.

Roscoe and Whit load weapons behind the wagons.

ROSCOE
(looks into sky)
Sun'll be in their eyes.

WHIT
It was me who killed him.

Roscoe stares quizzically at Whit.

WHIT (CONT'D)
Thought he was really gonna kill
Jake. Saw pa's guns hanging on the
chair and ...

Jake looks away. Roscoe's face is frozen in disbelief.

WHIT (CONT'D)
Should be me who went through that
nightmare, not him.

ROSCOE
Sometimes things just happen.

The sound of HOOFBEATS gets their attention. Bobby gallops up to them and dismounts quickly.

BOBBY
'Bout an hour out. Best I can
count, a little over thirty. Got
Cole and Barnett with 'em.

There is an ugly silence as the three realize their fate.

BOBBY (CONT'D)
(heads into jail)
I'll get the rest of the ammo.

Roscoe and Whit go back to loading the rifles.

ROSCOE

You kept that quiet all these years?

WHIT

Figured everybody would think I was just tryin' to get my brother off.

ROSCOE

Why you tellin' me now?

WHIT

Figure we're all gonna die.

PRE-LAP: POUNDING on a door.

EXT. DOCTOR'S HOUSE - MORNING

Pistol out, Nap hides next to the doctor's door. A nervous Daily POUNDS on it.

Door opens slightly. Apprehensive, the doctor looks out.

Nap pushes the door open.

BANG! Nap's shot sends the doctor reeling.

BANG! BANG! Nap shoots the helpless doc two more times. Daily looks on incredulously.

INT. DOCTOR'S HOUSE - BEDROOM - MORNING

Sue and the boys are startled.

SUE

Quick, under the bed.

The boys do as told.

SUE (CONT'D)

No matter what you hear or see, you mustn't come out.

Sue grabs Peter before he disappears.

SUE (CONT'D)

Even if something happens to me, promise me, you won't make a sound or come out.

Peter nods. Sue lets go. Peter disappears under the bed.

Sue places the shotgun on the bed and covers it just as Daily opens the door.

MAIN ROOM

Hidden, Nap urges Daily into the room.

Daily enters apprehensively.

A loud BANG of a shotgun blast followed by the THUD of Daily's body hitting the floor.

Nap peers in and sees Daily lying prone, dead.

BEDROOM

Sue frantically tries to reload the shotgun.

Frustrated, Sue drops the shells in her hurry.

NAP (O.S.)

Looks like I found a ghost.

She looks up and sees Nap with his gun aimed at her.

UNDER THE BED

Wide-eyed, Peter has his hand over a trembling Johann's mouth. Nap's boots appear next to Daily's dead body.

NAP (O.S.) (CONT'D)

The boys?

SUE (O.S.)

Sent 'em away.

NAP (O.S.)

Get up. You're coming with me.

Sue's bare feet appear next to Nap's boots. They leave.

EXT. TOWN OF BIXBY - MORNING

Rifles in hand, Whit and Bobby stand defiantly in front of the wagons.

At the far end, a mounted, Swede, Barnett and Cole lead thirty dismounted, armed men, who span the street.

WHIT
(over his shoulder)
Roscoe.

INT. JAIL - MORNING

Roscoe looks out. Max lies nonchalantly on his cot.

ROSCOE
Yeah, I see 'em.

WHIT (O.S.)
Save one bullet.

Roscoe stares at Max and smiles.

ROSCOE
My pleasure.

Upset, Max turns away and covers himself, feigning sleep.

EXT. TOWN OF BIXBY - MAIN STREET - MORNING

Squinting due to the sun, Swede, Barnett and Cole's eyes dart all from one possible hiding place to another.

SWEDE
Far end's a killing zone. We go no
farther than the saloon.

Swede signals and the men start slowly down the street.

At the end of the construction, Swede signals to stop.

WHIT
State your business.

SWEDE
You already know my business.

BACK OF JAIL

Hat over his eyes, head down and rifle over his shoulders, Jacoby leans against the back of the jail.

