



BENDER  
INN AND GROCERY

THE BLOODY BENDERS

by  
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BASED ON THE TRUE STORY

*"A family that slays together, stays together"*

Polish April 16,2010

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OVER BLACK - titles: Based on the true story

Beauty shots. Kansas Wild flowers. Corn husks swaying in a breeze, glints of red in their stalks.

TITLES: June, 1872, OSAGE TRAIL, KANSAS TERRITORY

FRANK CUNNINGHAM (V.O.)  
Life is not poetry. Nor is it pain.  
Life is prose. Life is plain.  
(reveal the empty Kansas  
PLAINS)  
I had to learn that the hard way.

INT. HARMONY GROVE CHURCH - DAY

PARSON KING, (40), pale and pious, bellows.

PARSON KING  
Be on guard against every form of  
greed; the holy spirit will not be  
found in possessions, or in the  
*mine* or *me*.

Most of the small country PARISH have their heads bowed reverentially.

All except KATE BENDER (20), brunette with auburn glints, eyes of a cat, and above all, a physique that places her on a different plain than the prairie women who surround her.

She watches a back row of COUNTRY BOYS, all awkwardly lusting at her. Parson King sighs, throws a bible down on the floor to break the spell. Says to Kate, it's clear they have a sordid past.

PARSON KING  
God is in the giving, not the  
getting. Ask yourself, what have  
you given lately?

DISSOLVE TO:

EXT. OSAGE TRAIL - NOON

FRANK CUNNINGHAM (V.O.)  
There are many places to begin this  
story. I come in closer to the end.  
And so that's where we'll begin.

Follow a beleaguered man driving a large covered wagon,  
JOHN HOBBS, (30) The sun beats down.

FRANK CUNNINGHAM (V.O.)  
That there, is John Hobbs. He was  
like a brother to me.

Further along, one of the horses steps on a razor piece of  
shale, cuts its hoof. Looking down, Hobbs sees the shale  
covers the trail, as if someone put it there.

FRANK CUNNINGHAM (V.O.)  
Pay attention. Things are not what  
they seem.

EXT. OSAGE TRAIL - DUSK

Hobbs hears faint BUZZING. Suddenly a SWARM of yellow  
jackets, gnashing his face, neck, his horse. His team breaks  
into a sprint, his wagon nearly buckling.

About hundred yards away, nearly tramples...

KATE BENDER  
Oh gosh, did those nasty yellow  
jackets have at you?

Hobbs checks the welts on his skin, sees chunks of flesh  
missing on his horses' flanks.

JOHN HOBBS  
Oh, just a hair. Sage Brush caught  
the worst of it.

Hobbs finally takes in Kate; thick pouting lips, feline  
eyes, even in her calico dress, he can see she is shapely.

KATE BENDER  
Sorry about that. Our orchard, it  
seems to attract 'em.

Kate points to the simple farmhouse just off the trail. We  
SEE: two men toiling in the bucolic orchard behind it.

JOHN HOBBS  
(smacks lips)  
I bet it's not the only thing that  
attracts em.

Kate demurs, blows the dandelion in her hand, watches the  
seeds float away on the wind.

KATE BENDER  
 What brings you through Labette  
 County?

JOHN HOBBS  
 Heading on to Independence. Looking  
 into some land.

Kate starts to lead Sage Brush off the trail.

KATE BENDER  
 I bet you could use some cooked  
 coffee, and some feeding. We  
 service an inn. You can stay the  
 night.

A wicked smile flashes Hobbes' face.

JOHN HOBBS  
 Really?

KATE BENDER  
 Only two dollars.

JOHN HOBBS  
 I knew there was a trick to this!  
 (takes reins)  
 If it's just the same, I should  
 just head on to Independence.

Kate yawns, takes the reins back.

KATE BENDER  
 Independence is another 17 miles  
 yonder. So, it's either another  
 night sleeping out with prairie  
 flies or keeping warm inside, with  
 jack rabbit stew in your gut, and  
 me as your accompaniment.

JOHN HOBBS  
 You drive a hard bargain.

FRANK CUNNINGHAM (V.O.)  
 And that's how it begins. A tired  
 traveller and a beautiful girl  
 offering a warm place to sleep.

EXT. BENDER INN - CONTINUOUS

Hobbes laughs at the crudely written sign hanging out the  
 front door - "GROCRY".

HOBBS  
Gro-cry. Aint that a stitch!

Hobbes dismounts his horse, as Pa appears, to lead his horse to the corral.

JOHN HOBBS  
I didn't even catch your name.

Kate turns on the front porch, radiant smile.

KATE BENDER  
Kate Bender.

INT. BENDER INN - CONTINUOUS

Hobbes follows Kate into the large room, separated in the middle by an ebbing stage coach CANVAS.

To the right: a series of shelves containing dry goods, tobacco and ammunition, provisions a trail blazer might need.

Kate yells in German. A thick, powerful woman limps from behind the curtain, MA BENDER (60s) with a basin of water for their guest.

KATE BENDER  
Whiskey?

JOHN HOBBS  
Woman after my own heart.  
(beat)  
Would you like to know my name?

KATE BENDER  
Not particularly.

Hobbes laughs, girl got spunk.

JOHN HOBBS  
John Hobbes. Out of Chicago.

KATE BENDER  
City man.

EXT. BENDER INN - CORRAL - CONTINUOUS

Pa watches the horse drink from the trough.

JOHN BENDER JR. (25), rail thin, odd smile, rifles through Hobbes's saddlebag. They speak in German.

PA BENDER

Anything?

JOHN BENDER

He must be wearing a money belt.

INT. BENDER INN - LATER THAT NIGHT

KATE'S POV: The money belt, hidden under Hobbes' shirt.

JOHN HOBBS

These are the most succulent  
tomatoes I've ever tasted. Y'all  
got magic soil.

Hobbes is good and drunk. He pushes the bowl of jack rabbit soup away, sated, WATCHES: Kate finish her stew and slurp the remaining broth, wasting not a morsel.

Ma whisks their bowls away as Kate leans forward, pours more whiskey, revealing her ample breasts.

JOHN HOBBS

You're a godsend, Ms. Kate!

KATE BENDER

We feel the same about you.  
(odd smile)  
So, when you arrive in  
Independence, you'll have to buy  
provisions. A horse and team?  
Lumber?

JOHN HOBBS

Got my work cut out for me.

KATE BENDER

And is there a woman waiting for  
you there?

JOHN HOBBS

I don't know a soul in Kansas,  
other than you. It's a fresh start.

Kate snakes her barefoot up and onto Hobbes' crotch, starts to work it. Shocked, it takes a moment for Hobbes to settle into euphoria. Kate stands, moves away. A tease to end all!

BEHIND CANVAS

John stares at their 8 day clock, bored. Ma washes dishes and Pa palms a three pound mallet.

JOHN BENDER.  
 (in German)  
 Hurry up already. I want to go to  
 bed.

FRONT OF CANVAS

Kate is grabbed from behind by Hobbes, he licks her ear like a drunken dog. The two are in profile, we see Kate's face is alive with sexual frenzy, she enjoys the game.

JOHN HOBBS  
 You are a special kind of flower,  
 Kate. Don't know how that square  
 head brute of a mother pushed out  
 something so perty. Once my brother  
 and I open our mercantile, you  
 should come work for us.

KATE BENDER  
 Brother?

Ma CLANGS dishes from the behind the curtain.

JOHN HOBBS  
 He'll be arrivin' in short order.  
 Bout two weeks.

Kate takes this in.

KATE BENDER  
 You supposed to check in with him,  
 when you get to Independence?

JOHN HOBBS  
 He ain't my mother, Ms. Kate.  
 He'll find me when he finds me.

KATE BENDER  
 Sit here, in this chair.

Kate leads Hobbes around, sits him in her chair, its back to the canvas curtain. We now SEE: there's a greasy stain where the back of his head lines up. Hobbes rubs his aching groin.

BEHIND CANVAS

Pa Bender quietly stands, gives the sledge a few practice swings in the air.

FRONT OF CANVAS

Kate inches between the table and Hobbes. Removes her top, exposes her breasts. He cups them, might cry he's so happy.

Kate moves to her knees, begins to unfasten Hobbes' belt.

KATE BENDER

Lean back.

BEHIND CANVAS

John lowers the kerosene lamps, so we see Hobbes' head. Pa is about to wind up, when Hobbes' head moves away from canvas.

FRONT OF CANVAS

JOHN HOBBS

Marry me Kate.

KATE BENDER

You don't even know me, silly.

Lean back.

(long beat)

You never know another person.

Kate begins to work Hobbes. We hear vivid sounds of her talent. Suddenly, her head wrenches up, screams.

KATE BENDER

Jetzt!

BEHIND THE CANVAS

Pa Bender charges at the curtain, lands a tremendous BLOW!!!

FRONT OF CANVAS

The back of John Hobbes' skull EXPLODES with flecks of blood and bone. He seizes violently, falls from chair. Kate turns away, closes her eyes. Pa swipes the table away like a gorilla, revealing a TRAP DOOR.

Hobbes' body is thrown into the pit, bones CRACK on the large sandstone slab below. His body SPASMS.

Pa leaps down on top of him. Ma and John framed in the trap door above him. Pa counts the money in the belt, grunts his approval - job well done.

EXT. BENDER INN - NIGHT

In the half light of dawn, Kate milks SILAS TOLES (40) with her hand. He climaxes. A smile plastered to his face, Toles climbs on Hobbes' stage coach, disappears into the night.

FADE OUT:

EXT. OSAGE TRAIL - DUSK - TWO WEEKS LATER

Follow, FRANK CUNNINGHAM, (25), mulatto, country suit, as he tries to slow his wagon and team, after being stung by the yellow jackets. We see WELTS cover his dark arms.

This time, Kate is picking large mushrooms in the muddy trail. Cunningham removes his hat, bows head.

FRANK CUNNINGHAM  
Good afternoon, lady.

Kate turns, surprised by the color of his skin, his good manners. She hasn't been around too many coloreds.

KATE BENDER  
Yellow Jackets?

Frank checks the welts on his arms, sighs.

FRANK CUNNINGHAM  
They attack with a pernicious  
ferocity.  
(extends hand)  
Frank Cunningham.

KATE BENDER  
Sounds Irish.

Kate looks to see if anyone's watching, shakes his hand.

FRANK CUNNINGHAM  
Black Irish, you could say.  
(laughs)  
It's a long story. One best endured  
through copious libation.

Kate starts walking towards the Inn.

KATE BENDER  
I don't know them words.

FRANK CUNNINGHAM  
I'm an aspiring writer, which means  
I oft use words no one understands  
to communicate less effectively.

KATE BENDER  
Trail's all slog, aint' it?

FRANK CUNNINGHAM  
It's torrential, after the rains.

KATE BENDER  
What you doin' round these parts?

FRANK CUNNINGHAM  
I'm to teach school in Cherryvale.

KATE BENDER  
Oh, you're a teacher?

FRANK CUNNINGHAM  
You seem surprised.

KATE BENDER  
No. It's just, I expected  
someone...less...

FRANK CUNNINGHAM  
Well dressed?

KATE BENDER  
Well, nice talking to you Mr...

Kate begins to walk away.

FRANK CUNNINGHAM  
With whom do I have the pleasure of  
speaking.

KATE BENDER  
Kate. Bender.

FRANK CUNNINGHAM  
Ms. Kate, it's my divine privilege.

Kate giggles. Weird fellow-- she turns again.

FRANK CUNNINGHAM CON'T  
Tell me, Kate, have you a wash  
basin I might utilize?  
(points to boots)  
I've got some unsightly blisters  
that I really should drain.

KATE BENDER  
We've got a creek out back.

Frank smiles at her kindness.

INT. BENDER INN - LATER

From the inn's back window, Ma and Pa watch horrified, as the dark skinned man soaps in their creek.

KATE BENDER  
He's got the same money in his  
pockets we do.  
(beat)  
Don't be ignorant.

INT. BENDER INN - CORRAL - CONTINUOUS

Obscured by the corral, John looks through Frank's cart. Finally, he nods to Kate.

EXT. BENDER INN - CREAK - CONTINUOUS

...Kate finds Frank lancing blisters with a needle, rubbing tallow on his cracked feet. After a beat, Frank steps into the creek.

Kate hikes up her dress and wades in. Out of respect, Frank keeps his eyes on the horizon. He takes in the Orchard, the inn, a slice of prairie heaven.

Kate sees the bull whip gouges on Frank's back. Her face betrays no emotion. Finally:

FRANK CUNNINGHAM  
*To make a prairie it takes a clover  
and one bee, One clover, and a bee,  
And revery. The revery alone will  
do, If bees are few.*

KATE BENDER  
What's that now?

FRANK CUNNINGHAM  
Emily Dickinson. Have you read her?

KATE BENDER  
I can't read.

Frank finds Kate's eyes.

FRANK CUNNINGHAM  
Would you like to learn?

KATE BENDER  
Got this far without it.

FRANK CUNNINGHAM  
Never say never.

KATE BENDER  
You know what they say about old  
dogs and new ideas... Would you  
like something to eat?

FRANK CUNNINGHAM  
I'd be delighted.

INT. BENDER INN - FRONT/ BACK OF CANVAS - NIGHT

Ma Bender slops some stew and corn meal on Frank's plate.

FRANK CUNNINGHAM  
Vielen Dank

Ma reacts with a start, scuttles round the curtain, says to  
Pa, clutching the mallet.

BACK OF CANVAS

MA BENDER  
That dark devil speaks our tongue!

FRONT OF CANVAS

KATE BENDER  
You speak German?

FRANK CUNNINGHAM  
Didn't mean to startle-- Only  
enough to get myself in trouble.  
I served in Shaw's 54th.

KATE BENDER  
Oh, a war hero?

FRANK CUNNINGHAM  
Hardly. A cook.  
(points at spectacles)  
Blind as a bat without em.  
Our Sgt. Major, hailed from Berlin.  
He was always cursing and carrying  
on in the *Low-Dutch*.

Kate offers Frank some whiskey.

FRANK CUNNINGHAM

I'll abstain, Ms. Kate, I don't drink.

KATE BENDER

Don't drink?

FRANK CUNNINGHAM

I'd rather have my wits about me.

(off her look)

For much of my life I've tried to escape my feelings. Being bound to someone else, that's a normal response I guess. I promised myself that no matter what befell me, I'd accept it with a lucid mind and hopefully, God's grace.

KATE BENDER

You think a person can be bound in other ways?

FRANK CUNNINGHAM

However do you mean?

KATE BENDER

Like to an idea? Or a way of doing things.

BEHIND CANVAS -- Pa Bender twirls the hammer in his hand.

FRANK CUNNINGHAM

I suppose, we are all locked inside the prison houses of our mind, Kate.

Ma's CLANGING can be heard from behind the curtain. Kate is distracted, suddenly not feeling up to the job. She sighs, her foot snakes up Frank's leg. He pushes back, startled.

FRANK CUNNINGHAM

What are you doing?

Kate is as startled as he is.

KATE BENDER

I-- Don't you want it?

FRANK CUNNINGHAM

I'd be lying if I said otherwise, but I believe in courtship. And love.

(MORE)

FRANK CUNNINGHAM (cont'd)  
 And frankly, neither come without  
 respect. Something I think the  
 menfolk round these parts aren't  
 apt to demonstrate.

Kate slowly stands, moves around the curtain, whispers to the  
 scowling others.

KATE BENDER  
 I can't do it.

JOHN BENDER.  
 He has 1500 dollars on him!

PA BENDER  
 We can get another 400 for that  
 sorrel at Ft. Scott.

Ma Bender hands Kate the serrated knife.

MA BENDER  
 Just close your eyes.

JOHN BENDER.  
 Only a few more and we'll have  
 enough for Mexico. Just a few more.  
 We're so close.

PA BENDER  
 Get him in the chair.

Kate circles the curtain, her face flat. She tries to smile.

FRANK CUNNINGHAM  
 If I offended--

KATE BENDER  
 No, no, please, sit here, as we  
 serve desert. Mother has some fresh  
 rhubarb pie prepared for you.

John lowers the kerosene, behind the curtain goes DARK.

FRANK CUNNINGHAM  
 Oh, how delectable.

Frank sits-- time slows as his SHADOW comes into view behind  
 the curtain. Ma delivers a fresh piece of RHUBARB PIE covered  
 with running creme.

John moves out of Pa's way as he picks up the sledge.

Kate turns away as Frank samples the pie.

FRANK CUNNINGHAM  
 This evening has been sublime.  
 I'm so grateful for Leroy Dick's  
 suggestion that I might find a  
 reprieve at the Bender Inn.

Behind the curtain, Pa Bender arcs the hammer back...

KATE BENDER  
 Leroy Dick?

Pa winds up, Ma pats him on the back... get him!

Frank leans back in chair, head resting on the stain.

FRANK CUNNINGHAM  
 Yes. He suggested I retire here  
 this evening. I shall regale him of  
 my stay. I'm to meet with him  
 tomorrow.

In front of curtain, PANIC on Kate's face, as she charges at Frank, checks him hard with her body. Pa's HAMMER BURSTS into the canvas, catches air.

Kate and Frank land on each other. Frank is shell shocked.

KATE BENDER  
 (hair covers her face)  
 Another yellow jacket.  
 Near your head.

EXT. OSAGE TRAIL - MORNING

Frank is all smiles as he bows to Kate, mounts his horse.

FRANK CUNNINGHAM  
 Hope to see you again.

KATE BENDER  
 For your general wellness,  
 you should hope not.

Frank laughs.

FRANK CUNNINGHAM  
 It's a small world, Ms. Kate  
 Bender. Good day.

Beat. As Frank's horse moves down the trail.

FRANK CUNNINGHAM (V.O.)  
 That was the first and only time I  
 stayed at the Bender Inn. Amazes me  
 to think how close I was to death  
 and yet looking back, the  
 experience still seems strangely  
 pleasant in my mind.

EXT. BENDER INN - SIDE ORCHARD - CONTINUOUS

The Benders stand in TABLEAU against the orchard, prairie and  
 inn behind them. They see Kate waving to Frank.

PA BENDER  
 She says Leroy Dick knew he was  
 staying here and expected him. She  
 says, it's more trouble than it's  
 worth.

JOHN BENDER  
 She likes him cause he don't try to  
 mount her leg, like the rest of  
 em dogs.

