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PART I
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THE FIRST REBEL

Screen Play

by

P. J. Wolfson

Changes
7/14/39

JULY 7, 1939

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"THE FIRST REBEL"

REV. FINAL

PART I

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RKO RADIO PICTURES, INC.

THE FIRST REBEL

REV. FINAL

PART I

F O R E W O R D

The date carved on the monuments and printed in all the histories and textbooks is April 19, 1775. On that day Americans in arms marched out to face rifle fire across the village green in Lexington, Massachusetts. On that day was fired "the shot heard 'round the world." But they were not the first to march nor were they the first to fire in defense of liberty. Others before them spoke with guns. Though those shots were not heard 'round the world, they were heard the length and breadth of the colonies a full fifteen years before the Revolution.

THE FIRST REBEL

Screen Play

by

P. J. Wolfson

FADE IN

INT. MILITARY BARRACKS - DAY

A Large barracks - at one end, long table. Captain Swanson seated at the table, papers before him, several assistants with papers also seated at table. Sentries at doors, etc. Superimposed over picture for first few frames, "With the English forces in Canada 1759." Superimposed letters fade as Sergeant McGlashan enters room, advances to table and salutes.

SERGEANT McGLASHAN

The French are here with the prisoners, sir.

SWANSON

Bring them in.

McGlashan salutes again, turns on his heel, walks to the door and flings it open.

McGLASHAN

Bring them in.

The French Lieutenant enters, followed by four French soldiers escorting fifteen shackled prisoners. The French Lieutenant steps forward as Captain Swanson rises. They both salute.

SWANSON

Captain Swanson of His Majesty's Forces.

FRENCH OFFICER

Lieutenant Fouchier --

They shake hands.

(CONTINUED)

SWANSON

Fifteen English prisoners for
fifteen French prisoners..

(turning to
McGlashan)

Sergeant, deliver the French
prisoners to Lieutenant Fouchier.

(he hands the
Sergeant a
slip of paper)

McGLASHAN

(saluting)

Yes, sir.

(to French
lieutenant)

This way, sir.

The French lieutenant, Sergeant McGlashan and soldiers
start for side door.. As they pass the English prisoners:

PRISONER

(to lieutenant
and holding up
his chains)

For these chains, I'm gonna push
the open end of an English
musket down your throat.

SWANSON

(shouting, angrily)

Bring that man here.

McGLASHAN

(pushing prisoner
forward)

Step up.

SWANSON

(bowing to
lieutenant)

My apologies.

Lieutenant bows, exits with McGlashan and soldiers.

SWANSON (cont'd)

(turns to prisoner)

It is customary for His Majesty's
soldiers - if I may call you
that -- without maligning my
sense of proportion - to observe
the rules of civilized warfare.

(CONTINUED)

A (CONTINUED)

3RD PRISONER

Tripe!

SWANSON

Who said that?

3RD PRISONER - JAMES SMITH

(stepping forward)

I did.

The man is lean and bronzed. He is naked to the waist -
his breeches are in tatters. He is James Smith.

JIM (cont'd)

(speaking quietly)

Ever see a Frenchie teach an
Indian to blast a soldier with
a gun hidden under a blanket - ?

SWANSON

(angrily)

What's your name?

JIM

James Smith.

SWANSON

You're under arrest --

Another prisoner steps forward.

PRISONER - THE PROFESSOR

(easily)

I don't think so.

SWANSON

What d'ye mean by talking for
him?

JIM

The Professor always talks for
me.

(CONTINUED)

SWANSON

(to Corporal -
angrily)
Corporal - hold these men for
court-martial.

The Corporal moves forward.

JIM

Don't waste your time, mister -
we're not any of your soldiers.

SWANSON

(angrily)
Then you're colonials - and
still in the service of the
crown -
(to Sergeant)
I said 'Hold these men for
court-martial.'
(he turns to go)

The Corporal puts his hands on the prisoners.

PROFESSOR

(calmly calling
after Swanson)
They'll pluck those cocky
rooster feathers out of your
tail for court-martialling
civilians.

The Captain snaps around - he is now afire with fury.

SWANSON

(furiously)
Civilians! Civilians! Indeed!
Deserters more than likely -
didn't care for a French prison,
did you? -- Decided to come
back -- What's your regiment?
What's your regiment I asked!

PROFESSOR

We're civilians - born in
Pennsylvania - taken three years
ago by Caughnawaga Indians -

SWANSON

(unbelieving)
That's a thousand miles from
here.

(CONTINUED)

JIM

We've come further than that to
get back home --

PROFESSOR

The Caughnawogas initiated us
into the tribe.

SWANSON

You'll tell your story to a
court-martial.

PROFESSOR

(angrily)

If you're not a fool, I reckon
you'll listen to it here -
We escaped whilst the tribe was
visiting Quebec. The French got
us - and here we are. - And it's
good to be back on English soil
again.

SWANSON

(sarcastically)

Gratifying to see you rejoice
in the simple pleasures of life!
(to Corporal)
Shackle them with the rest of
the deserters --

The Corporal and a soldier grab Smith and the Professor.

PROFESSOR

(struggling)

I'd like to get you behind a
barn in Pennsylvania.

The door opens and a Colonial Scout, dressed in buckskins
and coonskin cap, enters. He salutes Swanson and holds
out a despatch.

SCOUT (MAC)

From Colonel Clarke for Captain
Swanson.

(CONTINUED)

Swanson begins to open the despatch, just as the Scout sees Smith and Professor being shoved through door. He studies Smith's face a moment and suddenly lets out a war whoop.

MAC (cont'd)

Coo-hee...

(he rushes forward
shoves the corporal
out of the way)

Jim! Jim Smith! And Professor!

JIM & PROFESSOR

MacDougall! Mac! Mac!

JIM, PROFESSOR & MAC

(in unison)

Coo-hee...

Arms around each other, they dance around, slapping each other's shoulders and ad libbing:

AD LIBS

MAC: Thought ye were deid,
lang syno.

JIM: The Caughnawogas almost
did for us.

MAC: Ye've still got yer scalp -
PROF: Made us blood brothers.

SWANSON

These friends of yours?

MAC

Ay - let me introduce Jim Smith
and the Professor from
Pennsylvania -- missin' three
years. Thought they were deid.
Best Indian fighters in the
colonies -- better even than me.
-- That's not sayin' I couldna
be better, if I had a mind to --
me with the blood of the
MacDougalls skirlin' in my veins.

SWANSON

(to Corporal -
grudgingly)

Have their shackles stricken off.

(CONTINUED)

Maybe ye'd better read your
despatch, Captain.

Swanson reads. He looks up at the men around him.
There's a silence.

SWANSON
Montcalm has surrendered -
Quebec is English.

The men in the room burst into a cheer.

MAC
Aye, Quebec is British - that
closes the frontier -- No more
stirring up the Indians against
us - no more massacres --

PROFESSOR
(soberly)
Thank God!

SWANSON
General Wolfe said he'd do it
and he's done it.

MAC
General Wolfe has gone to his
long rest, sir - died with his
face to the enemy.

A silence falls on the group and officers in the room.

JIM
(quietly)
I guess we can go home, now,
Mac.

DISSOLVE

B OMITTED

EXT. ROAD - DAY

- 1 Jim Smith, Professor and Mac, weary dusty and tired,
trudge along it. All three of them are dressed in worn
buckskins, carry tomahawks in their belts; Mac is
carrying his long rifle. A carriage, drawn by four horses
carrying two grooms and a bewigged gentleman rides past.
The men start again - CAMERA MOVING WITH them.

MAC

Ye'd think the British would provide me wi' transportation back - but no - fight for them, then walk a thousand miles home again.

PROFESSOR

And you that's kilt twenty Onandoga Injuns in a day, having to walk -- I'm gonna make a formal complaint to the King himself.

MAC

Did I tell ye how I kilt them?

JIM

You did, Mac - you sure did.

PROFESSOR

Four times to every mile of the way.

They round a turn. Off the road, in a field, under the trees, a train of covered wagons has camped for the noonday meal. Men all about, some greasing the axle of one of the wagon wheels, others tightening ropes, others eating at the fire. The carriage which passed Mac and Jim on the road stands nearby - the occupant talking to Callendar, the leader of the team.

MAC

(sniffing the air)

Maybe our stomachs can find a frien' here.

EXT. CLEARING - DAY

2

On Callendar and dandified gentleman in the carriage. Callendar has his foot on carriage step and leans close.

CALLENDAR

(a little angrily)

Share and share alike, that was agreed.

(CONTINUED)

GENTLEMAN

(suavely)

That's what I told them, but
they voted me down -- we put
up the money, they said.

CALENDAR

(angrily)

They! They! They sit on their
big porticos in Philadelphia -
I take the chances - an Injun
drunk on rum don't know friend
from foe, he'd just as lief hang
my scalp to his belt as his
enemy's -- I don't deliver your
goods to the Injuns till I get
paid.

GENTLEMAN

(taking out a sack
of gold pieces; he
throws the bag to
Calendar)

It's out of my own pocket I'm
paying.

CALENDAR

(pocketing the bag;
he sees Jim and
Mac approaching)

We got company for dinner.

GENTLEMAN

We'll expect you in Philadelphia
in a month.

(to driver)

We're for home, Louis.

The driver whips his horses, they swing about, flash
past and out. Mac and Jim and Professor approach.

CALENDAR

Well, and if it ain't MacDougall --
heard you wuz up in Canada with
General Wolfe fighting the French.

Jim is carefully looking over the train of wagons.

MAC

Och, I wis just showing the general
how to fight Indians, I kilt
thirty Onandogas in one day -- Ay!

PROFESSOR

No!

MAC

Ay!

PROFESSOR

How dead Injuns do multiply!

MAC

(with a look
at him)

Maybe it was twenty Onandogas -
but that's not saying a MacDougall
like myself couldn't kill thirty
if he had a mind to -- These are
two bosom cronies of mine - Jim
Smith and the Professor.

CALLENDAR

(to Jim)

Strangers around here, ain't ya? ~

JIM

(quietly)

Been gone a little while.

PROFESSOR

Kin ya spare a mite of that
grub?

CALLENDAR

Fall to, boys -- it's all yours.

Mac and Jim sit down at the fire - several men move over -
Jim and Mac fall to hungrily. Jim's eyes are every place.

MAC

You'll not be having a wee
snifter of whiskey - jist a
wee drop - on ye - my appetite's
not so good without a bit of a
tonic to wet ma whistle.

CALLENDAR

Don't traffic in any fire-water,
Mac - we carry only trade goods
for the Injuns.

(CONTINUED)

MAC

(his mouth
falling open)
Trade goods!

PROFESSOR

(quietly)
Thought the border was closed?

CALLENDAR

Don't have to be - Since the
French surrendered Quebec,
Colonel Brady's out in Ohio
makin' treaties with the Injuns
now -- They're real friendly
like, the Injuns --

MAC

The only friendly Indians are
dead Indians, I say.

CALLENDAR

No more of that talk around here,
MacDougall - if we don't trade
with 'em, the French will - and
yu know how they stir 'em up
agin' us - with fire-water --
it's a patriotic duty we're doin'.

PROFESSOR

I'm thinking you're linin' yer
pockets at the same time.

JIM

(quietly)
Did you ask Tom Lowther about
this patriotism --?

PROFESSOR

The Injuns beat his boy's head
in with a musket and left it
sticking in his skull.

MAC

And John Lynn, they shot his boy
off the top rail of a cowpen
down at Coombe's fort and...

CALLENDAR

Yu got to have the long view -
What's a few lives when ye're
buildin' a great country - it
ain't important.

(CONTINUED)

JIM

Only if that life happens to be
your own.

MAC

So that's the talk they talk in
Philadelphia.

During this dialogue the men who have been greasing the axle of the wagon have been trying to get the wheel on - one of them slips and drops the wheel, the wagon falls to its axle - the tail drops and several kegs of rum fall out. One bursts open. Mac's eyes widen.

MAC (cont'd)

Rum! -- So ye don't carry any
fire-water!

PROFESSOR

Mebbe it's for medical purposes!

CALLENDAR

(quickly)

That's for the army - army
rations.

VOICE

(off-scene -
commanding)

Get off my land!

The CAMERA WIDENS to take in a colonial farmer, dressed in shirt, breeches and leggins, he holds a long gun pointed toward them. Everybody freezes.

CALLENDAR

We ain't disturbin' nothin' -
just stopped to water the
horses an'...

FARMER

I give yu five minutes to get
off my land, yu murderin' Judas.

Suddenly Jim flips his tomahawk toward one of the men who has stealthily gone for a gun. The axe pins the man's sleeve to the wagon.

(CONTINUED)

FARMER (cont'd)

(to Mao)

Mighty bad company yer keepin',
MacDougall.

MAC

Ay! - That's what I been thinkin'
myself.

(he flings the
food into fire)

An' I could give up the rest of
it with very leattle effort,
very leattle effort.

FARMER

(to Callendar)

Yu got four minutes left --

Callendar gives him a long look, sees that he means it.

CALLENDAR

(to his men)

Load that stuff on the other
wagons.

The men begin to load hurriedly.

DISSOLVE OUT

EXT. TAVERN - DAY

3 CLOSE SHOT - tavern sign. It reads: MacDOUGALL'S TAVERN. The CAMERA PANS DOWN to take in the lighted windows of the tavern. We can hear the sound of a concertina playing, singing, and laughter. Mac and Jim come toward camera and stand under the sign. There is a blare of the trumpet and the night stage swings out of the tavern yard, drawn by four horses. It dashes down the road. As it goes down the road, a young girl dressed in man's shirt, breeches and leggins, wearing a proprietor's apron, dashes out.

GIRL

(shouting at
departing coach)
Stop! Stop that coach! Stop,
thieves! Five pewter spoons
missing and a tankard! Stop,
thieves!

But the stagecoach goes on. The girl sees it is no use. She turns back to the tavern, muttering to herself.

GIRL (cont'd)

Blast them for the thieves they
are and blast me for the
trusting woman I am.

MAC

(putting on a
bold face)
Now, Jeanie, that'll do. I'll
not have swearing from a
daughter o' mine--- It's not
becoming for a bonnie lassie
with the blood of the MacDougall's
skirling in her veins--to be
blastin' about--blast it!

The girl whirls.

JANIE

(giving him a
long look--her
face becomes
angry)
So you're back.
(she advances
threateningly
at him)

He backs up a little.

(CONTINUED)

MAC

(plaintively)

Now, lassie--- It was no fault
o' mine--I was coming home,
sober as a judge, when bang--
without even a word o' apology---

(sighing)

--a patrol got me an' pressed
me into the army--against my
will--even when I told them I
had a lovin', dutiful daughter.

JANIE

Who'd tend the tavern while yer
away, swilling army rum.

MAC

What? Me? Lassie--I've a cellar
full of the best at home.

JANIE

(full at him now)

That you can't get at---

(she is face to
face with him--
her face softens
--her arms go
around him; her
voice softens)

Oh--Mac, Mac--don't go away and
leave me again, take me with
you--you used to--you....

MAC

(with a shout
of joy)

Jeanie! Ye contrary female
MacDougall!

He lifts her high over his head--hands on her waist. Her
face is all smiles. She looks down and sees Jim in the
dim light. The smile on her face fades. Her head shakes.
She can't believe it.

JANIE

(softly--in a
whisper)

No.

She lowers her face--not to see what she thinks she
imagines. Then she lifts her head again.

(CONTINUED)

JIM

(quietly)
Hello, Janie.

JANIE

(tears come to
her eyes)
Set me down, Mac.

Mac sets her down--he senses her feelings.

MAC

Aye--and the Professor come
back from the very mouth o'
the grave.

JANIE

(staring at Jim--
her voice is still
a whisper--tears
down her face)
They'd say, 'he's dead, better
forget him' and I'd say 'he's
dead, he's forgotten,' but I
know it wasn't so, maybe that's
what I wanted to know--maybe I
didn't let myself know anything
else--and now--and now, that
you're here---
(she stops, then
goes on)
And what were you doing--just
where were you--oh, no--I
don't care where you were,
you're here now.
(she turns angrily
on her father--
still weeping)
Blast it, Mac! Do you have to
stand around and see a girl
make a fool of herself? Get
in and get your rum--you'll
catch your death--you, too,
Professor.

MAC

(with a look
at Jim)
It is a wee bit chilly.

He turns into the tavern yard. Jim and Janie are left
alone. There is a shout from inside the tavern as the
assemblage recognizes MacDougall.

(CONTINUED)

JIM
(quietly)
You've grown up, Janie.

JANIE
(quietly)
Isn't that much nicer--for
both of us?

JIM
But still the same shameless
wench.

JANIE
(coming close
to him)
Am I supposed to be ashamed?
--If you want me to be, I will
be, but I don't really feel
ashamed--not before the man
I'm going to marry.

The Professor returns for Jim, stands at gate listening.

JIM
(in surprise)
Marry!

JANIE
You gave me your word--you
promised--don't you remember?
(suddenly she
stops, then goes
on with a rush)
There's another girl--
somewhere you've hitched
yerself to another girl--blast
you for a bigamous scoundral!

JIM
Your temper isn't any better.

JANIE
I'll have the law on you. I'll
have you in stocks for breaking
your marriage vow!

JIM
I promised a half-grown girl---

(CONTINUED)

JANIE

Half-grown girl! Half-grown--
grown enough to slap the face
of any man who tried to kiss
me--except you.

PROFESSOR

(emphatically)

Stop whimpering about marriage--
We're very hungry and tired men.
We want food and a bed, and, if
we don't get it, we'll have the
law on you and take your tavern
license from you.

Professor enters tavern, followed by Jim.

JANIE

(looking after them)

Half-grown--well, I'm full
grown, now.

Janie follows.

DISSOLVE

INT. TAVERN - NIGHT

4 It is a huge taproom--a bar to one side; roughly hewn
chairs and tables, window seats, etc. To another side a
large fireplace in which a pig on a spit is being
barbecued. Men are about, drinking and singing. Two
barmaids, comely wenches, serve the men. At the bar,
MacDougall is holding forth.