SWEDE (O.S.) (CONT'D)
This can be quick or painful.

BOBBY (O.S.)
Don't worry, we'll make it quick.

SWEDE (O.S.)
Heard the black boy ran off. You
just can't trust their type.

JACOBY
(to self)
Now why'd you have to say that?

Jacoby raises his hat and starts toward the street.

FRONT OF SALOON

Cole and Barnett scope out the roofs as Swede talks.

SWEDE
Put down your guns and we'll act
like this never happened.

ROSCOE (O.S.)
How 'bout I put a bullet between
Max's eyes unless you put down
yours.

SWEDE
I have another son.

Stunned by the harshness, Barnett and Cole look at Swede.

SWEDE (CONT'D)
Unfortunately, I do not have
another town.

ROOF OF SALOON

Trix pops up from the roof and aims her rifle at Swede.

TRIX
I've been waitin' a long time for
this day to surrender, Swede.

MAIN STREET

Barnett and Cole look to Swede.

SWEDE
(to Cole and Barnett)
It's just an old whore, for
Christ's sake.

FRONT OF THE JAIL

From the side of the jail, Jacoby casually strolls out.

SWEDE

Agreed.

Swede nods to Nap indicating he did a good job. Nap smiles proudly.

WHIT

Somebody even puts his finger near a trigger, Roscoe puts a hole in Max's head.

Swede signals. His men lower their guns.

Jail door opens. Max is pushed out. Roscoe follows with his shotgun aimed.

Max nods for Roscoe to take off the handcuffs. Roscoe reluctantly does as told. Max winks at Whit.

SWEDE

(aside to Barnett)

As soon as Max gets close enough, I want her dead.

(aside to Cole)

Take out their shooter.

Barnett stealthily slips his pistol out. Cole loosens his rifle from the saddle.

WHIT

Send her down.

Swede looks at Nap, who pushes Sue forward.

Roscoe pushes a smug Max down the street.

Tensions mount as the walk takes forever. They cross sides as pass, Max to the saloon side, Sue to the other. Max blows Sue a kiss.

SWEDE

(loud)

Now boy.

Max runs toward Nap, who tosses him a rifle. Cole quickly aims his rifle and fells Roscoe before he can shoot.

GUNFIRE erupts.

The shooting stirs Swede's and Barnett's horses. Trix nicks Swede, knocking him off his horse.

Barnett gathers his horse and takes aim at Sue, who is frozen in front of the Mayor's Office.

Jus as Barnett fires, Sergi bursts from the Mayor's Office. He tackles Sue. He helps her up and pushes her into the office.

Barnett's second shot hits Sergi in the leg. He crawls inside with the help of Sue.

Guns are blazing. Jacoby runs behind the wagon. Whit drags Roscoe there. Bobby hides behind the stage.

Surprised by the suddenness, some of Swede's men fall.

Nap and Max help Swede to cover at the construction site. Cole dismounts and follows them.

Barnett and his men head to the other side of the street.

Behind the wagons, Whit tends to Roscoe. Jacoby returns fire. Roscoe pushes Whit's hand away.

ROSCOE

Ain't gonna help.

WHIT

Will you just shut up?

ROSCOE

A man knows when it's his time.

WHIT

Seen a lotta men shot, you ain't dying.

(takes Roscoe's hand)

Here, keep your hand on it.

Whit starts toward Jacoby. Roscoe grabs his arm.

ROSCOE

'Case I don't make it, promise me when this is over you'll put this nonsense with Jake behind you.

Whit rolls his eyes and tries to go to Jacoby, but Roscoe pulls him back.

ROSCOE (CONT'D)

Damn it, a dyin' man deserves one last wish.

Jacoby looks to Whit with raised eyebrows.

WHIT

If it'll shut you up, I promise.

WHIT

If she was worth hanging for,
she's worth goin' back for. That's
all I'm saying.

JACOBY

You should be the last person
givin' advice on women.

ROSCOE (O.S.)

Amen to that.