MA BENDER  
 She's grown soft.

EXT. LEROY DICK'S OFFICE - DAY

Simple brick building, deluged with feral CATS.  
 A DRUNK watches Frank move up the rickety steps.

DRUNK  
 Nigger!

Frank smiles pleasantly, heads up the stairs to 2nd floor.

INT. LEROY DICK'S OFFICE - CONTINUOUS

We find LEROY DICK (30s) a nervous wisp of a man, sideburns,  
 bifocals, reading through a mountain of correspondence.

LEROY DICK  
 (reading)  
 Dear Mr. Dick, it has been three  
 weeks since my Clarence set out for  
 Ft. Scott and we've yet to receive  
 word...  
 (picks up another one)  
 Has been missing since October,  
 we fear the worst...  
 (MORE)

LEROY DICK (cont'd)  
 (another one)  
 Must of been set upon by Indians on  
 the Osage trail...  
 (another one)  
 We urge you to form an  
 investigatory posse...  
 (voice quivering)  
 Where is my son?

A KNOCK at the door, Leroy yelps, sweats, hides the letters in a large satchel. He opens the door.

LEROY DICK (V.O.)  
 Just because your brother, did not  
 meet with me as he was supposed to,  
 does not signify the worst is true,  
 Mr.?

INT. LEROY DICK'S OFFICE - LATER

FRANK CUNNINGHAM  
 Cunningham, Frank.

LEROY DICK  
 The school teacher?

FRANK CUNNINGHAM  
 Yes.

LEROY DICK  
 You're my new school teacher?

FRANK CUNNINGHAM  
 Yes.

LEROY DICK  
 The one who wrote me those lovely  
 letters?

FRANK CUNNINGHAM  
 Same Frank Cunningham.

LEROY DICK  
 You are college educated?

FRANK CUNNINGHAM  
 Wilberforce University, yes.

Leroy pries his eyes from Frank, looks over a DAGUERREOTYPE tin type picture of John Hobbes, in union army uniform.

FRANK CUNNINGHAM

We grew up together. His family emancipated me before the war. I appeal to the higher side of John's nature.

LEROY DICK

I'm sure nothing happened to him.

FRANK CUNNINGHAM

I'm not prone to morbid assumptions Mr. Dick.

LEROY DICK

Of course not.

(gives tin type back)

Perhaps he fled with your money...

FRANK CUNNINGHAM

He doesn't need money...

LEROY DICK

...To try his luck in the North Dakota claims or down south, in one of the outlaw communities.

FRANK CUNNINGHAM

No. No. John has many vices, but gambling are not among them. He was to have staked a claim here, in Labette County. We're to open a mercantile.

Outside, YELLING from the alley. A confused look passes Leroy's face, he fidgets with his pocket watch, stands.

LEROY DICK

Perhaps he is *in his cups* in one of Cherryvale's lovely establishments of the flesh. What I suggest is for you to see about the Cherryvale Hotel, perhaps he's taken a room. See if one of the workin' girls has seen him. Now if you'll excuse me, I must, do something else.

Leroy grabs his satchel, ushers Frank out the door.

INT. LEROY DICK'S OFFICE - CONTINUOUS

Leroy takes off down a side alley, Frank heads towards the Cherryvale hotel.

EXT. CHERRY VALE - SIDE ALLEY - DAY

A group of PIONEERS take bets on a dog fight. The organizer, RUDOLPH BROCKMAN 50's is a towering man, collects the bets. The men spit, smoke, and rough house. Leroy approaches.

LEROY DICK

Ah, Mr. Brockman, as township officer, I'm to remind you that what you are about to undertake is not of legal standing. Dog fightin-

BROCKMAN

(German accent)

Why don't you go and preach your Sunday school Mr. Dick and stop pretending to be a law man.

LEROY DICK

But--

Brockman levels his colt 45 at Dick's temple. The men get nervous, Brockman's a live wire. We get a view of them in silhouette against the prairie.

BROCKMAN

The prairie's swallowing people whole and your wasting your time bustin' up pit fights? Sally forth and suck on St. Martin's prick s'more and pretend aint no business of death going on out there like you been doing, and leave us to what little fun decent folks can have in this swill hole.

Dick scuttles off. Brockman counts the money, nods to another BURLY MAN, who unleashes the shaved GERMAN SHEPARDS. The dogs instantly rips each other to pieces. The men HOWL.

INT. CHERRY VALE HOTEL - BAR ROOM - DAY

A rough hewn, unpainted bar room filled with missing toothed settlers. JIMMY BUSTER (40) leans over bar.

JIMMY BUSTER

Where n' the fuck is that bear trap temptress with my whiskey?

INT. BACK ROOM - CONTINUOUS

Behind darkened liquor SHELVES, Kate Bender finishes working a mud caked IKE ACHER (30) with her hand. He orgasms.

IKE ACHER

You sure stir the furies,  
Ms. Kate. Say? What do you need all  
this money for anyhow? Why don't  
you get yourself a well earning  
manfolk to take care of ya?

Kate rips a piece of newspaper, passes to him.

KATE BENDER

One dollar.

Ike wipes himself off. Passes her the sticky dollar bill. She puts it in her brassiere, disappears behind more shelves.

INT. CHERRY VALE HOTEL - BAR - DUSK

Frank enters. The ambient sounds of JOY ground to a halt. All glassed eyes rivet on Frank.

JIMMY BUSTER

What you want, black man?

CHARLIE BOOTH

This aint no colored waterin' hole.

A gimpy footed WAITRESS dragging her dead foot, offers:

GIMP WAITRESS

Why don't you catch a drink in the  
coolies tent, if you'z thirstin.  
They ain't all broke out in  
kindness in here.

Frank removes his hat.

FRANK CUNNINGHAM

My grave and earnest apologies for  
interrupting. I'm just inquiring  
about a friend who was supposed to  
have passed through Cherryvale.

Waitress DRAGS her foot away.

JIMMY BUSTER

Sure don't talk like no nigger.

SILAS TOLES  
 Sounds like Frederick frickin'  
 Douglass.

FRANK CUNNINGHAM  
 I'm mulatto actually. My mother was  
 white.

SILAS TOLES  
 Took a liking to an *Afri-can*, did  
 she?

CHARLIE BOOTH  
 Ain't that a mystery o'nature.

JIMMY BUSTER  
 Why don't you turn around and head  
 on out that door. Nothing but  
 shitkickers in here. Aint no place  
 for no uppity nigger.

FRANK CUNNINGHAM  
 That's a double negative.

JIMMY BUSTER  
 Yer point?

FRANK CUNNINGHAM  
 "Aint no place for no uppity  
 nigger: would mean this is a place  
 for me, which would be contrary to  
 what you're trying to express.

Buster stands, confused and angry.

KATE BENDER (O.S.)  
 He's alright.

All eyes turn to Kate, in a ravishing, scarlet red evening  
 dress. She deftly starts replenishing whiskey.

The men catcall her, swooning. The music begins again.

INT. CHERRY VALE HOTEL - ST. MARTIN'S SUITE - DAY

Plush hotel room. CAMERA MOVES along a scale model replica of  
 Cherryvale, including a new RAIL LINE, COW PATH, and main  
 street.

JAMES ST. MARTIN (40s) east coat blue blood, puffs on a cigar  
 as he contemplates. His laudanum addled wife, ROSE (30),  
 watches from the bed.

ROSE ST. MARTIN (O.S.)  
 Are you going to play with your  
 dolls all day James?

JAMES ST. MARTIN  
 Most people look at Cherryvale as a  
 barren table of dust. But what I  
 see... What I see is the key--

Rose says along with him.

ROSE ST. MARTIN  
*--key train and cattle path  
 junction to the west...*

Rose nurses a sip of Laudanum, he's absolutely tedious.

JAMES ST. MARTIN  
 You build the rail, the cowpaths  
 follow. And then the ranchers  
 staking claims.

St. Martin picks up a little model harlot, walks her into the  
 brothel.

JAMES ST. MARTIN  
 You provide the hostelries,  
 hookers, faro, and in flood the  
 greenbacks.  
 (takes laudanum from Rose)  
 It's like irrigating a garden  
 darlin', a garden that keeps on  
 giving!

ROSE ST. MARTIN  
 Money can't buy you happiness  
 James.

JAMES ST. MARTIN  
 No, but it affords its own brand of  
 misery.

James lavishes Rose with kisses. A KNOCK at the door.  
 Leroy Dick enters flustered.

LEROY DICK  
 Mr. Saint James, sorry I'm late.  
 Thank you for taking this meeting,  
 I know you're a busy man.

JAMES ST. MARTIN  
 Awfully.

Dick removes his hat.

LEROY DICK  
Mrs. St. James.

ROSE ST. JAMES  
Leroy.

LEROY DICK  
More bad news coming in off the  
prairie, I'm afraid, Mr. St. James.  
(laying LETTERS out)  
Getting letters from all over now,  
as far away and California and  
Appalachia, people missing kinfolk,  
loved ones, wondering where they  
coulda gone, why they ain't heard  
from em?

JAMES ST. MARTIN  
Shhh...shh... shh...

LEROY DICK  
Them that's locals, know about the  
disappearances. It aint no secret.

JAMES ST. MARTIN  
The locals do not concern me,  
Mr. Dick, they are already here!  
The success of my expansion relies  
explicitly on the inflow of *new*  
foot traffic. As such, I could give  
a flying fig about a few *wayward*  
*travellers*...

LEROY DICK  
But Mr. Alderidge feels a  
journalistic responsibility to  
print about the murders.

St. Martin flushes with indignation.

JAMES ST. MARTIN  
Mr. Alderidge will publish the news  
I deem fit to print or I will  
remove him from my printing press!  
(gathers letters)  
And murders mean bodies, Mr. Dick.  
So far there is not a one, so I  
sustain that these travellers have  
simply gone somewhere else...  
(throws letters in fire)  
Or better yet, never actually came  
through Kansas.  
(grabs his coat)  
(MORE)

JAMES ST. MARTIN (cont'd)  
Come, you have flared my temper. We  
must drink.

ROSE ST. MARTIN  
I want to come!

JAMES ST. MARTIN  
Rose. The Cherryvale bar is no  
place for a lady.

INT. CHERRY VALE HOTEL - BAR - CONTINUOUS

KATE BENDER (O.S.)  
Earth.

CLOSE - a sugar CUBE is set upon a slotted spoon.

KATE BENDER  
Fire.

A BLUE FLAME ignites the sugar cube.

KATE BENDER  
Water.

She douses the flame with water and pours the Absinthe.

KATE BENDER  
Air.

The MOTLEY crowd hangs on Kate's every move - She passes the  
smoldering concoction to Frank, who eyes it suspiciously.

KATE BENDER  
Drink.

He takes a tepid sip. Kate grabs it, swallows it back.  
The crowd goes wild. Kate looks at the picture of Hobbes.

KATE BENDER  
Never laid eyes on him.  
(to: crowd)  
Anyone ever seen this man?  
(passes picture)  
Pass it round now. Would of come  
through these parts bout, when did  
you say?

FRANK CUNNINGHAM  
Two weeks-

KATE BENDER  
Bout two weeks ago.

They pass the picture round, lots of "aint never seen him" and head shakes.

KATE BENDER

Does this mean you'll be on your way?

FRANK CUNNINGHAM

I think I shall remain and inquire some more.

A quiet anguish flashes on Kate's face.

KATE BENDER

Perhaps his wagon and team will turn up, and then you'll know what befell your friend. Perhaps then, you'll be on your way.

FRANK CUNNINGHAM

Perhaps I can find reasons to stay, just the same.

(Kate blushes)

And John will turn up, I have faith in matters such as these.

KATE BENDER

You're too good for this place.

They share a moment. Frank is grabbed from behind by a large bull of a man, JACK EATEN (40), who cracks a bottle off the bar, violently swipes at Frank's neck. Crowd backs up.

Frank falls back onto someone's plate of meatloaf.

JACK EATEN

Where are your manners animal?  
Monopolizing Kate's time like 'at?

Kate leaps on the bar, shatters a large whiskey bottle across Eaten's head. Eaten lolls, Kate grabs him by the hair, smacks his head off the bar, he falls to the floor.

FRANK CUNNINGHAM (V.O.)

Guess I should have seen her potential for violence right then, but heck, I must admit I was smitten with the attention.

The crowd erupts in cheer. Charlie Booth and Johnny Buster carry Eaten out the front door.

Shaken by the violence, Frank moves to LOBBY COUNTER, asks an ancient HOTELIER.

FRANK CUNNINGHAM  
I'd like to take a room.

HOTELIER  
Let me talk to my manager.

The Hotelier walks over to a man, clearly passed out on the counter. Kate watches Frank, all eyes still on him.

FRANK CUNNINGHAM (V.O.)  
Kate would tell me later, she knew  
at that exact moment, why we were  
going to be good friends.  
(beat)  
We were just different than all the  
rest.

HOTELIER  
Sorry. We're just not set up yet to  
accommodate coloreds.

Frank leaves, embarrassed.

INT. COOLIE'S TENT - NIGHT

A Chinese RAILROAD WORKER, approaches Frank, laying in a cot.  
Passes him some rice in a wooden bowl. Frank eats ravenously.

EXT. BROTHEL ALLEY - NIGHT

Jack Eaten, face bludgeoned, whiskey bottle, staggers through  
darkened alleys, as WHORES stare longingly from shadows.  
Eaten senses someone following, picks up his pace.

EXT. BROTHEL ALLEY - BUTCHERY - NIGHT

Eaten staggers into a darkened BUTCHERY. HOGS hang from  
chains, flies BUZZ. His eyes search the darkened spaces  
between animal carcasses.

He throws the whiskey bottle, disgusted, begins to walk.

Pigs SCREAMING, as Kate Bender, like a wraith, lurches out  
from the shadows, her ARM JERKING forward in a blur.

Eaten watches her vanish into shadow. His gut has been  
sliced, his innards slop down into the mud. He falls, his  
head lands on the edge of the pen. Pigs start to gorge.  
The image of Eaten being eaten transitions into:

INT. CHERRYVALE GAZETTE - DAY

A NEWSPAPER IMAGE, rolling off of a rotary printing press. ALVIN ALDRIDGE (50), ink besotted face, passes the paper sheepishly to St. Martin. Leroy Dick wheezes with anxiety.

LEROY DICK  
Well, that's, a body.

JAMES ST. MARTIN  
Who's seen this?

LEROY DICK  
Tang, the Chinaman butcher, who discovered him.

St. Martin pulls a wad of bills from his billfold.

ALVIN ALDRIDGE  
Mr. St. Martin, as a newspaper man, I will have an absolute moral quandary if you are to quash this story.

JAMES ST. MARTIN  
Aldridge, you are an alcoholic, with a facility for the latest technologies.  
(points at printing press)  
You are not a newspaper man, as you purport to be!

Martin passes the bills to Dick.

JAMES ST. MARTIN (CONT'D)  
Let Mr. Tang know if he appraises anyone of this, he will need to set up shop in a different county.

Leroy leaves in a fluster.

ALVIN ALDRIDGE  
It's unconscionable!

St. Martin pulls Aldridge to a window - in the dusty street below - a QUEUE of about TWO DOZEN MEN, filing for LAND CLAIMS at a booth, in front of Leroy Dick's township office.

Parson King preaches fire and brimstone, but most aren't listening.

JAMES ST. MARTIN

Coming in droves. Not for the chance of being gutted, but for prosperity. There taxations pay for your for malt liquor and whoring, so don't preach pious to me.

St. Martin starts throwing papers in incinerator.

JAMES ST. MARTIN

Jack Eaten was a terrible man and lacking his presence, the world is a better place.

EXT. STREET - OUTSIDE TOWNSHIP OFFICE - DAY

AUGUST ERN (40s), town surveyor, stamps paperwork. The line of men are impatient, cooking in the hot sun.

AUGUST ERN

Y'all going to own 160 acres of freehold title of American soil! You can wait your goddamned turn!

Moving down the line, we find Frank. A wind battered PIONEER WOMAN scowls, mutters under her breath.

PIONEER WOMAN

Lincoln can roll over in hell fer giving our land away to unchained slaves.

FRANK CUNNINGHAM (V.O.)

Most of the time, I don't even hear it. Just let it roll off my back like water, like my mother used to say.

PARSON KINGS

"He that is greedy of gain troubleth his own house"...

RANCHER

Git out my way preacher. I seen the size of your church; don't be talking to us about greed.

Frank stands proudly against the blazing sun, wipes his spectacles.

INT. BENDER INN - CONTINUOUS

MA BENDER

It was brash.

JOHN BENDER

It was stupid.

PA BENDER

You could have been hurt.

KATE BENDER

As the one who earns the most, I'll do as I please.

(to John)

You are to bring Hobbes' horse and team to Indian Territory. Plant them in the open, let them think he was massacred.

They wait on John, he looks uncomfortable.

JOHN BENDER

Why not do the mulatto like you did Eaten?

KATE BENDER

No.

PA BENDER

Kate, it's unnatural to form such an affection.

KATE BENDER

We're unnatural. The lot of us. We have some type of disease of the mind, makes us do what we do. He lives.

(flicks wrist, knife gleaming)

I say he lives or I'll slit you all faster than you know what came upon you.

The Benders bow their heads solemnly. Kate has spoken.

INT. CHERRYVALE GAZETTE - DAY

St. Martin finishes burning the remaining copies of the Gazette. At the WINDOW, Aldridge sighs.

FRANK CUNNINGHAM (V.O.)

There comes a point in every story,  
where things break wide open and  
nothing is the same again. With the  
Benders, it was more like a whole  
bunch of little things that added  
up.

(beat)

But truth, it has a funny way of  
finding air.

EXT. DRUM CREEK - AFTERNOON

Two BOYS wait on a rickety raft, casting earthworms. The creek is murky.

ON SCREEN TITLE: Drum Creek, Fall of 1872

*MONTAGE - Kate on the Osage Trail fishing for "guests", and the boys casting into the creak.*

- Kate leads a swine down trail, smiles at Man's silhouette.
- Boys stab another earthworm, let it fly.
- Kate gives her canteen to a bearded TRAVELLER.
- Boys reeling their line.
- Kate opens the door and passes SOMEONE a victim's saddle.
- Boys swatting at mosquitoes.
- Kate digs gold filling out of dead man's mouth with knife
- John passes a saddle and personal effects to Jimmy Buster.
- The boys oaring further down creak, cast again.
- Kate walks with a DAPPER MAN, who eyes her lustfully
- Kate masturbating Buster, Toles, and Booth with her hand.