MAC

Kilt forty Onandogas in one day.
Barrel of ma gun got so red hot,
used it to warm up our rum
toddlies...

Janie passes by him, carrying a tray of food and a tankard
of ale.

JANIE

The war's over, my lad--get
behind the bar and work for your
keep.,

(CONTINUED)

MAC

(bitterly)

Woe is me! I'm a victim of the
skirlin' blood of the MacDougalls
--a warlike clan, but too soft
with their womenfolk--much too
soft--a deplorable weakness--in
the end, it'll demolish the clan.

Mac goes behind the bar. The CAMERA FOLLOWS Janie across
to the table at which Jim and Professor sit eating. She
begins placing the food in front of them.

JANIE

(quietly)

What am I to do? The town
knows we were going to be
married. Now you've changed
your mind....

PROFESSOR

Well now, why don't you put a
rein to your nimble imagination,
girl?

JANIE

Let him talk for himself.

JIM

The Professor always talks for
me.

PROFESSOR

You only thought he promised--
so, hereafter when you think a
thing, think it to yourself not
to every barroom confidante in
the Valley.

JANIE

They'll point me out as a girl
who was left.

JIM

(stuffing his
mouth with
food)

Then marry and fool them.

(CONTINUED)

JANIE

(tragically)

Who'll have me, after you've
tossed me aside?

JIM

(studying her;
still chewing
unconcernedly)

I don't know--yer not bad to
look at---

PROFESSOR

You might even be called good-
looking, I think; but mebbe
it's because we've lived with
Indians so long. We wouldn't
know how a white woman should
look--maybe we're too easily
pleased.

JANIE

(getting to her
feet, tears in
her eyes; to Jim)

Aye--you're an Indian--all
right--cruel and merciless.

JIM

(reaching over
for her hand;
kindly)

I'm no man for you, Janie--

PROFESSOR

Aye, he's going over the far
hills too much. Look at your
father--what pleasantness did
he bring your mother--?

JANIE

(to Jim)

I wouldn't care--I wouldn't ask
for anything except to go with
you--you can't die once, then
come alive and go away again--
it's like making me see you die
twice--I couldn't stand that.

(CONTINUED)

Suddenly there is a pounding at the door. It flies open and a man staggers in. His eyes are gaunt, his moccasins are in rags.

CALHOON

(croaking)

Gi' me whiskey--for the love
of heaven--whiskey.

A silence falls on him. Jim lifts his tankard and helps the man drink it.

CALHOON (cont'd)

The Injuns are all around Fort
Pitt. Shawnees and Delawares
and heaven knows what. They've
burnt the town. They scalped
the kids in school at McDowell's
Mill---

One of the barmaids screams and begins to sob.

MAC

(reaches for two
long guns on wall,
hands one to Jim;
soberly)

Let's be on the way--McDowell's
Mill is twenty miles from here.

MEN

(ad libbing)

We've no muskets--no shot---
Where're we gonna get horses?
I've got a brace of pistols
with me.
I've got a musket.

JIM

Since when do you men travel
without rifles?

M'CAMMON

(bitterly)

Since the border's peaceful.

(CONTINUED)

1ST MAN

And since rifles sell for fifty pounds instead of five.

CALHOON

Why sell a settler a rifle for five pounds when it'll bring fifty pounds' worth of furs from an Indian?

JIM

(to Janie)
Any more guns in the house?

JANIE

Two long rifles.

JIM

(thinks for a moment)
I know where I can get more.
Men with guns stay here and the others go with us.

They start for the door. Janie gets in Jim's way.

JANIE

You're not going again, Jim - you're not.
(she turns to Mac)
Mac...tell him not to go.

MAC

Don't be a fool, lass - you ken well what we have to do.

JANIE

(tears in her eyes)
What's he got to do with it - he's been gone three years - he's like a stranger here - it's not his business.

Jim pushes her aside and quickly exits, followed by Mac and the men.

DISSOLVE OUT

EXT. ROAD - NIGHT

5 It is a clear moonlit night. Callendar, on his horse, rides in front of the wagon train. The sound of the wheels squeaking mingles with a man's voice as it sings. There is the clap-clap of horses' hooves in the distance. Callendar raises his hand and the train begins to halt. Into the scene come three horses - astride them are Jim, MacDougall and Tim Calhoon - Calhoon is a hot-head and plays the part of those who believe in quick measures with no thought of their consequences. Each of the men atop a horse carries another behind him, holding to the stirrups are others who run beside the horses. As the scene progresses, still others run into the scene. The men pull up their horses and face Callendar. Callendar holds his gun ready.

CALLENDAR

What's this, MacDougall? I've a permit for these goods.

JIM

Callendar, the Indians have burned Pittstown.

CALHOON

(hotly)

Thanks to you thievin' traders -

(he whips out his
knife and starts

for Callendar)

I'll do a little honest scalpin'
myself.

JIM

(reins his horse
next to Calhoon,
faces him; sharply)

With Indians at both ends of the
valley, you want to start a
fight here.

CALHOON

I'm sorry, lad.

JIM

(to Callendar)

We need rifle and shot, Callendar
- You wouldn't be knowing where
we could get 'em now, would you?

(CONTINUED)

CALLNDAR
I've got more than enough,
boys -- help yerselves.
(to the men)
Unload those guns and shot.

CALENDAR (cont'd)
I'm always with you, boys --
 (to Jim)
I can't understand it, Smith -
Colonel Brady made peace
treaties with the tribes --
read 'em in Philadelphia myself.

JIM
We'll need your horses.

There is a terrific clatter as the men unhitch and
Colonials mount.

JIM
We'll take that one you're
riding.

CALLNDAR
(dismounting)
Me and my men'll round up some
more animals and be right
behind you.

(CONTINUED)

PROFESSOR

(quietly)

You better not - the boys might
be a mite wrought up and mebbe
mistake a friendly, public-
spirited gentleman like you fer
a black-hearted, double-dyed
Judas who would sell the scalps
of his best friend's wife and
little one for the profit on a
musket or keg of liquor.

JIM

(shouting)

Hurry men! Hurry!

CALHOON

(riding up)

We're ready --

Jim swings his horse out and gallops away, the others
thunder after him. One of Callendar's men approaches him.

MAN

What now?

CALENDAR

(quietly)

Back to Philadelphia - there'll
be profits on both ends now -
we armed the Injuns, now we'll
arm the settlements!
(he turns away)

DISSOLVE

EXT. McDOWELL'S MILL - NIGHT

6

CLOSE SHOT - Woman, as she rocks tragically back and
forth staring into the flames. The CAMERA DRAWS BACK to
REVEAL Jim and his men leaning on their long rifles, also
staring into the flames - they have come too late.
Calhoon enters the scene.

CALHOON

(quietly, to Jim)

All dead, Jim - horrible --

(tears begin to

roll down his face)

They threw the bodies of George
Falke and his kids into the
hog-pen.

(he begins to curse)

The dirty - murderin' - heathens --

(CONTINUED)

1ST MAN

(bitterly)

That's all it's ever been - a few years of quiet and then they're at it again -- I'm takin' my family and getting out while we're alive.

2ND MAN

Aye - I'm fair sick of it - A remarkably fine season and what's the good of it --?

3RD MAN

You can't harvest for fear of blood-thirsty barbarians. I'm for leaving the valley an' goin' to Philadelphia.

CALHOON

(bitterly)

And live on Quaker charity?

JIM

If you abandon the frontier, how long before you'll be seeing scalping knives in Philadelphia - then in New York?

PROFESSOR

Men, if the Conococheague settlements stand firm, the country will have some little sort of safety.

1ST MAN

Safe for the blasted tradesmen.

JIM

For the fields of corn you've planted.

PROFESSOR

For the plenty you've taken and will take from this land.

2ND MAN

Planted with our blood!

(CONTINUED)

CALHOON

Yes, planted with our blood!

-- My father's!

(he begins to point)

Tom, your wife's. - Isiah, your
boy - and your two children -
and your mother. This ground
is ours. - Our dead lie in it
- and I, fer one, will water it
with my blood before I give it
up.

OTHERS

And I...

And I...

And I...

JIM

(quietly)

Professor.

PROFESSOR

Yes.

JIM

All bodies accounted for?

PROFESSOR

All except Jacob Miller's two
kids. - They musta taken 'em
alive.

JIM

(to the woman)

Mrs. Lewis, - d'you know if
Jacob Miller's kids got taken?

Mrs. Lewis doesn't answer; she keeps swaying back and
forth, staring into the flame.

JIM (cont'd)

Mrs. Lewis!

Jim sees it's no use. Mac rides into the scene quickly.

MAC

Found their tracks, Jim. - Ay
- about twenty of them. They're
Delawares. I'm not sure, but it
looks like they took a couple of
youngsters with them. - Any
missing?

(CONTINUED)

6 (CONTINUED)

There is a silence.

CALHOON

Will you lead us, Jim? You
know thoir ways best.

JIM

(turning to men;
quietly)

I'll want ten men with me --

(he goes down
along the group
quickly)

Stewart, Calhoon, Lewis,
M'Cammon, Baird...

DISSOLVE

INT. CABIN - NIGHT

7 The interior of the cabin is smashed to bits - through the windows, we can see the other cabins and the mill still burning. The ten men, including Mac and Calhoon, are busy within the cabin. They are blacking each other's faces and laying hideous streaks of vermillion and yellow over the black.

PROFESSOR

(streaking his own
face with paint)

We're traveling light - so are
the Delawares, but they'll be
held back 'cause of carrying
along the kids.

MAC

There's twenty of them - Just
the odds I like. - I'll kill
'em myself like I kilt them
Onandogas in one day.

PROFESSOR

(tersely)

No man will work by himself -
two men always together - one
loading and one firing - one
weapon always ready.

(CONTINUED)

JIM

I want to see your guns.

(he goes around
looking at them;
picks one up)A trade-musket - no good, they
misfire too often. - Can't take
you, M'Cammon.

M'CAMMON

(grimly)

If it misfires, I'll use me
knife, Jim.

JIM

(shaking his head)

I'm taking only men with long
rifles, M'Cammon.

Suddenly the door is thrown open and Janie enters. She
is dressed in buckskins and carries a long rifle.

MAC

(surprised)

Jeanie - lassie - what brought
you here?

JANIE

A carriage - with two footmen
and a driver all dressed up in
silks and satins and blowing a
horn as we went along.

MAC

(bellowing)

With Indians loose! It's a
miracle ye weren't scalped
from yer eyebrows to yer
shoulder blades.(he strides
toward the door)I'll get the men to take ye
back.

JANIE

(firmly)

I'm not going back - I've seen
what the Indians did and I'm
going with you.

(CONTINUED)

Mac swallows, he sees the other men watching him - he pulls himself up austerely.

MAC

I forbid it! - positeevly.

JANIE

You forbid it! How much is this valley your home? -- Did you see those bullet holes in the tavern walls? Who fought off the Indians? - Ma and me and the hired help - not you. -- You were always busy somewhere else - fighting somebody else's fight. Now you're forbidding me to fight my own.

MAC

(groaning, to Jim)
Why don't ye marry the girrl and save my sanity?

JANIE

(to Jim)
Jim, - you know I can put out a lighted candle at a hundred paces. - I'm a better shot than any man in this room.

PROFESSOR

There's room for argument in that statement, lass...

JANIE

(interrupting)
And I can track and throw a knife with the best of you.

MAC

And blether louder than most. Get home to your tavern, girrl, before a Delaware cuts your tongue out as a lesson to other arrogant females.

JIM

This is no woman's work.

(CONTINUED)

7 (CONTINUED)

JANIE

Then why do you bring us to this frontier, you men - just to be killed by Indians? - It's our work as much as yours.

CALHOON

(kindly)

You're wrong, Janie - all those things you said about yerself are true, but what we're to do is nothing fer a girl.

JIM

(quietly)

Let her come.

JANIE

(joyfully)

Jim! -- You're a very kind and generous man.

Janie begins to smear her face with black and vermillion.

JIM

(he turns to
the others)

All right -- off with yer clothes -- we're Indians, you know.

The men remove their shirts and stand naked to the waist. Janie stares at them.

PROFESSOR

(getting the idea)

Well, off with your shirt. - If you travel with us, you'll have to travel like the rest of us.

Janie swallows hard.

JANIE

How sly - how very sly.

Janie goes for door.

(CONTINUED)

7 (CONTINUED)

JIM
(jumping in
front of her)
We'll be needing your long
rifle.
(he takes the
rifle from her)

JANIE
Jim Smith, you're a cruel and
merciless man.

Angrily, she exits. He tosses the rifle to M'Cammon.

JIM
There's your weapon, M'Cammon.

M'CAMMON
Thanks..

JIM
(to Mac)
See that some of the men take
her back, Mac, and pick up ten
blankets while you're outside.

MAC
Someday she'll work me up to
giving her a good skelping
where it'll hurt without
showing.

Mac exits.

DISSOLVE

EXT. FOREST - DAY

8 LONG SHOT - As a single file of Indians go silently
down a trail. They are spaced far apart and move
swiftly. They are dressed in loin cloths. Their bodies
are blackened and streaked with vermillion and yellow;
each one carries a long rifle - rolled-up blanket on
back.

9 MED. MOVING SHOT - on leader of Indians. It is James
Smith. His eyes dart all about him, never still. They
come to the edge of a stream.

10

It is a wide stream, almost a river, the water sparkles in the sunlight. Jim and his men, single file again, come to its edge. They start across, holding their rifles and powder horns over their heads. Jim stops at the opposite bank, the file of men stop.

JIM

(to Mac)

They didn't come out here.
They've gone either up or down
stream.

MAC

We'll have to split up.

Jim looks down stream, then up stream again. He stares a long moment, then splashes out into the center of the stream. He reaches out and picks up a feather that is floating down stream on the water. Mac and Calhoon come up as Jim studies the feather; he smells it. The others wait patiently. Jim runs the feather through his fingers, then smells his fingers.

JIM

(softly)

Delawares. They're up stream.
-- Mac, take the right bank.
I'll take the left. -- Keep
your powder and flint dry.

Mac and four men take the right bank. Jim and four men take the left. They start up stream.

DISSOLVE

EXT. STREAM - DAY

11

As a group of twenty Delawares in the middle of the stream move up it. Trees grow along the sides of the banks - branches hang over into it. They are led by a brave on horseback. Two of the Indians, each carrying a child seated on their shoulders - the children are dirty, bedraggled, wide-eyed and frightened. Suddenly the leader raises his hand. They freeze in their tracks, remain deathly quiet for a moment, then the leader signals again and they go on. They reach a spot at which the river narrows and the branches of the trees overhanging almost form a bridge. A volley of rifle shot pours from the trees and ten Indians go down. Confusion strikes their ranks - the children are dropped, the horse rears.

MAC
(war-crying)
Coo-hee!

Mac leaps, knife in hand, upon the Indian below.

- 13 MED. SHOT - Stream - as the others drop atop the Indians.
- 14 SHOT - As Jim, knife coming in and upward sweep, gets an Indian in the stomach.
- 15 SHOT - Calhoon held fast by an Indian where knife is slowly but surely coming toward him.
- 16 SHOT - Professor as he sees it - he flings his tomahawk.
- 17 SHOT - As Indian about to knife Calhoon gets tomahawk in back. Calhoon runs toward children who are foundering in water.
- 18 SHOT - Mac as he pulls Shawnee off horse and goes to knife him. Shawnee kicks, snaps knife out of Mac's hands - Mac wraps his fingers around Shawnee's throat, they fight below and then above water.
- 19 SHOT - as Calhoon and another man arrive at foundering children. They pick them up. The children are screaming with fright. Calhoon holds the crying child over his head and laughs uproariously - he is so overjoyed, it is almost hysteria.
- 20 SHOT - Jim, as he helps another man finish an Indian - he looks off toward Mac.
- 21 SHOT - Mac, as he holds Indian's head under water, drowning him. Jim splashes into the scene and shoves Mac away.

JIM
I want him alive, Mac.

(CONTINUED)

21 (CONTINUED)

MAC

(grieved)

Twenty Indians has always been
my menimum - ye can't leave it
nineteen, Jim, you'll ruin my
reputation and I'll not be able
to hold me head up again.

JIM

(hauling the half-
drowned Indian
toward the bank)

Get the water out of him.

The CAMERA MOVES with them, as they haul the Indian to
the bank and dump him. The other men come up.

PROFESSOR

(holding out
a musket)

They had English muskets and
trade tomahawks.

The children are still whimpering - some of the men are
dabbing at knife cuts, none of them have been hurt much,
so complete has been the surprise. Mac begins to pump
water out of the Indian. The Indian is wearing the
English military breastplate. Jim removes it.

JIM

(holding out the
plate toward
Calhoon)

English military belt. What
regiment is that, Tim?

CALHOON

(studying the belt)

That's - that's Colonel Brady's
regiment. - He's supposed to be
out on the Ohio making treaties.
-- There's blood on the leather.

The Indian shows signs of coming to.

JIM

Haul him to his feet, Mac.

(CONTINUED)

Mac hauls the Indian to his feet. Jim takes out his knife and holds it against the naked stomach of the Indian. The Indian looks with contempt at the knife. Jim holds out the plate.

JIM (cont'd)
(in Delaware)
Where did you get this belt?

INDIAN
(looking at belt
and speaking
proudly in Delaware)
There was a great army of white
men. - Soldiers. - We killed
them all - all - their scalps
hang in the houses of the
Delaware nation.

PROFESSOR
(to the others)
He says they've wiped out Brady
and the men.

Calhoon puts the child down - there is a stillness about the men. Suddenly Calhoon gives Jim's elbow a mighty blow which rams the knife into the Indian. The Indian stands there transfixed, then he spits with contempt at the men and falls.

JIM
(ironically to
Calhoon)
We teach them everything, don't
we, Tim?

Calhoon spits at the ground, a little ashamed.

JIM (cont'd)
I'll want his tomahawk - find
it - then we can go home.

The men scatter to find the tomahawk.