WHIT

When you're old and all alone,
don't say I didn't tell you.

A SHOT causes them to turn their aims quickly.

At the near end of the buildings, Max's man lies dead.
Behind him, a torn Trix has her gun still aimed.

BANG! A shot from behind the buildings fells Trix.

BEHIND THE SALOON

Facing the fallen Trix, Nap lowers his rifle. He looks up
at the roof and heads into the alley.

INT. MAYOR'S OFFICE - MORNING

Hidden behind a desk, Sue tends to Sergi's leg.

They are startled by the backdoor being KICKED OPEN.

The sound of BOOTS on the wooden floor. Fear increased,
they scrunch into the corner.

Gun out, Barnett turns the corner and smiles.

BARNETT

Lookee here, boys. It's Whit's
little lady friend.

Barnett goes to grab Sue. She bites his hand.

BARNETT (CONT'D)

(pulls hand back)
Gotta lotta spunk.
(backhands her)
Time to find out how much that man
of your's cares.

Barnett grabs the struggling Sue by the hair. He drags a screaming kicking Sue by the hair towards the window. His men keep their guns on Sergi.

EXT. TOWN OF BIXBY / BEHIND THE STAGE - MORNING

From the roof, Nap rises up and shoots an unsuspecting Bobby.

Whit and Jacoby give Bobby cover as he scrambles under the stage.

In pain, Bobby puts his hand on his wound.

BOBBY

It's just a nick.

Bobby cringes as he stares at his blood-drenched hand.

BEHIND THE WAGONS

Bullets rain down from the roof. Whit and Jacoby reload.

WHIT

Can't win this with him up there.

Three SHOTS from the Mayor's Office get their attention.

Whit steps toward the office. Jacoby grabs his arm.

JACOBY

Ain't gonna do her no good gettin' yourself all shot up.

Three more SHOTS and Barnett flies backwards out the picture window, landing on he sidewalk, dead.

Jake casually appears in the window frame. Dressed in his usual black, he tips his hat to Whit.

JACOBY (CONT'D)

Don't tell me?

Whit doesn't answer.

ROSCOE

Am I dead or is that --

WHIT

-- You ain't dead.

Jake nonchalantly holsters his pistols and fixes his clothes.

Standing boldly, he takes off his hat and brushes it off. He meticulously makes sure the crease is perfect, smooths his hair and puts the hat on.

JACOBY

Now, I know why you wanted to kill him.

As if without a care, Jake steps through the window, fixing his gloves.

The shooting stops suddenly. A buzz from Swede's side.

Jake draws both pistols, starts felling Swede's men. A number of men get up and flee. Some finally return fire.

Nap rises from the roof and nicks the wood near Jake. Jake runs behind the wagons.

Whit just stares at Jake.

JAKE

I'm still gonna kill you when this is over.

ROSCOE

Now I can die in peace.

Concerned, Jake looks at Roscoe. He looks to Whit.

WHIT

Unfortunately, not.

BOBBY (O.S.)

I'm out of ammo.

Jacoby grabs a second rifle.

JACOBY

Hate to break up the family reunion, but would you mind givin' me a little cover.

Jake and Whit rise and pin down Nap. Jacoby runs out and dives under the stage.

JAKE

How's the leg?

WHIT

You're the one who shot me.

UNDER THE STAGE

Jacoby looks at Bobby's wound and cringes.

BOBBY

It's only a nick, right?

Looking away, Jacoby tries to cover how bad it is.

JACOBY

Yeah. Don't worry, kid, we're gonna get you out of here.

Bobby nods. Jacoby starts to back out of the covering.

BOBBY

(grabs Jacoby's arm)

You think they might write one of those books about this?

JACOBY

Yeah. Probably have a drawing of you on the cover.

Shots from Nap cause Jacoby to scurry farther under.

He whistles to get Jake and Whit's attention and points to the roof.

Jake and Whit pin Nap down. Jacoby runs around the side of the buildings with his rifle.

FRONT OF SALOON

A nervous, wide-eyed Cole looks off and contemplates.