*SETTLE - on boys, chewing hay, bored, suddenly the smaller of the two catches a snag, his wooden rod SNAPS!*

SMALLER BOY

Must be the fattest catfish in the  
whole county.

BIGGER BOY

I think I see it!

They drop their oar into the water by accident. It drifts in the opposite direction of the fish. They start paddling towards the fish with their hands.

SMALLER BOY

Give me your rod.

Smaller boy jabs at the fish. It's enormous.

SMALLER BOY

Looks like a great big bottom dweller.

BIGGER BOY

That aint no fish, stupid.  
That's a creek eel.

Smaller boy inadvertently spins whatever it is, it flips over. It takes a beat for them to register the DEAD MAN, a wide gaping hole in his neck, from ear to ear.

It's the small CRABS climbing out of his mouth that make the BOY'S SCREAM and fall into the creek, flailing.

The BODY FLOATS ON TOP OF THEM. They think they're drowning, when finally, they put their feet down, and clamor out, gasping, running, flailing down the trail.

EXT. FRANK CUNNINGHAM CLAIM - MOMENTS LATER

Striking pink petals fall from a crab apple tree. Fall has arrived. We follow them DOWN...

FRANK CUNNINGHAM (O.S.)

*Faith is a fine invention for gentlemen who see; But Microscopes are prudent in an emergency.*

...As they WIPE PAST Frank standing on the roof of his freshly erected farm house.

KATE BENDER (O.S.)

What does she mean?

Kate is at the far end of the roof, driving home nails.

FRANK CUNNINGHAM

What she is saying is that we must embrace science.

(picks up petal)

That by its very nature it seeks to illuminate, not explain away.

(laughs)

See how many pastors receive their small pox vaccines, to see where their faith really lies.

KATE BENDER

She was a smart lady, that Emily Dickinson.

FRANK CUNNINGHAM

And morbidly obsessed.  
 (off Kate's confused face)  
 She thought about death, all the  
 time.

KATE BENDER

Why do you know so much about her?

Kate studies the hammer in her hand. Frank comes, sits next to her, they both look out at the rolling prairie, now a patchwork of FALL COLORS.

FRANK CUNNINGHAM

She turned her pain into great art.  
 And her extraordinary genius was  
 not discovered until after she had  
 died. Gives me a strange kind of  
 hope.

This hits Kate hard. We follow her eyes, towards the Bender inn, in the distance. Ma and Pa, toil in the orchard, which has grown, now with large swaths of dark soil.

They catch Kate's eyes, she looks away in annoyance.

KATE BENDER

You get all that feelin' from a few  
 words?

FRANK CUNNINGHAM

A word is dead when it is said,  
 some say. I say it just begins to  
 live that day.

KATE BENDER

Emily, again?

Frank nods. Kate wipes a bead of sweat from his face. He reacts nervously to her touch.

Leroy Dick, approaches from the trail, coughs loudly to warn of his presence. He removes his hat.

LEROY DICK (V.O.)

I'm sorry.

EXT. CUNNINGHAM CLAIM - LOG PILE - MOMENTS LATER

Frank listens sadly, Kate still holds the hammer.

LEROY DICK  
 A ten foot prairie schooner, dual  
 axel, Conestoga shell.

EXT. FLASHBACK - INDIAN TERRITORY - DAWN

John Bender races Hobbes' schooner past sign - "US Osage  
 Reservation". Bender crashes the schooner into a monstrous  
 tree, waking up a FAMILY of Osage INDIANS.

                  LEROY DICK (V.O.)  
 Mr. Hobbes' personal effects were  
 traipsed about in the approximation  
 of an Injun slumberin' site.

John throws Hobbes personal EFFECTS along the trail.  
 The Indians watch him quizzically, crazy white man.

                  LEROY DICK (V.O.)  
 It was clear, those dirt  
 worshippers took no consideration  
 in the pillaging of his belongings!

Bender takes off on Hobbes' horse. Father Injun, in  
 headdress, approaches cautiously.

                  FRANK CUNNINGHAM (V.O.)  
 I have long thought the Osage were  
 peaceful?

                  LEROY DICK (V.O.)  
 (not convinced)  
 The Osage Indians are not a  
 peaceful race. They are heathens,  
 prone to bouts of agitation and  
 blood letting.

The Indian children play with Hobbes' pots and pans. Father  
 pulls them away, nervous, they disappear into the brush.

EXT. CUNNINGHAM CLAIM - CONTINUOUS

Kate blows another dandelion. Frank's eyes tear up. Kate  
 watches this man, betraying such emotion, fascinated.

                  FRANK CUNNINGHAM  
 Thank you Mr. Dick, though the news  
 is most dire, I must admit a level  
 of closure in the confirmation.

Kate nods solemnly.

KATE BENDER  
You can finally stop looking.

FRANK CUNNINGHAM  
And waiting.

Kate, suddenly indignant.

KATE BENDER  
We pay heaps in taxes; crop tariffs  
from here to Ft, Scott, Mr. Dick,  
what's the township doing to keep  
us safe?

LEROY DICK  
Ms. Kate, I'm a county clerk, not a  
lawman. This ain't no game for me.  
I stand before you, inept in my  
position.

SCREAMS! From the Osage trail. They see the BOY'S HEADS bob  
past corn stalks about 100 paces away.

EXT. DRUM CREEK - AFTERNOON

Sounds of FLIES swarming. The late fall sun is hot.

MOVING past Leroy Dick biting his nails, James St. Martin  
nervously looking at his cigar, the boys fascinated, and then  
Kate Bender, stone faced...

We land on Frank, who has been inspecting the BODY.  
The man's throat is cut, ear to ear. Frank covers his mouth  
with a kerchief.

JAMES ST. MARTIN  
What's the word, my good man?

FRANK CUNNINGHAM  
Whomever carried out the act, they  
are well rehearsed.

KATE BENDER  
What do you mean?

FRANK CUNNINGHAM  
They were mindful enough to slice  
the stomach. Lets the gas  
dissipate. Otherwise the bloat  
would cause it to rise.

LITTLE BOY  
Dis-gustin.

Frank kneels, holds thick horse rope, the ends are chewed.

FRANK CUNNINGHAM

He was tethered to rocks with rope,  
but they...

KATE BENDER

Who?

FRANK CUNNINGHAM

Whoever. Didn't plan on those big  
old snapping turtles, animals prone  
to mastication, severing the ropes.

Kate's POV: A monster snapping turtle stares at her from the  
creek bed. St. Martin pushes Leroy Dick.

JAMES ST. MARTIN

Would you stop gnawing your own  
hand off and do your job?

Leroy approaches slowly, peaks over Frank's shoulder.

LEROY DICK

Well, he's dead.

(beat)

That there's William Jones. A stone  
mason. Been missing for a couple of  
weeks. Was a good man.

FRANK CUNNINGHAM

Couple of weeks? Why wasn't a  
search party mounted?

LEROY DICK

There aren't enough men.

FRANK CUNNINGHAM

There aren't enough men to form a  
search party?

LEROY DICK

No. No. There aren't enough men to  
form search parties...sssss.., for  
all the menfolk that's missing.

(eyes on St. James)

But then again, they aint never  
even set foot in Kansas! Nope, no  
sir-ee.

A portly MRS. ALBRECHT (50) waddles from the trail, bad  
timing.

FRANK CUNNINGHAM  
How many are missing?

JAMES ST. MARTIN  
Well, chop chop, Leroy, let's get  
the body into the wagon.

St. Martin tries to drag the body. Stops when mud splatters  
on his suit sleeves, his cigar fizzles in the mud.

FRANK CUNNINGHAM  
How many are missing? How many?

JAMES ST. MARTIN  
The wagon, Leroy!

LEROY DICK  
If I had to guess, ten, dozen,  
(counts on hand)  
fifteen, or so.

FRANK CUNNINGHAM  
A... massacre.

JAMES ST. MARTIN  
Mr. Dick!

Kate grabs the corpse by the arm.

KATE BENDER  
Here, grab hold.

At Kate's prompting, they carry the soggy corpse, into the  
cart. As he lands, a bunch of creak spills out of his neck.  
The boys react with morbid glee.

KATE BENDER  
It's a cycle of life, just like  
them leaves falling from that tree.

LITTLE BOY  
Yeah, but Ms. Kate, them leaves;  
they fell when they was ready!

MRS. ALBRECHT now in earshot.

MRS. ALBRECHT  
Leroy, haven't seen you at worship  
for two Sundays straight! Ms. Kate,  
you're looking reed thin, need to  
eat more. What y'all doing with  
that body?

LEROY DICK

Body? Nobody.

JAMES ST. MARTIN

He drowned.

(quietly)

Cover him up.

Leroy quickly throws a potato sac over the corpse's head.

MRS. ALBRECHT

Who is it now?

JAMES ST. MARTIN

There's nothing to see here.

Move along now.

Albrecht continues to poke, Leroy tries to stand in her way.

MRS. ALBRECHT

We got a right to know when someone catches their death in our crick. Probably steeling our sheep, would serve him right.

(beat)

Well, just the same, came to invite y'all to our barn raisin'. Got a game hen simmering all day. Mr. Dick, you must come. Kate, the whole family is invited. Mr. St. Martin,

(extends her plump hand)

if you'd do us the honor.

St. Martin takes it begrudgingly, kisses is quickly.

JAMES ST. MARTIN

Thank you, but I really must be--

MRS. ALBRECHT

My father's the foreman, in charge of all those Chinamen laying the track that's cutting up our countryside. Hate to have to inform him of your rudeness, Mr. St. Martin, all the way out here and not stopping in.

JAMES ST. MARTIN

I will attend. Mr. Dick, however, will not. He's got work to do.

MRS. ALBRECHT

Can't it wait?

LEROY DICK

No.

Leroy Dick mounts the cart, takes off with the body. Frank is kneeling at the river bank, stares at DEEP RIVETS in the mud.

JAMES ST. MARTIN

What is it?

FRANK CUNNINGHAM

Large wagon tracks. The rear axel is wider than the front. It's an unusual build.

Kate watches concerned.

JAMES ST. MARTIN

Mr. Cunningham, I've seen your requests for a larger school house, better desks and so forth. I've been the one who has rejected these efforts; felt they were a misallocation of funds. I can personally guarantee you a new schoolhouse if...

FRANK CUNNINGHAM (V.O.)

This is a Faustian bargain if ever I heard one.

FRANK CUNNINGHAM

If I what?

JAMES ST. MARTIN

If you'll mount up and wear a tin star on that chest.

FRANK CUNNINGHAM

Sheriff? You want *me* to be the sheriff?

Kate's face crumbles. James pats Frank on shoulder, like he thought of it.

JAMES ST. MARTIN

Hey, that's a great idea!

Frank watches the CORPSE JOSTLE in the back of Dick's wagon.

FRANK CUNNINGHAM

How altruistic.

JAMES ST. MARTIN  
You've got natural deductive  
skills...

FRANK CUNNINGHAM  
And a slight pigmentation problem.  
Mr. St. Martin, I was forced to  
sleep in the "coolie tent",  
because the Cherryvale hotel does  
not accommodate coloreds and while  
I enjoyed brushing up on my  
Cantonese, it was a slight  
inconvenience. No one would take me  
seriously as a lawman.

Albrecht says over her shoulder.

MRS. ALBRECHT  
The colored can come too.

JAMES ST. MARTIN  
See that? Your luck is a changing.

Kate takes off towards home.

FRANK CUNNINGHAM  
Kate? Will you attend?

MRS. ALBRECHT  
(over shoulder)  
Of course they'll attend. Them  
Benders can't turn up free grubbin.

INT. BENDER INN - NIGHT

Kate storms through the front door, starts screaming at  
John in German. John's back is turned to her.

KATE BENDER  
(in German)  
You simple seed! That mason you  
tied up for turtle bait just came  
up to tell his tale!

Kate cracks John hard in the back. He turns, says in English.

JOHN BENDER.  
My lovely *sister* Kate. You remember  
Doctor Leeds?

John swivels aside, revealing a very well dressed man,  
DR. LEEDS (50s), bow tie, balding, sitting at the table.

INT. OSAGE TRAIL - NIGHT

Leroy Dick, nervous as hell, riding the cart down the darkened trail. William Jones' body JOSTLES in back.

EXT. ALBRECHT BARN - CONTINUOUS

St. Martin and Frank follow Albrecht into the barn, which has been converted into a crude DANCE HALL.

Mr. Albrecht grabs St. Martin's arm, a tense moment.

MR. ALBRECHT

Want you to know this barn raisin would of happened at the beginning of the summer, were it not for the territory claiming imminent domain so the Santa Fe can cut clear through my claim.

JAMES ST. MARTIN

Well, thank you for doing your part in the facilitation of progress.

Albrecht is drunk and seems dangerous. Finally, he smiles.

MR. ALBRECHT

Get the menfolk some food, lioness.

Albrecht's CHILDREN approach the men with cups of rye whiskey, as a BANJO PLAYER warms up.

MRS. ALBRECHT

Last time I checked, you had full use of your limbs, you son of a bitch.

JAMES ST. MARTIN

Going to be a long night.

A few pretty GIRLS walk in. St. Martin smiles. One, Albrecht's pretty NIECE, carries several Chocolates PASTRIES.

INT. BENDER INN - CONTINUOUS

KATE BENDER

Good to see you again, Doctor.  
(moves to wash basin)  
Hate to be improper, but I'm invited to a barn raisin'.

DOCTOR LEEDS

Oh-

KATE BENDER

You too, John.

John motions with his eyes, trying to alert Kate of trouble.

JOHN BENDER

Kate, Mr. Toles is taking  
Dr. Leeds pacing mare to his  
livery, got a quarter cracked hoof.  
(through teeth)  
There was some unexpected shale on  
the Osage.

Kate SEES: Silas Toles leading Leed's mare down a hidden path. Ma arrives with a greasy plate of food.

KATE BENDER

How... unlucky.

Sounds of MUSIC from the Albrecht's can be heard faintly.

INT. ALBRECHT HAY LOFT - CONTINUOUS

Frank follows St. Martin up the ladder to the hayloft, overlooking the darkened prairie.

FRANK CUNNINGHAM

Why not deputize some men?  
Establish a Marshall's office?

JAMES ST. MARTIN

Because up until now, there has not  
been a need. And you must bankroll  
law men. And with them, come the  
Women's Christian temperance  
groups, lobbying on behalf of  
women's rights, and civility.

FRANK CUNNINGHAM

Heaven help us. What are we doing  
up here?

JAMES ST. MARTIN

Enjoying the view.

From this vantage, St. Martin can look right down the girl's calico dresses. They look up and giggle.

JAMES ST. MARTIN

That girl there, Albrecht's niece. She walked in with a genuine chocolate cake. Made with real sugar! That cake costs two dollars. Where do you think a country poon gets *that* kind of disposable income?

FRANK CUNNINGHAM (V.O.)

I realized at that moment, St. Martin was everything I detested in the darker side of humanity. To him, everything could be bought or owned.

FRANK CUNNINGHAM

That's no way to describe a human being.

JAMES ST. MARTIN

She's a working girl, Cunningham. Makes ten times the money she would toiling the land. She supports her family, let's them eat cake! They'll starve this winter without her.

(big drink)

It's nothing but opportunity for these girls.

EXT. OSAGE TRAIL - FORK IN TRAIL - NIGHT

Leroy pulling the corpse, and Silas Toles fleeing with Doctor Leed's mare, nearly CRASH into each other at the fork.

SILAS TOLES

Mr. Dick, evening.

LEROY DICK

Good God, you scared the hell out of me, Toles. Where you headed?

SILAS TOLES

Nowhere. What you got there?

LEROY DICK

Nothing.

SILAS TOLES

Well, good night then.

Toles takes off.

INT. BENDER INN - BEHIND CURTAIN - CONTINUOUS

Kate finishes washing up in the basin, new evening dress on.

PA BENDER

Katie, please. You must help.

MA BENDER

Why do you do this to us?

KATE BENDER

Not tonight. With the Albrecht's  
barn raisin, there's too many  
people.

Ma shakes her violently, whispers.

MA BENDER

You have no choice! They will come  
after us.

Kate moves around curtain, briskly makes for the front door.

KATE BENDER

Well, enjoy your stay, Dr. Leeds.

JOHN BENDER.

Kate, Doctor Leeds is inquiring  
about some friends.

(beat)

They've gone missing.

Kate turns, well played fear on her face.

KATE BENDER

Oh?

Leeds paces nervously, lights his pipe.

DR. LEEDS

A father and daughter, by the name  
of Loncher. I sold them their wagon  
and horses. They were discovered in  
the woods on the way to Ft. Scott,  
the Brockman claim.

KATE BENDER

Rudolph Brockman's claim.

(to: herself)

What a strange place to desert a  
team.

DR. LEEDS

Ms. Kate, I think there is a den of  
murderers in your midsts.

(Kate gasps)

I'm to mount a posse in  
Independence.

Kate removes her shawl, revealing her ample bosom.

KATE BENDER

John, the whiskey.

INT. ALBRECHT FARM - HAY LOFT - LATER

St. Martin, now buzzing, finds Frank watching the Bender Inn,  
from the OPEN SIDE OF THE LOFT. Dying leaves fall past.

JAMES ST. MARTIN

She's the prettiest girl in the  
county, but she'll never give you  
her box. Sure, you'll get her hand,  
her mouth, and that quenches the  
callin' for a time, but you'll  
start to resent her for holding out  
on that cherry of hers.

With a great welling of anger, Frank pushes St. Martin off  
the hayloft, he lands with a thud in a pile of hay.

The crowd GUFFAWS.

The BANJOS kick in as the locals start a twirlin' on the  
floor. The kids now wield home made SPARKLERS, that light the  
scene, in a surreal depiction of Americana.

JAMES ST. MARTIN

Someone's been struck stupid with  
cupid!

EXT. OSAGE TRAIL - NIGHT

Frank heads down the trail on foot. Bender place in distance.

INT. BENDER INN - CONTINUOUS

BEHIND CURTAIN

Ma puts the finishing touches on her stew, lifts the  
simmering pot off the flame. Pa sits quietly, reading his  
bible. John checks his tie in the window's reflection.