FADE OUT

FADE IN

INT. LARGE BALLROOM - NIGHT

22

It is a large ballroom in the Governor's mansion at Philadelphia. Music plays the minuet as dozens of couples glide to it. Everyone is dressed in the height of fashion - women in hoop skirts, men in silks, ruffles; some in uniforms. Candles burn in crystal sconces along the wall and in the crystal chandelier. The CAMERA MOVES to a group at the far end of the room. The group consists of General Gage, Captain Swanson, John Penn, Benjamin Franklin, the gentleman trader we once saw in the carriage and several others.

GENERAL GAGE

(laughingly)

Now come, come, Mr. Franklin,
electricity...

PENN

My advice is to stop poaching
on the preserves of the
Almighty, Benjamin - lightning
belongs to heaven --

FRANKLIN

This is the eighteenth century,
Governor - not the middle ages.

PENN

A shoemaker should stick to his
last, Benjamin - you're an editor
and publisher, not a scientist.

SWANSON

Michelangelo wrote abominable
poetry and Dante painted a
ghastly madonna.

FRANKLIN

(to General Gage)

Is Captain Swanson actually a
scholar or has he learned a
few pet phrases and the art
of dropping them judiciously?

SWANSON

Neither, Mr. Franklin - my
trade is soldiering and unlike
yourself, sir, I have no
desire to depart from my last.

(CONTINUED)

A man servant enters the scene and whispers something to the Governor.

PENN

(impatiently)

I can't see them now - tomorrow -
I'll see them tomorrow.

The servant departs.

PENN (cont'd)

General, have you heard from
Colonel Brady?

GENERAL

Not recently - but he's
probably as far west as
Detroit by now -- you know how
exceedingly difficult
communications become.

INT. FOYER - NIGHT

23 On Jim, Mac, Calhoon and three others. They are dressed in buckskins and carry their coon hats and long rifles. Despite the grim look on their faces, they gaze about them curiously. They've never seen anything quite like this elegance. The servant comes through the double door and approaches.

SERVANT

His Excellency, Governor Penn,
will see you in the morning.

They look at him a moment, then push him out of the way and enter the ballroom.

INT. BALLROOM - NIGHT

24 As the delegation enters. The CAMERA MOVES with them as they advance down the center of the room toward the Governor's group. As they walk through the dancing couples, the guests stop dancing and stare in amazement. The provincial's faces are grim with determination. More and more couples cease dancing.

- 25 SHOT - Musicians on balcony as they watch the men go across the room. They slow up and then stop.
- 26 As a deathly quiet descends on the room and the men approach the group. Swanson takes a step forward hand on sword, but General Gage stops him. The two groups come face to face.

PENN

(angrily)
What's the meaning of this intrusion -- I sent word I'd see you tomorrow.

CALHOON

(hotly)
What we've to say can't wait till tomorrow.

Jim puts his hand on Calhoon's arm to quiet him.

PROFESSOR

(quietly)
Our apologies, Your Excellency - we're Conococheague Valley men.

PENN

(quietly)
I see - frightful tragedy - frightful. -- This is General Gage in command of His Majesty's forces - frightful tragedy - I ordered all the churches to pray for you.

MAC

That was very considerate - very thoughtful of ye.

CALHOON

Stop this jockeying about - let's say what we've come to say and have done with it.

FRANKLIN

A man of excellent judgment, albeit a bit tempestuous.

(CONTINUED)

PROFESSOR

(quietly)

We've come to request your excellency to forbid trade with the Indians and to ask military protection for the valley.

GENERAL GAGE

Now look here, men - I understand and sympathize with you but I've judged it consistent with the good of His Majesty's service to order all available troops westward to meet the Indians on their own grounds.

CALHOON

While they murder us on our ground.

GENERAL GAGE

We're carrying out a military policy designed to guarantee the permanent security of the frontier. Surely you've eyes enough to see that?

JIM

We've eyes enough to see only our own dead.

FRANKLIN

(sincerely)

May they rest in peace.

GENERAL GAGE

A few lives are certain to be lost but it's small price to pay for permanent security. Colonel Brady has received the headmen of tribes suing for peace...

JIM

(quietly)

Colonel Brady will receive no more headmen.

GENERAL GAGE

Eh - what's that? -- What's that?

(CONTINUED)

PROFESSOR
Dead men make no peace treaties.

PENN
What are you saying?

JIM
Colonel Brady and his men are
dead --
(he throws a
tomahawk on
a side table
near the men)
-- scalped by tomahawks Made
in England!

There is a deep silence as the CAMERA MOVES DOWN to an
insert of tomahawk blade - stamped in the metal, is:

INSERT THE ENGLISH COMPANY'S TRADEMARK AND
SHEFFIELD, ENGLAND.

DISSOLVE

INT. TAPROOM - NIGHT

27 CLOSE SHOT - Poster. By the Honourable John Penn,
Esquire, Lieutenant Governor and Commander-in-Chief of
the Province of Pennsylvania.

A PROCLAMATION

1. From this day all persons whosoever
they may be are forbidden to trade
with Indians; anyone failing to
heed this warning does so at his own
peril.
2. The counties of the Conococheague
are forthwith taxed one pound per
capita for the erection of Fort
Loudon and the maintenance of His
Majesty's troop to be permanently
stationed there for the protection
of said counties.

Signed, John Penn

God Save the King.

VOICE
(off-scene)
This is the reward of thrift
and enterprise.

(CONTINUED)

PULL CAMERA BACK to reveal several well-dressed gentlemen in the interior of a fashionable Philadelphia taproom. Amongst them is the gentleman of the carriage, Mr. Poole, and Callendar. They are all around a table drinking ale and toddies.

POOLE

This is the reward of aiding the mother country with her trade - warehouses full of goods - goods that cost us hard cash, fetched three thousand miles from England.

2ND MAN

Must we endure it -- ?

3RD MAN

What's our army for? If not to protect business.

POOLE

And what's government for if not to protect business - certainly not to interfere with it.

CALLENDAR

Gentlemen, you still do business with the army, don't you?

POOLE

It will take twenty years for the army to buy up what supplies we have on hand - and furthermore there's no profit in it --

CALLENDAR

I wasn't thinking of that - you'll have a military permit to take goods through to outlying forts, won't you?

2ND MAN

Yes.

(CONTINUED)

CALLENDAR

Now if a shipping clerk made a mistake and sent along a few wagon-loads of tradegoods with the military supplies... traveling under the protection of the military pass.

POOLE

(pounding table
with his mug)

Barmaid! Barmaid!

A pretty barmaid runs up.

BARMAID

Yes, sir!

POOLE

Another for each of us.

The girl curtsies and dashes off.

POOLE (cont'd)

Gentlemen, we must engage a
nearsighted shipping clerk,
immediately.

DISSOLVE

INT. JIM'S ROOM - DAY

28 On Jim as he comes away from the window. The door opens and Mac, dressed in buckskins and carrying a long gun, enters. He quickly closes the door.

MAC

I'm goin' with ye.

JIM

Does Janie know?

MAC

Now, Jim, Jeanie's a most
contrairy female, she...

JIM

You're her father and you've
a duty to her.

(CONTINUED)

MAC

Aye, that I have and it's that
duty makes me go with ye - if
I stay here I'll be swallowing
all the profits and there will
be nothing for my poor lassie
to live on when I'm dead and
gone, but if I go with ye there'll
be something left - I've got to
think of ma only kin.

JIM

Mac, that's sound reasoning -
and very noble.

(there's a knock
at the door)

Who's there?

JANIE'S VOICE

Me, Janie.

MAC

(scared - in a
whisper)

Preserve us all - What'll I do?
Where'll I hide?

Jim looks about him quickly. He looks up, sees the broad
crossbeams.

JIM

Here, up you go.

He gives Mac a lift up on the beam. Mac stretches out on
the broad beam, face downward.

JIM (cont'd)

Come in.

Janie enters. Jim begins to put on his jerkin.

JANIE

(coming close to
him)

I was talking to Magistrate
Duncan and he was saying how
the boys had a mind to elect
you commissioner for the valley.

(CONTINUED)

JIM

(a little embarrassed
because he knows Mac
is watching the scene)
Better go downstairs, I'll say
goodbye to you there.
(he tries to
hurry her out)

Janie twists away from him and comes to the center of the
room.

JANIE

(her eyes alight)
They're doing you an honor -
(he says nothing)
There's nice wages goes with it
and a fine house.

JIM

(a little petulantly)
Now, Janie, I've promised to
take a man down cross the hills
to Tennessee, he's got to
survey a proposed road, he...

JANIE

(passionately)
Aren't you like other men -
don't you want to build a home,
to get children, to...?

JIM

(with a glance
up at the
grinning Mac)
No!

JANIE

You might get to like it if
you tried it - many a woman has
changed a man.

JIM

That's a woman's conceit -- a
man never changes.
(he steps away
from her)

(CONTINUED)

JANIE

(coming closer to
him - softly)

Then stay unchanged - I'll have
you the way you are, that's
second best; but second best is
better than none at all -- If
you won't stay, take me with you.

JIM

What for, what for?

JANIE

(still closer and
still more softly)

I can cook.

JIM

The Professor makes a fine meal.

JANIE

But is he as good to look at as
me?

She is quite close to him now. He has forgotten Mac on
the beam.

JIM

(softly)

Yes you're pretty - even in
those boy's breeches -- You'd
be a pretty woman in a dress,
a very pretty woman.

JANIE

A white dress - with a shawl
and a fan and a wide skirt,
like the fine ladies in
Philadelphia - you wouldn't
ever have to be ashamed of me.

JIM

(close to her)

I'd never be that.

28a SHOT of MacDougall - as he cranes forward the better to
see.

JANIE

And I'd learn to curtsey real
nice and dance the minuet real
nice and everybody'd say "that's
Jim Smith's wife, isn't she real
nice" - that would be real nice,
wouldn't it, Jim?

JIM

(his hands going
out toward her)
Yes - real nice.

28c SHOT of MacDougall - He half hangs over the beam in an
effort to see.

28d On Janie and Jim.

JANIE

(her arms going
out to him)
Will you buy me my wedding
dress, Jim Smith?

28e MacDougall slips off the beam and falls to the floor.
Janie whirls around. Jim comes to with a start. Janie
turns on her father. She stares at him a long moment.

MAC

Now Jeanie, woman - I was just
going to keep Jim company a
bit of the way, then come right
back. Wanted to see him started
off on the right foot - just a
mile or two down the road.

(CONTINUED)

JANIE

(putting out
her hand for
the rifle)

After you saw them off what were
you going to do with the rifle?

- Frighten the village children?

(she takes the
rifle from him)

There's an apron downstairs
behind the counter that'll suit
you better.

MAC

Ach now, Jeanie, ye wouldn't
shoot me down like a rabbit -
Am I not your own lawful father?

JANIE

Why ask me?

There is the sound of drums and fifes coming down the
road. Jim goes quickly to the window.

JIM

The garrison for the fort --
they've come!

Jim is joined at the window by Mac and Janie, they all
look out.

29 SHOT - over their shoulders on group of about one hundred
British soldiers coming down the road, flags flying. In
front, riding on a horse is Captain Swanson.

EXT. ROAD - DAY

30 As the company comes opposite MacDougall's tavern.
Sergeant McGlashan advances to Captain Swanson and salutes.

McGLASHAN

This is it, sir.

(CONTINUED)

SWANSON

Give the order to halt,
Sergeant.

McGLASHAN

Company! -- Halt!

The company comes to a halt. Swanson gets off his horse.

SWANSON

A tavern - their magistrates
and commissioners meet in a
tavern?

McGLASHAN

Yes, sir - most every place
in the outlyin' sections - the
tavern's sort of community
public house, government
quarters, newspaper...

SWANSON

Accompany me inside, Sergeant.

McGLASHAN

Yes, sir!

A soldier holds the horse and both men enter the tavern.

(END OF PART I)

31

As Swanson and McGlashan enter. There are quite a few settlers there, lined and grouped along the wall seats. At the large dining table are seated two men, Magistrate Duncan, an elderly man, and Magistrate Morris, a middle-aged gentleman. Papers are spread in front of them. As the two soldiers enter, Jim, Mac and Janie come half way down the steps from the upper story.

SWANSON

(crisply)

Who's in charge here?

CALHOON

(coming forward)

You're the officer I saw with General Gage in Philadelphia.

SWANSON

Yes, yes, quite.

CALHOON

Captain Swanson, this is Magistrate Duncan and this, Magistrate Morris -- they're in charge here.

SWANSON

(with a half
fast salute)

Glad to meet you, gentlemen,
I'm sure we'll get on.

DUNCAN

May we say how grateful we are
to have you and your men,
Captain.

SWANSON

Your gratitude belongs to the Crown, Mr. Magistrate -- We're all servants of His Majesty -- Now about provisions -- Sergeant McGlashan will weekly requisition our needs, you'll be given army certificates redeemable in cash -- that ought to be satisfactory.

(CONTINUED)

MORRIS

(Irish accent)

Shure an' we'll be happy to
accommodate you, sor.

SWANSON

All provisions delivered at the
Fort are to be in prime
condition, any attempts to
supply provisions of inferior
quality will be met by severe
rebuks, severe rebuks -- Do I
make myself clear, gentlemen?

A feeling of resentment runs through the place.

DUNCAN

Ye don't know us, sir -
otherwise ye wouldn't be saying
that.

SWANSON

The proof of your honesty is
in the quality of your
provisions, not in the
quantity of your protestations.
(to McGlashan)
You're to notify me when the
provisions arrive each week.
I'll make the inspections
myself. That's all, gentlemen.

They turn to go.

CALHOON

(in sheer
amazement)

Why, the uppish gamecock!

SWANSON

(whirls about)

I demand that man's arrest.

JIM

(coming down
the steps)

On what charge?

Swanson gives him a hard look.

(CONTINUED)

PROFESSOR

This is a civil court -- not a
military drum-head -- You got
no jurisdiction here.

SWANSON

The man was in contempt of
court.

MAC

The respect you yourself
showed the court was not so
flattering.

DUNCAN

(quickly)
Gentlemen!
(in order to
restore peace)
Calhoon, I fine you ten
shillings for contempt of
court.

Calhoon takes out the money and pays. From offscene
comes the thunder of hoofs. They draw nearer. There
is the sound of the horse in the yard, the door flings
open and M'Cammon runs in.

M'CAMMON

(to Jim)
Jim! Cap'n Jim! Them blackguards
has took up the trade again.

All the men stare at him in amazement.

M'CAMMON (cont'd)

They come through Shippensburg
this morning - seven wagons.

JIM

(unbelievably)
You mean trade-goods?

M'CAMMON

Yes!

JANIE

They wouldn't dare! They
wouldn't dare!

(CONTINUED)

MAC

With the King's proclamation on every door of every inn and magistrate's house.

JIM

It must be army goods.

M'CAMMON

It ain't - I saw them - it's paint an' knives an' hatchets an' powder enough to do the whole Shawnee nation for another war.

PROFESSOR

(to Captain Swanson)

You'll turn 'em back, of course.

SWANSON

(to M'Cammon)

You're sure of your information?

M'CAMMON

Sure of it! I tried to reason with 'em - might as well try to reason with so many polecats -- "If you're scairt of Injuns get the devil out of the valley," they said.

An ugly mutter goes through the crowd.

JIM

Why weren't they stopped at Carlisle?

M'CAMMON

Stop 'em! They got a military permit signed by the commanding officer at Philadelphia.

There is a silence as the men all stare at Swanson.

SWANSON

(to M'Cammon)

You must have been mistaken, if the goods are under permit they're military supplies.

M'CAMMON

(stubbornly)

PROFESSOR

With the traders mocking him
that way how could he be
mistaken? It's trade goods
all right.

SWANSON

Are you implying that my
commanding officer is corrupt?
You'd best mind your tongue.

MAC

(angrily grasping
his gun)

He's implyin' nothing but that
for us to let those goods through
would be committing suicide.

The other men mutter and grasp their guns.

SWANSON

I'll arrest any man that
interferes with a military
permit!

There is dead silence in the room.

JIM

(quietly)

So you're going to let the
goods through.

CALHOON

He's taken a bribe like his
commanding officer.

SWANSON

(to Calhoon)

My orders were to protect the
frontier and to teach a wholesome
respect for the sovereign law
and His Majesty's forces. The
impression in Philadelphia was
that only the red man was in
need of such instruction -- I
shall inform my superiors that
the disrespect does not cease
here with the color of a man's
skin - I shall also inform them
their orders will be carried out
if I must declare martial law.

(he exits)

McGlashan follows him out.

(CONTINUED)

MAC

And we asked for them.

CALHOON

(angrily)

The swine -- the crooked swine --
we'll stop 'em ourselves.

DUNCAN

If you're thinking of using
force, ye'd best forget it --
you'll end in hanging.

CALHOON

Then we'll hang! -- At least
we'll die with our scalps
intact.There's an angry mutter of agreement from the crowd.
Calhoon starts for door.

JIM

Calhoon!

Calhoon turns.

JIM (cont'd)

I think you could do with a
drink -- as can Mac, M'Cammon
and a few of the other boys.
Come up to my room.

Jim gives him a knowing look which Janie sees.

CALHOON

(catching on)

Don't mind if I do.

PROFESSOR

Janie, bring some hot toddies -
looks like it's going to be a
cold night out - and we've work
to do.The ten men who once before accompanied Jim, follow him
up the steps as we

DISSOLVE OUT

INT. JIM'S ROOM - NIGHT

32 On Jim and his ten men. Again they are applying black, vermillion and chrome yellow to their faces. They are stripped to the waist.

JIM

The blankets.

They place blankets around themselves and exit.

EXT. BACK YARD - NIGHT

33 As Jim and the men enter quietly and begin to mount. It is a dark night. They ride out - another shadowy horse-man joins them - unbeknownst to them.

