

Paradise

By

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PARADISE

EXT. THE GREAT PLAINS -- DAY

The hills roll on and on, green waves as the lens moves across to come to rest on a train of covered wagons, wending their way Westward. Panning further, the eye of the camera reveals a small western town, Independence Missouri. And as the view zooms in, there is a young black girl, running on the busy, dusty street.

EXT. INDEPENDENCE MISSOURI -- DAY

A whirlwind, she careens down the crowded frontier street, a blur of tomboy-homespun with pigtailed flying, carrying a paper wrapped package. JOEY, 12 and African American, veers down an alley behind a gambling house in Independence, Missouri, 1883.

EXT. KANSAS PLAINS -- DAY

Cavalry rides in a full canter, '10th Cavalry' guidon and an American flag snapping in the wind. Buffalo soldiers cross the plains, rifles drawn, toward a pillar of smoke.

Rifle fire echoes in the distance, as braves jump on their horses, galloping away over the plains. Soldiers shoot at the departing Indians, a futile gesture as bullets fall far short of the escaping Sioux warriors.

The soldiers slow as they reach a burning cabin. Bodies lie motionless on the ground, bloody and very dead. Arrows protrude from a few while the rest show the blood spatter of bullet wounds.

The column halts and several troopers leap off, running to the prone settlers--

TOM HYSER, a white Captain commanding the patrol of soldiers, surveys the scene.

HYSER

Sergeant!

First SERGEANT WILLIAM JEFFERSON XANDER, an African American pulls up beside Hyser holding a Spencer Rifle.

WILLIAM

Sir!

Hyser indicates the homestead.

HYSER

See to this--catch up to us later.

WILLIAM

Yes sir! Second squad--

From behind the smoking ruin, DAVE, an older, Caucasian, buck-skinned scout appears.

DAVE  
 Captain! We got survivors here,  
 women and children--and some wounded--  
 they need help.

Tom looks after the departing Indians in frustration, smacks his hat on the pommel. William looks around at the carnage.

WILLIAM  
 Guess we gonna have to take some  
 time...

SERGEANT TOBY a younger African American sergeant shakes his head,

TOBY  
 For the survivors--

Captain Hyser, moving toward the trail left by the departing warriors stops. With a frustrated look at the departed Indians he dismounts.

HYSER  
 Detail! Dismount! Lend a hand.

The rest of the soldiers hop off, grabbing canteens and blankets, rushing to give aid. Tom faces Dave who kneels, holding a woman's head up and offering her water from a canteen.

HYSER (CONT'D)  
 Dave, get after 'em and find out  
 where they end up...we'll be here  
 for a bit...you'll find us.

Dave takes the canteen and hands it to a trooper who kneels next to the wounded woman. The grizzled scout climbs up on his mount and, without a word, rides off, following the war parties trail, his face a mask of anger.

William turns his horse to the waiting sergeant, ashen faced in grief, looking at the destruction-

WILLIAM  
 Form a burial detail--

TOBY  
 Right...Sergeant?

WILLIAM  
 Yeah?

TOBY  
 Dp you ever get used to it? I mean  
 this?

He gestures at the carnage and destruction.

WILLIAM

No. You don't.

He turns and walks to the smoking cabin.

EXT. INDEPENDENCE STREET -- DAY

Joey careens out of the alley, colliding with the huge belly of a large, filthy man, (MULESKINNER) dropping some coins that she is carrying. He belches and glares at her. Seeing the money on the ground he smiles at Joey cruelly, reaching for it, shining in the dusty street. With a swift hard kick in the shins, Joey turns his grin into a grimace and a yowl, she grabs the money, and runs off. She turns a corner, stops at a shed and steps inside, slamming the door.

INT. SHED -- AFTERNOON

JOEY

Abigail! The whore paid me the whole two dollars for the dress!

A large black woman, (LIDDY) kneading bread, wipes her hands and shakes her finger at Joey.