FRONT OF CURTAIN

Doctor Leeds is looking at Kate, who stands in front of him, off screen. Her dress is pulled up, we see her buttocks.

DOCTOR LEEDS  
Well, from the site of it,  
it's social disease Ms. Kate.

KATE BENDER  
A social disease?

DOCTOR LEEDS  
Probably syphilis.

The light behind Leeds goes DARK. Kate takes Leed's hands, places them on her nude hips. He's beyond intrigued.

KATE BENDER  
That's what's been making me itch  
like that? Well what do you suggest  
as a remedy?

Leeds is nervous, but aroused.

DOCTOR LEEDS  
Mercury. Orally. It induces heavy  
salivation, which will work to  
remove the humors which cause the  
illness.  
(beat)  
And hot vapor baths.  
(beat)  
And of course...  
(cups her breasts)  
Chaste behavior is the best  
prevention.

KATE BENDER  
Tell me, Doctor Leeds: that red  
roan, pacing mare, she's quite  
valuable isn't she?

## EXT. SILAS TOLES LIVERY - NIGHT

Toles walks Leed's horse into the stable. The horse is frightened, SNORTING in pain.

DOCTOR LEEDS (V.O.)  
An animal of exquisite beauty,  
commands a high premium.

INT. BENDER INN - CONTINUOUS

Leeds brings his nose into Kate's stomach, takes in her scent. Kate puts her hands around Leeds' neck, strokes the money belt on his shoulder.

Leeds opens his eyes, for the first time, senses something.

EXT. WAGON GRAVEYARD - CONTINUOUS

In a gulch, we see about ten ABANDONED STAGE COACHES, from the Bender victims. Toles douses them with Kerosene.

INT. BENDER INN - CONTINUOUS

Doctor Leeds hears rustling behind the curtain, turns.

BEHIND CURTAIN

Pa launches his attack, hammer arcs...

FRONT OF CURTAIN

Leeds HEAD RECOILS from the blow, hit square in the face, teeth landing on the ground. The gold LOCKET in his pocket skids across the floor.

Leeds snaps to Kate, his face looks like it endured a shot gun blast.

DOCTOR LEEDS  
AAaaaarrghhh!

KATE BENDER  
Ahhhhhh!!!!

EXT. OSAGE TRAIL - NIGHT

Frank hears Kate's SCREAM. Begins to run towards the light of the Bender inn.

INT. BENDER INN - CONTINUOUS

Leeds lunges at Kate, in total shock, strangles her. Kate can see Frank's torch getting closer on the trail.

KATE BENDER  
Someone's coming!!!

EXT. OSAGE TRAIL - CONTINUOUS

Frank, running as fast as he can now, sees the STRUGGLE in the window.

EXT. WAGON GRAVEYARD - CONTINUOUS

Silas watches the stage coaches burn, mesmerized by the pyre.

INT. ALBRECHT FARM - CONTINUOUS

The PARTY GOERS twirl in delight, circling the fire pit.

INT. BENDER INN - CONTINUOUS

Pa snakes his giant arm around Dr. Leed's neck, snaps it.

EXT. BENDER FRONT YARD - CONTINUOUS

Frank trips, his torch almost burning his face.

INT. BENDER INN - CONTINUOUS

Ma pushes table away, John yanks the rug, the trap door SQUEALS open.

Pa, bear hugging Leeds, disappears down the shoot.

Ma throws the rug haphazardly over the splatters of blood.

John grabs Kate, like he's choking her. Long beat.

EXT/INT. BENDER INN - CONTINUOUS

Frank bounds through the front door with a PITCHFORK, sees John and Kate dancing to Albrecht's music, in the distance.

Ma finishes setting the table, laughs at the two crazy kids and waddles back around the curtain.

FRANK CUNNINGHAM  
I heard screaming.

Frank stops, hears Leed's muffled WHIMPERING below.

INT. BENDER BASEMENT - CONTINUOUS

Pa finishes cutting Leed's neck, arteries spew blood, freezes, everything suddenly quiet above him. Light dances through the floorboards.

JOHN BENDER. (O.S.)  
She's got two left feet.

KATE BENDER (O.S.)  
You kept stepping on my feet, you simple seed!

INT. BENDER INN - CONTINUOUS

REVERSE on John, wiping the blood off of Kate's neck. Kate asks John with her eyes - can she turn around? They dance slowly, intimately. Frank is uncomfortable.

Kate says to Frank.

KATE BENDER  
Are you here to walk me to the party? Don't want to walk the trail alone, after today.

FRANK CUNNINGHAM  
Where is your father?

Long beat. Kate and John's eyes widen.

Suddenly, Pa barrels in behind Frank, mud caked hands, and shirt, to hide the blood. Frank drops the pitchfork.

PA BENDER  
Cleaning the stalls.

Pa disappears behind the curtain.

FRANK CUNNINGHAM  
I thought he couldn't speak English?

KATE BENDER  
Bits and pieces.

Frank inches his way to the center of the room, standing on the rug, sees the Bender's living quarters. Music dies down leaving nothing but the crickets and wind.

Pa waits behind the curtain, his bloody mallet at the ready.

FRANK CUNNINGHAM  
 Guess I'm a raw nerve, after today.

Kate grabs a giant JUG from counter.

KATE BENDER  
 You and me is drinking some of Pa's  
 corn whiskey, and I'm not taking no  
 for an answer!

Kate heads out the front door, Ma and John follow.  
 Frank looks around the empty room, the ebbing curtain.

INT. ALBRECHT FARM - CONTINUOUS

DANCERS twirl around St. Martin, who is now severely  
 plastered. Mrs. Albrecht puts a hay wig on St. Martin, plants  
 a wet kiss on him.

The children start a haunting version of DARLING CLEMENTINE:

CHILDREN  
*Oh my darling, oh my darling,  
 Oh my darling Clementine! Thou art  
 lost and gone forever, Dreadful  
 sorry, Clementine!*

EXT. OSAGE TRAIL - NIGHT

Kate and Frank walk behind Ma and John. Kate's dress catches  
 the moonlight. Frank watches her, his brain working furiously  
 to understand.

CHILDREN (V.O.)  
*Light she was and like a fairy, And  
 her shoes were number nine,  
 Herring boxes without topses,  
 Sandals were for Clementine.*

FRANK CUNNINGHAM  
 Kate...

Kate passes Frank the bottle.

KATE BENDER  
 Put some hair on your chest, Frank  
 Cunningham. It'll all be over soon.

Frank takes a gulp, gags.

INT. ALBRECHT FARM - CONTINUOUS

CHILDREN

*Drove her ducklings to the water,  
Every morning just at nine,  
Hit her foot against a splinter,  
Fell into the foaming brine.*

INT. CHERRY VALE - MORGUE - CONTINUOUS

FLASHES of an antique CAMERA illuminate a simple country morgue, the corpse on the slab, laid next to Jack Eaten.

CHILDREN (V.O.)

*Ruby lips above the water, Blowing  
bubbles soft and fine,  
But alas, I was no swimmer,  
So I lost my Clementine.*

Leroy pukes off screen.

INT. OSAGE TRAIL - NIGHT

The Benders and Frank approach the barn now. Push in on Kate, as an idea comes to form in her mind as she watches John and Ma enter the barn.

KATE BENDER

*Then the miner, forty-niner,  
Soon began to peak and pine,  
Thought he ought ta join his  
daughter, Now he's with his  
Clementine.*

INT. BENDER INN - CONTINUOUS

Pa does his best to clean up the blood. He does not see Leed's locket, still under the hutch.

CHILDREN (V.O.)

*In my dreams she still doth haunt  
me, robed in garments soaked in  
brine;*

INT. ALBRECHTS' BARN

CHERUB FACED BOY

*Though in life I used to hug her,  
Now she's dead, I draw the line.*

We hold on the cherub boy as he smiles at this.

JAMES ST. MARTIN (V.O.)  
 Lincoln said, "a house divided  
 against itself cannot stand".

CUT TO:

INT. ALBRECHT BARN - LATER

St. Martin slurs, toasting the crowd, now at banquet table.  
 From their faces, his toast has been going on for some time.

All four Benders sit apart from each other, eyes darting,  
 anxious from the kill.

JAMES ST. MARTIN  
 (slurring)  
 Kansas has entered the union a free  
 state. It has set aside these pesky  
 quarrels; silly, petty, questions  
 of human bondage...

KATE BENDER  
 Sit Frank.

Kate forces a space between the men, for Frank to sit with  
 his food. Frank watches, every man eyes Kate lustfully.

JAMES ST. MARTIN  
 Kansas says, we'll give you 160  
 acres of god's green earth, for an  
 honest days toil...

Mrs. Albrecht not so quietly whispers.

MRS. ALBRECHT  
 Think he's toiled a day in his  
 life?

PARTY GOER 1  
 Here here.

PARTY GOER 2  
 I'll drink to that.

JAMES ST. MARTIN  
 In summation...  
 (group sighs in relief)  
 (MORE)

JAMES ST. MARTIN (cont'd)  
 It's honest, hard working folk like  
 yall, that are turning this  
 fledgling country into a land of  
 golden opportunity, a land where  
 anything is possible.

St. Martin falls into his seat. They drink awkwardly.

KATE BENDER  
 Mr. St. Martin, you was born with  
 money, weren't you?

JAMES ST. MARTIN  
 I am a self-made man, Kate.

KATE BENDER  
 But you used your family's money,  
 to buy most of Labette County.

JAMES ST. MARTIN  
 They provided the seed money, but I  
 have overseen the growth. Where you  
 headed, you little minx?

KATE BENDER  
 You make it sound like all these  
 folks need to do is plant some corn  
 and they'll grow prosperous. That  
 much is a lie. Most people is  
 doomed to a rat race, they can  
 never escape.  
 (cutting corn on cob)  
 The majority in fact.

St. Martin rubs Kate's leg under the table.

JAMES ST. MARTIN  
 There's a difference between  
 working hard and working smart.

Frank stands, leaves the table. The men SNICKER. Pa enters  
 the barn, freshly scrubbed, no sign of Leed's blood.

LATER - the Men play poker and smoke. The women clean and  
 most of the children are asleep; save for the few that climb  
 over St. Martin, passed out in a cow stall.

INT. ALBRECHT'S - HAYLOFT - NIGHT

Kate finds...

KATE BENDER  
 Here you are.

Frank, glasses crooked on his face, hammered.

FRANK CUNNINGHAM  
Kate, I... love you.

KATE BENDER  
Oh...

FRANK CUNNINGHAM  
But I know now, you'll never...  
we'll never...

KATE BENDER  
Never say never.

Frank drinks, Kate takes it from him. Finally, Frank blurts

FRANK CUNNINGHAM  
You give yourself away too freely,  
to too many people.

Kate sits, betrays no emotion. She watches Frank stand abruptly, in the corner of the loft, relieves his full bladder. Kate giggles.

Frank finishes. Kate steps up, reaches around for him, he slaps her hand away, more embarrassed than offended.

FRANK CUNNINGHAM  
You grab at me like I'm an udder in  
the barn. I'm not your property.  
And you're not anyone else's  
property, Kate.

KATE BENDER  
Even soused, you're a big ole'  
prude!

The whole party stops, listens to the shouts from the loft.

KATE BENDER  
What are you? A damned dandy if I  
ever saw one?  
(screams)  
Dandy Dandy Dandy.

Kate storms off. Frank is dumbfounded. He sits winded, looking out at the front of Albrecht's barn.

After a beat, John steps out from behind a bail of hay.

FRANK CUNNINGHAM  
You were *watching* us?

John sits with Frank. They watch Kate knee St. Martin in the balls before heading down the trail home. St. Martin staggers after her, mumbling lewdly.

JOHN BENDER.

It's not her fault. She was a virgin when she came to Kansas.

(beat)

She was broken in wrong.

EXT. OSAGE TRAIL - LATE AFTERNOON - FLASHBACK

The Bender wagon continues through a thicket of WOODS. Pa and John man the horses.

INT. BENDER WAGON - MOVING - CONTINUED

Kate, stricken with Scarlet Fever, lays covered in the canvas cloth that will become their curtain. She and Ma have been looking at SEPIA PICTURES from Germany. There's a longing to the pictures, a melancholy to them.

MA BENDER

(in German)

I miss the Rhine in spring. The color of the water and clouds.

KATE BENDER

You remember it different than me. I hear the trench mortars, sounds of children screaming.

Long beat, wagon rustling, tree shadows passing.

MA BENDER

They say Von Bismark has united Germany.

(sighs)

Perhaps we left too soon.

KATE BENDER

Wilhelm is nothing more than a petty tyrant. An empty emperor, who rules by force. Germany is doomed to failure. Hand me that canteen.

Ma laughs, slow at first, but turning into a bellowing fit.

KATE BENDER

What is so funny?

MA BENDER  
You are our Wilhelm!

Kate can't help but laugh. They share a moment of delight.

EXT. BENDER WAGON - MOVING - CONTINUOUS

JOHN BENDER  
Finally, something to look at.  
(re: passing trees)  
A little character to the land!

PA BENDER  
Yes, and places to hide.

We SEE: a STAGE COACH on the side of the trail, 100 yards up.  
A harried WOMAN, flagging them. Pa palms his musket.

PA BENDER  
Hide the money. Get your gun.

INT. BENDER WAGON - CONTINUOUS

John barrels in the wagon, starts going through parcels.

MA BENDER  
What's wrong?

JOHN BENDER  
Road Agents.

MA BENDER  
This close to town? On the wide  
open prairie?

PA BENDER  
We're in a thicket.

Kate, coughs horrendously, musters the energy to sit.

KATE BENDER  
The money. Hide it under me.

John takes a tin with a tightly rolled wad of bills, throws  
the roll to Ma, who unrolls it.

Kate opens the canvas. The rash covers her abdomen, arms. Red  
pocks cover her upper body.

KATE BENDER  
How does it look?

MA BENDER

Worse.

Ma starts to stuff bills up Kate's dress.

KATE BENDER

No, put it behind my back.  
(snapping)  
Here, give it to me!

EXT. OSAGE TRAIL - CONTINUOUS

The Bender Wagon CAREENS towards the felled wagon.

EXT. BENDER WAGON - CONTINUOUS

NOW, twenty five paces from the WAGON. Both Bender men watching the trees, looking for a trap.

INT. BENDER WAGON - CONTINUOUS

Kate passes Ma a few bills.

KATE BENDER

Hide some in the tin, let them take  
it!

Kate strategically pulls off the long underwear she's wearing, so that her lower half is naked.

EXT. BENDER WAGON - CONTINUOUS

Pa grabs the reins from John.

PA BENDER

We just continue past.

WAGON LADY

Please. Please. Halt your wagon.  
We've been robbed. We need help!

Pa cracks the whip, the horses start a TROT. Wagon Lady stands center of the trail. The horses at a FULL GALLOP now!

JOHN BENDER

What are you doing?  
(beat)  
You'll kill her.  
(beat)  
She's not moving!

John grabs the reins, Bender wagon FISH TAILS, slides-- a muddy, cacophony of momentum, horses nearly trample the Lady. We see she's missing teeth and her face is battered.

WAGON LADY

We was robbed. Our axel is busted.  
Got the tools to fix it, but not  
the know how.

Sounds of a baby CRYING from inside their wagon.

PA BENDER.

Get out of the trail.

WAGON LADY

Please Mr. We're good, Christian  
folk. Not right to turn your back  
on one of the flock. Please help  
us.

John whispers to his father in German.

JOHN BENDER

Can you fix it?

PA BENDER

I'd rather not.

JOHN BENDER

Where's your tools at?

The motley woman looks at her wagon.

WAGON LADY

Inside the cargo trunk.

The baby WAILS again. John dismounts, pistol in hand, circles wagon. Pa surveys the area tensely.

JOHN BENDER.

Looks like the through brace is  
broken. Get me your jack and  
hammer.

The baby wails again. INSIDE, it belongs to a severely drunk ALBINO MAN, hiding in shadows of the wagon. Two six shooters in his hands.

John follows the wagon lady onto her cart, turns to her.

JOHN BENDER.

How old's your baby?

WAGON LADY

Oh...  
 (smiles)  
 About forty.

SUDDENLY from the BOUGHS above the Bender wagon, two mountain MEN fall onto Pa, pistol whipping him with the weight of gravity.

ANGLE: THE OTHER WAGON

Albino uses the distraction to pounce, lands a crushing elbow to John's face, launching him from the wagon, landing in a pile of horse shit.

CUT TO:

- *The Bender women reacting in muffled terror.*
- *Mountain men rope the Bender men to their wagon wheels.*
- *Albino pillages the Bender's stuff, finds the money tin.*
- *Mountain men, obscenely shoving mud in John Jr.'s mouth*
- *The Albino counts the measly bills, throws the tin*

ALBINO

Youz can't be claiming land and  
 travelling this light?  
 Where's the rest?

Ma tries to shove Albino out of the wagon. He gut punches her, she keels over. Albino sidles up to Kate, takes a good look at her now. She remains laying down, too weak to move.

ALBINO

What do we have here? I do believe  
 I see a jaundiced angel.

Kate coughs, holds back phlegm.

ALBINO

Where's the rest?

Albino draws a blade, delicately spreads stage coach canvas Kate is rapped in, slits her dress down the middle revealing the rash covering her abdomen.

ALBINO

Jesus H. You got the fever don't  
 you?  
 (licks Kate's face)  
 Where you hiding the loot, darling?

KATE BENDER  
It's all we've got.

Albino eyes the sides of the canvas, starts to feel around, fingers tracing towards the hidden wad. Kate hikes up her dress, revealing her naked lower half.

ALBINO  
Well aren't you a free spirit!  
(beat)  
Tell you what, plague or no plague,  
you let me and my boys have a push  
without making a fuss, and we'll  
let you live.  
(throws canvas over Kate's  
face)  
Can't look at beauty so desecrated.

Ma backs out of the wagon. Sounds of the Albino's WHEEZING ecstasy, echo through the prairie.

EXT. OSAGE TRAIL - NIGHT - BACK TO PRESENT

Eyes misted, Frank makes his way towards the Bender Inn.

INT. BENDER INN - CONTINUOUS

Kate sits in the guest of honor's chair, face a grave mask. The wind RATTLES the trap door beneath her. She kneels. The wind JANGLES it again. Creepy.

On the wind, there seem to be WHISPERS, echoes of the slain. Kate stands, backs away, says quietly to the trap door.

