

THE TIN STAR

by

Bruce C. McKenna

PILOT

August 24, 2011

WARNER HORIZON  
3601 West Olive Street  
Suite 700  
Burbank, CA 91505

FADE IN:

ON A FIST

Slamming into the face of JAKE FLYNN, 25: Tall, lithe, with hands used to labor, but with a keen intelligence and sensitivity he's chosen to blunt with alcohol. We are:

INT. LOLA'S SALOON - (GATEWAY, NEW MEXICO, 1878) - NIGHT

Jake reels into the next table. He wipes his bloody nose with a look of savage glee, as if he enjoys the punishment. Habitually drunk, he doesn't feel the pain or know when to stop. He sees glass of WHISKEY. Downs it. Grins to a pretty girl.

JAKE

How' my doin'?

He advances on the man who hit him: MONTREAU, the LEADER of FOUR hard-bitten COWBOYS -- range hands who roam from ranch to ranch doing odd jobs, all grizzled veterans of the Civil War. As Jake balls his fists, an older man, FRANK OTERO, 60, trips him. Otero is an old HOMESTEADER. He looks at Jake.

OTERO

Stay down, Jake.

Jake scowls at him and rolls up.

JAKE

I don't need your help with these Johnny Reb Scalawags.

MONTREAU

Haven't you had enough, you blue belly pig?

Jake gestures to LOLA JOHNSON, behind the bar. The owner of the Saloon, she is 27, a dark haired beautiful descendant of Spanish Conquistadors. Practical, feisty, she has come to Gateway to escape a past that she keeps to herself. Her saloon is clean: No whores. No fights.

JAKE

Not 'til you apologize to the lady.

MONTREAUX

Lady? No lady ever owned a saloon.

Montreaux PUNCHES him again. Jake flops into the lap of an older woman. He grins at her through the blood.

JAKE

Hi.

She pushes him down onto the ground. The bar laughs.

Jake stands unsteadily and acknowledges the laughter. Then he charges and throws a wild punch. Misses and falls on his face. It's the fight he loves, not victory -- and there's more than a touch of self-destructiveness about it. The alcohol does him in. Montreaux kicks Jake's legs out. Jake BITES a leg. Montreaux picks up a chair--

A SHOTGUN BOOMS OUT!

The Cowboys freeze. None are armed. Lola holds a SHOTGUN.

LOLA

That's enough.

MONTREAUX

We'll pay for any damage.

LOLA

That you will...with your life.

He eyes her. She's serious. He puts the chair down.

LOLA (CONT'D)

Now get out of my saloon.

Jake stands on shaky legs. He smiles sweetly at Lola.

JAKE

This mean we're gettin' hitched?

LOLA

I'd rather raise pigs.

JAKE

Then how 'bout a drink?

LOLA  
You're cut off, Jake.

The Cowboys drag Jake to the door. Lola aims her shotgun.

LOLA (CONT'D)  
He stays here!

It's a stand off. Otero comes up from behind and snatches the SHOTGUN away from her.

OTERO  
The boy needs to be educated, Lola.  
(nods to Montreaux)  
School's open. But no permanent  
damage.

There's nothing Lola can do as Montreaux and the others drag Jake outside. A few other Cowboys, Otero and others follow, including a very DRUNK old COOT, WEATHERBY.

EXT. LOLA'S BAR - GATEWAY, NEW MEXICO TERRITORY - NIGHT

The Cowboys toss Jake into the Mud. Montreaux puts his foot on Jake's backside and pushes him down again. They laugh.

MONTREAUX  
You gonna eat your words, Yankee?

JAKE  
Hell, no. You Algerine cracker.

MONTREAUX  
Well, then...let the Ball begin.

Montreaux kicks him. The other three join in. Jake curls up into a FETAL BALL as the four men continue to beat him. A calm, o.c. VOICE cuts through their violence.

VOICE  
That's enough.

The men, breathing heavily, stop. They turn to see

SAM FLYNN (60, BUT LOOKS YOUNGER)

The SHERIFF and JUDGE of Gateway. Tough, intelligent, his moral authority is absolute. He is unarmed, but we see the SHERIFF'S TIN STAR on his chest. The crowd parts for him.

MONTREAUX

This punk insulted us.

SAM FLYNN

Pick up your firearms from the Hotel safe on your way out of town.

COWBOY

He ain't got no Pepperbox.

Sam turns, smiles, and BREAKS the man's nose with a straight right. Sam stares the other three of them down. They back off. Sam sees OTERO.

SAM FLYNN

This your idea of a good show?

OTERO

(pointed)

Someone needs to reign him in.

Sam stares at him. Then turns to the crowd.

SAM FLYNN

Now go on home. Go on.

The crowd disperses. Sam hefts the bloodied Jake up. Jake shakes him off, resentful for the help.

JAKE

I was playin' possum. I had'em right where I wanted'em.

SAM FLYNN

Sure you did. With your face in the mud. Like every Friday night since you got back.

JAKE

Let's go get a drink.

SAM FLYNN

You know where you're going.

They move up the street toward the JAILHOUSE.

ANGLE LOLA

From the Saloon porch, she watches them. Concerned.

EXT. GATEWAY, NEW MEXICO TERRITORY - NIGHT

From an UNKNOWN POV above the town, we see GATEWAY, tucked under the mountains that glow in the moonlight. The town has one main street. Some false front stores. Stables. Stockyard pens to the south. The railroad may not be there yet, but the town is a crossroads. If you go further west, you go through Gateway. LIGHTNING flashes. THUNDER rumbles.

INSERT CARD: **Gateway, New Mexico Territory, 1878**

ANOTHER ANGLE

TWO MEN astride their horses stare at the town. Their faces are shrouded in darkness, but we take in their weather beaten hats and clothes. Both are ARMED with PISTOLS in holsters. They aren't like the rowdy cowboys. They are quietly deadly. The LEAD RIDER lights a CIGAR. In the still flaring light of his lit match he looks at his POCKET WATCH.

CLOSE ON THE LID

It has a THIRTY FIVE STAR AMERICAN FLAG ETCHED into it.

WIDER

He closes the Watch, pockets it and then RIDES toward down. A cloud scuds across the moon, darkening the landscape.

INT. JAILHOUSE - NIGHT

A desk. A locked gun rack. A washtub, and at the back, a BARRED OFF alcove with a locked door. TWO 40 yr. old HARD CASES sit inside, one with LONG GREASY BLOND HAIR (HOBBS).

Sam pushes Jake into a chair. Takes a BASIN of water and pours it over Jake's head. Roughly cleans his cut face.

SAM FLYNN

Some day you'll get crossways on  
the wrong man and get kilt.

JAKE

I heard stories about you.  
(slight disparagement)  
*Sheriff*. You weren't such  
a...a...paragon at my age.

The Blond Haired man, HOBBS, yells out.

HOBBS

You cain't keep us in here forever.

SAM FLYNN

As long as I want.  
(to Jake)  
Old man Boyer's looking for hands.

JAKE

I ain't herdin'nother man's scabs.

SAM FLYNN

You been back now for two months.  
It's time for honest work.

JAKE

Then you do it.

Sam finishes wiping the blood off Jake's face. Stands up and takes a PISTOL out of a holster, hanging from a peg by the door. Cocking the Pistol, he says to the men inside:

SAM FLYNN

Step away from the door.

They do. He unlocks the door and pushes Jake inside. Closes the door and locks it. Looks at Jake with pity.

SAM FLYNN (CONT'D)

Sober up, Jake. I'll tell your  
mother where you are.

Jake stumbles over Hobbs, with greasy long Blond Hair.

JAKE

You're in my corner.

HOBBS

The hell I am.

SAM FLYNN

Lay off'em Jake.

(hard; to the men)

Lay off the boy. Or Picket's  
Charge will seem like a goddamn  
cakewalk. You understand?

Jake crawls over to a corner and lies down. He starts to very badly sing *Sweet Betsey From Pike*, the pioneer tune.

ANGLE SAM

He smiles as he listens to Jake's (o.c.) drunken croaking.

BACK INSIDE THE CELL

Jake continues, but Hobbes KICKS him.

HOBBS

Shut up!

Jake covers his head with a pillow. A hard RAIN pounds down.

INT. JAIL CELL - LATER THAT NIGHT

JAKE sleeps in the corner. We hear HEATED WORDS o.c. Jake's eyes open. Hobbes and the other Hard Case stand at a BARRED WINDOW. Expectant. Voices are MUFFLED by a DRIVING RAIN.