LIDDY

You watch your mouth, young lady!  
This ain't a saloon!

JOEY

Well, that's what she is--what am I 'sposed to call her? She's--a wh--

Liddy grabs Joey's arm--

LIDDY

Hush! They is sickness in this house--  
an' you come in here like a tornado  
and--what're you wearin'?

JOEY

What I want to wear. You ain't my  
momma!

Liddy shakes her.

LIDDY

That's enough out of you, young lady!

Joey tries to pull away but Liddy isn't finished yet.

LIDDY (CONT'D)

Miss Abigail is in there workin'  
herself into an early grave, takin'  
care of her little one--and you.

Joey brightens and turns to go to the bedroom--

JOEY  
She's awake?

Joey runs to the bedroom door. Liddy stops Joey with her voice, softly.

LIDDY  
Joey. Don't go in there lookin'  
like that, you know it upsets her.

Joey stops.

JOEY  
Alright. I'll change.

A fierce look.

JOEY (CONT'D)  
But, I don't wanta'!

Joey goes behind a curtain, unbuttoning her shirt. Liddy smiles and goes back to kneading the bread dough.

INT. SHED BEDROOM-- LATER

ABIGAIL (30's, a pale, strawberry-blond) is sitting in bed, hand-stitching a dress. Her body is wracked by a wheezing cough. JAMIE, her seven year old son is helping her. He puts his hand on her back when she coughs.

JAMIE  
Momma-

The coughing subsides and Abigail, tears in her eyes, looks at her boy.

ABIGAIL  
I can't rest now honey, I gotta' get  
this done for Miss Louella--

JAMIE  
But you ain't well--

ABIGAIL  
Aren't well--

JAMIE  
Aren't well--

Abigail sets her things down.

ABIGAIL  
Jamie, I'm gonna be fine.

She takes his hands. He leans his head on her breast.

Joey comes in the room wearing a clean, worn dress smiling full of life.

JOEY

Momma Abigail, You're lookin' good tonight--like a queen--how you feelin'?

Abigail laughs. The laugh turns into a cough then it passes.

ABIGAIL

Johanna, how you talk! You could sell sand to the King of Persia. But, I do feel fine tonight. I have you two here with me, my life couldn't be better.

Jamie looks at Joey challenging her.

JAMIE

Leave my Momma alone! She likes me best!

JOEY

Does not!

JAMIE

Does too!

JOEY

Does not!

Abigail holds her hand up.

ABIGAIL

Jamie--stop. Joey is family now, and there's enough love for the both of you--

Joey brightens and remembers reaching in her pocket and coming out with several coins.

JOEY

Look. The wh--that lady paid me-- the two whole dollars--

She hands the money to Abigail who puts it in a jar by the bed.

ABIGAIL

That's good. She's a nice person but, I don't want you hangin' 'round her.

JOEY

I know, I know--she's a--

ABIGAIL  
 (changing the subject)  
 Did you do your sums today?

JOEY  
 Yes, ma'am--

ABIGAIL  
 Alright then--

Abigail lies back down on the bed.

ABIGAIL (CONT'D)  
 Children, I'm a little tired now,  
 whyn't you go help Liddy.

BOTH  
 Yes, ma'am--

They kiss her, get up, and go to the door.

JOEY  
 We be right out here, if you need us--

Jamie leaves as Abigail, drifting off, calls to Joey.

ABIGAIL  
 Joey?

JOEY  
 Yes, ma'am?

ABIGAIL  
 Close the door.

Abigail pats the bed next to her. Joey sits down, eyes wide and serious.

ABIGAIL (CONT'D)  
 Joey. When you came to live with  
 us, I promised your mama I would  
 take care of you.

JOEY  
 Yeah-

ABIGAIL  
 Would you do me a favor?

JOEY  
 Of course.

ABIGAIL  
 I need you to be there for Jamie  
 from now on.

Joey's eyes moisten as she looks away from Abigail.

ABIGAIL (CONT'D)

You're gonna be all the family that  
he has.