KATE BENDER  
We were going to starve that first  
winter!  
(listens a beat)  
Well I know it's an excuse, but  
it's all I got.

Kate inspects her hands, an agony crosses her face.

Frank in the door, moves to her, embraces her. Finally, Kate hugs him back. In the window, she SEES: The Benders returning from the party, with all the food they could take.

KATE BENDER  
Can't ever get away from them.

They duck out the back door and disappear behind the corn.

EXT. PRAIRIE - REED GRASSES - NIGHT

Series of SHOTS DISSOLVE as Kate leads Frank through tall reeds of grass, and into a slight valley between prairie mounds.

FRANK CUNNINGHAM  
Why didn't you tell me what  
*happened* to you?

KATE BENDER  
There aint no purpose chewing over  
something that's just gonna give  
you a tooth ache anyway, Frank.

Further along, Kate parts some grass, revealing a hidden mine shaft.

KATE BENDER  
Found this one day when I was  
picking mushrooms. The only place I  
can get away from them is beneath  
the earth!

INT. ABANDONED MINE SHAFT - CONTINUOUS

KATE BENDER  
Few years back, a dirt whorshipper,

FRANK CUNNINGHAM  
They're natives, Kate.

KATE BENDER  
...Found a shiny yellow rock in  
Drum Creek. So all the 49er's  
flooded in, sunk this shaft.  
(peers down the abyss)  
Goes two hundred feet down,  
empties off into a few more.  
It's wet, watch your footing.

INT. MINE SHAFT - CREW ROOM - CONTINUOUS

Kate lights a kerosene lantern. Frank inspects chalk marks on the walls: MINER HEAD COUNTS. Each line represents a man lost. Kate points down the shaft.

KATE BENDER  
A whole pile of them was down there  
fighting. Someone found some shiny  
stuff.

(MORE)

KATE BENDER (cont'd)

They got into a scrape, screaming and hollering bout who's claim it was. Made too much damn noise and the roof came in on em.

(Frank looks up nervously)

We're safe up here, don't worry. Not even John knows about this place.

FRANK CUNNINGHAM

Ah...

Kate reaches into a small crevice, reveals what looks like a NUGGET OF GOLD.

KATE BENDER

One of em still had some in his hand when the rock crashed down on him. Gripping it as tight as bulls' asshole during fly season. Took two full grown men to pry it open.

FRANK CUNNINGHAM

But it wasn't gold...

KATE BENDER

Wasn't even zinc.

FRANK CUNNINGHAM

*Looks and feels* like the real thing.

KATE BENDER

Just a worthless piece of shale. Pretty on the outside, nothing more.

Kate considers, throws the rock, it reverberates through the chasm.

FRANK CUNNINGHAM

Kate, there's something I must say.

KATE BENDER

Nobody but me and some miner bones to hear it.

She turns, sits on a straw mattress tucked in the cubby. We SEE: some MINER ITEMS; picks, shovels, in the low light.

FRANK CUNNINGHAM

There's a reason I startle at your overtures.

KATE BENDER

Your queer.

FRANK CUNNINGHAM

What?

(wipes spectacles)

No.

KATE BENDER

That's why your writing hasn't been published.

FRANK CUNNINGHAM

How's that now?

KATE BENDER

You talk too pretty. Describe things as you'd like them to be, instead of how they really are.

Kate lights a miner's kerosene lamp, points it at Frank. He pulls the light from her, extinguishes it.

FRANK CUNNINGHAM

Would you let me speak now? Please.

(big breath)

I'm a virgin.

FRANK CUNNINGHAM (V.O.)

Even I have a secret or two worth airing.

KATE BENDER

Oh.

(suddenly uncomfortable)

Oh. I, didn't, ever imagine.

As suddenly, Kate grows still, looks back at the cave.

KATE BENDER

Guess it's better to keep it, than have it taken away.

Frank takes her hand.

FRANK CUNNINGHAM

Kate, from the minute I saw you I was stricken dumb with love, like a rapier stabbed my heart and claimed my tongue.

(struggles for words)

I know that I'm not unique in this. That is the typical reaction you invoke.

(MORE)

FRANK CUNNINGHAM (cont'd)

(paces)

There's not a minute in my day that I don't think of you, or pray that I might somehow, in some small way, add something to your life. I am so lucky. You must know, that I don't, I do not, love you for your body.

Kate's eyes mist. Her emotion frightens her.

KATE BENDER

Bet you a quarter horse if I looked like my mother you wouldn't be down in this cave with me.

FRANK CUNNINGHAM

(kisses her)

That is not love. That is to covet. That is to lust as one would a possession. Love is unconditional and expects nothing.

KATE BENDER

So, then, you don't expect anything?

(beat)

Because if you're not interested in, you know, then we should probably talk about that.

FRANK CUNNINGHAM

That's not what I'm saying.

Kate smiles, lays back on the mattress.

KATE BENDER

Then, do you wanna have a go at it?

Even in her gruffness, she is a heavenly sight. Frank looks back outside.

FRANK CUNNINGHAM

Yes, but, might we, consummate...

KATE BENDER

You mean do it?

FRANK CUNNINGHAM

...Above ground?

KATE BENDER

No.

Frank and Kate slowly lay down. Frank lowers the Kerosene lamp, nearly drops it. Kate laughs at his awkwardness.

RANCHER (V.O.)

Our prairie is poisoned. A hoard of murderers is plundering and killing honest folks with no value on human life.

INT. HARMONY GROVE SCHOOL HOUSE - DAY

The school house is crowded to the brim with worried Labette County FARMERS, easily 100 men, women and teenagers.

Frank sits in the front row.

On screen titles: April 8, 1873

2 foot TIN TYPE photographs, images of the SLAIN, smatter the room. This is bigger than we imagine.

ELDERLY HOMESTEADER

Now I'm a farmer. All I have is my hands, my work ethic. And these greedy fools think they can simply take what we rightfully earned. There aint no quick way to the top! Greed is going to ruin this fledgling country before it even begins!

In the back, the Bender men listening gravely. Pa inspects his hands, shamefully. John kicks him to snap out of it.

Leroy Dick steps to the podium, shaking.

LEROY DICK

We need some order here. Order. Everyone will have a chance to be heard.

SOMEONE IN CROWD (O.S.)

Just like the dead was heard, Leroy?

The crowd hoots angrily.

SOMEONE ELSE (O.S.)

All those missing folk, kept from the public record!

FEMALE FARMER

It's your fault Leroy Dick,  
township trustee. Pussy footing  
round while these murderers running  
rampant.

Newsman Alderidge throws down latest edition of the Gazette.  
Front page reads, "TERROR ON THE PRAIRIE."

MR. ALDERIDGE

No. It's St. Martin's fault.

St. Martin cowers in his seat. His eyes burn at Alderidge.

MR. ALDERIDGE (CON'T)

Been his will all along that this  
story be quashed. Expansion and  
profiteering at the expense of  
murder, isn't that right, James?

ST. MARTIN

I was simply trying to keep some  
semblance of order...

RUDOLPH BROCKMAN

You weren't doing shit!

Crowd cheers louder, now becoming mob like.

ST. MARTIN

Put off the inevitable chaos I knew  
would set upon us...

(to: Alderidge)

You're out of a job.

(says forcefully)

Trying to keep your tariffs from  
running sky high, to pay for all  
the tin stars we'd need to put this  
thing to rest...

(under breath)

Fucking shit kickers.

A leathery FEMALE FARMER steps up, fire in her eyes.

FEMALE FARMER

My son went missing on his way to  
Independence. He fought the Sioux  
at Bull Run, so don't tell me no  
weeping willow tree done swallow  
him up!

(spits)

You should be ashamed of yourself.

(beat)

I say we string em up!

Crowd cheers furiously.

RUDOLPH BROCKMAN

Leroy too!

LEROY DICK

But my wife; her nephew, Hank  
McKenzie...

(grabs poster)

He too has gone missing. So we're  
victims too. Isn't this enough of a  
price to pay? Isn't this enough?

Leroy's WIFE weeps, afraid for her husband's life.  
The Benders watch the blood thirsty MOB. They want to leave  
but this is riveting. Leroy waits for mercy from the crowd.

RUDOLPH BROCKMAN

String em up.

The crowd starts to surge past the bannisters that have up  
till now, corralled them.

The Benders flea out the front, nearly stampeding a MAN in  
union army blues, COLONEL EDWARD LEEDS (40). Leeds watches  
them scurry down the steps, like unchained animals.

We FOLLOW Leeds through the doors to see the crowd now  
carrying St. Martin and Dick towards the back doors.

Leeds fires his musket into the ceiling. All eyes rivet...

Leeds was a commander in the Union army, making him hard and  
determined. Ceiling flecks wipe past his steel eyes.

COLONEL LEEDS

There will be no vigilante justice  
here today. We will organize search  
parties, and overturn every claim  
in the county, no stone left  
untouched.

RUDOLPH BROCKMAN

You ain't searching my land without  
no warrant.

COLONEL LEEDS

If you set to lynching these men  
without due process then you can't  
hide behind the law when it's  
convenient. Cuts both ways partner.

JAMES ST. MARTIN

Who are you?

COLONEL LEEDS

Colonel Edward Leeds.

(beat)

Your senator. And I'm operating under sanction of a Kansas territory search warrant.

(reveals warrant)

We are a lawful part of the union and we will operate under the law. Put them down. I said put them down.

JAMES ST. MARTIN

Put us down, please. I demand it.

They drop St. Martin, he lands with a thud. A woman spits.

COLONEL LEEDS

I'm forming a posse of at least a dozen men. I need strong riders. No drunkards. This is not a party train on the government's greenbacks.

(looks directly at Frank)

Who's ready to ride?

Off Frank's burdened face, we cut:

EXT. OSAGE TRAIL - MOMENTS LATER

The Bender men on horseback, galloping as fast as they can, through the thick slog of mud.

INT. BENDER INN - CONTINUOUS

Ma overturns items on shelves, searching furiously. Beans, coffee grinds shower everywhere. Kate, face stone like, efficiently packs her belongings.

MA BENDER

Where did you put it, you nasty little cuss?

KATE BENDER

Where it will be safe.

Pa barrels through the front door.

PA BENDER

We must leave.

JOHN BENDER  
They are sweeping the plains.

MA BENDER  
She's hidden the money!

INT. KANSAS PRAIRIE - CONTINUOUS

Leeds and an intimidating CAVALRY of about 2 DOZEN MEN, mount up, start combing the trail. Something is not sitting right in Frank's stomach.

FRANK CUNNINGHAM  
Colonel, my hearth at home, I fear  
I've left the flue open.

COLONEL LEEDS  
Wouldn't want your house to burn  
down.

FRANK CUNNINGHAM  
I'll attend to it and then return  
at once.

COLONEL LEEDS  
We'll be tracking due west.  
I'll keep an eye out for you.

Leeds watches Frank struggle to mount his horse. Rides off. After a beat, Leeds approaches his handsome, mustached LT. Mc CATCHY (30s).

COLONEL LEEDS  
I'm going to follow him.

LT. MCCATCHY  
That the school teacher been  
courting the Bender girl?

COLONEL LEEDS  
Yep. Flank the boy's west and we'll  
meet back at the Cherryvale hotel,  
tonight.

LT. MCCATCHY  
Don't you think going alone is plum  
stupid?

COLONEL LEEDS  
Don't want to arouse suspicion.

McCatchy touches Leeds's arm. It's subtle, but there's a tenderness that says they are more than friends.

LT. MC CATCHY  
Be careful Edward.

COLONEL LEEDS  
Command your men Lieutenant.  
(soft)  
I will.

EXT. BENDER INN - CONTINUOUS

Pa cleans the shelves Ma has smashed. Behind the curtain, Ma packs, as John frantically searches for the money Kate hid. Finally, John explodes at Kate, jagged knife to her neck.

KATE BENDER  
Do it.

JOHN BENDER  
Tempt me.

KATE BENDER  
Go slow, go shallow. Enjoy it.

JOHN BENDER  
I hate you more than life.

KATE BENDER  
Then you hate yourself.

Kate kisses John, her tongue searches deep. Beat. He pushes her away, snaps the knife back to her neck, drawing blood.

KATE BENDER  
You would of done it long ago if  
you could.

Pa peels back the curtain, consumed with emotion, hisses in German.

PA BENDER  
Just stop it now! Stop it!

MA BENDER  
You're all acting like fools.

JOHN BENDER  
Tell us where the fucking money is  
you cock sucking Mary Magdalene.

John drags Kate across the floor by her scalp. Pa steps up, John levels his musket at Pa's face. Beads of sweat roll off the old man's beard... he steps back, growling to himself.

Kate writhes, Ma almost enjoys it as John chops Kate's hair off, holds it in a bloody clump in his hand... moves towards the fire, AND....

MA BENDER

No! We can barter it in  
Independence. To make wigs!

THROWS IT IN THE FIRE. Her brown and auburn locks burn quickly.

Kate is left with a misbegotten mullet...

As naked and vulnerable as the day she were born.

She takes a long ravaged look at the family. Like a pretty bird of prey, who's plumage has been cut.

Pa turns away ashamed, from the window SEES: Frank approaching from the trail.

John darts behind the door, wipes Kate's blood from the blade.

JOHN BENDER

I'll kill the nigger where he  
stands, lest you tell me where my  
money is. That I can do.

KATE BENDER

Your money is in the mine.  
(feeling head in shock)  
We hide there, wait for the cover  
of night, then we can escape  
without incidence.

JOHN BENDER

What... mine?

Kate grabs a bonnet, covers her head, holds back tears.

KATE BENDER

Touch a hair on his head and you'll  
never see a penny, you inbred  
jackal!

Frank enters, the door opens obscuring John behind it.

FRANK CUNNINGHAM

Kate.

Kate turns to the table, starts setting it, dabbing eyes.

KATE BENDER

Are you hungry Frank? Mother was just making some stew. Perhaps some rolls, with sweet jam?

FRANK CUNNINGHAM

Kate, whatever it is, whatever you've been a part of, I know it's not your fault.

KATE BENDER

Oh?

FRANK CUNNINGHAM

I, I don't want to know about it.

KATE BENDER

It's probably best.

FRANK CUNNINGHAM

I want us to go away together.

KATE BENDER

Go away? Or run away?  
(quietly)  
Nowhere on earth you can go and get away from yourself.

Kate approaches Frank, a flash of longing in her eyes that could melt the polar ice caps. Ma scowls and disappears behind the curtain. Pa follows.

Kate brings her arms around Frank's neck, kisses him, manages a smirk at John who stares from behind the door, always a game.

FRANK CUNNINGHAM

Let's go, somewhere, anywhere else...

FRANK CUNNINGHAM (V.O.)

I meant it too. At that moment, I would have gone anywhere with her. Little did I know it would mean to hell and back.

KATE BENDER

We'll have to talk about this, another time.

She raises a knife, looks like she might cut Frank, then opens the front door to Colonel Leeds, says ever so warmly:

KATE BENDER

A guest.

The Colonel removes his brimmed hat, smiles courteously.

COLONEL LEEDS

Ma'am.

FRANK CUNNINGHAM

Colonel.

Leeds hits Frank in the shoulder.

COLONEL LEEDS

Your house might be tinder and ash  
by now.

KATE BENDER

Did you leave the fire unattended  
Frank?

FRANK CUNNINGHAM

I just wanted to alert the Benders  
of the dangers on the prairie.

Leeds sees both Bender men, casually setting the table,  
professional actors.

COLONEL LEEDS

At the rate they fled the school,  
I'd say the gravity of the  
situation was pretty well  
understood.

Kate lays out cutlery on the table.

KATE BENDER

Our whole township has been held  
hostage for too long. It's terrific  
you're here to do something about  
it.

This momentarily softens the Colonel.

COLONEL LEEDS

Thank you. If it's alright with  
you, Ms...

KATE BENDER

Bender...

COLONEL LEEDS

This is the Bender Inn?

CLOSE on KATE, a drip of blood slides down the side of her face from the scalping.

KATE BENDER  
World famous.

FRANK CUNNINGHAM  
If you'll excuse me, I must hurry home.

COLONEL LEEDS  
Hopefully it's still standing.

FRANK CUNNINGHAM  
I'm sure it's fine.

Frank takes one last look at Kate and forces himself to leave. Kate wipes the blood, guides Leeds in, he stops on the rug, over the TRAP DOOR.

The wind picks up. Leeds inhales sharply, a strange smell in his nostrils. The Benders watch him curiously, frozen...

COLONEL LEEDS  
Rye biscuits?

They all relax, and start the "*serve the guest*" routine.

KATE BENDER  
Please, have something to eat.  
(in German)  
Mother, bring some biscuits.  
She never learned English. I keep telling her, but what is it they say about old dogs?

Ma disappears behind the curtain.

Kate wipes down the greasy table with a cloth, revealing her breasts. The Colonel could care less. After a beat, Kate looks up, suddenly powerless, tightens her bonnet.

The man has some type of sexual dysfunction not to react.

KATE BENDER  
Please, let us warm your jacket and boots near the fire. You mustn't stay chilled, it's not good for your bones.  
(in German)  
Mother, warm his boots and jacket.

Ma returns for his jacket, Leeds waves her off.

EXT. BENDER INN - SIDE YARD - CONTINUOUS

Frank, who has been trying to listen pathetically in the window, moves and sits defeated near the Bender Wagon, his EYES GLAZING over the axel, the spacing of the wheels. Somewhere, a CROW CAWS.

INT. BENDER INN - CONTINUOUS

COLONEL LEEDS

A fortnight ago, Dr. William Leeds would of come through these parts on his way to Independence.

Kate is clearly rocked, tries to muster her strength.

KATE BENDER

Travellers have been few cause of the rain. Please sit in the chair of honor.

Leeds opts for another chair, his back to the wall, not canvas.

COLONEL LEEDS

I'll sit here. He was searching for George Loncher and his daughter, who are also presumed missing.

KATE BENDER

When does it end?

Leeds passes Kate a Mathew Brady type PHOTO of his brother.

COLONEL LEEDS

He would have been travelling the Osage alone.

KATE BENDER

Should travel in groups is what I always say.

Kate studies the picture, then gently traces it along her bosom, as if lost in thought.

KATE BENDER

Handsome, like you...

Leeds is not impressed. Kate needs a new tactic, quick...