SAM FLYNN (O.C.)

I weren't sure before. But I know  
who you are now. And I know why  
Chicago sent you...

Jake moves to the window by Hobbes. He looks out.

JAKE'S POV

He can see SAM outside facing TWO MEN on horseback, but all he can see is the men's boots.

SAM FLYNN (CONT'D)

You can tell them to go to hell.

The man DRAWS his gun and FIRES TWICE. The shots so close together they seem like one loud BANG. Sam falls, clutching his chest. The Killer dismounts; takes Sam's KEYS.

WIDER

Jake tries to get to the door, but Hobbes kicks him to the FLOOR.

The Killer walks inside and opens the cell door.

LOW VOICE

What about him?

HOBBS

He's just the town drunk.

LOW VOICE

Search the place. Make it quick.

JAKE'S POV (LOW ANGLE)

They QUICKLY RANSACK Sam's desk. Scouring for something.

HOBBS

Boss, nothing's here.

The Leader takes out his POCKET WATCH. We see the ETCHED AMERICAN FLAG we saw earlier.

LEADER'S LOW VOICE

Let's go.

The men stride out.

ANGLE JAKE

He staggers up and out of the Cell to the door.

EXT. JAILHOUSE - SAME

Jake trips on the step, falls. Crawls over to Sam. Blood pulses out of Sam's chest.

Jake rips his shirt open and presses on what looks like one gaping wound from a shotgun. Sam drifts into shock.

TOWNSPEOPLE run up in the rain. One is JULIUS POTTER, 35, the town BANKER. Tall, thin,, conservative, with the soul of a Soviet Commissar, he craves order more than anything else. He holds a LANTERN that illuminates the deadly tableau.

POTTER

What in God's name happened?

LOLA runs up, a slicker over her dress.

LOLA

Madre de Dios...

JAKE

GET MY BROTHER!

FOLLOWING LOLA

As she runs through the rain to the HOTEL next to her saloon.

INT. HOTEL - SAME

She bounds up the stairs and OPENS the door.

INT. HOTEL ROOM - SAME

DANIEL FLYNN, 29, one of Jake's older brothers is packing MEDICAL BOOKS into a TRUNK. He is thoughtful, bookish, and sports GLASSES, as well as a fancy set of clothes. He's been in love with Lola for some time. But rebuffed, he is leaving to establish a MEDICAL PRACTICE in San Francisco.

DANIEL

Lola...

LOLA

Sam's been shot!

Daniel grabs a coat and his MEDICAL BAG and follows her.

EXT. GATEWAY MAIN STREET - FOLLOWING

Jake cradles Sam's head. Sam looks up at him, his lips covered in bubbly froth from a punctured lung.

LOLA AND DANIEL

Push through the crowd. Lola takes off her Slicker and holds it high to keep the rain out. Daniel stares down in shock, knowing there is nothing he can do. Sam COUGHS. He UNPINS his SHERIFF'S TIN STAR...but before he can hand the badge to Jake, Sam DIES.

The BADGE drops into the MUD.

JAKE

No...NO! Please. Pa...no...

(small child's voice)

Dad...

Lola and Daniel stare down as Jake weeps over Sam's dead body. Sam is Daniel and Jake's father.

Potter PICKS UP the muddy BADGE and pockets it.

CRANING UP

Into the RAIN we see more of the town gathering in a circle around their dead Sheriff.

END OF ACT ONE

ACT TWO

FADE UP ON:

JAKE'S FORLORN FACE

Consumed with guilt and self disgust. We are:

EXT. LOLA'S SALOON - NIGHT

He sits next to his father's body, covered by a tarp. The rain has STOPPED. He hears GUNSHOTS. Looks up.

JAKE'S POV

Montreaux and the other Cowboys that beat him FIRE UP into the sky. They pass the DRUNK Coot WEATHERBY and laughing, steal his hat. OTERO walks past Jake. As he ENTERS:

DANIEL (PRE-LAP) (O.C.)  
He's not even buried, yet, Potter.

INT. LOLA'S SALOON - NIGHT

Much of the town has gathered. LOLA serves coffee to Daniel. POTTER, the Banker is there. Otero walks in.

POTTER  
We'll have chaos without a Sheriff!

OTERO  
No disrespect, but if everyone were armed, then maybe Sam wouldn't be dead.

LOLA  
That's ridiculous.

MAN'S VOICE  
Says the woman with a scatter gun.

THE VOICE BELONGS TO A DAPPER WELL-DRESSED MAN

AUGGIE LYDECKER. Jake's drinking buddy, Auggie is 25, and an aristocratic soul who inherited the town store from his father who died of consumption.

Convinced he'll die in the same fashion, Auggie lives life to the fullest. His cynicism masks an old world sense of honor. He smiles at Lola.

AUGGIE

Curious that Sheriff Flynn let you have a shotgun. Why is that, Lola?

LOLA

None of your damn business.

AUGGIE

Not that a lovely Senor...ita like yourself should ever give it up.

(to the room)

Because whoever killed Flynn is still out there.

OTERO

And they'll be back.

Auggie stands. We expect him to exhort the room, but he smiles.

AUGGIE

Which is why I'm offering fifteen percent discounts on all firearms at Lydecker's fine Emporium.

He winks at Lola; walks out. Daniel looks on disdainfully.

EXT. LOLA'S SALOON - NIGHT

Auggie sits; offers Jake a FLASK. Jake knows he shouldn't but he's compelled. He takes a hit. Hands it back.

AUGGIE

To your father.

He tips the FLASK up as a WAGON careens down the muddy street. Jake stands up. Smooths his hair, looking guilty.

## ANGLE WAGON

TERENCE FLYNN drives. 38, the eldest Flynn brother, he is a stoic, emotionally scarred Civil War Vet who sheep ranches by his parents' spread. Slow to anger, cautious, he walks with a limp from a Bullet in his hip. He's also sworn off violence and refuses to carry a firearm.

ELIZA FLYNN, 54, Sam's wife and the boys' mother sits next to him. A rancher's daughter, she is tough, but her beauty still shows through her weathered face. She can quote Shakespeare and skin a cow with equal aplomb. The wagon stops. She walks up. Lifts the Tarp. Tears pour down her face as she strokes Sam's hair. DANIEL comes out as she KISSES Sam's forehead. She composes herself.

DANIEL

Nothing I could do for him.

JAKE

Some doctor.

DANIEL

His aorta was severed, you sot!

ELIZA

Enough!

(to Jake)

Who did it?

DANIEL

How would he know? He was blind with rot gut.

JAKE

What do you care? Your stage coach leaves in the morning.

The two might come to blows, but the bigger Terence steps between them. He's always mediated between Jake and Daniel. They know Terence can kick both their asses if he wanted to.

TERENCE

Quit!

(to Jake)

What did you see?

JAKE

Two rode in. I didn't see the  
shooter's face.

(realizes)

The ones Dad had locked up in the  
tank, they knew the two riders.

Eliza turns to Auggie. Keeping her emotions in check.

ELIZA

Auggie. I hope you can provide a  
coffin worthy of the best man in  
the New Mexico Territory.

AUGGIE

Yes Ma'am. Come by tomorrow, and  
I'll have something nice for you.

DANIEL

Don't jack up the price, Lydecker.

She walks in. Daniel stares hard at Auggie. Follows his  
mother inside with Terence.

INT. LOLA'S SALOON - SAME

The room goes quiet as Sam's widow enters. No one knows what  
to say. Lola pours a cup of coffee and brings it to Eliza.  
Otero nods at her.

LOLA

I'm sorry...

POTTER

Mrs. Flynn. My sincere  
condolences. We all feel the loss--

ELIZA

Spare me the flannel mouth, Potter.  
Where's my husband's badge? We  
need a new Sheriff and a Posse.

TERENCE

Who's willing to help find my  
father's murderers?

No one stirs. Eliza looks at Otero.

ELIZA

Frank? How 'bout you? You and Sam were friends, once.

OTERO

I'll do what I can, Eliza. But... Maybe Potter's right. Maybe we should send for a marshal.

ELIZA

(disdainful)

At least you can help my boys bring Sam to the Ice House.

Otero looks at her. Stands up and nods.

EXT. LOLA'S SALOON - MOMENTS LATER

Terence, Daniel and Otero come out. Auggie and Jake still sitting on the steps. Terence, Daniel and Otero lift Sam's body in the poncho and start carrying it down the street.