DISSOLVE

EXT. MOUNTAIN TOP - NIGHT

34 As the swift, silent file crosses the crest and is silhouetted against the sky, then descends.

DISSOLVE

EXT. GENTLE ROLLING RIDGES - NIGHT

35 As the file rides hard across the gentle slopes.

DISSOLVE

EXT. WOODS - NIGHT

36 As James Smith raises his hand, the file comes to a stop. They listen. Off in the distance is the sound of singing.

EXT. ROAD - NIGHT

37 As the traders' wagons come down the road. There is singing and bursts of laughter and the clomp of horses' hooves. Others ride horseback. Callendar is in the lead. Still other horses are packed and lashed with kegs and bales.

38 As Jim throws off his blanket, the rest follow suit, except Janie.

JIM

(softly)

Each man ten rods apart -
shoot over their heads.

(he notices the
figure with
the blanket)

Get rid of that blanket.

The figure doesn't respond. Jim rides up to it.

JIM (cont'd)

What's the matter with you?
Are you drunk?

Then he notices something queer. He rips the blanket off - Janie remains in shirt and breeches. There is a gasp from the men. He reaches out and grasps the figure by the shirt, pulling it toward himself with one hand, with the other he wipes paint away.

JIM (cont'd)

Janie!

JANIE

(gasping)

You're choking me.

JIM

What kind of a joke is this?

JANIE

It's not a joke, Jim -- If
you're going to hang, I'll
hang with you - that's the
least you can let me do.

MAC

(proudly)

The female of the clan MacDougall
were always famous for their
tenderness - a grand and
beautiful thought, that - hanging
together.

Jim looks at her a moment, then lets go of her, brings his birch switch down hard on her horse's rump. The horse bolts away into the darkness.

38 (CONTINUED)

MAC (cont'd)

The lass is fair daft about ye,
Jim.

Jim signals them on - quietly they follow him.

EXT. ROAD - NIGHT

39

As the trade-train comes down the moonlit road.
Suddenly the war cry rings out, high-pitched and
strident.

JIM'S MEN'S VOICES

Coo-hee!

There are shots and then the thunder of hooves. Jim and his men burst upon them. The traders' horses scream and rear - one breaks its lead-rope and careens at a mad gallop down the column, banging and smacking other horses - other beasts stampede. A keg, smashed against a tree, bursts open and musket balls pour over the ground; a horse-herder, running, steps on them and slips; he goes to his knees and stays there, babbling for mercy. More shots from Jim's men. There is no thought on the traders' part to fight back. They try to escape but the path is clogged with plunging horses and littered with the burst packs; they cannot escape. Jim Smith holds up his hand to silence his rifles.

PROFESSOR

(shouting)

Listen to me! Steady down
those horses. Bring those
loads up forward - all of them!
File them in one place.

JIM

Take whatever government
property you may be carrying
and clear out! Get out!

Callendar and his men begin to obey frantically.

DISSOLVE OUT

EXT. ROAD - NIGHT

- 40 As the last of the goods is piled together. Callendar and his men, carrying government goods, clear off. Jim and his men alight, kick open cases and spill goods over the ground. Then they lean on their rifles as Jim takes out his tinder box and strikes a flurry of sparks into a spilled keg of powder. It flares up and spreads. The men watch it a moment, then at a signal from Jim, they mount, watch the flames another moment, wheel their horses and are gone.

DISSOLVE

EXT. FOREST - NIGHT

- 41 On Callendar and his men, as they stop and watch the red flame in the sky.

CALLENDAR

Pile this stuff up, boys, we'll
light a little fire of our own.

The men pile their goods up.

CALLENDAR (cont'd)

I don't think the government is
going to like very much this
destruction of their property.

He strikes a shower of sparks and the government goods
begin to go up in flames.

DISSOLVE

INT. SWANSON'S CABIN - NIGHT

- 42 Here again the planks are rough hewn - even the bed is of hewn-planks. Captain Swanson is tightening his breeches, which he has just donned, as McGlashan and Callendar enter.

McGLASHAN

(saluting)

Sorry to disturb you, sir -
this is...

CALLENDAR

(pushing forward)

I'm Callendar - I pack train for
Pools and Simons, Philadelphia.

(CONTINUED)

SWANSON
(ironically)
Charmed.

CALLENDAR
We contract army supplies.

SWANSON
(comes alert;
impatiently)
Get on with it! Get on with it!

CALLENDAR
A pack of blasted settlers,
dressed like Injuns, attacked
my train and burned the army
goods.

SWANSON
(beginning hurriedly
to dress)
Army goods!

CALLENDAR
(throwing down
some belt buckles)
There's some belt buckles --
that's all was left - the shot
is all melted down, the powder
is...

SWANSON
(with cold,
chilly anger)
McGlashan, call out two platoons!

McGlashan salutes and exits.

CALLENDAR
They almost murdered me and
my men - shot down my horses --

Swanson by this time is struggling into his tunic.

(CONTINUED)

SWANSON

Backwoods rabble - cutthroats -
criminals - destroy His Majesty's
goods, will they - I'll teach
them the meaning of the King's
name, if I must write it across
their backs with a lash.

There is the sound of commands and the clink of equipment
outside. Swanson exits, followed by Callendar.

DISSOLVE

EXT. ROADWAY - DAWN

43 The road runs along the side of a forest and goes
slightly downhill. At the base of the hill, a small
brook crosses the road - a plank bridge is over the
brook. Kneeling at the side of the brook is Janie
washing her face, her rifle lying on a rock beside her,
her back to the road. So intent is she about her
scrubbing and sloshing with water that she does not see
the platoon come down the road. She stands up wiping
her face with the tail of her shirt - her cap is still
on. Then she sees the platoon, she stoops for her
rifle, slips on the soft bank and tumbles into the brook.
Two soldiers grasp her and lift her sputtering to her
feet.

JANIE

(struggling)

Let go - blast you, let go.

Sergeant McGlashan looks at her neck, there is still
blackening there.

McGLASHAN

Ay, he's one of them - the loon
didn't wash himself clean; ye
can still see the black paint
behind his ears.

JANIE

That's dirt - I never wash.
behind the ears -- let go!

Her cap falls off and her girl's hair falls down over
her shoulders.

McGLASHAN

(in astonishment)

It's a gi-r-r-r-l!

(CONTINUED)

The soldiers are inclined to step back.

SWANSON

(sharply)
Hold her! The man that loosens
her receives thirty days' bread
and water!

McGLASHAN

But it's a lass, sir - she
couldn't ha'...

SWANSON

(shouting)
She couldn't ha' what, Sergeant?
--fired a gun - or struck a
flint to His Majesty's goods.--
Is treasonable action and its
punishment confined to the male
sex, Sergeant?

McGLASHAN

(saluting)
No, sir.

SWANSON

Who were the others with you?
-- What's their names?

JANIE

(with a
contemptuous
laugh)
Just like that, eh? -- Why, you
strutting little peacock, you'll
wear the seat out of those silk
breeches before I talk.

Calhoon, M'Cammon and two others come around the bend
and take in the situation.

CALHOON

(growling)
What did ye take her for?

McGLASHAN

For destroyin' King's property.

CALHOON

She destroyed no king's property.

43 (CONTINUED)

SWANSON

(shouting)

McGlashan, clear this rabble!

CALHOON

You'll not take the lass to
Fort Loudon without a warrant.

SWANSON

Arrest that man!

McGLASHAN

(grasping Calhoon
and shoving him
toward the soldiers)

You're under arrest yerself!

M'Cammon sticks his gun right against McGlashan's breast.

M'CAMMON

By the living Jehoshaphat,
I'll blow yer heart out.

Swanson flings himself off his horse, pushes McGlashan out of the way and stands in front of the gun. There is no question of his bravery.

SWANSON

You'll do what, you treasonable
dog!(he grasps the rifle by
the barrel and rips
it away from M'Cammon;
he turns to McGlashan)

Disarm them!

The sheer effrontery confounds the backwoodsmen - who at their worst, are loath to fire on His Majesty's troops. Several soldiers close in and disarm all the others. Swanson gets on his horse.

SWANSON (cont'd)

(speaking with
contempt to
McGlashan)Now shall we get on to the fort,
Sergeant McGlashan?

(CONTINUED)

McGLASHAN

Forward march!

The platoon and prisoners proceed.

DISSOLVE

EXT. ROAD - DAY

44 As the platoon and prisoners go along. Suddenly
McGlashan stops.

McGLASHAN

Halt!

The CAMERA PULLS BACK to reveal Mac, Jim, Magistrate
Duncan, behind them about twenty armed men.

SWANSON

(bristling)

I might have known you'd be
mixed up in this sort of
business. -- What d'ye mean,
rioting?

JIM

We're not rioting. We're
peaceful men.

SWANSON

What d'ye mean halting the
King's men with an armed mob?

PROFESSOR

Not only have you broken the
King's proclamation against
trading but you've arrested
without warrants -- We want
those prisoners, Captain. You
took them illegally -- there's
still English law in the valley.

JIM

I've an idea they'll be court-
martialed for treason. Is
that true?

(CONTINUED)

SWANSON

And suppose it is - suppose I
send them to Carlisle for
court-martial -- what will you
do about it?

MAC

They're British and freeborn.
They'll stand trial before
twelve of their peers, not
before the likes of you.

JIM

(slowly, quietly)
We'll do this - we'll be forced
to fire on you.

SWANSON

That's rebellion!

MAC

That's what you call it. We're
no mob. We're men who know
what death means. We've been
face to face with it often
enough - you'll have to kill
us before you get those
prisoners to the fort.

SWANSON

(livid with anger)
Fix bayonets!

McGLASHAN

Fix bayonets!

There is the rattle of steel. Jim whistles shrilly -
all about the platoon colonials rise - from behind
bushes, trees, hedges, even in the leaves of the trees
above rifle barrels sprout. Swanson is hopelessly
outnumbered.

JIM

Perhaps you'll understand we
mean to have those prisoners.

(CONTINUED)

SWANSON

(realizing what
he is up against)
I'll release them only to your
magistrate under the condition
they'll stand trial for treason.

MAC

By the skirlin' blood of the
MacDougalls, they're as bad
as Shawnees to deal with!

JANIE

(shouting)
Scalp 'em, Mac - let some fresh
air into their thick skulls.

DUNCAN

(to Swanson)
I'll see they stand trial.

SWANSON

Release the prisoners!

The soldiers let go the men and Janie.

JIM

Have we your promise to stop
the traders?

SWANSON

You've this promise - that any
man who interferes with a
military permit will make the
acquaintance of the hangman.
Forward march!

The platoon exits.

JIM

Let's get along -- we'll sew
up the Valley so tight a
cricket won't be able to get
in or out without our say-so.

DISSOLVE

EXT. ROAD - DAY

EXT. RIVER - DAY

- 46 As several boats float down - canoes with Colonials flash out and surround them - they are turned back.

DISSOLVE

EXT. MOUNTAIN TOP - DAY

- 47 It is raining hard - mules and burros, packs and bales load them. They come along the trail which crosses the crest of the mountain. As they reach the top - they are stopped by a group of Colonials and turned back.

DISSOLVE

INT. MacDOUGALL'S TAVERN - NIGHT

- 48 The fire is going - candles are burning - the place, however, no longer looks like the interior of a tavern, but like a military headquarters. Through the windows we can see tents and campfires. The two magistrates and Jim Smith are seated at the table - papers before them. Armed men, grim-faced, are about the room. Men hurry in, are instructed and hurry away. Janie is at the fireplace brewing some hot coffee. The barmaids are behind the bar, but there seems to be no business. The men are sober, realizing how far they have gone and intent on not turning back. Mac enters.

MAC

(to Jim)

Alex M'Kiney wants to leave the Valley for Lancaster, wants to purchase two cows from Daniel M'Coy.

JIM

(to Duncan)

Issue a pass.

Duncan begins to write out a pass.

MAC

M'Camis and two wagonloads at Futtee Pond - no Indian supplies - mostly molasses.

JIM

(to Duncan)

Issue a pass for M'Camis.

MAC

(clearing his
throat and looking
hopefully at Janie)

My, but it's the weather for
spooks and wailing witches
outside - makes a man's teeth
chatter in his head.

JANIE

(bringing the
coffee to the
table)

Coffee's ready, Mac - you can
have a mug of that before you
leave.

MAC

(with a shudder)

Coffee - d'ye want my stomach
to be a party to my own suicide?

Janie pours coffee for the men, as Calhoon enters.

CALHOON

I've intercepted a message
from Captain Swanson to
General Gage.

DUNCAN

(sipping his coffee)

Read it, Tim.

CALHOON

(opens it and
begins to read)

"Whereas a state of insurrection
exists in the Conococheague
Valley...."

MAC

Insurrection! If that doesn't
beat all. We're defendin' the
King's law and he's breakin'
it and we're insurrectionists!

Jim signals him to be silent. Calhoon continues. Janie
pours coffee for Jim. She leans close to him as she
does so.

CALHOON

"Whereas the settlers have
become an armed banditti--"

CALHOON (cont'd)
"Threatening the peace -
denying obedience to
His Majesty's
administrators -
obstructing royal
messengers --"

JANIE
There's a mug of coffee -
I thought you might
like some.
(she stands off
a little)
You make a fine commanding
officer -- maybe you'll
get to be a general.

He shoves her away a little with his elbow, still
looking at Calhoon.

CALHOON
(continuing)
"Interfering with commerce and
the administration of law."

There is a growl from the men.

JANIE
And wear a powdered wig - and
a silk uniform - blue color,
like your eyes --

M'CAMMON
(to Janie)
Will you keep quiet!

JANIE
Now I suppose he wouldn't look
good that way - I suppose he
doesn't make a fine general.

JIM
(patiently)
Janie, this is serious work.

JANIE
I'm sorry, I meant no harm.

CALHOON
(going on)
"I respectfully request you
send me sufficient reinforcements
to place the valley under martial
law." Signed, Captain Swanson.

M'CAMMON

I say let's have done with
jawing about, let's not wait,
let's take the fort and burn
it to the ground.

CALHOON

(slapping the
message)

Aye - and the saucy game-cock
with it!

M'CAMMON

We're in it this far - we might
just as well. - We'll take the
fort and pack Swanson off to the
Carolinas, lose him in the
mountains.

CALHOON

Let me jist see him -- I'll
scatter his feathers as far as
headquarters.

SWANSON'S VOICE

Arrest that man!

The CAMERA SWINGS AROUND to PICK UP Captain Swanson as he
strides into the room. There is no questioning the man's
valor - or is it English belief in its own superiority.
He is choking with his anger. The men stare at him with
open mouths, they are so surprised at his presence.

SWANSON (cont'd)

(pointing)

And this man - and that one -
and that one - and that one -
for interfering with His
Majesty's troops! - for armed
rebellion! for treason!

(to magistrates)

And you're harboring them!
Is there no law hero?

There is a moment of silence.

DUNCAN

(quietly)

Yes. There's law, all right.

SWANSON

Then live up to it. Make out
warrants to arrest those men.

DUNCAN

So you want warrants, do you?
(he puts his hand
into his pocket)
I'll give you a warrant.
(he hands a paper
to Swanson)

That's a warrant for the arrest
of Ralph Callendar, leader of
the pack train. - He's at your
fort. - We want him for illegal
trading.

SWANSON

He's under the protection of
the King.

DUNCAN

He's defied the King's
proclamation, he has no legal
right to your protection --
Surrender him to us or suffer
the consequences.

Swanson's ire almost throttles him.

SWANSON

(to Magistrate)
I place this valley under
martial law - that renders you
magistrates without power -
Furthermore, you are under
arrest as conspiring with
insurrectionists.
(he tears the
warrants into
pieces and
starts for door)

He never reaches it. Mac, M'Cammon, Calhoon and several
others leap upon him and drag him to the ground.

CALHOON

Now we've got him!

M'CAMMON

Settle with the would-be
murderer!

CALHOON

Shoot him!

M'CAMMON

Have the dirk of the rascal.

They drag him to his feet and pull him in front of Duncan.

SWANSON

(catching his breath)

What d'ye want of me?

DUNCAN

(quietly)

We want Callendar.

SWANSON

I'll not surrender him.

DUNCAN

Then we'll keep ye until ye do!
That's our kind of law!

SWANSON

(shouting at
Duncan)

Law! Ye hypocrite! Ye talk of
law with a mob of armed men
behind ye, openly rebellious.
I'll not permit a magistrate
with a rabble at his back to
dictate to a royal garrison!
Ye'll rot before I'll turn
Callendar over to you!

Calhoon grabs a rifle from a man and brings it up,
pointing it at Swanson's chest. He is burning angry.

CALHOON

Let's have done with this!

Jim throws up Calhoon's rifle.

JIM

(quietly to
Swanson)

I give you thirty seconds to
get off this property.

CALHOON

You're not letting him go!

(CONTINUED)

JIM

We want Callendar - we don't
want murder.

CALHOON

(hotly)

What about us - tradin' with
the Indians is murder.

JIM

We'll get him some other way
(to Swanson)
Thirty seconds.

SWANSON

I'll hang you, Jim Smith. - I'll
hang you and your men, if it's
the last thing I do.

Swanson exits.

MAC

It's him or us, Jim. - I don't
hold with killings, except
Indians; but it's him or us.

JIM

(quietly)

Yes - it's him or us, now.

Janie very gravely puts her arm through his as they
stand gravely watching the door. He allows it to
remain there.

FADE OUT

FADE IN

INT. CELLAR - NIGHT

49 It is lighted by one lamp - Callendar, Poole and a printer, stand over a printing machine. The printer takes a sheet of paper from it. Poole and Callendar read it.

INSERT "Men of the Conococheague:-
You are to come to MacDougall's
Tavern and fill yourself with
liquor and swearing. There is
a large bounty for everyone -
military goods. We'll have
Captain Swanson whipped or hanged.
We may do as we please for we
have law and government in our
hands. Any bounty captured must
be spent in our town, the only
town tolerating drinking, swearing,
Sabbath breaking, and any outrage
we have a mind to do. Signed:
James Smith and his Black Boys of
the Conococheague."

BACK TO SCENE:

POOLE
This should convince the
Governor he's dealing with
rioters and rebels.