EXT. BENDER INN - SIDE YARD - CONTINUOUS

Frank stares in horror at the deep Bender Wagon TRACKS in the mud. Front narrower than rear.

CUT TO:

EXT. DRUM CREEK - FLASHBACK

CLOSE - William Jones' corpse as he's pulled from the creak.

CUT TO:

Frank kneeling at river bank, staring at the same TRACKS.

BACK TO PRESENT:

EXT. BENDER INN - SIDE YARD - CONTINUOUS

Frank's face slackens, as dread fills him. He whispers.

FRANK CUNNINGHAM

*Because I could not stop for death,  
He kindly stopped for me.  
The carriage held but just  
ourselves and immortality.*

He looks up to see John Bender pointing a gun at him.

JOHN BENDER

Run nigger run.

Frank disappears into the tall grass, his spectacles fall from his face. John laughs tauntingly, says to Pa.

JOHN BENDER

Take care of the Colonel's horse.  
I'll hunt the runaway slave.

INT. BENDER INN - CONTINUOUS

COLONEL LEEDS

So you have not seen him?

KATE BENDER

Well, if he bares any resemblance  
to you, I would have remembered.

EXT. CORNFIELD - CONTINUOUS

Frank zig zags through the corn, like a cat, John keeps leveling the gun but can't get a good sight.

FRANK CUNNINGHAM  
You can't shoot me, you'll draw  
them to you and you know it!

INT. BENDER INN - CONTINUOUS

Leeds reacts to Frank's muffled shouting.

COLONEL LEEDS  
But you don't?

KATE BENDER  
No.

Leeds hears MOVEMENT from behind the curtain. Ma stands with the mallet at the ready. Leeds stands, a beat, SEES: Pa in the window, walking his horse towards the corral.

COLONEL LEEDS  
What's he doing?

KATE BENDER  
He will give the horse grain. He's  
probably hungry...  
(snide)  
As most men are that visit us.

EXT. CORRAL - CONTINUOUS

Pa can't help himself, starts rifling through Leed's saddle bag, old habit, even now. He looks up, in the distance a dust bowl, the COLONEL'S POSSE.

Pa takes a large hacksaw, rakes it across Leed's horses' throat.

INT. BENDER INN - CONTINUOUS

COLONEL LEEDS  
You're positive, you do not  
recollect my brother passing  
through?

KATE BENDER  
No. I've never seen him before.

Long beat. Ma appears, rifle slung over her shoulder, stoic.

COLONEL LEEDS

Earlier this spring, my brother  
stayed here, on his way to Fort  
Scott. This is a fact.

(reads from a letter)

He enjoyed your considerable

(clears throat)

talents, as a hostess. He sang your  
praises. Said he planned a repeat  
visit on his way back to  
Independence.

(beat)

But you don't remember?

Pa appears with a pistol in his hand.

PA BENDER

(in German)

Your brother is going to kill your  
chocolate friend.

KATE BENDER

Perhaps he came under a different  
name. People do that you know.

Kate pulls a pistol mounted from under the table, points it  
at Leeds.

KATE BENDER

You're going to have a long walk  
back to your men, Colonel. Your  
horse is dead. I must go.

Leeds stands slowly, backs up. He is outnumbered.

FRANK CUNNINGHAM (V.O.)

Of all the things to get my head  
around, I'll never understand why  
they didn't kill Leeds right then.

Leeds backs up and makes a mad dash for the door.

EXT. CORN FIELD - CONTINUOUS

Frank, running for his life, blindly, arms extended...

FRANK CUNNINGHAM (V.O.)

I think Kate was just too worried  
about me to make the call.

EXT. BENDER INN - ORCHARD - CONTINUOUS

From the back of the INN, Kate with a fist sized rock, draws sites on John now gaining on Frank. She winds up, launches, it just misses John's head.

She grabs a FLATTER ROCK, side arms it, it arcs and nails John square on the back on the head, he falls limp.

EXT. OSAGE TRAIL - CONTINUOUS

Frank and Leeds run as fast as their feet will carry them.

FRANK CUNNINGHAM (V.O.)

It took us three hours by foot to reach the posse. By then, they were overturning the Brockman claim.

EXT. BROCKMAN CLAIM - AFTERNOON

Brockman scowls, watching the Posse leave. His homestead has been ransacked.

COLONEL LEEDS (V.O.)

We are armed, heavily. And operating under sanction of a Kansas territory search warrant.

EXT. BENDER INN - DUSK

Leeds kicks through the door, splintering it. Behind him, his Posse circles the Inn on foot.

INT. BENDER INN - CONTINUOUS

The room is dark, humid and eerie. Flies buzz.

Leeds approaches the table, the ebbing canvas. His eyes lock in on the greasy stain on the canvas, his mind racing.

Did he see the stain before?

EXT. BENDER INN - SIDE YARD

Frank, on hands and knees, searching for his glasses.

INT. BENDER INN - CONTINUOUS

With the tip of his bayonet, Leeds parts the curtain from the wall, revealing the Bender's living quarters, which are in a total DISARRAY.

Food items like confetti, everywhere, German bible pages strewn about. The bedding has been removed from the two beds, revealing urine stained straw mattresses.

More gruff POSSE members spill in, including a very nervous SILAS TOLES, who having helped the Benders, enjoys a special kind of worry.

LEROY DICK

Kate wouldn't hurt a fly. She and John were in our prayer circle.

COLONEL LEEDS

My men need coffee Mr. Dick. Set to cooking it.

EXT. BENDER INN - CORRAL - CONTINUOUS

In the pen, the POSSE hold their noses in disgust: starving hogs, emaciated calf close to death, ribs clearly visible beneath sagging skin. Leeds' dead stallion.

INT. BENDER INN - CONTINUOUS

A rifle CRACKLES.

The men react with a start, move to the back door of the inn. Find Lt. McCatchy's musket still smoldering, a dying CALF spasms.

LT. MCCATCHY

Sorry Colonel. Thing needed to be put out of its misery.

COLONEL LEEDS

Yes. It does.

Frank finds his glasses, one lens is cracked. He follows Leeds back inside. The men watch Leeds, deeply pensive.

RANCHER

These was big men, went missing, Colonel. Many of em had trouble with the law. You really think this little ole' family of Krauts done knock off em?

COLONEL LEEDS

She was adamant, that I was to sit here.

Pulls chair out, away from curtain.

FRANK CUNNINGHAM

On my first visit, that's where I sat.

PARSON KINGS

The Benders were religious people.  
Soft spoken, simple minded brother.  
Just no way. And Kate...

OLDER DEPUTY

Me and Kate, is supposed to be betrothed.

Snickers all around. Leeds inspects flecks of human hair and flesh on the curtain, oblivious to the cacophony around him.

OLDER DEPUTY (CONT'D)

What's so god damn entertaining?

POSSE MEMBER 2

You couldn't contain that mare!

BEHIND CURTAIN

Leroy Dick cooking coffee, accidentally kicks *something* under the stove. He kneels down to see what it is...

FRONT OF CURTAIN

Leeds swings the chair closer to the curtain, sits in it.

BEHIND CURTAIN

Leroy, on his knees, pulls a large, bloodied WOOLEN SAC.

FRONT OF CURTAIN

Frank's POV: The stain lines up to the back of the Colonel's head...

Leroy drags the bludgeoned sac around the curtain.

The group watches as Dick reveals 3 HAMMERS, of varying SIZES. Dick exerts himself, picks up the largest, the ten pound sledge.

There's a piece of bloody scalp on the end. Room goes silent.

FRANK CUNNINGHAM

No.

COLONEL LEEDS

She sat them here. Used her god  
given talents to disarm. The Bender  
men searched for possession. If it  
was worth taking, they were done  
from behind this curtain, here.

(beat)

They didn't want to see.

Frank keels over, like he's been gut kicked by a mule.

MOVE with Leeds to the other side of canvas. Sure enough  
there's a black imprint from the numerous hammer blows.

The Posse erupts in rumor. More crowd in, a fire hazard.

PARSON KINGS

You realize what your saying  
Colonel?

Leeds moves swiftly through the men, towards the front of the  
inn, steps out onto the front porch.

COLONEL LEEDS

Line of sight for at least 5 miles.  
They could watch em' come.

LEROY DICK

Old Man would sit on the porch,  
reading his German Bible. Waiting.

COLONEL LEEDS

11 miles to Independence.

LEROY DICK

20 to St. Paul.

COLONEL LEEDS

Travelers would arrive at dusk.  
Have to make a decision: get mauled  
by the gadflies or...

LEROY DICK

Come inside and warm up next to  
Kate.

FRANK CUNNINGHAM

The bodies? Did they just  
dematerialize?

The men start removing the canvas. Leroy turns ghost white.

LEROY DICK

Basement.  
 (all eyes stare)  
 They have a basement.

COLONEL LEEDS

Mr. Cunningham. Would you be so kind as to grab the end of that table?

Silas Toles duck outs the front door.

EXT. BENDER INN - AFTERNOON

A CROWD of ONLOOKERS is beginning to form. TOWNSFOLK, TRAVELLERS, KIDS playing cowboys and Indians.

Nosy Mrs. Albrecht, eating some bacon, points at Toles.

MRS. ALBRECHT

Where you going Toles, looking as spastic as a long tail cat in a room filled with rocking chairs?

INT. BENDER INN - CONTINUOUS

The men stare at the pad locked TRAP DOOR. Strange occult MARKINGS carved into it. Leeds grabs the sledge hammer and starts wailing on the lock.

They are hit with the STENCH almost immediately.

Frank collects the splinters, we see a dank abyss through the hole.

LT. MCCATCHY

That smell.

COLONEL LEEDS

Yes.  
 (beat)  
 The stink of Antietam.

They cover their mouths as the putrid air gags them. Some tear tattered linen left behind to make crude masks.

A pall settles.

COLONEL LEEDS

The Kerosene lantern.

A moment later, Leeds lowers the lantern on a chain. Light licks the edges of darkness, says to Frank.

COLONEL LEEDS

Why don't you lower yourself into the pit. Tell us what you see?

Against his better judgement, Frank lowers himself into the charnel pit. His eyes adjust, it's as black as pitch.

FRANK CUNNINGHAM

Limestone. I'm standing on a large limestone slab. There's something, something running its edge.

(kneels)

And what looks like...

(gags)

Clotted blood, blood suffusing the earth!!!

Frank leaps, wedges his arms on either side of the trap door, tries to climb, slips! Leeds lets him flail, agonizing, finally, grabs him.

EXT. BENDER INN - DUSK

The crowd has grown to more than 200 strong. Some are EATING sweet pickles. Others are conducting PRAYER CIRCLES, kids rough house. It's a picnic on the prairie.

FOLLOW a skipping Albrecht kid as he skips past...

VARIOUS VOICES (O.S.)

One, two, three... Heave.

One, two, three... heave.

THE BENDER INN

Now on rolling logs, dragged by oxen...

BIRD'S EYE VIEW on the structure as it moves, revealing the basement.

A PATHWAY leads from the back side of the sandstone floor and abruptly stops ten feet out. Still, no sign of BODIES!

EXT. BENDER ORCHARD - DUSK

The crowd forms a HUSHED PERIMETER around the orchard. Bird's sing. Sun glints. Strangely beautiful.

FOLLOW Leeds as he MOVES to a wagon, palms his BAYONET. He walks the prairie grass, inspecting. Leeds stops on darker soil, twirls the bayonet, suddenly STABS the earth.

Long, pained breath. It hit something, sounds like bone.

Leeds disgorges the blade, on its tip: a BLOODIED SCALP!!!

Parson King begins the 23rd psalm, all heads bow in unison.

PARSON KINGS

*Yea though I walk through the  
valley of death, I shall fear no  
evil...*

Frank approaches the Colonel, who has unearthed enough soil to see his brother's DESTROYED FACE staring back at him.

FRANK CUNNINGHAM

I... Know where they're headed.

The solemn PRAYING continues OVER Frank and the Colonel's DISCUSSION, as we RISE seeing the faint outlines in the Orchard of MANY interred BODIES.

Colonel nods to Frank, says loudly to his men, so the crowd overhears.

COLONEL LEEDS

We divide into 3 parties. The Independence and Thayer stations, the Verdigis river. First trains leave at dawn. We'll be there by sun up.

LT. MC CATCHY

What about the plains? It's all open prairie to the west?

COLONEL LEEDS

They won't travel in open country.  
(throws bayonet to ground)

They're professionals.

(says to mob)

Many of you are victims and your anger is righteous. But make no mistake, anyone that takes justice into his own hands will have to answer to a jury of his peers.

(forceful)

Let the word spread, the Bloody Benders are to be taken alive!

EXT. TRAIL TO THAYER STATION - CRACK OF DAWN

FRANK CUNNINGHAM (V.O.)

Three search parties set out at dawn. By then, there were already Bender sightings all over the county.

Leeds winnows his horse through a patch of THORNS. His men follow. Frank struggles to keep up. Newsman Alderidge is with rides with them. They are all getting cut.

CALVARYMAN

Can't we skip the thorn bushes, Colonel? Bushwhack another trail?

COLONEL LEEDS

We're late as it is.

Cavalryman whispers to a fellow RIDER.

CALVARYMAN

Must of been one long night, for him to be rousing so late.

CLOSE ON LEEDS - his face is heavy with burden.  
CLOSE ON FRANK - looks flatter than hammered shit.

BEGIN MONTAGE: THE 3 POSSES

EXT. VERDIGRIS RIVER - CONTINUOUS

Posse 3 racing along a sheer drop on either side, further UP RIVER, a CANOPIED RAFT moving briskly. Osage INDIAN CHILDREN point as it moves by.

CLOSE ON RAFT - its canopy looks like the BENDER'S CANVAS!

EXT. TRAIL TO THAYER STATION - CONTINUOUS

Leeds' CAVALRY swirls up an enormous DUST PLUME, halts. \*  
Leeds brings a field telescope to his eye. We SEE:

COLONEL LEEDS

4 riders.

EXT. OPEN PLAINS - MEANWHILE

2 COWBOYS in pursuit of what looks like the BENDER WAGON. Bullets whiz by their heads.

Cowboys draw their pistols.

COWBOY 1  
They'z supposed to be taken alive,  
Virgil!

VIRGIL  
They drew first.

They unleash a HAIL OF BULLETS at what they think is the  
Bender Wagon.

A bullet rips into the horses' flank, it careens the wagon  
into a ravine, the wagon OVERTURNS! A beat. The dust settles.

From the wreck, more SHOTS VOLLEY at the Cowboys, who duck  
into a patch of bramble.

FRANK CUNNINGHAM (V.O.)  
Is it them?

EXT. TRAIL TO THAYER STATION - CONTINUOUS

In Leeds' VIEWFINDER: the outline of the Benders. Two hulking  
shapes, two thinner, all on horseback.

COLONEL LEEDS  
Looks like em. Too far to tell.

Sounds of a train WHISTLE SCREAM from behind the hills.

COLONEL LEEDS  
The 415.

Then its PLUME over the tree tops.

ALVIN ALDERIDGE  
We won't catch them in time!

COLONEL LEEDS  
Alvarez. Jareth. You have your tin?

Two mean Pit bulls on horseback, nod, reveal MARSHALL BADGES.

COLONEL LEEDS  
Cut the train off at the pass.  
(firm)  
Stop it!

Alvarez and Jones are off in a blaze of dust.

EXT. OPEN PLAINS - NEAR INDEPENDENCE - MEANWHILE

The Cowboys cautiously approach the twisted wreck of the wagon. One wheel continues to spin, SQUEALING.

COWBOY 1  
God damn it!

CRACK! CRACK!

Cowboy 1 takes shot in the shoulder, falls screaming.

COWBOY 2 aims, fires, misses the GYPSY WOMAN crouched on the embankment. An odd, doleful laugh from Gypsy woman as a bullet enters her brain. She lolls over, SLIDES....

Lands in an indignant pile next to the FAMILY, she was trying to protect.

EXT. HUMBOLDT PASS - TRAIN TRACKS - CONTINUOUS

Alvarez and Jareth hold their ground against the train. It's not slowing! Desperate, Alvarez opens a cow pen, tries herding a few onto the track.

2 MILES BACK

Leeds and his POSSE are still about 3 miles from Thayer station. In his scope, SEES: the Benders heading into the station, he passes the scope to newsman Alderidge.

Leeds raises a FIELD RIFLE, trying to get sites in his scope. Too many people, he lowers the weapon in disgust.

INT. LOCOMOTIVE - ENGINE CAR - CONTINUOUS

From binoculars, the ENGINEERS see Alvarez and Jareth on the track, a mile up.

ENGINEER  
Got a couple of raiders on the tracks.

ENGINEER 2  
Dalton Gang?  
(squints)  
No place to hide an ambush out here.

ENGINEER  
Not taking that chance.

Engineer nods to LABORERS, who start dumping huge buckets of coal into the monstrous FURNACE. Train increases speed.

ENGINEER

I ain't getting a Mexican neck tie  
cause of some damn cows.

ENGINEER 2

What if it's an emergency?

ENGINEER

Let the Marshals deal with it.  
I got me 5 kids. Another bun in the  
oven.

(beat)

Raise the distress flags.

One of the laborers raises YELLOW distress FLAGS.

EXT. VERDIGRIS RIVER - WATERFALLS - CONTINUOUS

POSSE 3 watches the RAFT DISAPPEAR over the lip of a 100 foot  
water fall.

EXT. TRAIN TRACK - CONTINUOUS

- *Alvarez and Jones dive out of the way*
- *The train decimates a couple of SPOTTED COWS.*
- *Leeds, Frank, and Posse 1 racing towards station.*
- *The 415 careening at station now.*

EXT. RIVER BLUFF - CONTINUOUS

In the mist of the falls we see what's left of the raft, in  
TATTERS against the rocks.

JIMMY BUSTER

Gonna have to climb down there.

CHARLIE BOOTH

Whoever's down there, is all dead.

EXT. THAYER TRAIN STATION - CONTINUOUS

We see the BACK of the BENDERS as they duck through  
turnstiles, vanish among the WAITING CROWD.

EXT. MARSHALL'S TOWER - CONTINUOUS

From the 30 foot wooden tower, Marshall's grip tight as the train WHIPS past, barely catching glimpses of...

THAYER MARSHALLS  
Distress flags!

From the TOWER they see Alvarez and Jareth pursuing on horseback, they OPEN FIRE.