ANGLE JAKE

He watches them carry Sam away, past Weatherby who stands unsteadily. Jake gets up and walks INSIDE the Saloon.

INT. SALOON - SAME

Jake can feel the townsfolk accusing eyes bore into him. He sits at the bar. Lola pointedly serves him a cup of coffee.

EXT. BOYER RANCH HOUSE - DAWN - ESTABLISHING

A simple homestead. A small corral, a bit of livestock.

ANGLE HOUSE

Where MR. BOYER and his wife, AGNES are holding their two young children tightly in terror. Hobbes and the other ESCAPEE point pistols at them.

ANGLE FLOOR

BOOTS clump into view. Then a LIT TORCH enters the camera frame with Mr. Boyer's terrified face.

FOLLOWING THE TORCH

As it is flung into the kitchen. It ignites next to a SPILLED OIL LANTERN. The Oil ignites.

ANGLE BOYER

He tries to get up, but a hand pushes him down.

ANGLE THE LEADER

His face in the shadows, he clicks open his POCKET WATCH, where we see the AMERICAN FLAG on the lid. Closes it. Drops a BANK LIEN DOCUMENT in front of Boyer.

LEADER'S LOW VOICE

You got twelve hours to sign. Or  
next time, we'll burn your wife and  
children.

The four men walk away, mount up and start riding.

ANGLE BOYER AND HIS FAMILY

They scurry away from their flaming house. Sparks arc into the night sky. Boyer puts his arms around his family.

INT. RANCH HOUSE - SAME

SALLY FLYNN, Terence's 30 year old, dark-haired, pretty wife comes out and sees the distant FLAMES from the Boyer Ranch. Overtly religious, she puts on airs, because she has a secret shame: an orphan, she was briefly a prostitute at seventeen.

SALLY

Lord save us...

SALLY'S POV

Of the FOUR DARK RIDERS in the distance as they cut across Terence's and her land. The leader pauses...looks at us.

SALLY

Takes an step back, crosses herself, and RUNS to her corral.

POTTER (O.C.) (PRE-LAP)  
I nominate my associate Nathaniel  
Greene here for Sheriff...

INT. LOLA'S SALOON - EARLY MORNING

Jake and Daniel sit by Eliza and Lola. Terence, Daniel and Auggie, as well. Potter points to a young, thin, sallow man, GREENE, next to him. Greene looks shocked by this.

JAKE  
The man can't even ride a horse.

GREENE  
Why not Mr. Terence? He's had  
military training.

TERENCE  
(sharp)  
Don't look to me. I won't do it.

POTTER  
I'll be happy to act as the town  
Judge. In a temporary capacity, of  
course. Until we elect a worthy  
candidate.

ELIZA  
Meaning yourself, no doubt. Talk  
horse sense, Potter. Greene works  
for you at the bank. You'll charge  
usury rates and use the law to  
throw half the town and most of us  
Ranchers out on the street.

POTTER  
You doubt my sincerity?

LOLA  
You're a banker ain't you?

Quiet laughter.

POTTER  
I'm helping this town grow!

SALLY FLYNN (TERENCE'S WIFE)

Bursts into the Saloon. Her two kids, ELI, 11, and KATE, 9, are behind her. Scared and sleepy at the same time.

SALLY  
They burnt the Boyer place!

OTERO  
Who?

SALLY  
Four men! Agents of the Devil!

Terence goes to Sally and pulls her close with his children.

ANGLE JAKE

He's sober enough now that his rage boils out. He throws his COFFEE CUP and strides out, only losing his balance once.

ELIZA  
Jake!

FOLLOWING ELIZA OUTSIDE

Jake is halfway to the Jail. Terence and the others follow.

ELIZA  
JAKE!  
(to Terence)  
Go with him. You know his temper.  
Take my rifle. It's in the wagon.

He hesitates. The thought of holding a weapon too much.

SALLY  
He doesn't need it, Eliza.

Sally gives him her small BIBLE. She quotes:

SALLY (CONT'D)

"The Lord is my light and my  
salvation; whom shall I fear?"

He smiles at her, grips the Bible and LIMPS after Jake.

INT. JAIL - SAME

Jake smashes open the GUNCASE. He pulls out a '73 WINCHESTER REPEATING RIFLE. Picks himself out a COLT REVOLVER. Rummages around for ammo. Loads up. Turns to see Terence.

JAKE

You comin'?

TERENCE

We ain't the law.

JAKE

We're blood!

TERENCE

We should wait for a posse.

JAKE

You saw those no 'count codfish aristocrats back there. Pa kept this bugtown safe for years, and the minute he's dead, they forgit everything he did for'em. We got to do this, Terry.

TERENCE

What about Daniel?

JAKE

Four eyes? He's leaving tomorrow. Are you coming? Or do I go alone?

He holds out a RIFLE. Terence eyes it. But doesn't take it. Instead he grips the small BIBLE in his shirt pocket.

JAKE (CONT'D)

Never figured a war hero for a coward.

TERENCE

I'll go with you, but I won't throw  
lead. I swore thirteen years ago  
I'd never shoot at another man  
again. I ain't startin' now.

Jake stares at him. Nods. They EXIT.

EXT/INT. HOTEL - DAWN - MOMENTS LATER

They ride past OTERO. Potter joins him.

POTTER

Those boys'll get killed.

OTERO

I doubt that. But you better  
telegraph Santa Fe just the same.

EXT. RANGE - DAY

Jake and Terence ride up to the BOYER HOMESTEAD. The burnt  
house still smolders. BOYER comes out. His wife and two  
children sit under blankets in a hay lean-to by the corral.

JAKE

How many was here?

BOYER

Four. Where's your father.

JAKE

Dead. One have long blond hair?

Boyer nods.

TERENCE

Get your family into town.

Mrs. Boyer stands up. She looks like Medea.

MRS. BOYER

You kill them sonsofbitches!

JAKE

You can count on it.

They ride on.

INT. TELEGRAPH OFFICE - MORNING

The CLERK taps out MORSE CODE as he READS a written TELEGRAPH SLIP. Potter stands over him. Fingering Sam's BADGE.

EXT. RANGE - MORNING

Terence and Jake ride. The morning light is clean, bright and heightens the austerity of the Northern New Mexico high desert. The Mountains glow in the distance.

TERENCE

You reek of firewater.

JAKE

It's medicinal.

TERENCE

Medicinal?

JAKE

Yeah. Medicinal.

(grin)

'Cause if I don't drink, I'll die.

TERENCE

When are you gonna grow up?

JAKE

I remember when you rode off to join Colonel Canby at Fort Craig. Dad was so proud of you in your Union Blues. He never looked at me like that. Not once.

TERENCE

Pa always prayed you'd come home.

JAKE

I prayed I'd never have to.

TERENCE

Did you hear anything? When they shot Pa?

JAKE

He said something about "Chicago."

TERENCE

Chicago? What's that mean?

Jake shrugs. Terence looks up ahead. Reacts in anger.

TERENCE (CONT'D)

What in the hell?

He rides up to a BARB WIRE FENCE that has been cut. DOZENS of SHEEP lie around the fence, DEAD, their throats slit. Terence dismounts. Kneels by his dead sheep.

JAKE

Ain't those your scabs?

Terence nods, seething with anger. Jake sees HORSE TRACKS. He jumps down and feels the horse prints. Boot prints.

JAKE (CONT'D)

Four men. Here maybe two hours ago.  
Before the dew. They rode North.

TERENCE

Killing Pa. Burning out the  
Boyers. Now this. Why?

Jake looks NORTH; sees something in the morning light.

JAKE

You can ask'em yourself.

ANGLE MOUNTAINS

In a meadow, we see the distant figures of FOUR RIDERS.

They mount up. Terence struggles to contain his growing anger. They CANTER toward the distant mountains.

END OF ACT TWO

**ACT THREE**

EXT. MOUNTAINS - DAY

Jake and Terence ride toward the tree-lined Mountain slopes.

JAKE

You got any Old Red Eye? My head's  
fixin' to split asunder.

TERENCE

I ain't no hair of the dog doctor.  
You keep imbibin' you'll end up  
like old Weatherby in town.

Jake stops and dismounts. He kneels over more HORSE TRACKS.  
Terence watches from his horse. Jake touches the tracks.

JAKE

We're gaining on them.

He follows a BOOT TRACK to the side. Squats down.

JAKE (CONT'D)

One pissed here.

TERENCE

Yeah? What he drink?