COLE

You didn't say anything about Jake Fuller.

SWEDE

He's just another man.

COLE

Jake Fuller and Whitlock? You have no fuckin' idea.

(yells to men)

We're outta here.

Swede grabs his arm as a number of men run off.

SWEDE

I'll give you Barnett's share. That's double the money.

COLE

You ain't got enough.

Cole gets up and runs off with his men.

Swede aims and shoots Cole in the back.

FRONT OF THE JAIL

Whit and Jake reload.

JAKE

As little brothers go, you are one
big pain in the ass to watch over.

WHIT

Need I remind you again that you
shot me in the leg.

JAKE

It was actually your own man who
shot you.
(rises and fires)
Says a lot about your leadership.

ROSCOE

Can't you two let an old man die
in peace.

JAKE

You keep that up, we're both gonna
kill you.

ROOF OF SALOON

Jacoby climbs on the roof. He stalks Nap from behind.

JACOBY

(rifle aimed)
I'd drop that if I was you.

Nap throws the rifle, puts his hands up and turns.

NAP

Guess sneaking up on people goes
with your type.

Jacoby signals Nap, who unbuckles and tosses his
sidepiece.

Nap smiles as he sees Jacoby suddenly drop the rifle and
pull out a large Bowie knife.

JACOBY

Still got that brandin' iron?

Nap smiles smugly and pulls out his Bowie knife.

NAP

Not gonna brand you this time, I'm gonna slice you up like a roasted pig.

The two go at each other with Nap drawing first blood. Nap smiles confidently. He strikes again. It's obvious, Jacoby is no match for him.

FRONT OF JAIL

Whit looks at the last of his bullets.

WHIT

I got about one reload for each.

JAKE

Same.

(looks out to street)

Most of the hired guns are gone.

(contemplates)

Our reputations may be all the ammo we need.

Whit looks out.

WHIT

I've heard dumber.

ROOF OF SALOON

Bleeding heavily from multiple cuts, Jacoby is getting the worse of the fight.

Nap taunts him by stepping in and out, feigning attacks.

NAP

Slicing time's over, boy. Now I'm gonna gut you.

JACOBY

(hesitates)

Hell with it.

In one quick motion, Jacoby quickly flips the blade in his hand and throws it. It pierces Nap's chest.

Eyes bulging, Nap twists, turns and falls off the roof.

FRONT OF SALOON

THUD! Nap's lifeless body hits the ground in front of a startled Swede. Nap's vacant stare looking at him.

ROOF OF SALOON

Weak and bleeding, a smiling Jacoby slides down the parapet. He starts to chuckle, but it soon becomes a all-out loud laugh.

WHIT (O.S.)

You okay, Jacoby?

JACOBY

Oh, yeah. I'm good. I'm real good.

FRONT OF THE JAIL

Jake and Whit are poised at opposite ends of the wagons.

Whit becomes grief-stricken as sees Bobby's dead.

JAKE

(notices Whit)

Seemed like a good kid.

WHIT

Better than I gave him credit for.

JAKE

Ready, little brother?

WHIT

Why'd you do it?

JAKE

You ever see the women up at Silver Lake? God ugly.

WHIT

Should have been me who went to prison.

JAKE

I'm your big brother.

ROSCOE

You're making me all teary-eyed. Will you two just get out there and kill that big fat bastard for Christ's sake.

Amused, Jake and Whit charge out, firing.

FRONT OF SALOON

The brothers charge down the street gun blazing, Swede put his head down. All the remaining men get up and flee.

B.G. Sue walks out slowly from the Mayor's Office.

MOMENTS LATER

The CLICKING sound of empty pistols.

Swede looks up quizzically, realizes and smiles. He draws his two pistols, stands up and aims at Whit and Jake.

The only other live person on the street is Sue who stands ten yards behind Whit.

Swede walks forward slowly, keeping his aim. Realizing he's helpless, Jake sits on a log.

Whit throws his pistol at Swede and starts to charge. He freezes when Swede fires at his feet.