CALENDAR
Better dirty it up so it looks
like I got it off the wall of
MacDougall's.
(he begins to
dirty it)

DISSOLVE

INT. GOVERNOR FENN'S COUNCIL ROOM - DAY

50 CLOSE SHOT - Fist pounding a table. DRAW CAMERA BACK
to disclose the interior of Governor Fenn's council room.
Around the long table is seated the governor's council.
The "gentleman of the carriage", actually Mr. Poole of
the trading firm of Poole and Simons, is doing the
pounding. Present in the room is General Gage.

POOLE
They've blockaded the valley -
no word can get through, except
what they choose.

(CONTINUED)

GAGE

They wouldn't dare use his
Majesty's troops with such
indignity.

POOLE

They've no respect for law -
their magistrates are with
them - leading them.

FENN

(to man at door)

Have Magistrate Duncan come in.

(to Poole)

I've called their magistrate to
Philadelphia.

POOLE

Hang the scoundrel!

Magistrate Duncan enters the council chamber.

FENN

(to Duncan)

This gentleman informs me that
you have encouraged and
protected rioters in the
Conococheague Valley in their
illegal and disorderly
proceedings.

DUNCAN

There have been no illegal nor
disorderly proceedings.

POOLE

(shouting)

Burned my goods! -- They burned
my goods!

DUNCAN

The pack-train was illegal,
your excellency - contrary
to your proclamation.

POOLE

(picking up a
bundle and spilling
burned belts and
buckles on the table)

There's what's left of the
military supplies - does that
look like trade goods?

(CONTINUED)

DUNCAN

(quietly)

Mr. Poole is a liar - they were
not government goods.

GAGE

Were government troops fired
upon?

DUNCAN

(firmly)

Not one shot has been fired at
the royal garrison, your
Excellency --- We've sound
reason for anything that's
been done -- We've fought for
our lives against merciless
enemies, the Indians, for years;
only weeks ago some of our
women and children died by
their hands. We'll not stand
by and see traders' greed supply
them with the arms and powder
with which to kill more of us.
I swear those goods were
Indian trade goods; more than
that I cannot say.

POOLE

More than that, I will say -
my pack-leader managed to
evade the blockade --

(he goes to the
door and calls)

CALLENDAR!

Callendar enters.

POOLE (cont'd)

Where's that advertisement?

Callendar takes a paper from his pocket. Poole hands
it to Penn.

POOLE (cont'd)

These were found nailed to
trees all through Conococheague
Valley - the one you have in
your hand was taken from the
wall of MacDougall's tavern -
'Sound reason for everything
they've done,' indeed!

(CONTINUED)

Penn reads and hands it to Gage. There is a short silence.

POOLE (cont'd)
Bloody minded cutthroats!

DUNCAN
There's something queer about
that advertisement, mighty
queer - no Conococheague man
did that!

PENN
I find it disagreeably
necessary to apply to General
Gage for the assistance of
His Majesty's troops.

GAGE
Reinforcements will be ready
to march in a week.

POOLE
I demand military escort for
my supply train.

GAGE
Ye'll have it!

PENN
(to Duncan)
You'll issue a warrant for the
apprehension of James Smith;
you'll lend your assistance in
discovering and apprehending all
persons that may be concerned.

Duncan takes a paper from his pocket.

DUNCAN
Here is my commission as
magistrate, your excellency.
(he tears it to
bits and lets it
fall to the table)
I issue no warrants against
Jim Smith or any of the Valley
men.
(he turns and exits
from the room)

(CONTINUED)

GAGE
(to Lieutenant
at door)
Lieutenant - order escort for
the Poole wagons --
(seeing the
pleased look
on Poole's face)
You will inspect the merchandise
before loading.

Poole and Callendar look at each other. Callendar nods reassuringly to Poole.

DISSOLVE

EXT. WAREHOUSE - DAY

51 As men load the wagons. The Lieutenant, paper in hand, watches. Callendar stands nearby, helps here and there. As a row of loaders exit from the warehouse, each of the men carrying a keg labeled "Musket Balls". Callendar quickly leaps forward and as the first comes opposite the Lieutenant, he picks up an axe and bashes in the top of the barrel. It contains musket balls.

CALLENDAR
Fifty kegs of musket balls
for Fort Pitt.

LIEUTENANT
Fifty kegs of musket balls for
Fort Pitt, right!
(he checks it
off on the paper)

The line of men go for the wagons. Callendar leaps into a wagon and begins to help.

INT. WAGON - DAY

52 As Callendar helps load the kegs.

CALLENDAR
(in a whisper)
Keep the musket balls aside --
we'll load them on top.

One man almost drops a keg. Callendar is livid with anger.

(CONTINUED)

CALENDAR (cont'd)

(angrily)
I'll kill the man who drops a
keg of that rum.
(tenderly he
loads the rum)

DISSOLVE

EXT. COUNTRY ROAD - DAY

- 53 As Magistrate Duncan races down it - his horse at a gallop.

DISSOLVE

EXT. INN - DAY

- 54 As Duncan races in, flings himself from the horse, leaps to another held ready for him and races out.

DISSOLVE

EXT. MacDOUGALL'S TAVERN - NIGHT

- 55 As Duncan races into it and flings himself from the horse. He runs toward the door.

DUNCAN
Jim! Jim Smith!
(he runs into
the door)

INT. MacDOUGALL'S TAVERN - NIGHT

- 56 As Duncan runs in - armed men are about. The appearance of an armed camp has not changed since we saw it last.

DUNCAN
(breathlessly)
They've issued a warrant for
your arrest - you've got to
leave - Governor Penn himself
is issuing it.

There is a stunned silence.

(CONTINUED)

DUNCAN (cont'd)

General Gage is sending
reinforcements in a few days
to put down the insurrection.

JANIE

(coming
up to Jim)
You must go, Jim --

JIM

No!

JANIE

The traders will do anything
to hang you -

DUNCAN

General Gage is giving them
military escort for their
pack-trains.

JANIE

(pleadingly)
You had a job going down
through the Tennessee hills
with that surveyor - that's as
important as stopping a load
or two of Injun goods.

Jim pats her shoulder reassuringly and turns to the men.

JIM

Callendar will probably rush
through a train before the
reinforcements arrive - he'll
be afraid to wait with too
many soldiers about.

DUNCAN

He will that, if he's carryin'
Indian goods.

JIM

We'll let the train through.

There is a gasp of astonishment from the men.

(CONTINUED)

M'CAMMON

Let 'em through - are ye
crazy, man?

There is a grumble from the men.

DUNCAN

What is it, Jim? What is it
you're thinkin' of?

JIM

We'll use him as bait for a
trap -- If Fort Loudon becomes
a warehouse for unlawful trade-
goods, its commandant is done
for - it'll be proof that he's
unlawfully conniving with the
traders.

PROFESSOR

We'll prove we're not rebels.

Jim nods.

DISSOLVE

EXT. FORT - DAY

57 As the wagons are entering the fort.

EXT. HILLTOP - DAY

58 On Jim Smith and his boys as they look down into the
meadow where the fort stands and watch the wagons
entering. The last wagon enters and the gate is slammed
shut.

JIM

We have him now - he's taken
the bait.

(to the men)

Tell the Valley men to come to
MacDougall's.

Four men gallop away, in different directions.

DISSOLVE OUT

DISSOLVE IN

EXT. ROAD - DAY

59 CLOSE SHOT - Horses hooves pounding on the road.

60 SHOT - Man, as he whips his horse's back, then neck, then back.

DISSOLVE

EXT. FIELD - DAY

61 As man plows field. Horseman races up.

HORSEMAN

(shouting)

Jim Smith says: "Come to
MacDougall's."

The horseman races on. The farmer runs for the house.

DISSOLVE

EXT. CABIN - DAY

62 As horseman races for it. He leans into the window.

HORSEMAN

Jim Smith says: "Come to
MacDougall's."

DISSOLVE

EXT. BLACKSMITH SHOP - DAY

63 Several men shoeing horses. Horseman dashes up.

HORSEMAN

Jim Smith says: "Come to
MacDougall's."

The horseman races off. The men run for their guns.

DISSOLVE OUT

- 64 MOVING SHOT - Horses' hooves. SUPERIMPOSED are the letters: "COME TO MacDOUGALL'S!"

DISSOLVE

- 65 MOVING SHOT - Horseman races down the countryside - SUPERIMPOSED in larger letters: "COME TO MacDOUGALL'S!"

DISSOLVE

- 66 SHOT - Horseman jumping over a high hedge into a yard in which men are skinning a freshly slaughtered steer. SUPERIMPOSED are still larger letters: "COME TO MacDOUGALL'S!"

DISSOLVE

- 67 SHOT - Three horsemen together racing down countryside. SUPERIMPOSED in still larger letters: "COME TO MacDOUGALL'S!"

DISSOLVE

- 68 SHOT - A squad of horsemen together racing down countryside - letters which almost fill the screen: "COME TO MacDOUGALL'S!"

DISSOLVE

INT. MACDOUGALL'S TAVERN - DAY

- 69 The room is packed with men - all grim-faced, determined. Magistrate Duncan is writing at the table. He signs the paper and holds it out to Jim.

MAGISTRATE DUNCAN

There's your search warrant,
Jim - all in order.

JIM

You'd better come along and
serve it.

He picks up his hat. The men begin to move toward the door. Janie takes a long rifle and starts with the men. Jim sees her. He stops the Magistrate and whispers in his ear.

(CONTINUED)

MAGISTRATE DUNCAN

One minute, men --
(they turn to him)
M'Cammon, Calhoon, Stewart,
Lewis and Janie here are out
on bail - we promised the
Captain they'd be tried for
treason - now it's not beholden
for men out on bail to be
appearing before a fort making
demands.

CALHOON

If ye think it'll be hurtin'
ye, - then I'll stay.

MAGISTRATE DUNCAN

No need of that - we'll try you
immediately.

(to Jim)

Ye can appear for the defense.
I'll choose a jury - if it's
not to yer likin' ye can object.

(to men)

Burke, Callahan, Brown, Reynolds,
Allison, Bouquet, Forbes, Spears,
Josephs, Owens, Grant, Piery.

(he looks
inquiringly
at Jim)

JIM

No objection.

The Magistrate whispers to one of the jury, the whisper
passes from one to the other.

MAGISTRATE DUNCAN

Gentlemen, what is your verdict
on Tim Calhoon?

JURY

Not guilty!

MAGISTRATE DUNCAN

John M'Cammon?

JURY

Not guilty!

MAGISTRATE DUNCAN

Stewart?

JURY

Not guilty!

MAGISTRATE DUNCAN

Lewis?

JURY

Not guilty!

MAGISTRATE DUNCAN

Janie MacDougall?

JURY

Guilty as charged!

Janie is stunned. Jim's face doesn't change.

MAGISTRATE DUNCAN

(to Mac)

MacDougall, the Court charges
you to lock your daughter in
the wine cellar until the
Court has time to pass sentence.

MAC

Come along, lassie.

JANIE

(to Jim)

The moment you began whispering
I knew it was some Injun trick.

Her father pushes her toward the cellar door. Jim and
the men go out the front door.

MAC

I think you'd best forget him -
he's bad medicine for lassies.

JANIE

Mac - what's the matter with
me - why does he treat me like
this?

MAC

You called him right, lass -
Indian! To him a squaw belongs
at home.

(CONTINUED)

I hate him!

MAC

Aye - and, if you're like your mother, ye'll break your heart with your hate.

Her father pushes her through the door, as he exits.

DISSOLVE

EXT. ROAD - DAY

70 As the men march down it. As they pass crossroads, they are joined by others. Jim, Magistrate Morris, Calhoon, Mac, M'Cammon and several others are riding horses. Many are afoot.

INT. SWANSON'S QUARTERS - DAY

71 Swanson is dressing - an orderly is curling his wig on a pedestal. McGlashan is at attention. Callendar is talking.

CALENDAR

There's something amiss -
they let me by...

SWANSON

(interrupting)

They've no stomach for firing
on troops.

CALENDAR

They had the look of cats that's
just swallowed a flock of birds.

The door flies open and a soldier runs into the room -
he is breathless.

SOLDIER

They're all about the fort -
close to three hundred of them
- and armed.

SWANSON

(comes to his feet;
to McGlashan)

Shut and bolt the gate!

(CONTINUED)

SOLDIER

I've already done that, sir.

Swanson heads for the door.

SWANSON

Issue a hundred rounds of
ammunition --

(indicates soldier)
then put this man on bread and
water for twenty days. Ten
days for not knocking before
entering and ten days for not
saluting after entering.

Swanson exits.

EXT. FORT - DAY

- 72 As the men quietly and orderly spread out and surround it. Jim, Magistrate Morris, Calhoon, Mac and Professor ride up to the front of the fort. Calhoon carries a flag of truce.

INT. FORT - DAY

- 73 As the soldiers are at the firing platform. Callendar and his traders are also at the loopholes peering out; Captain Swanson stands at the sentry box over the gate.

SWANSON

(shouting)

What d'ye mean by coming here
with that rabble?

EXT. FORT - DAY

- 74 As Jim and his friends sit unflurried atop their horses.

MAGISTRATE MORRIS

(quietly)

In the name of public safety,
we'd like permission to inspect
the traders' goods stored in
your fort.

SWANSON

You've a rare appreciation of
public order with an armed mob
at your back.

MAGISTRATE MORRIS

I've a search warrant to
inspect the goods.

SWANSON

The goods are under my
protection. I've orders from
General Gage.

(holding up pass)

Here, d'ye see this? It's the
General's own order. What more
d'ye want?

MAC

(waving a paper)

Here, d'ye see this? - It's
the King's proclamation.

JIM

We want to see the goods.
Nothing short of that will
satisfy the people around here.

SWANSON

It's no affair of mine to see
them satisfied. The General's
order says the whole train load
is King's property.

CALHOON

Then let's look at them.

SWANSON

Ye'll inspect no goods in my
care. - I've my orders.

MAC

It might be well to remember
that this road is no' an army
road.

CALHOON

It's a provincial road --
Pennsylvania built it; we built
it. Aye and building it cost
us lives. We've paid for this
road and we'll say how it's
used.

(CONTINUED)

PROFESSOR

And while we're talking, you
might get it through your head
- we built your fort and we'll
not have it used against us.
Now, will you let us in?

SWANSON

(shouting)
I will not!

MAC

(quietly)
You're using our fort as
storehouse for illegal goods.

JIM

According to the King's
proclamation, you're a criminal
and we'll deal with you as a
criminal.

Jim wheels his horse, followed by the others.

INT. FORT - DAY

75 On the firing platform and over the backs of several of
the traders. We can see Jim and his small cavalcade
trot away. One of the traders raises his rifle and fires.
Jim tumbles from his horse.

SWANSON

(shouting)
McGlashan - those men were
under a flag of truce - arrest
the man who fired that shot.

EXT. FORT - DAY

76 As Calhoon and the others help Jim up. Calhoon is almost
crying.

CALHOON

We'll kill every mother's son
of them - the dirty
rattlesnakes.

MAC

(anxiously)
Where'd they hit you?

(CONTINUED)

JIM

(holding his arm)
In the shoulder.

CALHOON

I'll put the torch to that
fort, myself - if I die doing
it.

JIM

That wasn't an army musket,
Tim - that was a long rifle.
I think we've one of Callendar's
men to thank for it.

They carry him to the men.

EXT. MEADOW - DAY

77 As the men put Jim down.

MAC

Jim, we'd better ride you back
to the doctor.

JIM

No - we'll take the fort before
the reinforcements get here -
We must have the proof.

Mac begins to bind Jim's wound.

CALHOON

Then let's charge 'em.

JIM

No, that's what they expect.
Their muskets won't carry this
far, our long rifles will.
We'll fire on the fort and keep
firing in shifts - while one
shift rests the other will keep
firing. They won't dare go to
sleep not knowing when we'll
charge, but we won't charge.
We'll just keep firing.

MAC

(plaintively)
Could we no' just kill off two
or three o' them?

(CONTINUED)

JIM

No - there'll be no killings.

PROFESSOR

(anxiously)

Don't you think you'd better
go back to the surgeon, Jim?

JIM

(shakes his head)

Now give the order to fire.
(he leans back
wearily)

MAC

(shrieking)

Coo-hee!

78 LONG SHOT - The long line of shirtmen prone on their
stomachs. Suddenly there is a shot, then the whole line
fires. The vicious flicker of the rifles draws a circle
around the fort. Now the Indian scalp yell goes up.

MEN

Coo-hee!

More shots volley out. One man loads, another man fires.
More men come up the road and join the others.

INT. FORT - DAY

79 On the soldiers, their backs to the wall as chunks are
bitten out of the sides of the peep-holes.

SWANSON

(shouting)

Keep ready, men! Watch for the
assault! Save your powder!

Bullets tear through the peep-holes and across the
parade grounds splintering the timbers of the barracks.
The soldiers can do nothing but wait for the assault.

EXT. FORT - DAY

80 As the Colonials keep firing and yelling - they make
rude gestures at the fort..

EXT. FORT - NIGHT

- 81 On the line of Colonials, as they continue the assault. Fresh men join them - those already firing rise and retire. The new arrivals take up the firing. Those retiring roll themselves into blankets and go to sleep.

INT. FORT - NIGHT

- 82 On the soldiers as they stand by and wait for the charge. The peep-holes are still being blown to bits. Chunks are being blown from between the logs.

SWANSON

Sergeant McGlashan --

McGLASHAN

(saluting)

Yes, sir!

SWANSON

Tell the men to get to the bottom of the barricade where the logs are the thickest.

McGLASHAN

Yes, sir!

SWANSON

And tell them, the first man that falls asleep gets twenty lashes to keep him awake.

McGLASHAN

Yes, sir!

DISSOLVE

EXT. FORT - DAWN

- 83 As those men who were asleep take their places in the line and begin firing. The others retire to the fires which are being tended by more Colonials. Still others are cooking breakfast.