Jake sniffs. Looks up and grins.

JAKE

Straight Kentuck Bourbon.

Terence smiles. Jake mounts up. They continue riding.

TERENCE

Where'd you learn to track?

(no answer)

Pa said you was a "road agent".  
With a taste for stage coaches.

JAKE

Yeah, well, Pa said you were a mule  
fit for plowing and little else.

TERENCE

How would you know what Pa said?  
 (slightly defensive)  
 You ain't been around me much.

JAKE

Well, don't that make two of us.

Jake looks up and stops his horse.

JAKE'S POV

On the RIDGE to their left we see TWO INDIAN WARRIORS.

BACK TO JAKE AND TERENCE

Terence unconsciously grips the Bible in his shirt pocket.

JAKE (CONT'D)

Apache. I thought they all settled  
 at San Carlos.

TERENCE

Their Chief Victorio balked. He's  
 loose with a company of bucks.

Jake cocks his pistol. He sees Terence's grip on the Bible.

JAKE

You gonna convert'em?

EXT. AUGGIE'S STORE - GATEWAY - LATER THAT DAY

A LINE of men snakes out the door into the street. A couple  
 of men jostle each other and a FIGHT breaks out.

INT. AUGGIE'S STORE - SAME

Auggie is cheerfully selling FIREARMS and AMMO to the men of  
 Gateway. He sees the fight. Picks up a BAT; strides outside.

EXT. STREET - SAME

ELIZA walks up toward the line of men. Sally behind her.  
 She sees Auggie hit a guy in the solar plexus with the butt  
 end of the bat. The crowd settles down. Auggie sees her.

AUGGIE

I have a coffin for you, Ma'am.

ELIZA

How much do I owe you?

AUGGIE

Your money's no good.

ELIZA

(moved)

Thank you, Auggie.

Auggie bows to her with aristocratic panache. To the MEN:

AUGGIE

Gentlemen, we're running low on ordnance. Due to the immutable laws of supply and demand, I'm afraid prices have now doubled.

Eliza looks up the main street toward the Saloon and sees

THE BOYER FAMILY

Walking into town. Exhausted.

WIDER

She hurries up the street to them, accompanied by Sally.

ELIZA

Mrs. Boyer. Come on into Lola's and have some coffee.

MRS. BOYER

The bastards burnt us out!

BOYER

I'm right sorry about Sam.

SALLY

What did these Godless men want?

BOYER

Our Ranch. Said if I don't sign the deed over, they'll kill my family.

INT. LOLA'S SALOON (BACK KITCHEN) - SAME

Daniel walks in. Lola is washing her hair. Dressed in a simple chemise, she is a stunning sight. She covers up.

DANIEL

Have you reconsidered my offer?

LOLA

Daniel...

DANIEL

It's because of Jake, isn't it. I've seen the way he looks at you.

LOLA

I've told you. I'm not the hitching type.

DANIEL

There's a whole world waiting for you, away from this...squalid little town. Gas lamps. Theatres. Fine food and music. Fine clothes. Real conversation instead of what passes for wit amongst the rubes of Gateway. I could take you away from all the mud and crudity, Lola.

LOLA

You think this town has mud and crudity cornered?

She shakes her head at his naivete. Points at a pair of WELL WORN BOOTS on a shelf. They are well cared for.

LOLA (CONT'D)

Those boots bore me all the way from Kansas City. I didn't have enough money for the train, Daniel. Or a horse. So I walked. I walked all the way here.

(MORE)

LOLA (CONT'D)

Any money I earned along the way I saved to buy a place like this, so I'd never have to endure another man putting his...his thumb on me. As long as I live.

Daniel wonders what kind of work she means. But he's too much of a gentleman to ask. So instead:

DANIEL

Why'd you leave Kansas City?

LOLA

You don't get to ask me that.

DANIEL

Then why Gateway?

LOLA

I couldn't own a saloon in Dodge City. Or Denver. Or 'Cisco.

(hint of bitterness)

Polite company wouldn't countenance it. But Gateway? Your father didn't have a problem with it.

(firm)

I've already seen the world, Daniel. You can keep it.

She slips on a jacket and walks back into the SALOON.

ANGLE SALOON

Eliza brings the Boyers into the Saloon.

ELIZA

Lola, they need hot food.

Lola turns to Daniel. Not unkind:

LOLA

I hope you find what you're looking for in San Francisco.

She goes to help the Boyers. Daniel watches her. Then EXITS.

EXT. SALOON - DAY

Daniel walks out. Looks up the street.

INT. ICE HOUSE - MOMENTS LATER

Daniel walks into the dimly lit Ice House. SLABS of ice insulated with HAY and SAWDUST. On a table in the middle lies SAM. His breath misting, Daniel walks up.

He stares down at his dead father. Feeling guilty.

DANIEL

Pa...I'm sorry...I have to go. I have to cut my teeth on something bigger than Gateway. It's what you wanted me for me...

Then he notices something. He leans in:

CLOSE ON SAM'S SHIRT - DANIEL'S POV

There are TWO RAGGED HOLES in his shirt. One is small, no more than a small rip. The other is larger and tattered.

MOMENTS LATER

Daniel deposits his MEDICAL BAG on the sawhorse table. Opens his bag, and takes out a scalpel. He DIGS into his father's wounds -- doing a primitive forensic autopsy. He pulls out the BULLET from the gaping wound. It is smaller than we would expect, a .32 Caliber bullet. He sets it aside, then digs in the wound again and pulls out a SHOTGUN PELLET.

Daniel stares down at the two *different* types of ammo. He is puzzled by the dichotomy.

TERENCE (PRE-LAP) (O.C.)

It weren't no hot headed dispute.  
The killing was cold. Thought out.

EXT. MOUNTAINS - DAY

Jake and Terence ride higher into the PINES and LIVE OAKS that replace the Junipers and Sage.

JAKE

I know Pa ran with a rough crowd  
when he was my age.

TERENCE

Who told you that?

JAKE

I met an old hombre that rode with  
him after the Mexican War.

TERENCE

Something happens to a man...when  
he sees the Elephant. Unsavory  
things. You cain't judge.

JAKE

I been judged aplenty.

TERENCE

You been gone six years. Then you  
show up soaked in Taos Lightning?  
People got a right to ask, Jake.  
There's some that says you've done  
murder.

Jake doesn't answer; looks ahead. Terence follows his gaze.

ANGLE CLEARING - THEIR POV

Where THREE MEN lie in a heap, ARROWS sticking out of two of  
their chests. And two more out the BACK of the third.

WIDER

Jake takes out his RIFLE and throws it to Terence. He  
catches it. Not happy, but not stupid enough to refuse it.  
Exercising extreme caution, they ride up closer. Jake cocks  
his Colt. They are the THREE MEN who were with Sam's Killer.  
We see the greasy blond locks on HOBBS.

JAKE

Those two are the ones Pa had in  
Jail. The blond and the short one.  
I don't know t'other.

Both dismount. Checking their perimeter, Jake carefully walks around. Terence looks at the ARROWS sticking out of the back of HOBBS, the blond. He looks up at the hills.

TERENCE

Might be Apache...

Jake sees BOOT MARKS in the ground. He follows them...about ten feet. Reading sign. He looks to the North.

JAKE

The one that passed water walked up here; mounted up and escaped North.

TERENCE

You think he played possum?

Jake looks at the tracks. Shakes his head. Thinks out loud.

JAKE

No arrow misses...No shells on the ground. They didn't get a shot off.

(realizes)

This weren't no set-to like Custer.

Jake walks up to Hobbes, grips the arrow, and PULLS IT OUT easily. Pulls out the other. Then pulls out the arrows from the others with no effort. He looks up at Terence.

JAKE (CONT'D)

Arrows didn't kill these men. These are bullet holes. I figure our pisser shot these men, then jammed arrows in'em to make it look like the savages done it. It's an old trick.

TERENCE

Yeah? Where'd you learn it?

And he THROWS the Rifle back to Jake, who catches it.

EXT. NORTH END OF TOWN - NEXT DAY

Jake and Terence ride in, both their horses dragging TRAVOIS, two lashed together poles carrying the THREE BODIES.

Jake rides by the CORRALS, where MONTREAUX and his three Cowboy cohorts hang out. Montreaux stands up. Jake stares at him. Then rides on. Montreaux is thoughtful.

As they ride into town, the townspeople follow them.