Whit looks to Jake who shrugs.

ROOF OF SALOON

Straining to look over the parapet, Jacoby sees Swede with his pistols aimed.

He tries to get Nap's gun, but is too weak and in pain.

FRONT OF SALOON

Swede stands ten yards from Whit.

SWEDE

Seems you underestimated my will
to survive.

WHIT

Just ran out of bullets.

Swede looks down at a dead Nap.

SWEDE

Max?

Whit's look indicates Max is dead.

Hiding his emotions, Swede suddenly points one gun to the side and shoots Jake.

Jake drops in pain, holding his side.

Whit starts to Jake. A shot near his feet stops him.

SWEDE (CONT'D)
He's not dead. At least not yet.

Jake raises his hand, letting Whit know he's okay.

SWEDE (CONT'D)
You tried to take everything from
me. And for what?

Swede circles trying to get a clear shot at Sue.

SWEDE (CONT'D)
The trash that I let live in my
town? Why would somebody do that?

Aware of Swede's aim, Whit moves to stay between the two.

WHIT
Seemed like a good idea.

SWEDE
(looks at Nap)
Just as you have done to me, I
will kill everyone near to you,
but they won't die quickly.
(aims gun at Jake)
You will have to watch as they
suffer. And only after they are
all dead will I allow you to die.

They stop circling.

Swede aims at Jake, but quickly uses the other gun to
shoot Whit in the leg. Whit goes down.

Clear shot, Swede aims at Sue.

SWEDE (CONT'D)
I will start with what's most
precious to you as you started
with what's most precious to me
... my town. My fuckin' town.

Swede readies to fire ...

GLASS SHATTERS

BAM! A shotgun BLAST drops Swede to his knees.

SWEDE (CONT'D)
(confused)
No ... It can't happen.

More glass breaks and multiple GUNSHOTS riddle Swede.

SWEDE (CONT'D)

It's my town. It's my fuckin' ...

He falls face first to the ground.

Whit, Jake and Sue look around. Multiple armed citizens emerge in doors and windows.

B.g. Roscoe stands using the wagon as a crutch.

ROSCOE

He really did talk too much.

Sue runs to comfort Whit.

WHIT

I'm alright. It's nothing.

Realizing, Whit looks for Jake, but the street is empty.

SUE

You need to let him go.

WHIT

Just wish people knew who he really was.

SUE

You do. That's all that matters.

TWO WEEKS LATER

Repairs going on, the town has returned to normal.

In front of the General Store, Whit sits in a wagon.

Badge on, Roscoe sits in front of the jail and chats with Sergi, who uses a crutch.

Leading a packhorse, Jacoby rides up to Whit.

WHIT

You're up and around?

JACOBY

Couldn't stay in that room for another day.

(looks around)

Town looks like it came out okay.

WHIT

(nods at Roscoe and
Sergi)

That's debatable given the new
sheriff and mayor.

(looks at packhorse)
Leaving?

JACOBY

Got a woman waiting.

WHIT

You're taking my advice?

JACOBY

(smirks)

Any news on your brother?

WHIT

(looks off)

At least, he knows he has a family
to come back to.

JACOBY

You ain't gonna kill him?

WHIT

(shakes head)

Might shoot him in the leg, just
to even things out.

(hesitates)

You know I won't be able to save
your ass this time?

JACOBY

(nods to the store)

You got enough on your plate.

Whit turns. Sue and the boys exit the store.

SUE

Jacoby, it's good to see you.

JACOBY

It's good to see you and Whit are
doing fine.

Helping the boys into the wagon, she notices the
packhorse.

SUE

Leaving us?

JACOBY

Got some unfinished business with
one fine beautiful woman.

SUE

(boards wagon)

That's as good a reason as any.
Remember, you're always welcome
back.

JACOBY

Thank you, ma'am.

(looks down the road)

Mind if I ride down the road with
you a little bit?

WHIT

As long as you don't sing.

The wagon, with Jacoby at its side, heads out of town.