EXT. MEADOW - DAWN

84 At fires - as the men wearily sit down and begin to eat.

INT. FORT - DAWN

85 On the soldiers - grey-faced and red-eyed. Suddenly the firing from outside ceases. Swanson leaps to a platform.

86 Over Swanson's shoulder, in the distance we can see Mac standing alone in front of the Colonial lines.

MAC

(shouting)

Have ye had enough? Are ye
ready to give up?

Swanson snatches a musket from a soldier and fires at Mac, but misses.

MAC (cont'd)

(shouting)

I could spit farther than that
popgun o' yours can carry.

The firing begins again and Swanson is forced to leap down. Chunks fly from the peep-holes.

SWANSON

(shouting)

McGlashan!

McGLASHAN

(saluting)

Yes, sir!

SWANSON

The first man to fall asleep
gets forty lashes!

McGLASHAN

Yes, sir.

EXT. MEADOW - DAY

87

As Mac approaches Jim.

MAC

We'll need more powder and ball.
- I've fifty kegs at the tavern.

JIM

Take twenty men and horses and
get them.

MAC

A round o' rum wouldn't go
wrong. Not that the MacDougall
blood isn't sufficient in itself -
but the men should have a wee
drop o' stimulant - this
business o' shootin' and not
killin' is dry and disappointin'
work, Jim, very disappointin'.

JIM

Bring a keg of liquor. --

MAC

(happily)

Aye.

JIM

And one drink to each man -
yourself included.

MAC

Ech now, Jim - I'm a temperate
man that can take it or leave
it. It's one and the same to
me. Just say the word and I'll
leave it alone.

JIM

But you hope I won't say it.

MAC

Ah - if it wasna for hope, lad -
a man might just as well be
deid and buried.

Mac hurries out.

DISSOLVE OUT

INT. WINE CELLAR - DAY

88

Huge barrels of wine stand on cradles - other barrels, bottles and jugs about. The only light comes from a narrow, barred window high up. A mattress and blanket are laid out on another table - evidently the bed Janie has been sleeping upon. Janie is standing on a table near the window trying to pry the bars loose with a hoe she holds in her hand. A flight of steps leads up to a trapdoor. The trapdoor opens, flooding the place with light and Mac, followed by others, descends.

MAC

Good morning lass, were you comfortable last night?

JANIE

All you men do it well - tormenting a girl - you must be born with the gift.

MAC

Now, lass, don't be angry with your own father - you've law and order to remember. The magistrate put you here and...

JANIE

Jim Smith put me here.

MAC

It is your safety he's thinkin' of --

(to the men and
pointing to a
stock of kegs)

There's the powder, men --

The men start for the kegs.

JANIE

(excitedly)

There's a fight on, Mac!

MAC

Aye/- a grand fight. I kilt twenty of them myself. It's a great peety we can't scalp them - but it's not civilized to scalp white men.

(to the men)

Now, boys, put some elbow grease into the job. Jim Smith's waitin'!

(CONTINUED)

At the word Jim Smith, Janie bristles. She leaps in front of the men, holding the hoe as a weapon.

JANIE

Put those kegs down!

MAC

Are ye daft, girl - we're
runnin' short of powder.

JANIE

Tell Jim Smith to get it
somewhere else - This is my
powder and it stays here. -
Put it down, I say!

MAC

Just when everything's goin'
our way - ye'll be run out of
the valley.

JANIE

Maybe I will - but I'll be
here long enough to see that
white Indian hanging from an
English gallows.

MAC

Now, lassie -- that's no way
to be talkin' of a man half
dead from a British bullet.

Janie stops, stunned.

JANIE

(in a whisper)

Oh, no, Mac! No!

MAC

(laying it on thick)

Oh aye, Jeanie, ay - it'll be
a miracle if he lives out
the day.

JANIE

If you've let him be killed,
I'll shoot the lot of you,
every last man of you.

Janie turns and races up the steps and out.

MAC

(grins)

Ho Ho! -- Heave away ma
hearties!

The men pick up kegs and go tramping up the steps. Mac lifts a keg of rum and goes toward the steps. He reaches it, looks back longingly at all the large vats. Another man is coming down for a second load. Mac holds the keg out to him.

MAC (cont'd)

There's the rum rations - a
mug to each man and no more,
d'ye understand?

The man nods, takes the keg and starts up the steps.

MAC (cont'd)

One mug to each man! We'll
have no drunks in our army.

The man exits. Mac looks at a huge vat. He wipes his mouth reflectively, expectantly, then approaches it as we

DISSOLVE

EXT. MEADOW - DAY

89 The firing is going on steadily. The men loading and firing - rolling up kegs of powder - men refilling their powder horns and their bullet pouches. Now and then the Indian war whoop rings out loud, shrill and eerie. Janie races in on a horse and flings herself from it.

JANIE

Jim!

(to Calhoon)

Where's Jim?

CALHOON

Back near the fire.

Janie runs for the fire.

90

Jim lies on a blanket, his eyes closed, his face tired and grey. Janie runs in and goes to her knees.

JANIE

(in a whisper)

Darling, darling, darling.

JIM

(opens his eyes;
softly)

How did you get out?

JANIE

D'you think anything could
keep me? -- D'you think I'll
let you die alone?

JIM

(surprised)

Die! Who said I was going to
die?

JANIE

Mac said so --

JIM

(with a grin)

It's only in the shoulder, but
if you're really set on my
dying --

She leans over and puts her lips on his and gives him a long kiss.

JIM (cont'd)

You wouldn't be doing that,
if I wasn't helpless.

JANIE

(softly)

What kind of a fool would I be,
if I didn't take advantage of
my opportunities.(she pulls his
shirt away)

Let me look at that!

JIM

Go away.

(CONTINUED)

Janie takes the pad from the wound, then feels in back. She feels his head. The Professor comes up.

PROFESSOR

If he's a bit warm, it's that kissing business not the bullet.

JANIE

(accusingly)
You let him lie here alone.

JIM

(to Professor)
Get back to the line. - Tell the men to keep firing!

JANIE

(calling)
Tim - M'Cammon --

JIM

You can't give orders here.

PROFESSOR

He was all right till you got here.

Calhoon and M'Cammon run up.

JANIE

That bullet went almost all the way through. - It's up against the flesh on the back--

JIM

Get back to the line!

JANIE

(disregarding him)
It should come out before it festers. - M'Cammon heat up your knife. - Tim, lift him up.

Tim begins lifting Jim up, as M'Cammon heats his knife over the flame.

JIM

You'll obey my orders or I'll quit right here. - Get back to the men - they're slackening off.

Janie pays no attention to him. She slices his shirt from his back with a knife Calhoon hands her. McCannoon comes up with a knife heated in the flames. He hands it to Janie.

PROFESSOR

(holding out
his arm)

Here - hold on.

Jim takes hold of Professor's arm and grips tight.
Janie lifts the knife.

91 CLOSE SHOT - Jim, his face covered with perspiration and twitching with pain.

92 CLOSE SHOT - Janie, her face covered with perspiration and set with determination.

EXT. MEADOW - DAY

93 MED. SHOT - Group of men as they stare at the procedure - some of them forgetting to fire their rifles.

EXT. CAMPFIRE - DAY

94 As Janie finishes and rises to her feet.

JANIE

(holding up pellet)
There's the nasty thing.

Calhoon lowers Jim to the blanket.

PROFESSOR

(with admiration)
You're one of the women who
made this country.

JANIE

(bravely)
Just...a little bullet. --
It's nothing at all...

She folds up into a dead faint.

DISSOLVE OUT

DISSOLVE IN

EXT. MEADOW - NIGHT

95 As the long line of rifles flash in the night.

INT. FORT - NIGHT

96 As the soldiers crouch against the wall. Captain Swanson goes from one to the other.

SWANSON

(shouting)

Stay awake, men! Stay awake!
They'll attack the moment
you're asleep! Stay awake!

A man slowly sinks into the dirt. Swanson runs to him and drags him up. The man is a dead weight.

SOLDIER

Sorry, sir!

SWANSON

(softening for
the first time)

It's all right, lad - just stay
awake.

DISSOLVE

EXT. MEADOW - DAY

97 As Colonials freshened by sleep take place of those on the firing line. A white flag appears atop of the fort. The men cease firing, then burst into cheers. The door to the fort opens and McGlashan steps out.

JIM

Lift me up! Lift me up!
I'll talk to him.

JANIE

You stay where you are - Tim
can tell him whatever you've
got to say.

JIM

First, we want the trade goods
- second, he and his men are
to get out of the Valley --

PROFESSOR

We asked for 'em here - now we
don't want them. They're to
git...

JIM

They can keep their weapons.

Tim mounts and advances to McGlashan.

97a- CUTS of the men watching intently as they talk. We
97c cannot hear what they say.

97d Tim comes back, McGlashan returns to the fort.

TIM

They agreed.

CALHOON

(tears streaming
down his face)
It's over! It's over!

Now that it's over, the men instead of cheering are
quiet and sober. They lean on their rifles not looking
at each other, but staring out toward the fort.

INT. FORT - DAY

98 On the men lining up - some of them stagger from want of
sleep.

SWANSON

(kindly)
Heads up, lads - heads up.
Show this rabble our heads are
up. -- Open the gate!

Heads up, the company marches out - followed by
Callendar and his men.

99

As the company marches out and advances down the road toward the Colonials.

CALHOON
(respectfully to
Swanson, as he
approaches)
Captain Swanson!

McGLASHAN
Company halt!

CALHOON
(to Swanson)
Jim Smith'd like words with ye.

Swanson approaches Jim. He is lifted up by Calhoon and M'Cammon.

SWANSON
The goods are in the fort.

JIM
There's one thing we want you
to understand.

SWANSON
There's only one thing I do
understand -- you are blasted
traitors.

JIM
We're law-abiding men - loyal
subjects of His Majesty -
driven to this --

CALHOON
By your personal interference
with our liberty.

From the distance comes Mac's voice singing lustily.

MAC'S VOICE
(singing; off-scene)
"The days are short, the
weather's cold,
By tavern fires tales are told."

He appears down the road - drunk as a loon.

MAC (cont'd)

(singing)

"Some ask for a dram when first
come in,
Others with flip and bounce
begin."

(he sees the
defeated Swanson;
he lets out a war
cry and whips out
his knife)

By the skirlin' blood of the
MacDougalls we whipped him,
whipped the saucy peacock. I
claim his scalp; in the name of
the law, I'll lift his scalp
from his eyebrows to his
shoulder blades.

JIM

Mac!

MAC

(spitting on
the knife)

Ay - and I'll hang it up over
the bar in the tavern - a
lesson to all arrogant Red
Coats.

JIM

Calhoon! M'Cammon!

Calhoon and M'Cammon grasp Mac and pull him away.

MAC

(protesting)

Let me at them. - They're worse
than the black Indian devils.

SWANSON

(with contempt)

In the name of the law, law-
abiding men, loyal subjects...
Drunken rabble ye are. -- I'll
be back. - I'll be back, ye'll
pay for this.

Swanson goes back to his men.

McGLASHAN

Forward march!

(CONTINUED)

As the column marches off and Callendar and his men begin to follow, a group of Colonials move silently in between Callendar and the military. They hold their rifles ready. Others whip out their knives.

CALLENDAR

What are ye up to?

Three men grab him and tie him to a tree.

CALLENDAR (cont'd)

Ye can't scalp me, it ain't human. - Now, men, listen to me. - I'm just a driver, I --

His shirt is ripped from his back. The men with the knives cut saplings.

CALLENDAR (cont'd)

-- have nothing to do with the goods...

A hickory sapling swishes through the air and lays across Callendar's bare back. It leaves a red welt. He screams. Again the sapling whistles through the air.

FADE OUT

EXT. FORT - DAY

99a Colonials holding fort - others piling goods in center of fort - taking it out of wagons, etc.

INT. SWANSON'S QUARTERS - DAY

100 Jim is lying in the bed - grouped about the room are the ringleaders of the revolt. M'Cammon, Calhoon, Duncan and Magistrate Morris. Janie is replacing the pad to Jim's wound.

CALHOON

I say we stay and fight - we've whipped them once - we'll whip 'em again.

M'CAMMON

Fight three hundred regulars --

MORRIS

There will be killings this time.

CALHOON

Then let there be killings, I'll not run.

PROFESSOR

M'Cammon is right - we can't fight three hundred regulars - and that's just the reinforcements -- Swanson and his men have joined them by this time - that makes it four hundred.

CALHOON

We'll take care of them.

JIM

And four thousand will take their place.

CALHOON

(heatedly)

Then what are we to do - build a scaffold and have a hangman ready for ourselves?

(CONTINUED)

PROFESSOR

We've minded the law -- Swanson's broken it three times over - he must be in league with the traders.

JIM

(thinking a moment)

Magistrate Morris, load a wagon full of the trade-goods -- M'Cammon knows the south hills - you'll avoid the troops that way -- Get through the hills with the wagon to Maryland and then into Philadelphia to General Gage - - that's our only proof.

CALHOON

But it may well take several weeks.

JIM

The rest of us can hide at Martin's Rook.

JANIE

He can't go up to Martin's Rook - he's got to see a Doctor.

MAC

(coming quickly into room)

They're ten miles away, Jim -- That little cock-sparrow Swanson is with them -- We better get started.

JIM

You'll have to tie me to a horse.

JANIE

(standing up and facing them)

He can't hide in a cave, he'll die -- I won't let him go - he's going to see Doctor Polk.

(CONTINUED)

PROFESSOR

- Back to the kitchen, girl,
back to the kitchen and let
men go about the business they
have to do.

JIM

Lift me up.

DISSOLVE

INT. FORT - DAY

101 Jim, grim-faced, is being held erect by Calhoon and Mac. Others are saddling the horses stationed under the shed. Morris, and M'Cammon are on loaded wagon.

JIM

(to M'Cammon)

When you get to Philadelphia
speak to no one but General
Gage or Governor Penn.

CALHOON

God go with you.

The wagon starts out. A hay-cart drawn by old nags and driven by a woman in calico and sunbonnet drives into the yard just as the wagon starts out.

MAC

Come on, men, put some backbone
into it.

The men begin to lift Jim up to the horse. The woman on the hay-cart uses a rifle in her hands. Under the sunbonnet we can see it is Janie.

JANIE

Put him in the cart, men --

MAC

Jeanie!

JIM

Put down that gun!

(CONTINUED)

JANIE

I won't - I'm not going to be
a widow before I'm even a wife.

MAC

(shouting)

I forbid such talk before all
these men - it's not becoming
to a female MacDougall.

JANIE

(almost weeping)

D'you think I care what's
becoming and what's not. -
He'll die, and only because he
wants to be a big brave, loyal
chief - won't leave his men. --
Well, his men can go hang for
all of me - they're nothing to
me. -- He'll go to Doctor Polk,
if I have to kill you and him
to do it.

CALHOON

There's somethin' in what the
lass says.

PROFESSOR

She's a hysterical, arrogant
hussy and shouldn't be trusted
with a lethal weapon.

(almost shouting)

Take it away from her!

MAC

(advancing a
little)

Now, lassie, calm yourself, you
wouldn't shoot yer own loving
father - the last male member
of a fine line of MacDougalls.

JANIE

One more step, Mac - and the
fine line is finished.

CALHOON

(to Janie)

Doctor Polk is fifteen miles
from here and the road runs
directly through the
reinforcements coming up.

(CONTINUED)

JANIE
(pleading to
Calhoon)
I'll take him through -
(angrily and
weeping)
What else d'you think I want
with him but to see him safe
and alive - why do you treat
me like a witless child?

CALHOON
(to the men)
Put him in the wagon.

JIM
(protesting)
Put me astride.

CALHOON
Now, Jim, the lass is right -
She'll get ye through --

They place him in the wagon atop the hay.

PROFESSOR
You're being twisted about by
a comely face.

CALHOON
The lass loves you.

PROFESSOR
Are we going to be the victim
of a girl's springtime fancy?

Janie throws the hay over him, covering him completely.

MAC
I'm going with ye.

PROFESSOR
And me...

JANIE
(kindly)
You'd do best, Mac, by staying
very far away from Jim for a
while -
(to Professor)
- and you, too.

MAC

(his head down)

I'm sorry, Jeanie - terrible
sorry! -- Rum and Indian
fighting makes a poor mixture
for the father of a young
lassie.

JANIE

(leans down and
kisses him)

If I had it to do all over,
Mac - I'd pick you again.

She picks up the reins and drives the nags out of the
yard. The other men mount their horses and gallop away
in the other direction.

DISSOLVE

EXT. ROAD - DAY

- 102 As the force of four hundred British soldiers, fully
equipped, march briskly down the road, their banners
flying, their drums rolling. With the reinforcements are
Captain Swanson and his men; now refreshed.
- 103 REVERSE SHOT - as the column approaches the oncoming
Janie in the hay-cart.
- 104 On Swanson as he sees the cart. He studies the girl a
moment.
- 105 As Janie sees Swanson - she picks up a corncob pipe which
has been resting on the driver's seat, puts it into her
mouth and strikes a flint to it. She puffs it up - as
the column and Swanson come closer, she puffs harder,
enveloping her face in smoke.
- 106 MOVING SHOT - on Swanson as he looks toward the girl and
passes by.
- 107 On Janie as she stops puffing with a sigh of relief -
then she sees Sergeant McGlashan approaching with the
rear guard - again she puffs vigorously - beclouding her
face with smoke.

108 MOVING SHOT - On McGlashan as he gives the girl a cursory glance and passes on.

109 As the last of the troop goes by and turns the bend - the drumming dies away. Jim pushes the hay away from his face.

JIM

Phew - I could feel their hot
breath on the back of my neck.

He twists his head toward Janie and stares.

110 CLOSE SHOT - Janie, as she sways, her eyes closed, sick to her stomach from the pipe.

111 As Janie hiccoughs, then suddenly drops the reins, jumps from the wagon and dives behind the bushes. As she dives for bushes we can see breeches under apron. Jim laughs.