EXT. AUGGIE'S STORE - DAY

AUGGIE and DANIEL come out as a large townsfolk circle around. Jake and Terence stop. OTERO shoots a look that says "told you" to POTTER. Potter approaches the bodies.

POTTER  
You killed them?

JAKE  
Nope.

POTTER  
Then who?

Jake doesn't answer as ELIZA and LOLA brings up Mr. and Mrs. BOYER. They stare down at the dead HOBBS as Jake and Terence dismount. They're tired and dusty.

BOYER  
Them's the ones that burned us out.  
Where's the fourth?

JAKE  
Lost his trail up above tree line.  
But he kilt these three, tried to  
pin it on the Apache.

Mrs. Boyer spits on Hobbes, then his husband leads her away.

Daniel shows Terence the BULLET he found in Sam's body.

DANIEL  
What can you tell me about this?

TERENCE  
(examining it)  
.32 caliber. Not very common.  
Where'd you find it?

DANIEL

Pa's chest. This, too.

Shows him the Buckshot. Terence looks up. Puzzled.

TERENCE

Two guns? I thought there was only one shooter.

DANIEL

So said Jake. The town drunk.

TERENCE

But if he saw right...Only one gun I know of fires two kinds of ordnance. Baby Le Mat. Made in France. .32 caliber nine shot with a .41 Caliber shotgun barrel on top. Only a hundred ever sold in the States. Well, the Confederate States. Le Mat provided pistols for the Rebs.

ANGLE JAKE

Jake sits down and wipes his face. Lola joins him.

LOLA

I'm sorry about Sam.

JAKE

Pa liked you.

LOLA

The two years I've been here, he never said an unkind word to me.

JAKE

How could anyone say anything unkind to you?

Both of them become aware of the sexual tension between them. Daniel notices them together and is not happy about it.

LOLA

Are you going to stop drinking?

JAKE

You gonna marry my brother?  
 (off her surprised look)  
 He's been nervin' up to ask you  
 since I got back.

LOLA

What if I did?

JAKE

(grin)  
 I'd say your aim was low.

LOLA

You don't know anything about me.

JAKE

True enough. But I'll stop  
 drinking to find out more.

A flustered Lola turns as

THE STAGE COACH

rolls into town.

WIDER

Jake stands and catches Daniel glancing at Lola.

JAKE (CONT'D)

Better get your bags ready, Daniel.  
 Don't want to let all those sick  
 city folk down.

DANIEL

I'm not leavin'. Not until I know  
 why Pa died. And by who's hand.

SIX HARD MEN get out of the STAGE COACH. All with crisp new long COATS and the latest six shooters. Their leader, DAWKINS, is an operative from PINKERTONS -- the famous Detective Agency: the Blackwater of the 19th Century.

Dawkins sees WEATHERBY lying in the mud. He KICKS the old drunk coot.

DAWKINS

Sober up. This is a respectable town.

Weatherby stumbles away. Potter comes up and shakes Dawkins hand as the Flynn Brothers and their mother walk up.

TERENCE

Who the hell are you?

Potter hands Dawkins SAM'S SHERIFF'S TIN STAR. There is still DRIED BLOOD on it from Sam.

POTTER

Gentlemen, meet Mr. Dawkins and his deputies. Our new Sheriff.

JAKE

Says who?

DAWKINS

Says Governor Wallace.

POTTER

I telegraphed Santa Fe yesterday.

Dawkins pulls out a SIGNED DECLARATION.

DAWKINS (READING)

By the power vested in me, I hereby appoint Clem Dawkins, US Marshal, the Sheriff and Temporary Judge of Gateway. Signed this day, June 12th, 1878, by Lewis Watson, Governor, the Territory of New Mexico.

He wipes the BLOOD off the BADGE. Then looks up as he PINS the BADGE on his chest--

DAWKINS (CONT'D)

I'm the law now.

END OF THIRD ACT

**ACT FOUR**

EXT. GATEWAY CEMETARY - DAY

The entire town lays Sam Flynn to rest on a hill overlooking the town. ELIZA gives the Eulogy by his headstone.

ELIZA

Samuel Flynn came West as a boy when the Missouri hills failed to nurture his family. The Lord may have pointed them to a hard land, but Providence had a plan. As cruel as the land and its men can sometimes be, the crucible and the bounty of this frontier hewed men like my Sam, just as the character and course of a roaring river is cut from the slope of the hills...

ANOTHER ANGLE

Dawkins and two of his DEPUTIES (CHRISTIANSON and DOBBS) sit astride their horses a hundred yards away.

DAWKINS

With the old man gone, the rest of these Scab Herders'll fold up their tents.

DOBBS

What about the sons?

DAWKINS

One's a sawbones. One's a broken Blue Belly. The pup's a drunk.

BACK TO ELIZA

ELIZA

If the Lord grants that we continue to carve a life, a nation, out of these majestic hills, then we should thank men like Sam. Tough men. Hard men. But fair men who didn't shy away from necessity.

LATER

The townsmen head to their wagons, or horses, or some walk back toward Gateway. OTERO walks up to ELIZA. We will learn that before Sam, he had a thing for her. And still does.

OTERO

You always had a way with the words, Eliza.

ELIZA

Thank you, Frank.

OTERO

I know I ain't been the best of friends for a long while...

(she nods)

But whatever I can do to help.

She nods her thanks. He wants to say more, but Eliza joins MRS. BOYER.

ELIZA

Come stay at my place, Ruth. Until your home can be rebuilt.

MRS. BOYER

We don't have a home.

(off Eliza's look)

Blaine had to sell the ranch.

ELIZA

What?! When?

MRS. BOYER

This morning. The Bank called our note. Potter didn't dare while Sam was alive.

ELIZA

That stone hearted sonofabitch!

ANGLE JAKE AND AUGGIE

Auggie offers his flask to Jake. He takes it...and is about to drink when he sees LOLA with DANIEL.

She looks back at Jake disapprovingly. Jake doesn't drink. He hands the flask back to Auggie, who follows his gaze. As he drinks:

AUGGIE

Rare is the woman who is more beautiful when viewed sober.

JAKE

Guess Daniel's more interested in sparkin' than practicing medicine.

AUGGIE

He'll never win her over. And neither will you, my friend.

Jake turns and looks at DAWKINS.

JAKE

Mighty nice of the new Marshal to pay his respects.

ANGLE DAWKINS AND HIS TWO MEN

Christianson sees SALLY and TERENCE get into a wagon.

CHRISTIANSON

I know'd that purty dark haired one. A soiled dove down in El Paso. Maybe ten years ago.

DAWKINS

You sure?

CHRISTIANSON

Hell, she tried to charge me four dollars for a poke. A man don't forgit something like that. Now she's all cleaned up.

ANGLE MR. BOYER

In his Wagon. He turns to look uneasily at Dawkins.

SALLY AND TERENCE

Ride up in the wagon. She sees Christianson and blanches.  
Holds her chin up with haughty stiffness as he GRINS at her.

TERENCE

You know that man?

SALLY

(offended)

The Good Lord forbid.

Terence lets the lie go. But he knows it's a lie.

FOLLOWING ELIZA

As she walks up to Auggie and Jake.

ELIZA

Excuse us, Auggie.

He nods and walks away. Eliza sits by her son.

JAKE

I wish't I'd have made something of  
myself 'fore he passed.

ELIZA

You always had a foot out the door.  
First boy to walk. First to talk.  
He was proud of that in you.

JAKE

I done things, ma. Things I ain't  
proud of.

ELIZA

We all done things we ain't proud  
of. He cherished you, anyway.

JAKE

He cherished the others. Paying  
for Daniel's schooling. Givin'  
Terence the Ranch.

ELIZA

Your father gave you something more important than land or money. Any fool can get those.

(off his look)

He gave you his heart.

(she stands; looks out)

Question is. What're you going to do with it? You can't keep runnin' from yourself, Jake.

She walks off. He stares after her. Looks down.

INT. BANK OF GATEWAY - LATER THAT DAY

Eliza strides into the bank. Two desks, behind one of which sits POTTER, toiling over his books. A large SAFE in a corner. And a back door to a rear private office.

POTTER

Mrs. Flynn. Again, let me offer my condolences--

ELIZA

You took the Boyer's land!

POTTER

They were behind on their payments.

ELIZA

How far behind?

POTTER

Months. They owed this establishment over twelve hundred dollars. This is a business.

DAWKINS steps out of the back room. Eliza eyes him.

ELIZA

I'll buy their note.