EXT. THAYER TRAIN STATION - CONTINUOUS

The 415 grinds to a halt!

PASSENGERS start loading. Sounds of Marshall RIFLE FIRE puts a real spring in their step.

EXT. BASES OF WATER FALLS - CONTINUOUS

Buster and Booth stare at the Bender's personal effects, churning around in the white caps. Kate's calico dress floats by, hauntingly. They search the murky water with their eyes.

EXT. GUARD TOWER / TRAIN TRACKS - CONTINUOUS

The Guards continue to shoot at Jareth and Alvarez who are now in retreat.

EXT/INT. THAYER TRAIN STATION - CONTINUOUS

Mistaking Leed's men for the Dalton Gang, MARSHALS form a fortified barrier around the station, taking aim at Leeds and his men, about 1/2 mile away.

EXT. THAYER TRAIN STATION - CONTINUOUS

A warning shot CRACKLES over Leed's head.

Agonizing, he watches the 415 begin to leave the station. He dismounts his horse. Frank is torn with conflicting emotions as he watches the train leave. Alderidge snaps PHOTOS.

EXT. THAYER TRAIN STATION - MINUTES LATER

A TELEGRAPH machine beeps furiously, the message being translated into Morse code.

## TICKET TAKER

They was four of em, carrying on in  
the low-Dutch. One of em had a dog  
hyde trunk. Young girl too,  
beautiful as a button.

## ALVIN ALDERIDGE

That's them.

## THAYER MARSHALS

Don't worry Colonel. We'll round  
them up in Humbolt.

## COLONEL LEEDS

That train has four track changes  
before it gets to Humboldt. They're  
going to skip off, soon as it slows  
enough to do so.

CLOSE on TELEGRAM being read by various U.S. MARSHALLS.

DISSOLVE TO:

INT. HUMBOLDT STATION - HOUR LATER

The 415 comes to a stop in Humboldt station.

INT. 415 TRAIN CARS - MOVING

US MARSHALLS moving through various TRAIN CARS, PASSENGERS  
watching, jumping out of the way, as they reach the CABOOSE.

They spot the abandoned DOG HAired suitcase, and the OPEN  
transport door, the Benders easily could have escaped  
through.

FADE TO:

EXT. BENDER INN - HIGH NOON

They have come on foot, oxcarts, wagons, buckboards, and  
horseback - long, stragglng LINES over every trail.  
The scandal has spread like wildfire across the prairie.

The crowd is now 1000 strong.

Leeds, Frank, circle the crowd, dismount, leaden with the  
site before them:

What was once a bucolic orchard is a massive grave site.

PHOTOGRAPHERS, snap photos with large format cameras.

St. Martin approaches Leeds, a MEXICAN ATTENDEE, totes a large umbrella and a chest of LIQUEURS, behind him.

JAMES ST. MARTIN

Colonel Leeds... what news from Humboldt?

COLONEL LEEDS

They're on the 415. A team of Marshalls will be there. We're waiting on the telegram.

JAMES ST. MARTIN

Curious, how long do you plan on staying in Cherryvale?

(sees GLARES from crowd)

Your presence is most welcome, and if you were to stay, I'd ask that you cordially be my guest.

COLONEL LEEDS

I'll be returning to Topeka tonight.

(beat)

With my brother's body.

JAMES ST. MARTIN

Of course. Well, as senator, there are a few real estate concerns, namely the redrawing of the Indian reservation, that I'd like to speak to you about, as my interests and yours might find an alignment.

COLONEL LEEDS

Excuse me.

Disgusted, Leeds makes his way over to Frank, who is being guided by Leroy Dick, through the graves. A Scottish settler plays BAG PIPES, mournfully.

LEROY DICK

That one there, in his birthday suit, Ben Brown of Cedar Vale. Wife claimed him.

We see: a naked CORPSE, dirt covers choice parts, save for the silk kerchief round his neck. His WIFE and crying CHILDREN watch from the sidelines.

LEROY DICK

Him, missing most of his face,  
that's William McCrotty from the  
Osage Mission. Can tell that by the  
Indian Ink on his arm.

We see: another CORPSE, face battered beyond recognition.  
The tatoo on the arm reads, W.F. McCrotty, born 1843.

LEROY DICK

This is Henry McKenizie, kin to my  
wife.

McKenzie, face down in the mud, is flamboyantly dressed in a  
large fur coat.

LEROY DICK

Didn't realize they could have made  
some money on the Chinchilla coat,  
or they would have plucked that  
too.

FRANK CUNNINGHAM

It's safe to say that their main  
modus operandi, was money? The  
killing was ancillary to their main  
objective, which was plunder.

COLONEL LEEDS

If it makes you feel any better.

FRANK CUNNINGHAM

No.

Leeds says quietly to Frank.

COLONEL LEEDS

And yet you still question  
yourself?

A pit of despair washes over Frank.

FRANK CUNNINGHAM

It wasn't her fault. She was doing  
their bidding.

COLONEL LEEDS

No. She was in complete control.  
Always.

FRANK CUNNINGHAM

It started by accident.

COLONEL LEEDS  
They built the basement on purpose.

LEROY DICK  
And the yellow jacket farm.

COLONEL LEEDS  
Yellow Jacket farm?

LEROY DICK  
Up by the road. They were breeding  
them.

Frank looks at the yellow jacket scars on his arm.

Leroy points to a deeper pit, with what looks like LIMBS.

LEROY DICK  
That pile there, don't need to see  
that. It's a bunch of parts and so  
forth, much of em, been burned.

Someone from the crowd YELLS.

SOMEONE O. S.  
There's another stiff in the well!  
Bring me some god damned rope.

A flurry, as MEN with ropes BUSTLE towards the well.  
Frank starts to weep, searches his soul for understanding.

FRANK CUNNINGHAM  
They had there limits. They only  
killed men, roving men who preyed  
on women. Men who would do nothing  
but detract from society.

The crowd is getting unruly. People scream, some are drunk.

SOMEONE FROM CROWD (O.S.)  
They better find that dirty whore!

SOMEONE ELSE (O.C.)  
Misbegotten family of jackals!

LEROY DICK  
Frank.  
(quietly)  
They killed a child. The Loncher  
girl.

Leroy points to the ROW OF BODIES covered under cotton  
sheets. One is HALF THE SIZE of the rest, child height.  
Frank falls to his knees.

LEROY DICK

Buried her alive. We found her in  
the same grave with her daddy.  
She smothered to death holding him  
tight.

At the wagons, a gray haired WOMEN (70s) cuts a lock of the  
LONCHER girl's golden curls, before Lt. McCatchy can shoo her  
away.

FRANK CUNNINGHAM (V.O.)

The child is what took a piece of  
my soul. I could almost forgive the  
others, but not a child. Later,  
that woman would weave a wreath  
from her hair, as a remembrance.

Frank begins to sob. Ironically, it is Leeds who consoles  
him.

COLONEL LEEDS

Let it sit right in your soul and  
before the eyes of God.

From the trail, newsman Alderidge frantically races towards  
the crowd, a telegram FLAPPING in his hand!

ALVIN ALDERIDGE

They got away. The Benders jumped  
the train at Humboldt! They are at  
large.

SOUNDS of the NEWS move through the HUGE CROWD as SIGHS of  
disbelief and indignation ECHO through the prairie.

Leeds makes his way towards McCatchy and his wagon.

FRANK CUNNINGHAM

Where are you going?

COLONEL LEEDS

Home.

FROM a small HILL TOP, St. Martin and his wife, Rose, watch  
the chaos. They are being fanned by the Mexican servant.

JAMES ST. MARTIN

I could divert the Santa Fe lines  
into Cherryvale! Charge twenty five  
cents a head for a trip to see the  
"Bloody Benders".

ROSE ST. MARTIN

You will never learn James.

She starts to walk away.

JAMES ST. MARTIN  
Is there anything wrong with  
capitalizing on this fervor?  
Where are you going?

ROSE ST. MARTIN  
I'm leaving you.

JAMES ST. MARTIN  
You can't leave me.  
(waves vial of laudanum)  
You're addicted to this life, Rose!

An angry HOARD surrounds St. Martin, who backs up slowly. Through the throngs, he SEES: Rose hop on the front of Leed's wagon as it begins to move.

FRANK CUNNINGHAM (V.O.)  
Almost instantly, the mob wanted  
vengeance. Someone would pay for  
the Bender's crimes. Someone would  
hang!

EXT. LYNCHING TREE - MOMENTS LATER

Leroy Dick and St. Martin are thrown into a wallow of mud. Thick ROPES are cinched around their necks.

FRANK CUNNINGHAM (V.O.)  
Mr. Dick and Mr. St. Martin were  
natural choices.

Above them, we see the ONLY TREE for miles, its thick boughs perfect for a lynching.

CHILDREN watch fascinated as the toughest of the bloodthirsty MEN stand Toles and St. Martin up. St. Martin weeps like a baby. Frank watches, ashamed. His eyes follow the ropes up the boughs.

FRANK CUNNINGHAM (V.O.)  
I wanted to come to their rescue,  
but the familiarity of the act, the  
tone of the crowd, kept my courage.  
(Frank steps up, defies  
crowd)  
For a time.

CUT TO:

Frank now STRUNG UP with them.

We see Oxen trudging, the rope grows TAUT. The men begin to slowly lift off the ground, their necks BULGING under the immense pressure.

FRANK CUNNINGHAM (V.O.)

As we rose, I felt a crushing weightlessness.

(beat)

And I realized the power of wanting to die.

(beat)

Felt I deserved it. For being so blind. For not seeing what was clearly in front of me, all the time.

FRANK'S POV: The BENDER INN, in the valley below, surrounded by the mob.

FRANK CUNNINGHAM (V.O.)

For the first time... I felt I understood Kate.

Some are starting to chip off pieces of wood for SOUVENIRS.

PUSH into Frank's face, as he's losing consciousness. In extreme CLOSE UP now, he might be dead, sounds like we're underwater. Somewhere, the distant RUMBLES of GUN FIRE.

Slowly, Frank's eyes OPEN!

We see Colonel Leeds and his men, swarm in front of the crowd. Someone CUTS the rope!

Frank, Leroy, and James fall into a pile in the mud, wrenching violently.

FRANK CUNNINGHAM (V.O.)

Sometimes there isn't anything you can do, but pick yourself up.

Leeds steps in to help Frank up. St. Martin grabs at Rose for help, she pushes him back into the mud.

FRANK CUNNINGHAM (V.O.)

You'd think that this fever pitch frenzy would of been the height of it all. But really, it was only the beginning.

EXT. KANSAS CAPITAL - GOVERNOR'S OFFICE - DAY

We see Governor THOMAS OSBOURNE (50s) drafting a bounty on the Benders. Colonel Leeds nods, with a heavy heart.

FRANK CUNNINGHAM (V.O.)  
 Course, didn't help matters that  
 Governor Osbourne would offer a  
 \$2000 reward for their capture.

EXT. KANSAS STREETS - MORNING

Scrappy MEN, stare at the poster, lured by the loot.

FRANK CUNNINGHAM (V.O.)  
 Everybody and his brother formed a  
 posse, had a theory.

CUT TO:

MONTAGE - VARIOUS POSSES ON VARIOUS TRAILS

We see the BENDERS in transit, a MAP shows their route.

FRANK CUNNINGHAM (V.O.)  
 Some say the family boarded a  
 south-bound train to the town of  
 Murdock, in Indian Territory.  
 From there, they make their way to  
 the Lone Star State, where law is  
 sparse.

EXT. WEST TEXAS OUTLAW COMMUNITY - DAY

FRANK CUNNINGHAM (V.O.)  
 Search parties comb the vast outlaw  
 communities of West Texas. Marshall  
 Ralph Meachum and Col. Calvin  
 Holdes follow reports of the  
 Benders deep into Texas, until the  
 trail goes cold...

We see Snoddy and Peckham follow wagon RUTS that lead out  
 into a barren SALT FLAT and then disappear.

CUT TO:

Various Gazettes, New Yorker Articles, etc: ***Benders spotted!  
 German Family seen, fits Bender's likeness! Kate Lives!***

FRANK CUNNINGHAM (V.O.)  
A panic infected us.

INT. TRAIN - DAY

A railroad TICKET TAKER grabs a woman in a calico dress, she turns startled, looks just like Kate!

FRANK CUNNINGHAM (V.O.)  
Anyone who looked the part, were questioned, detained, or just plain treated bad.

CUT TO:

Various GERMAN FAMILIES being apprehended, jabbed with pistols, thrown in jail cells.

FRANK CUNNINGHAM (V.O.)  
Known for his mistreatment of animals, Rudolph Brockman was not well liked. He was German. He provided the Bender's accommodations when they first moved to Kansas. He *must* of known!

We see Brockman being pistol whipped-- on verge of collapse.

FRANK CUNNINGHAM (V.O.)  
It's amazing how quick admissions of guilt come when blood is spilt.

RUDOLPH BROCKMAN  
I did it. I did it. I helped them do it. Please stop! Please.

CUT TO:

INT. VARIOUS DARK ROOMS - CONTINUOUS

GERMAN WOMAN 1  
I am Kate Bender.

BLOND WOMAN 2  
I am Kate. I kill people.

SPANISH WOMAN 3  
Yo soy Kate.

FRANK CUNNINGHAM (V.O.)  
 No father in the county could let  
 his children go to bed at night,  
 letting them think the Benders were  
 still out there, free to kill.

INT. SETTLER'S HOME - NIGHT

We see a FATHER at dinner regaling his rapt FAMILY of his  
 killing of the Benders.

FRANK CUNNINGHAM  
 Everyone was part of the posse that  
 killed the Benders.

INT. CHILD'S BEDROOM - NIGHT

Another DAD tucks his LITTLE GIRL in. She has a Kate Bender  
 doll. She yells after him, he keeps her door open a crack.

EXT. SCHOOL HOUSE - DAY

FRANK CUNNINGHAM (V.O.)  
 It was the only thing folks could  
 talk about.

Frank turns from chalkboard, sees: a FRECKLED KID play acting  
 the Benders being murdered.

FRANK CUNNINGHAM (V.O.)  
 What fascinates me most is how the  
 story changes over time. Some  
 believe the Benders went there  
 separate ways.

EXT. SAN FRANCISCO HOTEL - DAY

FRANK CUNNINGHAM (V.O.)  
 Some say, Kate is a society matron  
 in San Francisco.

Kate serves tea at a San Francisco tea party.

INT. MONTANA BROTHEL - NIGHT

FRANK CUNNINGHAM (V.O.)  
 Or a whore in Montana.

Kate in a line of WHORES, is chosen by a PORTLY MAN.

FRANK CUNNINGHAM (V.O.)  
Not fond of this theory.

EXT. RANCH - DAY

FRANK CUNNINGHAM (V.O.)  
John Jr. is perhaps a section hand  
in Santa Fe..

John corrals some stubborn sheep into a pen.

INT. BANK - DAY

FRANK CUNNINGHAM (V.O.)  
Or as the marauder "Flying Dutch  
Don", dispatched by the law.

John, bandana covering his face, is shot dead by BANK COPS.

INT. SOUP KITCHEN - NIGHT

FRANK CUNNINGHAM (V.O.)  
Ma opens a soup kitchen in  
Missouri.

Ma Bender stirs an enormous steaming pot of something.

INT. HOUSE - NIGHT

FRANK CUNNINGHAM (V.O.)  
While the old man, consumed by  
guilt...

MOVING up the legs, chest, and finally face of Pa Bender,  
hanging from a NOOSE.

FRANK CUNNINGHAM (V.O.)  
Commits suicide in Michigan.

We HEAR his body rock back and forth.

CUT TO:

FRANK CUNNINGHAM (V.O.)  
The most fanciful tale, comes from  
a Italian seafarer, named  
Del Caravaggio.

EXT. DEL CARAVAGGIO'S GALLEON - DUSK

On the deck of his ship, pirate-Like Del Carravagio points towards something bright and round on the horizon.

FRANK CUNNINGHAM (V.O.)  
 In this account, the Benders make  
 it as far as the California Coast.  
 Here, they acquire a dirigible,  
 held aloft by heated air!

EXT. SKY - CONTINUOUS

The Benders marvel as they soar over the Pacific ocean in a hot air balloon.

FRANK CUNNINGHAM (V.O.)  
 In which they attempt an escape to  
 Mexico.

The Benders point towards Mexico in the distance, almost there.

FRANK CUNNINGHAM (V.O.)  
 But high winds carry them out to  
 sea...

We see the BENDER BALLOON disappear into the tempest.

EXT. BENDER INN - DUSK

Frank watches a few STRAGGLERS fighting over the last rocks of what was once the Bender Inn.

FRANK CUNNINGHAM (V.O.)  
 In a weeks time, the entirety of  
 the Bender Inn was broken apart,  
 piece by piece, by those that came  
 to see it:

The stragglers leave, Frank is alone. Nothing but the wind.

FRANK CUNNINGHAM (V.O.)  
 Pieces of the walls went by train  
 to Oregon. Roof shingles now adorn  
 library shelves in New Hampshire.  
 Stones that lined the basement are  
 paperweights in Florida.

EXT. BENDER INN - FOUNDATION - LATER

Frank has been crying. Something catches his eye. He kneels, feels among the grass with his fingers. Picks up a dandelion.

FRANK CUNNINGHAM

Kate.

He blows it, watches it float away on the wind.

FADE TO:

EXT. TRAIN STATION - CHRISTMAS DAY - 1929

Frank Cunningham, now 82 years old, ambles down the platform. His son Frank Jr. (50) and granddaughter ADELE (20) helps him with his cane. They each carry jugs of gasoline.

On screen titles: December 25, 1929

FRANK CUNNINGHAM (V.O.)

The year the stock market crashed,  
I was diagnosed with prostate  
cancer and lost my wife of 42  
years. Not the greatest year. My  
son Frank Jr., asked me what it was  
I wanted to do most.

(beat)

I decided to revisit the prairie,  
one last time. Had to bring gas  
with us from Chicago, since it was  
hard to come by on the prairie.

EXT. OSAGE TRAIL - DAY

A Ford Model T whips down the trail, now a road.

INT. MODEL T - CONTINUOUS

Frank marvels as the wind rips through the Model T.  
He watches the telephone lines as they pass. Adele smiles.

FRANK CUNNINGHAM (V.O.)

So much had changed.