FADE OUT

EXT. MacDOUGALL'S TAVERN - DAY

112 CLOSE SHOT - a pair of drumsticks beating out a long roll on a drum. DOLLY CAMERA along a row of drums being beaten by sticks. PULL CAMERA BACK to reveal the exterior of MacDougall's tavern. The four hundred soldiers are lined up in front. The drum majors are lined up in front of them, beating out the call. In front of the drummers, on his horse, is Swanson. McGlashan stands at his stirrup. The townspeople, women, children and men are silently, apprehensively gathering to the call of the drums. They cease their call. There is a silence as Swanson takes a paper from his belt and tosses it to McGlashan. McGlashan opens the paper, clears his throat and reads:

McGLASHAN

(reading)

Whereas, I have received information that sundry persons have, at several times assembled themselves in armed bodies and have appeared before Fort Loudon and have in a most riotous and illegal manner presumed to interrupt the passage of supplies to the fort, by which the garrison there hath been greatly distressed; I do hereby strictly charge and command all persons whatsoever so assembled, forthwith to disperse themselves, and I do further enjoin and require all his Majesty's subjects within this government to give such evidence as to apprehend all persons concerned in the leading of these riots, so that the offenders may be prosecuted according to law. Whereas, Fort Loudon, being too small for the troops now necessary to be stationed there, such troops will be billeted by his Majesty's subjects until taxes are collected and the fort enlarged. Signed, John Penn.
GOD SAVE THE KING.

There is a murmur in the crowd as they realize what has happened.

SWANSON

Disperse them and get on with it!

The drums begin to roll again.

DISSOLVE OUT

113

As Swanson, McGlashan and several sub-officers are about. Swanson is seated behind the table as judge, jury and jailer, all in one. Callendar is standing near him. One by one, Colonials are dragged forward to the table.

McGLASHAN

Driving his cattle into the
swamp and refused to billet!

SWANSON

Put him in irons!

Another Colonial is dragged forward.

CALLENDAR

He's one! - He whipped me.

COLONIAL

(protesting)

I had nothing to do with it!
I stayed home, took no sides.

CALLENDAR

(turning to one
of his men)

Isn't he one of the scum that
whipped you?

MAN

Looks like him.

COLONIAL

He's payin' off a grudge. - I
wouldn't sell him my horses
last year - at his own price.

SWANSON

Take him away!

DISSOLVE

INT. FORT - DAY

114

Soldiers on each side of a line of Colonial prisoners - the line leads to a blacksmith's anvil - leg and wrist irons are being hammered on the prisoners. As each one gets his irons, he is led away to the guardhouse. Other men and soldiers are enlarging the fort - logs are being brought up, hewn and set up. The ring of the hammer on the anvil mingles with the sound of the ax on the logs.

DISSOLVE OUT

INT. BARRACKS PRISON - DAY

115 It is a large pen - dark and dank. The only light comes from barred apertures high in the wall. The floor is about three feet below ground level; a few steps lead to the hand-hewn door. The pen is filled with Colonial prisoners; all of them wearing wrist and leg irons. They are unshaven and dirty. The lock on the door clanks; the door opens and Swanson, McGlashan and several guards enter. They stand atop of the step. The prisoners stare hatefully at them. A moment they face each other.

SWANSON

(softly)

Prepared to talk, gentlemen?

There is a silence.

SWANSON (cont'd)

I want James Smith. -- The man who tells me where he is wins full pardon.

Again there is a silence.

SWANSON (cont'd)

(angrily)

If you'd serve your King with one-tenth the loyalty you serve that treasonable dog Smith, you'd not be in jail this moment. - Talk! When I ask a question, I'll have it answered. Talk, I say!

Again there is silence. A man in the foreground (one of the men we've seen before - call him 1st Man) spits on the ground directly in front of Swanson. The Captain's ire mounts to choking point.

SWANSON (cont'd)

Give that man ten lashes.

A guard drags the man out.

2ND MAN

(shouting)

Ye'll not punish him without trial - you've no right to keep us in irons.

(CONTINUED)

SWANSON
He'll get trial and so will
the rest of you - and when the
military courts are through
with you the irons will be the
least of your concerns --

Swanson turns to go.

ANDERSON (2ND MAN)
(steps forward)
There's no trick to this offer
- a full pardon, if I bring ye
to James Smith?

SWANSON
None.

ANDERSON
(thinks a moment)
I'll take ye to him.

SWANSON
(to corporal of
the guards)
Strike this man's irons.

As Anderson steps forward, another man swings his chain,
slamming it across Anderson's face. Anderson drops.

SWANSON (cont'd)
Give that man forty lashes and
leave him in the sun to dry.

Several soldiers lift Anderson, others grasp the
attacker and drag him to the door.

DISSOLVE

EXT. FIELD - DAY

116 On platoon as it crosses in close formation. McGlashan
and Anderson in front of platoon. CAMERA MOVES with
them up a slight incline. As it nears the top, Anderson
sticks his foot out in front of McGlashan and gives the
sergeant a shove which lands him on his face. Anderson
races away - McGlashan leaps to his feet.

McGLASHAN
After him! - after him!

The soldiers chase.

- 117 A seventy-five foot bluff jutting out into a swift running river. Anderson runs to edge, hesitates a moment, then jumps. He hurtles through the air and lands in water. The soldiers appear and begin firing.
- 118 CLOSE SHOT - water - as Anderson comes to the surface. The bullets strike all about him. He takes a deep breath and ducks under water.

DISSOLVE

EXT. FIELD - DAY

- 119 On Anderson astride a horse going at a full gallop across the field. The horse is lathered with sweat.

EXT. STREAM - DAY

- 120 As Anderson, at full gallop, splashes through it.

DISSOLVE

EXT. FARMHOUSE - DAY

- 121 As Anderson races into the yard and leaps from his horse.

ANDERSON

(shouting)

Jim! Jim Smith!

Janie and the doctor appear through the door.

JANIE

He's not here.

ANDERSON

I know he's here, Janie --
I've got to see him...

JANIE

He's not here.
(she turns to
the doctor)
Is he, doctor?

(CONTINUED)

DOCTOR

No, he's not here.

ANDERSON

(shouting)

Jim! Jim Smith! It's
Anderson! Will Anderson!

Janie jumps toward him and grasps him by the shirt.

JANIE

(angrily)

Shut up, - you blasted fool!

Jim Smith appears in the doorway. His arm is up in a sling.

JIM

(quietly)

You looking for me, Will?

ANDERSON

Jim, - they've got half the Valley in irons -- no warrants, no trials - just a trader's word and you're in chains. - They're even payin' off men that ain't had nothin' to do with it. - You just don't have to like 'em to find yerself accused and convicted of riot, arson and armed robbery.

JIM

I'll be right out.

Jim disappears into the house.

122 As Jim enters. He goes to the corner, takes his rifle. Janie enters, her back to the door. He takes his arm from the sling and flexes it; she watches. He takes the sling and throws it onto a chair.

JANIE

Doctor Polk said you're not well enough to go.

JIM

(getting his powder horn)

It's finally come - I knew it would and now's as good a time as any.

Janie goes up to him and stands in front of him.

JANIE

(softly)

It's been so pleasant here, Jim -- I sometimes even thought...

JIM

(rolling up the blanket)

So they think more of money than men --

JANIE

(getting in front of him)

I said sometimes I thought that you thought - well, Mac once told me you thought women were squaws.

JIM

(beginning to slip on a moccasin)

They gave their word, there'd be no tradin' with the Indians -

(CONTINUED)

JANIE

Jim - please don't go - please
don't let me have to stay
behind and die inside of me
with fear because you might...

JIM

(doesn't even
see her)

The troops sit in forts and
settlers die - but when we get
up to save ourselves, the
troops move fast enough!

He gets up, fully equipped now, and starts for the door.
Janie gets in front of him, tears in her eyes.

JANIE

(angrily)

All right, go ahead! -- Go
ahead! I don't care! Get shot
or...or strung from a scaffold.

JIM

We've obeyed the law! they've
broken it --

JANIE

(grabbing him)

Ye've always torn and twisted
the heart out of me -- I've
loved ye from the first minute
I can remember and you've brought
me nothing but misery - but I've
never expected much more from
you, so I asked for nothing -
and I'm not askin' for much
more now! But go away - leave
me if I'm not enough for you to
take with you - but go away.

Jim sees her for the first time. He leans down and
kisses her, a sweet kiss. He turns to the door and exits.

JANIE (cont'd)

(crying)

You fool - you cruel and
merciless fool!

DISSOLVE OUT

INT. TAVERN - NIGHT

123 As Jim Smith, Mac, Calhoon, Magistrate Duncan, Professor and the rest of his ten men (except M'Cammon who is taking Morris and trade goods to Philadelphia) are singing Yankee Doodle at the top of their voices. They make a gorgeous racket. At the end of the song they applaud themselves and let out a few war whoops.

MAGISTRATE DUNCAN

(entering)

What are you men going to do?

CALHOON

Going to stand the redcoats on their thick heads.

JIM

We're going to take the fort.

(to Mac)

Pass that jug, Mac.

Jim takes a long slug of grog.

MAGISTRATE DUNCAN

What's got into you? You act like you are touched in the head. You didn't use to talk wild like this; used to keep a level head.

Jim pays no attention to him.

MAC

Pass that jug -- stomach's got to be right to take a fort.

Mac swallows a draft then lets out a war whoop and collapses into Jim's arms.

EXT. TAVERN - NIGHT

124 On Callendar and one of his men looking through the window. They see Jim, drunkenly holding up Mac. The men are laughingly drunkenly. Jim slings Mac to his shoulder and supported by others goes marching upstairs. Two of the men make sure they take the keg of grog. Callendar and his men come quickly away from the window, mount their horses and gallop away.

INT. JIM'S ROOM - NIGHT

125 As Jim and the men, still making a racket enter the room. The moment they are in the room all the drunkenness disappears. Mac comes awake quickly and locks the door. Jim races to the window and looks out.

JIM

They've gone to report to the fort-- We'll give 'em a half hour's start.

DISSOLVE

INT. FORT - SWANSON'S QUARTERS - NIGHT

126 Callendar and man standing before Swanson. McGlashan in the room. Several soldiers as guards at the door.

CALENDAR

They're all drunk at MacDougall's -- making brass that they're going to take the fort -- ten men are going to take the fort--
(he slaps his leg and laughs loudly)

SWANSON

(to McGlashan)
Take a platoon and bring those men here.

MUGLASHAN

(saluting)
Yes, sir---

He exits into the yard.

INT. YARD - NIGHT

127 British soldiers about--they are all laughing loudly. The man that came with Callendar has evidently told them; he, too, is laughing.

CORPORAL

(slapping his thighs)
Ten drunks are goin' to take the fort.

Again the laughter travels about the stockade.

128 SERIES OF CLOSE SHOTS - The Britishers laughing loudly. 123

129 As the prisoners in the barracks begin to sing Yankee Doodle.

INT. JAIL - NIGHT

130 All the prisoners singing.

INT. YARD - NIGHT

131 As the prisoners sing.

132 SERIES OF CLOSE SHOTS - on the soldiers as the laughter dies out.

133 As there is an eerie silence.

DISSOLVE

EXT. ROAD - NIGHT

134 As swiftly and silently Jim Smith and his boys, go along the road. Suddenly Jim raises his hand and stops. They all stop. He listens a moment, then signals -- swiftly they deploy on each side of the road, behind the bushes and trees. Pretty soon McGlashan and his platoon come marching down the road. They disappear down the road. They are left to go in peace. Jim and his men continue swiftly and silently in the direction of the fort.

DISSOLVE OUT

EXT. FORT - BEGINNING OF THE DAWN

135 Daylight is coming. The mist hangs along the ground like thin milk. It is getting thinner. You can even see the fort through it. The men lie flat on their faces in the tall grass. Mac snakes his way back from scouting.

MAC

(to Jim, in a
whisper)

The gate's open! There's three sentries standin' on the wall, this side, but the guard's away off across the parade ground, by the kitchen. They're gettin' the morning rum ration.

(his nostrils
twitch)

And it's grand rum, too. I could almost taste the smell of it. The guns are stacked together a full forty feet closer to the gate than they are.

JIM

(nods; in a whisper)

When you run - run crouched down in the mist.

Jim gives the signal. The Boys leap up. They lunge up, clawing, tearing, getting a firm hold on the sod underfoot. The long grass rips and tears at them making the only sound besides the hard, quick breathing of men running with all their might.

EXT. GATE - DAY

136 The mist is clearing a little. The Boys appear, leaping the ditch. The sentry on the wall stares a moment, then whips up his rifle and fires, but the Boys are through the gate.

INT. FORT - DAY

137 As the Boys race through the gate. Mac throws himself headlong on the stacked arms; they go down like cards. The others range in a square around the arms. Their backs to the rifles - four sides to the fort - their long rifles menacing the unarmed redcoats, who stand open-mouthed, around their rum pot. Jim is waving his rifle at the three sentries, impressing upon them what fine targets they make.

(CONTINUED)

JIM
 (to the sentries)
 Put down those rifles.

The sentries comply.

JIM (cont'd)
 Come on down and join the party.

The sentries begin coming down.

JIM (cont'd)
 Calhoon -- stand at the barracks'
 door -- keep 'em inside -- shoot
 the first one that shows his
 head.

Calhoon goes for barracks' door.

JIM (cont'd)
 (to sentry)
 Find your commandant -- tell
 him if there's one move, I'll
 blow daylight through all these
 men.

The sentry runs off.

JIM (cont'd)
 Mac -- blow the lock off the
 guardhouse door and get those
 prisoners out here. Will, take
 the flints out of those muskets
 and put 'em in your pocket.
 (he waves his rifle
 at Corporal Fiske)
 Now, Corporal, where's your
 blacksmith? Fetch him here.

DISSOLVE

INT. FORT - DAY

138 CLOSE SHOT - door - as a rifle barrel is stuck near the
 guardhouse lock. It fires. The lock shatters. The door
 is opened. All we can see are chained hands and feet
 exiting from the guardhouse. (MUSIC)

DISSOLVE

139 CLOSE SHOT - ANVIL - as chain after chain is placed on
 the anvil and shattered by chisel and sledge. (MUSIC)

140 CLOSE SHOT - PILE OF CHAINS AND IRONS - another is thrown atop of it.

DISSOLVE

EXT. FORT YARD - DAY

141 CLOSE SHOT - Sweaty face of blacksmith as he wields the sledge. PULL CAMERA BACK to disclose Fort yard. The released prisoners have joined the others. Two colonials hold Swanson. He is in his shirt. The last chain is struck away.

JIM

That's the last.

Suddenly Mac flings his rifle in the air and shouts the Indian scalp cry.

MAC

Coo-hee!

He is joined by the others and the released prisoners.

MAC and OTHERS

Coo-hee!

JIM

All right, men -- return to your homes.

One of the prisoners wrenches a bayonet from a rifle. He holds it in front of Swanson.

1ST MAN

(pleadingly)

Let me do for him, Jim! Let me do for him, once and for all, Jim!

He makes a motion with the bayonet toward Swanson's throat. Jim grabs him, rips the bayonet away.

JIM

Get back to your homes!

(CONTINUED)

SWANSON

Why not add murder to your
traitorous acts---

The prisoners begin to file out.

JIM

You'll never learn, will you--
you'll never learn to know us...

SWANSON

Know you! -- I know you for the
bloody, cutthroat criminals and
murderers you are -- the dirt
and backwash of England, spewed
out by England, no longer able
to stand the filthy taste of you
in her mouth -- you're no better
here than you were there!

PROFESSOR

Yer a mighty powerful liar, Cap
-- long before yer soldiers
came, our rifles fought here
for the King --

MAC

We've each of us shed our blood
for his bit of land and on his
bit of land each of us walks a
free man.

SWANSON

That's no longer treason, but
open rebellion!

PROFESSOR

If it's rebellion then I reckon
you'll have to make what you
can of it -- the hangman knows
no fine points of distinction--
We got only one neck to stretch,
whether it's gonna be for treason
or rebellion don't make no
difference to it.

SWANSON

(struggling against
the hands which
hold him)

And stretch it I will, if I
must die doing it.

JIM
Put him into the barracks --
we're giving them their fort
back.

CALHOON
That's a mistake, lad -- we'll
burn it!

JIM
(quietly)
We'll give it back!

The men lead Swanson to the barracks and toss him in.
They begin evacuating the fort.

DISSOLVE

INT. TAVERN - DAY

142 CLOSE SHOT - Men at tavern bar.

MAN
And with ten men.

They burst into laughter.

DISSOLVE

INT. FLOUR MILL - DAY

143 CLOSE SHOT - two men laughing.

MAN
(between laughter)
And only ten men.

DISSOLVE

INT. BLACKSMITH SHOP - DAY

144 CLOSE SHOT - Blacksmith and helper, laughing uproariously.

BLACKSMITH
Ten men!

DISSOLVE OUT

145 CLOSE SHOT - Saddle-maker and customer - laughing.

CUSTOMER

Ten men!

DISSOLVE

146 SERIES OF QUICK CLOSE SHOTS - laughter, laughter,
laughter.

DISSOLVE

EXT. BANK OF STREAM - DAY

147 CLOSE SHOT - Calhoon and Jim as they drink. Calhoon is
laughing uproariously.

CALHOON

Ten men!

Jim is sober and thoughtful. There is a pounding of
horses' hooves; men leap to their feet. Calhoon and
Jim, rifles in hand, stand and face the oncoming
Callendar and men. Callendar and his men approach. They
have pistols in their hands.

CALENDAR

We've got you - best give up,
move and ye're dead men!

CALHOON

D'you know, Callendar, the
next time we take a switch to
you it won't be across your
back but over that slobbery
mouth of yours, so ye'll say
"sir" when you address your
betters.

CALENDAR

I'll give ye three to drop
those rifles.

CALHOON

(angrily)
The boldness of the swine!

(CONTINUED)

He lifts his rifle, Callendar fires at him. Calhoon coughs and falls against Jim, making him discharge his rifle. Several of the men leap on Jim, bearing him to the ground. Another examines the fallen Calhoon.