POTTER

I'm afraid that's not--

ELIZA  
I'll give you fifteen hundred.

POTTER  
Mrs. Flynn--

ELIZA  
Let them have their land back!

POTTER  
I've already sold it.

ELIZA  
To whom?

DAWKINS  
That doesn't matter. What matters  
is it's legal. My deputies served  
the eviction papers, themselves.

ELIZA  
You're a Pinkertons private dick,  
aren't you. What company hired you  
to do their dirty work?

DAWKINS  
Careful, Mrs. Flynn. I don't  
believe in chivalry.

Dawkins eyes her. Walks out.

EXT. SHERIFF'S OFFICE - SAME

Jake, carrying an empty box, walks up to the office. DOBBS,  
one of the Deputies sits there with SHOTGUN across his legs.

JAKE  
Come to get my father's things.

Dobbs nods. Jake walks inside.

INT. SHERIFF'S OFFICE - SAME

The contents of Sam's desk are still strewn all over. He  
loads a few things into the box and then he stops. He looks  
at the SONG BOOK in the corner. He opens it.

A NEWSPAPER ARTICLE flutters out. Jake picks it up and reads:

***PINKERTON DETECTIVES SEIZE WYOMING TOWN FOR SYNDICATE***

Beneath the headline we see: *TEN SHEEP HERDERS KILLED.*

And beneath that, we see a SKETCH of a 50 year old haughty man. Underneath we see: *CLAY HAROLD VICKER, Wall Street financier, rumored to back Wyo. Cattle Land Grant Companies*

WIDER

Jake pockets the article as DOBBS comes in. The Deputy eyes him as Jake picks up the box and starts out.

EXT. GATEWAY - FOLLOWING

Dawkins walks toward the SHERIFF'S OFFICE.

ANGLE MR. BOYER

He steps off the boardwalk by Auggie's store. Stares at Dawkins. He's sure now. His fury boils out.

MR. BOYER

You sonofabitch! It was you!

ANGLE JAKE

He stops on the boardwalk down the street and turns.

JAKE'S POV

Dawkins stops. Turns. As do the townsfolk, including Otero.

MR. BOYER (CONT'D)

You burned my house down!

BACK TO JAKE

He steps off the boardwalk, knowing what's about to happen. He's about to rush Dawkins when OTERO pulls him back.

OTERO

Jake! NO!

BACK TO DAWKINS

He clears his pistol from under his coat.

DAWKINS  
You're a liar, Boyer.

BOYER  
The hell I am!

As Jake watches, horrified, Boyer PULLS out a pistol, but Dawkins is a professional. Walking briskly sideways toward Boyer he draws his Pistol and FIRES two shots, hitting Boyer as he fires a lame shot up into the air. Boyer drops. DEAD.

Eliza and Terence run out. Stare at the dead Boyer. Dawkins glares at them. Turns and walks back into the Jail.

OTERO  
He would've drilled you, too, Jake.

Jake shakes Otero off. Strides to the Hotel.

INT. HOTEL - MOMENTS LATER

Jake walks up to the Clerk.

JAKE  
I want to see your telegraph sheets.

CLERK  
Now, Mr. Jake. You know I can't do that.

JAKE  
Now.

The Clerk licks his lips. Looks around, reaches down, and hands Jake a stack of YELLOW SHEETS. Jake goes through them.

ANGLE ON SHEET

A telegraph sheet from DAWKINS to PINKERTONS, CHICAGO. We see handwritten: **TELL CHV GATEWAY SECURE**

ANGLE JAKE

Looks at the ARTICLE with the SKETCH of CLAY HAROLD VICKER.

JAKE (CONT'D)

C. H. V...

TERENCE (O.C.) (PRE-LAP)

We need to get these men out.

INT. CHURCH - LATER THAT DAY

The pews are crowded with townsfolk. We see Auggie, Terence and Sally. Even a sober Weatherby. Otero, even Potter. They are arguing about Dawkins. Eliza comforts Mrs. Boyer.

OTERO

Dawkins will just claim he was forced to draw.

SALLY

Whose side are you on?

MRS. BOYER begins to wail. Eliza and Daniel help her out.

TERENCE

What if Boyer was right? What if Dawkins did burn his house down?

POTTER

Ridiculous. Why would he do that?

ANGLE JAKE

Sanding in the doorway.

JAKE

For Cattle.

(the room murmurs)

The Railroad spur is opening up East of here. Gateway is the fastest way to get beef to the railroad and then to the slaughterhouses back East. They can't have our sheep or cows eating their grass.

(MORE)

JAKE (CONT'D)

They can't have our fences forcing them the long way round. They'll make us sell or kill us so they can drive their beef to market quickly.

He hands the ARTICLE to Terence.

JAKE (CONT'D)

They've done it before. Hired Pinkertons to come in and make people sell. It's why they killed my father. Because he knew Dawkins was a company man.

OTERO

Why didn't he warn us?

JAKE

I don't think he was sure...until it was too late. And now the bank, the bank that holds notes on our land, brought in Pinkertons to be the law. Just like in Wyoming.

POTTER

The Governor ordered him here!

JAKE

New Mexico ain't payin' this man. Some Syndicate back East wants Dawkins to drive us off our land.

POTTER

I didn't know they'd burn Boyer out!

JAKE

But you sold his land anyway.  
(Potter is silent)  
I'll bet a slaughterhouse in Chicago bought his place. Isn't that right?

Potter looks very nervous. Otero looks thoughtful.

INT. LOLA'S SALOON - LATE AFTERNOON

Eliza and Daniel (with his bag) bring Mrs. Boyer inside.

ELIZA  
Is there anything in that bag of  
yours you can give her?

DANIEL  
Laudanum. Lola. A glass.

TWO DAWKINS DEPUTIES (CHRISTIANSON AND DOBBS)

Amble into the bar. Christianson plops some coins down.  
Daniel eyes him warily.

CHRISTIANSON  
Whiskey.

LOLA  
I'm not open.

CHRISTIANSON  
You are now. Two Shots.

Lola reluctantly gets a bottle. Pours the shots.

CHRISTIANSON (CONT'D)  
Where are your whores?

Daniel turns toward him.

DANIEL  
You're in the wrong establishment.

CHRISTIANSON  
Well, then.  
(to Lola)  
What about you?

She throws the Whiskey in his face. Christianson SLAPS her hard. Daniel moves for him as she whirls on him and PUNCHES him in the face. Then picks up a BAT and tries to smash him. Christianson steps inside her swing, grabs her wrist and presses her up against the bar. Daniel grabs Christianson. He turns and PUNCHES Daniel hard, then kicks him.

ELIZA

Stop it!

Lola reaches for her shotgun, but Dobbs leaps over the bar and gets there before her. Dobbs grips her arm tightly as Christianson leers at her.

CHRISTIANSON

You're next. And it won't be my  
boot you'll feel, darlin'.

Christianson drags Daniel out the door. Lola turns and KNEES Dobbs in the groin. He grunts and goes down. She rushes out the back through her kitchen.

INT. CHURCH - LATE AFTERNOON

The townsfolk are still arguing when LOLA bursts in.

LOLA

They're beating Daniel!

EXT. LOLA'S SALOON - LATE AFTERNOON

Jake, Auggie, Terence and a few others rush up to see Christianson, and the other deputy beating Daniel. Jake fires his pistol into the air. Christianson stops.

CHRISTIANSON

You better put that gun down, pup.

JAKE

You Pinks get out of town. Now.

DAWKINS VOICE

I don't think so.

ANOTHER ANGLE

Dawkins and three deputies stand behind Auggie and Terence. Dawkins points his BABY LE MAT at Jake. A crowd gathers.

DAWKINS

Too much gun play in Gateway. I  
liked your father's policy.

(MORE)

DAWKINS (CONT'D)

(calls out)

No guns in town. You hear that!

JAKE

Is that the way you played it in Wyoming? Take their iron then gun'em down?

Terence looks at Dawkins' unique PISTOL. Realizes.

TERENCE

That's a Baby Le Mat.

DAWKINS

Took it off a Rebel scum myself.

Terence and Daniel exchange a look. Dawkins aims at Jake. With his other hand he takes out his POCKET WATCH.

DAWKINS (CONT'D)

You got thirty seconds to drop your gun. Or you will end up like Boyer.

Jake hesitates. Lola pulls his gun arm down. Daniel watches, jealous, as Jake let's Lola take his gun away. There is an intimacy to it. She hands the gun to Dawkins.