Joey smiles a big false grin.

JOEY

But, you're gonna get better, you  
watch.

ABIGAIL

I'm not. Promise me you'll do it, no  
matter what happens.

JOEY

Yes, ma'am-

She starts out of the room. Abigail lays down on her pillow.

ABIGAIL

Johanna?

JOEY

Yes, ma'am??

ABIGAIL

Thank you for wearing the dress--  
you're such a pretty girl--

Joey looks at herself, then, looks at Abigail, smiling.

JOEY

Yes, ma'am--

Abigail smiles and shuts her eyes as Joey closes the door.

EXT. KANSAS PLAINS INDIAN VILLAGE-- EARLY MORNING

Three soldiers lay atop a hill, peering into an Indian camp.

Dave makes his report.

DAVE

Found 'em just 'fore sundown--

He puts a jawbreaker in his mouth, his speech suffers.

DAVE (CONT'D)

That's when I came and got you--

HYSER

You see Red Sky?

Dave nods.

DAVE

Yup, plain as day.

HYSER

Where's their horses?

DAVE

I don't know. They was here.

WILLIAM

Don't matter, we got 'im--

HYSER

Good work. Form the men William, skirmish line, two deep, wait for my signal.

WILLIAM

Yes, sir.

William gets up, moving back toward the patrol.

INT. SHED BEDROOM -- MORNING

Abigail is in bed and covered in ragged blankets, sweating from fever. Liddy and several other women are at the bedroom door. Joey is by the bed and Jamie sits next to his mother, holding her hand. The DOCTOR stands on the other side. A preacher stands at the head of the bed, wiping sweat from his bald, shiny forehead. Abigail has tears in her eyes as weeping, she speaks softly to Jamie.

ABIGAIL

Wasn't 'sposed to be like this--  
leavin' you two alone to fend for  
yourselves. I am sorry.

She coughs wetly, lungs full of fluid.

ABIGAIL (CONT'D)

Please try to find a place where  
they can be together--

JOEY

My daddy can take us--

REVEREND SNIPES

The two of them will not be together,  
no matter what you want. They will  
be sent to St. Louis to the orphanage  
and that's that.

ABIGAIL

Reverend Snipes--

REVEREND SNIPES

It is just not possible--black and  
white children cannot be raised  
together--

JAMIE

You said we would be family--

REVEREND SNIPES

Hush-up, you!

JOEY

My Daddy'll take us in--

ABIGAIL

Joey, stop--

Joey sulks.

JOEY

But, I got his letter--

ABIGAIL

It's three years old!

Joey looks away and, with a shake of her head--

JOEY

We'll go to him then--

ABIGAIL

(fiercely)

No! Little children, black and white,  
can't be chasin' 'round the frontier  
by themselves!

She starts coughing. Joey looks at Jamie and then back at Abigail.

JOEY

Yes, ma'am. I'm sorry.

Abigail looks at the jar by the bed.

ABIGAIL

There's a little money.

Jamie is scared and buries his head in her shoulder

JAMIE

Momma?

Abigail is crying, everyone is crying. She holds Jamie close.

ABIGAIL

I can't help it, sweetheart--  
(coughing)

Joey comes to the bed, silent tears running down her cheek.

JOEY

You took me in and took care of me.  
I'll take care of him. Promise.

Abigail nods, her tears mixed up with coughing.

JOEY (CONT'D)

You've been the best momma I ever  
did know, near as good as my own  
momma--

Joey hugs Abigail as the doctor leans over and takes her pulse.

DOCTOR

Why don't we get these little ones  
out of here, for now--

Liddy comes to the bed.

LIDDY

Abby, you rest now. I'll take 'em.

Liddy leans down, kissing her on the forehead.

LIDDY (CONT'D)

Go in peace--child of God.

She leads the children out of the room. The other adults gather around Abigail, murmuring prayers. Jamie looks back but can't see her as Liddy pulls them out of the room, closing the door.