EXT. BENDER MOUNDS - DAY

FRANK CUNNINGHAM (V.O.)  
And yet remained the same.

They marvel as 82 year old Frank is walking fast now, leaves the cane behind.

ADELE CUNNINGHAM  
Grand daddy, wait!

EXT. KANSAS HISTORICAL MARKER - MOMENTS LATER

They find Frank standing in front of the historical marker. Frank Senior starts to walk out towards a patch of CORN. Adele reads out loud.

ADELE CUNNINGHAM  
On the high prairie a mile northwest, beyond the mounds which bare their name, the Bender family, John, his wife, son and daughter Kate-- built a small house partitioned into two rooms by a canvas cloth.  
(looks up)  
What are we doing out here Dad?

FRANK CUNNINGHAM JR.  
Grand daddy used to live out here.

ADELE CUNNINGHAM  
He never said. The house was located on the main road. Travelers stopping for a meal were seated on a bench, backed tight against the canvas. In the next two years over a dozen people disappeared. The end of the Benders is not known. The earth seemed to swallow them, as it had their victims.

Adele looks up to see her Grandfather deep in the frame, standing where the Bender Orchard used to be. CLOSE on Frank, as he drifts into MEMORY:

FRANK CUNNINGHAM (V.O.)  
I know where they're headed.

CUT TO:

EXT. BENDER ORCHARD - FLASHBACK

COLONEL LEEDS  
Redeem yourself then.

We're back with Frank, standing with Colonel Leeds, who has just unearthed his brother's body.

FRANK CUNNINGHAM  
They're hiding in a mine, north of here. I can take you to them.

COLONEL LEEDS  
Cherryvale hotel, in two hours.  
Come alone.

Frank nods. Leeds says to the crowd, SAME SCENE we've seen before:

COLONEL LEEDS  
We divide into 3 parties. The Independence and Thayer stations, the Verdigris river. First trains leave at dawn. We'll be there by sun up.

EXT. CHERRYVALE HOTEL - THAT NIGHT

Frank makes his way up the steps. Sees Jimmy Buster, Charlie Booth, Silas Toles, and Pastor King, on the stoop, drinking nervously. Frank stops, expecting them to pick a fight.

JIMMY BUSTER  
Frank, Can we have a word?

INT. CHERRYVALE BAR - MOMENTS LATER

The group sits quietly in the bar, confiding in Frank, who stands anxiously, drinking straight whiskey.

JIMMY BUSTER  
See. Way we see it, we're part of their crimes. All of us. We helped her. Bartering saddle bags, selling off horses...

SILAS TOLES  
Never asking questions.

PARSON KINGS  
Wrapped around Kate's little finger.

FRANK CUNNINGHAM  
Even you Parson?

PASTOR KING  
I'm only human Frank.

SILAS TOLES (V.O.)  
We're just asking for a chance to  
right our wrongs.

CUT TO:

INT. COLONEL LEED'S HOTEL ROOM - NIGHT

Toles now stands before the Colonel, who polishes a MUSKET.

SILAS TOLES  
If we were guilty of anything,  
Colonel, it's loving Kate too much.  
We are all under her spell.

This hits Frank hard.

COLONEL LEEDS  
Not all.

Leeds and McCatchy share a look between them.

COLONEL LEEDS  
As a senator, I cannot be tied to  
vigilante justice. That said, the  
law is not swift and the Benders  
are a problem that must be dealt  
with immediately.

Leeds moves to the window. Even at this hour, there's an  
unruly queue of HOMESTEADER'S lining up for land claims.  
Leeds closes his eyes, thinking it all through.

COLONEL LEEDS  
Traffic to these parts is,  
unsustainable. The population is  
booming. It's like the 49er rush,  
yet no yield to satisfy them.  
A deterrent would be most  
welcome...

LT. MCCATCHY  
Do good for them to think there's a  
pack of murderers on the loose.

COLONEL LEEDS  
 Bleeding Kansas is still  
 hemorrhaging.  
 (long beat, turns)  
 You men do this tonight. Do it till  
 its done. Anyone here talks will  
 answer to a similar fate. We clear?  
 (The men nod)  
 I will not hesitate.  
 (eyes on Frank in back)  
 Frank?  
 (Finally, Frank nods)  
 I'll arrange the decoys.

INT. ABANDONED MINE - OPENING - NIGHT

Pa mans the opening of the shaft with a rifle, watching the  
 dark prairie grass SWAY. He occasionally steels a glance at  
 his Bible, but it's hard to focus.

INT. ABANDONED MINE - MAIN ROOM - CONTINUOUS

Kate glares at John counting the STASH OF MONEY, on the back  
 of a barrel. Ma hovers, like an addict over heroin.

Kate removes her bonnet, feels her head. Her hatred rising  
 like venom.

She throws the bonnet, unsheathes her knife, brings the blade  
 to her neck, can't bring herself to do it. She hides it in  
 her dress sleeve.

Moves to the front door, hugs Pa from behind.

PA BENDER  
 What's this?

KATE BENDER  
 I don't know.

PA BENDER  
 We go soon, under cover of night.

A long beat, she embraces him sadly. Behind them, in the  
 mine, argumentative German VOICES:

MA BENDER (O.S.)  
 I don't trust you. What do I get?

JOHN BENDER (O.S.)  
 Hold still, old woman.

Kate moves towards them. Ma hits John, getting aggressive.

MA BENDER

You've counted it twice now.  
You're up to something!

JOHN BENDER

Hold on. I say travel expenses are  
to be docked from Kate.

PA BENDER

No. We each pay our way!

JOHN BENDER

It's her fault we must leave.

Pa abandons his post, furious at John, Ma pushes him back.

MA BENDER

Mind the door!

PA BENDER

It's your fault the body came up on  
the River.

MA BENDER

It's your fault we killed that  
father and daughter.

Pa is struck with grief, bites his fist, begins to pray.

KATE BENDER

How about we split it into who  
earned what?  
(spits at John)  
Would leave you with nothing, you  
ungrateful swine.

John grabs the pile of cash. Ma levels a pistol at his face.

EXT. PRAIRIE - REED GRASSES - NIGHT

Frank leads the SECRET POSSE through the reeds, their  
LANTERNS glowing. They each carry a CANNISTER of KEROSENE.

INT. ABANDONED MINE - CONTINUOUS

Ma cocks her pistol at John. Shaking, John puts the cash back  
on the barrel. Ma check him like a bull! He topples over  
himself, stands quickly, wielding a miner's pick axe.

MA BENDER  
How much? How much is it?

JOHN BENDER  
\$9,203

They stare at the neatly stacked pile of bills. All those murders, all those bodies. A WIND MOVES through the MINE.

MA BENDER  
That's it?

PA BENDER  
There *must* be more.

John grabs a piece of chalk, divides on the wall, next to the Miner head counts. They stare at the figure:

JOHN BENDER  
\$2300.75 per person.

MA BENDER  
No. There's more.

Pa raises the rifle at John.

PA BENDER  
There would be 3,000, if one of us don't make it out of this cave.

Ma raises the gun at Kate.

MA BENDER  
More than that, if she tells us where the rest is.

John points the pick ax at Ma's bum leg.

JOHN BENDER  
Why not eliminate the invalid?  
She'll only slow us down.

They each remain with their weapons leveled at each other. We SEE this from deep within the mine looking out.

KATE BENDER  
Quiet.

VOICES outside, very close... Frank's voice.

JOHN BENDER  
Your pet nigger lead them here!

EXT. PRAIRIE - REED GRASS - CONTINUOUS

The Men circle each other, extremely tense, ready to spring.

SILAS TOLES

There's no mine up here. I'da known  
its whereabouts.

LT. MCCATCHY

It's around here, you're sure?

FRANK CUNNINGHAM

Shhh... Yes.

Frank motions with his hands-- the dark OPENING of the SHAFT barely perceptible through the grass.

LT. MCCATCHY

Extinguish the lanterns.

Jimmy Buster reaches for the lantern as a deafening CRACK and the back of Buster's HEAD EXPLODES like a pulpy balloon. He remains a beat before falling LIMP into Frank's arms.

Pastor King screams! The OTHERS DUCK for cover, scrambling, as rifle fire ERUPTS, creating a dervish of grass. Frank uses Buster's body as an impromptu shield.

McCatchy fires shots back at the opening, rolls towards an EMBANKMENT.

LT. MCCATCHY

Frank. Frank. Over here. Frank!

Frank finally falls to the ground, starts elbowing towards McCatchy.

INT. MINE SHAFT - OPENING - CONTINUOUS

Pa and John defend the entrance. We see an ungodly STOCK PILE OF RIFLES by their side. Kate drifts back towards Ma, guarding the money like a mother bear.

There is a strange serenity on Kate's face.

KATE BENDER

*Oh my darling, oh my darling,  
Oh my darling Clementine! Thou art  
lost and gone forever, Dreadful  
sorry, Clementine!*

Ma raises pistol.

MA BENDER  
Don't think of doing nothing.

KATE BENDER  
That's a double negative.

With a flick of her wrist, Kate cuts ma's hand, she drops the pistol. Ma lurches, Kate grabs the money, disappears into the mine shaft.

EXT. MINE SHAFT - CONTINUOUS

Outside, the dropped lantern's flame ignites the reeds.

LT. MC CATCHY  
Frank, the kerosene tanks!

The tanks are resting right next to the growing wall of FLAME. Frank starts to charge, BENDER BULLETS whizzing over his head.

INT. MINE SHAFT - CONTINUOUS

Ma, trying to stop the bleeding, glowers at Pa, who fires!

MA BENDER  
Kate, she is up to something!

Pa motions for John, he races back. Ma takes up a pistol with her good hand, starts firing.

INT. MINE SHAFT - TUNNELS - CONTINUOUS

Kate expertly navigates through the darkened tunnel, letting money FLIT from her hands. John in pursuit like a rabid dog.

...FIRES off a shot as she rounds a corner, John SMASHES into a support BEAM, almost knocks himself unconscious.

EXT. MINE SHAFT - EMBANKMENT - CONTINUOUS

Frank, the Pastor, with Kerosene tanks, CLIMBING, as Toles and McCatchy cover their flanks. They scurry up the mine's embankments on either side, towards a LEDGE above it.

INT. MINE SHAFT - DARK ROOM - CONTINUOUS

Kate throws the money in the air, it FLITS down covering almost every inch of this dark room.

KATE BENDER

*Light she was and like a fairy, And  
her shoes were number nine,  
Herring boxes without topses,  
Sandals were for Clementine.*

Kate shimmies behind a CONVEYOR belt, and into small naturally occurring cavern between the ledge.

INT. MINE SHAFT - OPENING

Ma, Pa, watch as the fire BLAZES in front of them. ROCKS fall from above. Ma steps out of cover, looks up.

MA BENDER

They're above us.

PA BENDER

Ma!

FWIP! Ma takes a bullet in the gut, which enrages her. She unleashes several shots, pauses, fuming, bleeding, snorting with hatred.

EXT. MINE SHAFT - LEDGE ABOVE

Frank and Pastor King count to three, and DROP the kerosene tanks...

INT. MINE SHAFT - OPENING

Ma and Pa watch the tanks thud softly in the sand in front of the opening.

PA BENDER

Run!

EXT. EMBANKMENT - CONTINUOUS

McCathy raises rifle, FIRES at the Kerosene tanks. Bullets ricochet, spark, finally one connects and BAM!

Double EXPLOSION as both cannisters IGNITE!

INT. MINE SHAFT - TUNNELS - CONTINUOUS

Ma and Pa knocked off their feet.

INT. MINE - CONTINUOUS

The BLAST causes a HOWLING WIND which surges through the mine

INT. DARK ROOM - CONTINUOUS

And knocks the collected money from John's hands.

EXT. BENDER INN - CONTINUOUS

Back at the inn, the sound of the blast is DROWNED OUT by the crude FIREWORKS exploding over the inn.

With the help of a CHINESE RAILROAD WORKER (70), Mr. Albrecht launches another rocket, which explodes, drizzling the sky in light. The CROWD OOHS!

INT. CRAWL SPACE - CONTINUOUS

Kate, halfway through the crawl space, as ROCKS start to fall from the blast. More EXPLOSIONS as...

INT. MINE SHAFT - OPENING

The pile of firearms ignites and EXPLODES!!!

INT. TUNNELS - CONTINUOUS

Ma and Pa, no other choice, stumbling away from the explosions, towards the back room.

EXT. MINE SHAFT - LEDGE ABOVE - CONTINUOUS

Frank, the Pastor, sliding their way down the sides of the ledge, DUCKING as remnant gun powder occasionally EXPLODES!

INT. DARK ROOM - CONTINUOUS

Ma and Pa reach John. Pa lights a kerosene lantern. They pathetically start to pick up the bills. Soot everywhere.

INT. MINE SHAFT - OPENING

Frank, the men, making their way through a thick layer of SMOKE, guns leveled at the murk.

INT. DARK ROOM - CONTINUOUS

Pa turns, for the first time taking in the room: PULLEYS and CONVEYORS hang like entrails. A steel cage meshes with the rock lined walls. Where are they?

It is then that he SEES: Kate at the door. She heaves a large steal cage which CLANGS SHUT, LOCKING from the outside. Pa leaps to his feet.

JOHN BENDER

Don't worry, there must be a way out. She got out.

MA BENDER

Hurry, the money!

Kate watches them for a moment, animals in a cage, covered in soot. Ma bleeding. Pa watches Kate sadly, then continues to scramble for the money.

INT. MINE SHAFT - TUNNELS - CONTINUOUS

Kate ducks into a service INLET, next to a mining CART.

SMOKE billows creating a shroud. A long beat, Kate wheezing, trying not to breathe. Out of the SEEPING shadows, she sees a GUN then Lt. McCatchy, leading the POSSE.

She holds her breath.

INT. DARK ROOM - CONTINUOUS

John is now frantic. The crawl space is completely sunken in with rock.

The Benders try to muscle the cage open. They start to scream in German and English. They tire themselves out quickly. Ma FIRES at the mesh cage, it RICOCHETS and hits John in the thigh, he flails absurdly, falls.

INT. TUNNELS - CONTINUOUS

In the thick murk, Kate watches Frank, in the very back, crouching, moving forward on his knees, gun shaking, so close to her... she reaches out, grazes his back.

FURTHER AHEAD - More gun fire as the POSSE answers the volley from the Benders in the cage. Bullets ricochet and reverberate.

Kate pulls Frank into the inlet with her, her hand over his mouth, his pistol in her hand.

INT. DARK ROOM - AT CAGE - CONTINUOUS

Ma and Pa shoot through holes in the cage. John on the ground, raises his pistol, SHOTS his mother in the back.

INT. TUNNELS - INLET - DAY

Kate whispers in Frank's ears.

KATE BENDER

It started as an accident. The man  
who took my life...

CUT TO:

FLASHBACK

*The Albino raping Kate.  
The Albino arriving at the Bender Inn, drunk.*

KATE BENDER (V.O.)

I took his back.

*The Albino clubbed by Kate, flails like a beheaded chicken.*

BACK TO:

KATE BENDER

At first it was easy. But nothing  
stays easy forever.

(shaking)

We won't stop. We can't stop.  
You'll have to kill us. Do you  
understand.

(beat)

Do you understand? You'll have to  
kill me.

FRANK CUNNINGHAM

Yes.

KATE BENDER

Frank, one last time... something  
from Emily...

FRANK CUNNINGHAM

What?

KATE BENDER  
 Something beautiful, some poetry.

Frank thinks long and hard.

FRANK CUNNINGHAM  
*Parting is all we know of heaven,  
 and all we need of hell.*

Kate kisses him deeply. Sounds of the GUNFIGHT distort into a surreal cacophony. Kate counts to three in German...

In a blur, Kate steps out, pushes the mining cart. It disappears into the smoke, barrelling down the slope like a runaway train. We HEAR it CAREEN into someone!

Kate hands Hobbes' pistol back to Frank. She removes her bonnet, throws it away. Turns, looks back at Frank one last time, before she makes a mad dash, towards the OPENING of the mine...

Frank, trembling raises the pistol...

Kate running towards the light, growing smaller in the frame

Silhouetted by the moon, almost there, almost free, Frank looks away...

And...arms shaking, fingers trembling... closes his eyes...

FIRES!

INT. DARK ROOM - CONTINUOUS

McCathy lowers his shot gun. The cage slides open, revealing the BENDERS in a heap on the floor.

All three are dead.

Done in by themselves.

By their own hands. The blood money strewn about, everywhere.

EXT. TUNNELS - CONTINUOUS

Frank, in slow motion, pointing towards Kate's body in the distance. Some of the men limp out of the smoke from behind him. Frank passes Parsons King the revolver.

King trudges towards Kate. One long arduous take, as he FINALLY reaches her, we see this in silhouette, as he blesses himself, and puts a bullet in her brain.

EXT. PRAIRIE - NIGHT

Frank, and the men have dug a very deep pit in the prairie. They motion to Lt. McCatchy who starts dragging the bodies.

FRANK CUNNINGHAM (V.O.)

We buried the Benders on the prairie, only about a mile north of their claim. The earth was soft, and with the four of us, the pit was dug quick. Figured everyone and their brother was going to be nosing around that mine, after what happened. Figured this was best.

They lower Kate's body in last, we see all four Bender's sallow faces, as they are COVERED with DIRT.

FRANK CUNNINGHAM (V.O.)

It might sound strange to you, but I swear it was the happiest I'd ever seen her.

Dirt covers Kate's face. It looks like she's smiling.

DISSOLVE TO:

EXT. PRAIRIE - BENDER MOUNDS - 1929

Frank stands close to the patch of wildflowers and corn we saw at the very beginning of the movie. Subtle red glints in their stalks.

FRANK CUNNINGHAM (V.O.)

This is how I wish to remember it: That whatever sickness bound the Benders together, they somehow managed to stay together, as a family, till the very end.

We now understand that this patch; this is where the Bender's are buried. Adele reaches her grandfather, takes his hand.

ADELE CUNNINGHAM

Strange.

FRANK CUNNINGHAM

What's that?

ADELE CUNNINGHAM

The flowers. And corn.

(beat)

Just seem to grow in that spot.

PULL BACK to reveal the vast expanse of prairie, and the patch of wildflowers, strangely out of place with the rest of the rolling green prairie, as the Cunninghams begin to make their way back to Model T.

ROLL CREDITS