DAWKINS (CONT'D)

At least the women have some sense in this town.

Dawkins SHUTS his Pocket watch. Jake stares at it.

ANGLE POCKET WATCH

We see the ETCHED AMERICAN FLAG. Then Dawkins puts it away.

BACK TO JAKE

Now Jake knows he is face to face with his father's killer.

END OF ACT FOUR

**ACT FIVE**

EXT. FLYNN RANCH HOUSE - LATE AFTERNOON

Eliza watches as DAWKINS and two deputies walk out of her ranch house carrying RIFLES, SHOTGUNS, and two COLT REVOLVERS. A third covers her with a pistol. DAWKINS dumps the weapons in a wagon. They climb in and ride away.

DANIEL (PRE-LAP)  
Why kill his own men?

INT. LOLA'S SALOON - LATE AFTERNOON

Jake, Daniel and Auggie sit at a table. Christianson eyes them from the far end of the bar. A few other patrons, including Montreaux with his crew, sit nearby. Drinking.

JAKE  
To cover up his tracks. I'm guessing they were local boys out of Trinidad. Dawkins must have been worried they'd talk.

Montreaux calls out.

MONTREAUX  
Pappy ain't around to save your bacon now, is he, Jakey.

Jake leaps up to go after Montreaux, but Auggie pulls him back. Montreaux laughs.

AUGGIE  
Don't give Dawkins any excuses.

JAKE  
(meaning Montreaux)  
I'm gonna kill that sonofabitch.

AUGGIE  
He's counting on you trying.

JAKE  
I know how these Pinks work.  
They're cowards.  
(MORE)

JAKE (CONT'D)

They'll go after us one by one.  
But if we join up and attack'em  
now. Coordinated. We'll push them  
out.

TERENCE (O.C.)

Attack'em with what?

TERENCE

sits down. He's agitated. Leans in.

TERENCE (CONT'D)

Dawkins and three of his men  
searched my house. Took my only  
shotgun. Did the same at Ma's. We  
don't have any firepower.

The shock of that sinks in. Jake looks at Auggie.

JAKE

What about your store?

AUGGIE

They took whatever inventory I had  
left. Mostly just ammo.

DANIEL

What do we do?

AUGGIE

(slow grin; leans in)  
Come by the Ice House in an hour.

Auggie gets up. Ambles out, smiling at Christianson.

EXT. MAIN STREET - LATE AFTERNOON

OTERO walks toward the Saloon. He sees DAWKINS coming out of  
the TELEGRAPH OFFICE. Dawkins stops. Lights a match and  
BURNS a TELEGRAM in his hand. Then walks toward the Saloon.

INT. TELEGRAPH OFFICE - SAME

Otero strides in. The nervous CLERK looks up.

OTERO

What did Dawkins' Telegram say?

CLERK

He said he'd shoot me if I told.

OTERO

I'll shoot you! Now what did it say?! This is our town, Billy!

CLERK

Wipe out the vermin. Tonight.

INT. SALOON - LATE AFTERNOON

Jake gets up. Walks up to the bar where Lola is serving.

LOLA

I'm not serving you, Jake.

JAKE

I'm not askin'.  
(he speaks quietly)  
Keep your head down.

Jake turns to go. She grabs his arm. Quietly:

LOLA

They locked up the weapons in the old smoke house by the stockyards.  
(he nods his thanks)  
Be careful, Jake.

Daniel jealously watches their interaction. DAWKINS walks in with two Deputies. Eyes Jake. For just a second we think he might shoot them right there. Then Dawkins eyes the crowd in the bar. Decides against it for the moment. Looks at Jake.

DAWKINS

You got something to say that you can't back up? Maybe like Boyer?

JAKE

You gonna shoot an unarmed man?

Dawkins smiles. Steps aside. Jake walks out with Daniel.

EXT. LOLA'S SALOON - LATE AFTERNOON

Jake and Daniel walk up the street.

JAKE

How long has Lola been in Gateway?

DANIEL

Stay away from her. She's too good for you.

JAKE

The smokehouse ain't been used for years. How'd she know about--

Otero walks up to him.

OTERO

Jake! Dawkins means to kill you. Tonight.

Jake shoots a look at Daniel.

OTERO (CONT'D)

You gonna leave town?

JAKE

Hell, no.

OTERO

Then you'll need every gun you can get.

JAKE

You stay low. This is something my brothers and I have to do. Just keep everyone off the streets.

EXT. GATEWAY - HIGH ANGLE - SUNSET

The dying light illuminates the town in soft rays.

EXT/INT. ICE HOUSE - LATER - SUNSET

Jake, Terence walk up to the ICE HOUSE. Look around for Dawkins men. In the clear, they open the door and go inside.

Daniel is already there, startling them. DEAD MR. BOYER lies on the table. A PINE COFFIN lies on the ground.

AUGGIE comes in. Grins at them.

AUGGIE

The Tree of Liberty must be watered with blood every twenty years, eh, Gentlemen?

TERENCE

I didn't come here to listen to you spout Thomas Jefferson. What the hell are we doing here?

AUGGIE

Accessorizing.

Auggie makes Jake stand and opens the COFFIN. Inside we see FOUR COLTS. SIX RIFLES. FOUR SHOTGUNS. AMMO. Terence HESITATES as the others arm themselves. Auggie picks out a Colt. Off Jake's look:

AUGGIE (CONT'D)

You know why I settled in Gateway? Because here, a man doesn't have to look over his shoulder at Uncle Sam. Hell, Colorado became a State two years ago, and already they're talking about banning liquor sales on Sunday. You call that progress? You can't even spit on the sidewalk up there. If New Mexico is the last bastion of the free, my friends, then Gateway is the rampart of that bastion. Besides...I don't like that Sonofabitch Dawkins.

The brothers smile at Auggie's rhetoric. Jake pulls out a RIFLE. Holds it out to Terence.

Terence stares at him. Then slowly takes out his wife's BIBLE and puts it on the COFFIN. He takes the Rifle. Then a COLT. Feels the cool grip in his hand. Hefts both weapons, assessing them with a cool eye. Nods at Jake.

JAKE

We need to beef them tonight.

DANIEL

We should hold'em for trial, not  
kill them.

TERENCE

You saw Dawkins' pistol. He shot  
Pa.

JAKE

'Sides, if we lock'em up, the  
Governor will just spring'em.

DANIEL

We're not vigilantes!

JAKE

They been ordered to kill us.  
Tonight! What do you think'll  
happen to Ma, then. Or Sally.  
Lola. We have to fight.

Daniel stares at Jake. Nods. They solemnly shake hands.

TERENCE

For Pa.

DANIEL

For Pa.

JAKE

For Gateway.

EXT. ICE HOUSE - SUNSET

The four of them come out. Jake cradles a SHOTGUN and sports  
a six shooter on his hip. Terence has a Rifle and a Colt  
Revolver. Daniel, a rifle. Auggie only carries a Colt.

They stride up to the JAIL and fan out. Jake stands on the  
very spot where his father died. He calls out.

JAKE

DAWKINS!

But there is no answer.

ANGLE THE BANK

Potter comes out of the BANK...looks across at the four of them, then quietly hurries down the street toward the Saloon.

BACK TO JAKE AND THE OTHERS

Jake KICKS open the door. Walks inside with his PISTOL drawn. Nothing. Dawkins is gone.

ANOTHER ANGLE

Jake finds some SADDLE BAGS. He opens them. Inside we see FOUR APACHE ARROWS.

He looks at the others. As if they needed more proof.

INT. SALOON - SAME

Potter rushes in. Dawkins and his deputies are drinking at a table. Potter rushes up to Dawkins.

POTTER

The Flynn boys are loaded for bear  
and headed this way!

Dawkins looks at him. Stands up. Says to Dobbs.

DAWKINS

Dobbs, you and Payne wait in the  
Kitchen. When they show up, circle  
around outside and trap'em.

(to the other three)

Kip with me, we'll be the bait.  
Christianson, you and Montrose  
cover us from across the street.

The Deputies spring into action.

EXT. SALOON - SUNSET

Jake, his brothers and Auggie slowly move down the street.

JAKE

Spread out.

ANOTHER ANGLE

Otero hustles some curious town folk back inside.

ANGLE OTHER END OF TOWN

Eliza rides in on a wagon. She stops. Sees her sons walking away, toward the saloon.

ELIZA

Lord have mercy...