MAN

He's dead!

Jim stares at the fallen Calhoon.

CALENDAR

Now we have got ye, Smith!
Ye've murdered him! We'll
see ye hanged for that.

JIM

You killed him - my shot went
wild.

CALENDAR

Ye fired and he's dead - that's
murder!

JIM

(quietly)
So that's it!

CALENDAR

Tie him to a horse - we'll take
him to the jail to Carlyle -
bring the stiff one along.

They lead Jim to a horse. Others begin picking up the
dead Calhoon.

EXT. RIM OF HILL - DAY

148 As Janie on her stomach, looks over the rim and sees them
tying Jim to one horse and piling Calhoon on another.
She runs back to her horse, mounts and speeds away.

DISSOLVE

EXT. BLACKSMITH SHOP - DAY

149 LONG SHOT - Janie agallop - she races into blacksmith
shop - superimposed are the lines "COME TO MacDUGALL'S."
The men run for rifles as she gallops out.

DISSOLVE OUT

DISSOLVE IN

EXT. ROAD - DAY

- 150 As Janie racing down road meets two mounted men.
Superimposed, in larger letters, "COME TO MacDOUGALL'S."
The men race away in two other directions.

DISSOLVE

EXT. ROAD - DAY

- 151 CLOSE SHOT - Horses' feet - as they gallop along,
kicking up dirt. Superimposed - larger letters:
"COME TO MacDOUGALL'S."

DISSOLVE

EXT. ROAD - NIGHT

- 152 CLOSE SHOT - Many horses' hooves pounding the road.
Superimposed in larger letters "COME TO MacDOUGALL'S."

DISSOLVE

EXT. ROAD - NIGHT

- 153 LONG SHOT - Group of fifty men coming down road, armed
to the teeth. Superimposed are huge letters: "COME TO
MacDOUGALL'S."

DISSOLVE

EXT. STREET - DAY

- 154 As hundreds of settlers, armed to the teeth and led by
Janie and Mac, come piling down the street.

EXT. JAIL - DAY

- 155 As the jailer stands at the door looking out. He slams
it shut.

INT. JAIL CELL - DAY

- 156 On Jim as he looks out the window. His feet and hands
are shackled. The door bursts open and the jailer
dashes in.

JAILER

(to Jim)
What shall I do? They'll
tear the jail down!

(CONTINUED)

JIM

I don't want to be rescued --
I'm not guilty. The best thing
for me is to stand trial.

JAILER

Can't you do something?

JIM

I'll talk to them.
(he holds up
his arms)
But I don't think they're going
to like this.

JAILER

(rushing to
door and
shouting)
Tom, Tom, come here! Bring
your chisel!

Tom enters.

JAILER (cont'd)

Take those irons off.

The noise in the street has been swelling.

EXT. STREET - DAY

157 As the armed colonials pour down toward the jail. Three
streets open onto the jail. From each of these streets
hundreds of men pour, to join the original group in
front of the jail.

INT. CELL - DAY

158 As Jim's hands come free. Tom and jailer work at the
leg irons as Jim looks out the window.

EXT. STREET - DAY

159 As the mob sees Jim - a growl goes up. Jim puts up his
hands and there's a silence.

MAC

(shouting)
Hi, Jim --

(CONTINUED)

159 (CONTINUED)

JANIE

Just hold on and we'll have
you out.

MAC

Ay, we'll have ye out in two
waggles o' a wee lamb's tail.

JIM

Mac, I'm much obliged to you
and the boys. But it would
look bad if I ran away. It
would look like I was guilty.
The best way you can help me
is to break up.

MAC

They're plannin' to take ye
back to the fort and court-
martial ye - claimin' there
was martial law in the valley
and ye have to stand a military
trial - they want to get ye
out o' the way.

JIM

We've done everything acoording
to law until now.

A growl of agreement goes up from the crowd. There is
the sound of a platoon. The soldiers march up and line
themselves in front of the jail. McGlashan, in charge
enters.

MAC

Law! What law? This kind o'
law! The law of bayonets!

JANIE

I say, burn the jail down!
Burn it down around their ears
so they'll know honest men
passed by here.

A huge growl again goes up.

INT. JAIL CELL - DAY

160 On Jim at the window. The jailer and blacksmith are white with fear, at Jim's feet, trying to get the chains off.

JIM
(shouting)
Men! Men!

The noise dies down. Jim looks at their upturned faces.

JIM (cont'd)
(pleadingly to
the Professor)
Tell 'em, Professor - tell 'em
for me.

PROFESSOR
(turning to
men)
Y're a determined, reckless
lot. You followed him to
fight Indians when other men
ran for their lives; followed
him to burn traders' caravans,
to face a Britisher gone mad
with a bit of power - reckless,
sure, a stubborn recklessness
set on maintaining your rights
guaranteed by law.

MAC
(shouting)
Naebody gives even a drunkard's
curse for law while a child's
brains spill out by a tomahawk.

JANIE
If we must die, let's at least
die fighting --

PROFESSOR
Men, we've fought and won, but
in winning we've lost something
- in defending one law, we've
come to despise all law -- if
you keep on this way we'll
destroy the very thing we fight
for.

(CONTINUED)

160 (CONTINUED)

JIM
Men, disband, go home and let
me stand my trial.

There is a silence.

INT. CELL - DAY

161 A hand knocks on the door and McGlashan enters.

McGLASHAN
(holding out
papers to jailer)
An order to deliver the person
of James Smith to the military
at Fort Loudon for court-martial.

FADE OUT

e

FADE IN

INT. MILITARY COURTROOM - DAY

162 Swanson presides at a long table at which are seated a group of officers, lower in rank to Swanson. Soldiers at the door. Jim's ten men are seated as witnesses, as is Janie. Magistrate Duncan represents Jim. Callendar, Poole, and several of the drivers are present.

SWANSON

Bring the accused in.

McGlashan exits and enters with Jim. As he enters, Mac, unable to control himself, rises to his feet and shouts the Indian war call.

MAC

Coo-hee!

SWANSON

(to bailiff)

You may remove that barbarian from the courtroom --

DUNCAN

He's a witness.

SWANSON

Remove him!

McGLASHAN

(grasping Mac)

Step out, you!

MAC

Now look ye here, laddie -- it's the right of any free-born Scotsman - to clear his throat whenever he wants to -- I clear mine a wee bit noisily, maybe, but...

McGlashan shoves him toward the door and out.

(CONTINUED)

162 (CONTINUED)

SWANSON

I grant the possibility that the lowly shall inherit the earth, but that's after you're dead -- at the moment this courtroom is His Majesty's property - any lout who feels the need of airing his spleen at the expense of the court's decorum, will find himself dining on bread and water. We will proceed.

DISSOLVE

INT. MILITARY COURTROOM - DAY

163- CLOSE SHOT - Swanson.
164

MAGISTRATE DUNCAN'S VOICE

You're sure this is the same man?

SWANSON

He made no pretense about it--

PULL CAMERA BACK to reveal courtroom.

SWANSON (cont'd)

His attitude throughout has been a contempt for authority - he was openly seditious.

MAGISTRATE DUNCAN

I object, the defendant is on trial for murder, not for treason.

SWANSON

It is our intention to establish a connection between the two - the defense will ask the question: 'Why would James Smith kill Timothy Calhoon, a friend of his and an aide?' We propose to show through witnesses that Timothy Calhoon was about to turn King's evidence against James Smith.

(CONTINUED)

MAGISTRATE DUNCAN

If what Captain Swanson says is true, that James Smith made no pretense about his sedition, why should he be afraid of anyone turning King's evidence - the King knew who James Smith was.

SWANSON

(pompously)

I shall put such treasonable remarks to your zeal for the defendant's protection. The defendant showed utter disregard for life or property.

POOLE

(shouting)

A thousand pounds' worth of army goods he burned.

SWANSON

(affably)

Thank you, Mr. Poole. I understand he lived with Indians a long time - he must have absorbed the complete lack of civilization. He fired upon His Majesty's troops. He destroyed army supplies, interfered with the King's messengers, released prisoners held by us for court-martial.

MAGISTRATE DUNCAN

(almost livid)

You may jail me for this - but I would be traitor to my oath of defending my client if I did not say this - I question that he will receive justice here.

SWANSON

(almost bursting
a blood vessel)

You will apologize to this court instantly!

There is a growl from Jim's ten men.

MAGISTRATE DUNCAN

I apologize.

(CONTINUED)

163-(CONTINUED)

164

Swanson leans over to the clerk.

CLERK

Ralph Callendar! Ralph
Callendar!

Callendar steps forward in front of table.

SWANSON

You heard Tim Calhoon's offer
to turn King's evidence
against James Smith?

CALLENDAR

Yes sir, when Tim Calhoon said
he was goin' into Philadelphia
and swear t' the governor
about Jim Smith's treason, Jim
shot him dead - I tried to
stop him, but Jim fired that
shot so fast and unexpected,
and Tim Calhoon his best friend.

SWANSON

(to defense)

Your witness.

Duncan walks forward; in his hand a stained shirt, he
holds it up before Callendar.

DUNCAN

Can you identify this, Mr.
Callendar?

CALLENDAR

That there is the shirt Tim
Calhoon was wearing when Jim
Smith kilt him - there's the
bullet hole.

Magistrate Duncan lifts a rifle which has been lying on
the table.

DUNCAN

Can you identify this?

CALLENDAR

That there looks like the
rifle Jim Smith used to kill
Tim Calhoon.

DUNCAN

Now, how far away would you
say Jim Smith was standing
from Tim Calhoon when you
say, he shot him.

CALLENDAR

Right atop of him - not more'n
six inches away - just stuck
his gun out and plugged him.

DUNCAN

(to Swanson)

Have I the court's permission
to make an experiment?

SWANSON

My dear sir, experiments belong
to the laboratory -- do you
wish to make a witch's brew and
bring to life the dead to
accuse his murderer - the facts
are sufficiently plain to speak
for themselves.

DUNCAN

(angrily)

Why try my client, why not just
hang him and be done with it?

SWANSON

(grudgingly)

Proceed with the experiment.

Duncan picks up a clean shirt. He looks at the audience,
at Swanson, then the officers. He knows the court is
hand picked and he doesn't stand a chance. He picks up
a hammer and tack, walks to the jury and to the wall just
alongside the row of officers. He tacks the shirt to
the wall. Everyone cranes their necks to see. Duncan
comes back.

DUNCAN

(to Janie)

All right, Janie.

(CONTINUED)

163-(CONTINUED)

164

Janie, knowing what's needed of her, picks up the rifle and begins to load.

SWANSON

Is that young hoodlum loading that weapon?

DUNCAN

That young hoodlum is a lady, and a dead shot - there's no cause for alarm. I'll stand personally responsible for any acts committed here.

SWANSON

(testily)

Get on with it!

Janie looks at the officers of the court, then at her own men. She lifts the gun and in doing so brings it along the officers, they sit stiffly. The weapon passes and points at the shirt. Janie is about twenty paces from it - she fires - the bullet whistles past the end officer and he involuntarily ducks. It thwacks into the shirt.

165 SHOT of Jury - as they stare at the valley men.

166 SHOT of valley men - as they stare at officers.

167 SHOT of officers - as they get the meaning of that shot whistling past them. They seem very uncomfortable.

168 As Janie is reloading.

SWANSON

(as he waves away powder smoke with the handkerchief)

Decidedly irregular - and smelly -

(to Duncan)

How many more of these detonations are we to endure?

DUNCAN

Just one.

Janie approaches the shirt. As she passes Jim in the dock.

JANIE

(whispering)

If ye'll promise to marry me,
I'll get you off. Otherwise
I'll let you hang.

She goes on and points the rifle at the shirt - only six inches away. Duncan talks to Callendar.

DUNCAN

(to Callendar)

Would you say that was how far
Jim Smith held his rifle from
Calhoon.

CALLENDAR

About that!

DUNCAN

(sharply)

About that! You're certain of
all else you saw - why aren't
you certain of this?

CALLENDAR

That's how far it was - I'm
certain!

Duncan nods to Janie who fires. Magistrate Duncan brings the shirt to the table. He turns to Swanson. There is a dramatic pause. He holds up the shirts.

eb

(CONTINUED)

DUNCAN

You will note the bullet fired at twenty paces left a clean hole -- that fired at six inches is deeply studded with powder burns.

(he picks up the original Calhoon shirt and holds it up)

You will also note that the shirt Calhoon wore carries a clean bullet hole with no evidences of burn - it was therefore impossible for James Smith to have fired the shot, since by the prosecution's own witnesses the defendant was only six inches from the accused and would have left a burn -- The shot was fired by some other in the group - some other standing many paces away.

There is a mutter in the crowd which rises to a growl. Swanson pounds for silence. Poole leaps to his feet.

POOLE

Will ye permit a scoundrel to go free - a scoundrel who leads treason and sedition and defies England? Are the Englishmen who lie dead the world over to have died for a dead cause? Are these British martyr dead to be mocked by primitive swine who value their puny lives above empire and the march of civilization? Is there to be a stench in this courtroom that will linger for centuries?

OFFICER

(appalled)

I must protest, sir, the man is innocent of the crime, he....

SWANSON

(lividly; to officer)

You're under arrest for revealing your decision before a majority vote!

GAGE'S VOICE
(thundering)
Captain Swanson!

The CAMERA PULLS BACK to reveal General Gage, Magistrate Morris, M'Cammon and two orderlies entering the room. They stride forward. There is a stir in the court.

SWANSON
General Gage!

He salutes as do the other officers in the court.

GENERAL GAGE
Retire to your quarters. I'll talk to you there - Sergeant, place Mr. Poole, Ralph Callendar and his drivers under arrest for breaking the King's proclamation and transporting illegal trade-goods.

Swanson salutes and starts for door.

JIM
Just a minute, Captain --
There are a few words we'd like to say here--
(he signals the Professor)

PROFESSOR
Sir, we've said this once and we say it once again - we are loyal subjects of His Majesty. We made no treason against him, or against his houses who pass the laws for us. We think they mean well, these gentlemen, three thousand miles away - But these men who protect tradesmen, who twist laws until pennies are squeezed out of them even if each penny means a life - just so long as they're willing to trade pennies for lives, we'll continue to fight - maybe in a losing fight - maybe we'll die - but, in dying, a new spirit'll be born. A spirit that teaches men to fight for their liberties - 'cause without that there's no dignity for a man in the world.

Crowd, shouting, lifts Jim Smith and Professor to their shoulders and, singing YANKEE DOODLE, exits.

169 On Swanson and General Gage.

SWANSON

I obeyed orders - it was not for me to examine trade goods. I was ordered to respect and defend the permit for those goods.

GAGE

They were carried illegally.

SWANSON

I am a soldier, sir. They could have been carrying the murderer of my own father, if they had a permit for it, I'd have defended him with my life.

GAGE

(softening)

It's difficult, very difficult-- to know how to deal with your kind and with their kind, you're both a stubborn, proud lot.

SWANSON

I'm a soldier, sir - I know of nothing else.

GAGE

There is such a thing as understanding, Captain --

(Swanson is about to answer)

I know, I know - we've not taught soldiers to soften themselves with understanding - We'll probably suffer for it. I've ordered the arrest of Callendar and his employers - and --

(he draws himself up)

I'm sorry, man, but I must relieve you of your command. You will report to Philadelphia and prepare to return to England.

SWANSON

(saluting)

Yes, sir.

EXT. TAVERN - DAY

170 The ten men (minus Calhoon) lounge about, smoking, etc. Magistrates Duncan and Morris are also present. Janie is busy watching Mac, who is atop a ladder, repainting the tavern sign. There seems to be an air of restraint about everyone. Mac looks toward the tavern yard.

JANIE

(severely)

Get on with it, Mac - get on with it!

Mac with a look of hurt reproach, goes back to his work. Two saddle horses and a pack horse led by Jim, Professor and the young surveyor emerge from the courtyard. They are equipped for a long journey. The men silently stand, waiting for the leave-taking. Jim and the Professor go from one to the other silently shaking hands. Jim comes to Magistrate Duncan.

DUNCAN

Ye'll not change your mind,
Jim, and stay?

PROFESSOR

It's become too quiet here --

MAC

(eagerly)

Maybe we could stir somethin' up -- just a small scale scalping -- with my fightin' reputation I can afford to lower my standard -- Say, a modest five Indians a day instead of twenty.

DUNCAN

The world is full of nasty people and so few good men.
May God go with you.

Jim walks to the base of the ladder and looks up at Mac.

JIM

Sure you don't want to go? --
First white men to go through the Tennessee hills, just you, the Professor, me and our surveyor friend.

(CONTINUED)

MAC
 (miserably and
 looking at Janie)
 I...No.
 (shakes head)
 I canna go!

Mac subsides. Jim looks at Janie.

JIM
 (with a
 little smile)
 Even the worst of enemies must
 part.

JANIE
 (trying to
 control her
 emotions)
 Don't forget us, Jim - don't
 ever forget us - not for a
 small minute --

PROFESSOR
 Now, lass...

JIM
 (pushing him
 away)
 I'll do my own talking.
 (hesitatingly)
 There's so much for a man to
 do -- there's no time for --
 well - other things...
 (he stumbles on)
 If there was time; I mean, if
 I was inclined; I mean, if
 there was a woman to love,
 there wouldn't be any other
 woman -- only you.

He mounts his horse, as do the others. He waves to them and is off down the road. As he moves down the road between houses, men and women stop in whatever they are doing and silently raise their hands in salute. They have the look of people losing something out of their lives. Then someone begins to sing YANKEE DOODLE, others pick it up and the music swells. Janie runs into the courtyard. A horse with Janie atop races out of the courtyard and in the direction Jim has taken.

(CONTINUED)

MAC
(shouting)
Janie, where ye goin'? Where
ye goin'?

JANIE
(shouting back)
With my man.

She dashes down the road.

MAC
(scratching his head)
By the skirlin' blood o' the
MacDougalls if she's no' the
contrariest female.

The music of YANKEE DOODLE swells as we

FADE OUT

THE END