ANGLE FLYNN BROTHERS AND AUGGIE

As they walk abreast down the main drag. Their weapons out. They reach the SALOON.

ANGLE SALOON

The porch is in shadows. Two men sit there. DAWKINS stands.

The TOWNSFOLK listen from doorways, windows, inside the Saloon. Their fate hangs in the balance.

DAWKINS

I thought I told you riffraff to  
turn in your weapons.

TERENCE

You killed our father.

DAWKINS

He was in the way of progress.

JAKE

Is that what you call using the law  
to drive us from our land? You're  
nothin' but a hired thief.

The Townsfolk listen to this. It strikes home.

TERENCE

You have to answer for it.

DAWKINS

Here's my answer--

A FUSILLADE OF SHOTS

Rings out. A bullet creases Jake's hat. Terence's rifle is hit and clatters to the ground. The SHOOTERS, (Christianson and Montrose) are in the shadows across from the saloon.

AUGGIE

Draws his colt and fires twice. He's clearly highly proficient with a weapon. The first shot hits MONTROSE. CHRISTIANSON runs out of the shadows. Auggie fires again, but Christianson dodges down an alley toward the STABLES.

ANGLE JAKE

He never loses focus on Dawkins. He FIRES his shotgun at the man, who runs back inside the SALOON. Jake's second shot wings the second Deputy on the porch. Jake yells out to Terence as he throws his shotgun away and pulls out his COLT.

JAKE

Take the back!

ANGLE TERENCE

Terence draws his Revolver and limps toward the back. Daniel follows him, nervously gripping his RIFLE.

ANGLE JAKE

Jake walks up the Saloon steps. The wounded Deputy there raises his Pistol. Jake fires into the man, killing him. The GLASS by his head SHATTERS with shotgun pellets as

INT. SALOON - SAME

Dawkins fires his BABY LE MAT PISTOL at Jake. The patrons move to the corners of the room, including Potter, Montreaux and his boys. Dawkins moves for the back along the bar. He sees Lola and pistol whips her in the face. He yanks her out from behind the bar. Puts the gun to her head.

DAWKINS

You move and I'll kill you.

He tips up a table and aims the his pistol back at the FRONT as he holds Lola hostage.

ANGLE JAKE (OUTSIDE)

He sees Lola. He ducks. A momentary standoff.

EXT. SALOON ALLEY

Terence and Daniel move around the side of the Saloon, toward the back. They run into DOBBS and the other deputy, who fire into them. Daniel is shot in the arm. He DROPS his Rifle. Terence drags him back up the alley to the street, firing his revolver blindly at Dobbs. He pulls Daniel into an alcove.

TERENCE

You okay?

DANIEL

Stings like hell.

A BULLET whines over their head.

TERENCE

We gotta get out of this alcove.

More BULLETS pepper the wood above them as

THE TWO DEPUTIES

Inexorably walk toward Terence and Daniel.

BACK TO JAKE

He hunkers down on the porch of the Saloon.

JAKE

Let her go, you goddamn coward!

ANGLE DAWKINS

Behind the upturned table, gripping his pistol in one hand. Lola in the other.

DAWKINS

You'll hang for this! You and your  
damn brothers.

CLOSE ON LOLA

She palms a KNIFE off an adjacent table.

ANGLE CHRISTIANSON

as he runs into the Stables.

EXT/INT. STABLES - NIGHT

Auggie carefully walks into the darkness of the stables. He searches the shadows for Christianson. Suddenly FOUR SPOOKED HORSES rear up and run toward Auggie. He dodges them. And when he rushes into the back...an open door bangs in the wind. He looks out. Christianson is gone.

BACK TO TERENCE AND DANIEL

They try to move, but a BULLETS slam into the wood above their heads. They hunker back. Terence fires his PISTOL blindly around the corner. Again...CLICK! He's *empty*.

THE TWO DEPUTIES

inch up toward the alcove. They stand shoulder to shoulder.

DEPUTY

Let's rush'em.

ANGLE ALCOVE

Terence hastily tries to RELOAD his Revolver. He isn't going to make it as

THE DEPUTIES

rush forward...They raise their revolvers at the defenseless brothers...and we hear a SHOTGUN BLAST. Both Deputies are blown forward, landing feet away from Terence and Daniel, SHOT through both backs by ONE DOUBLE-BARRELED SHOTGUN BLAST.

ANGLE ALLEY

ELIZA stands in the alley, holding a smoking shotgun.

ELIZA

Your father always kept a scatter  
gun in the jail necessary.

Terence and Daniel are relieved. Terence gets up, and  
strides down the alley to the back of the Saloon.

ANGLE DAWKINS

Firing at Jake, he gets up and pulls Lola with him out a  
shattered window into a side street. He then turns to see

JAKE

standing in the doorway of the saloon. His gun drawn.

ANGLE DAWKINS

He puts his Baby Le Mat to Lola's head. Pulls her up.

DAWKINS

Drop the iron, or she's dead.

Lola tries to stay calm.

BACK TO JAKE

He slowly puts his Pistol down on a chair outside the saloon.

JAKE

Let her go.

VARIOUS ANGLES

Still holding Lola, Dawkins points his pistol at Jake.

Lola suddenly JAMS the knife into Dawkins' THIGH. He  
staggers. She kicks him away.

Jake reaches for his Colt on the table. Grabs it as...

...Dawkins FIRES...

...Jake FIRES...as a bullet SCORES his lower cheek...

...Dawkins is shot through the chest. He crumples.

TERENCE bursts through the Saloon door with Daniel and Eliza.

Auggie Otero. Potter. Greene. Others gather around as...

JAKE kneels by the dying Dawkins. He looks up.

DAWKINS

They'll come for you now. We got  
more men than the US Army...

And he dies.

FOLLOWING JAKE

Jake walks back INSIDE THE SALOON.

OUTSIDE

More townspeople start to come out.

POTTER

Now we have no Law again.

Eliza walks up to Potter and SLAPS him; Then she takes the  
SHERIFF'S STAR off of Dawkins' body.

INT. SALOON - SAME

Jake jumps over the bar and snatches a whiskey bottle. His  
hands shake. He Pulls the CORK out with is teeth when--

ELIZA (O.C.)

Jake.

He turns. Eliza holds out the SHERIFF'S STAR to him. He  
stares at it. Otero, Terence, Lola, Daniel, move in behind  
her. Jake looks out behind them at the room.

ANGLE SALOON - JAKE'S POV

The townsfolk stare at him. With the exception of Potter,  
they want Jake to be Sheriff. Otero nods, *go on, take it...*

ANGLE JAKE

Looks at the TIN STAR again. Torn.

JAKE

No Ma. I'm no good. Everyone  
knows. I'm no good.

DANIEL

You won't be alone.  
(off Jake's look)  
I'm staying. For now.

TERENCE

We'll help you, Jake.

Jake turns to AUGGIE, who throws his hands up in mock horror.

AUGGIE

You boys are on your own.

Jake looks at the STAR. Then slowly puts the BOTTLE DOWN.  
Eliza pins the STAR on his chest. He doesn't stop her.

POTTER

The Governor won't abide this.

ELIZA

The Governor doesn't live in  
Gateway.

OTERO

And you can tell your friends in  
Chicago the same.

The townsfolk murmur agreement. Jake touches the Star on his  
chest. Then he walks up to Montreaux and his pals.

JAKE

Stand up.

MONTREAUX

What for?

When he stands, Jake PUNCHES Montreaux in the face.

JAKE

Get out of my town.

EXT. JAILHOUSE - SUNSET

Jake, Daniel (his arm in a sling), Terence walk up to the Jailhouse. Jake pauses on the spot where Sam died. He touches the badge on his chest. The THREE BROTHERS turn. We see SHERIFF'S STARS on Daniel's and Terence's chest.

JAKE

I reckon I'm right sorry, Daniel.

DANIEL

You fall off the wagon already?

TERENCE

He says it's medicine.

JAKE

(wicked grin)

Sorry that I've grown fond of this Bugtown. Guess I'll be callin' Gateway home now.

Daniel knows what he's driving at: Lola.

DANIEL

I'm sorry, too, brother.

JAKE

Yeah?

DANIEL

I guess I'll be staying myself.

Terence laughs. He puts his arms around both his brothers' shoulders. They all smile and look out over the town.

PANNING ACROSS TERENCE, DANIEL AND JAKE

As the sunlight hits their young faces. We end on Jake. He looks pensive, suddenly aware of an immense weight on him.

END OF PILOT