FADE TO:

EXT. KANSAS PLAINS INDIAN VILLAGE-- DAY

The soldiers move toward the Indian village in a skirmish line. A shot rings out from the village. The soldiers return fire. Women and children run away. One young Indian boy shoots an old rifle at Dave and then, dropping the gun, grabs a knife from his belt and runs at him. Dave quickly shoots him with his Remington 1875. The boy falls dead. Dave looks at the young face and then yells at Hyser.

DAVE

There's no men! Red Sky's gone!

HYSER

Cease fire!

A woman runs to the fallen boy as the firing slows and stops.

Dave looks at the fallen young man.

DAVE

Lord, what have I done? He's just a  
boy.

WILLIAM

He shot at you. It was on even terms,  
both of you.

DAVE

My, Lord--

A quiet falls over the village. Then a death song comes from the women--

INT. SHED BEDROOM -- LATER

The bedroom door opens. Joey and Jamie enter the silent room. Abigail lies on the bed, still and at peace.

JAMIE

Momma?

Joey holds his hand as Liddy covers Abigail's face with the sheet.

JAMIE (CONT'D)

(wailing)

Momma--

Louella, the large angry woman and Joey's adversary.

LOUELLA

You, git the boy outa' here.

Liddy pulls Jamie toward the door.

LIDDY

Come with me, child. Yer momma has gone home.

JAMIE

This our home!

LOUELLA

Not anymore! I only let you stay 'cause she could sew. She's dead and there's no room.

The DOCTOR steps forward.

DOCTOR

Miss Barnes, you needn't be so harsh, the boy just lost his mother--

LOUELLA

He better get used to harsh 'cause that's life. Git them outa' here--

Louella yells at an older black man (MOSE) standing at the door.

LOUELLA (CONT'D)

Mose-

Gestures at the covered body.

LOUELLA (CONT'D)

-Move her out of here!

Several black men standing with 'Mose move inside.

MOSE

Yazzem', Miz Barnes--

Ignored for the moment, Joey quietly takes the jar of money and some sewing scissors and leads Jamie out of the shed--

EXT. SHED -- CONTINUOUS

Outside she runs--dragging Jamie behind her.

JOEY

Come on! Hurry!

JAMIE

'Leggo of me!

Louella's voice booms from inside the shed.

LOUELLA (O.S.)

Where'd 'dem kids go?

The two of them run around the corner, into an open barn.

EXT. KANSAS PLAINS INDIAN VILLAGE-- LATER

Hyser and William stand over a wounded OLD INDIAN man being tended to by a squaw, who watches them with fear and hatred in her eyes.

HYSER (in the Sioux language)

Where's Red Sky?

OLD INDIAN

You kill children?

HYSER

He fired at us!

OLD INDIAN

The boy wanted to be a man.

William grabs the old man who groans in pain.

WILLIAM

Not anymore, old man. Look, we came for Red Sky!

Hyser pulls him off. The old Indian smiles.

OLD INDIAN

The one who did this--iye kufa. He will die.

Dave looks at the old man, shaking his head.

DAVE  
I didn't know--

The old man looks away, a soft song crosses his lips.

They walk away from him as Dave shakes his head.

DAVE (CONT'D)  
Lord, he's put a curse on me. I'm  
gonna die--you watch--

HYSER  
What?

DAVE  
Children are sacred. I'm a dead man--

William looks over the village as Hyser straightens.

WILLIAM  
Orders?

HYSER  
Red Sky's out there. We gotta get  
him before he gets us.

At William's command, the troops mount up, forming a column, head off across the grassy plain, leaving the village behind.

EXT. INDEPENDENCE STREET -- DAY

Joey, back in her tomboy homespuns, runs down the street. She stops and peers around a door then creeps silently into the general store, grabs a bag of beans and runs out, taking a bowler and some hard candy on the way. The clerk chases her.

STORE CLERK  
Come back here! Stop! Thief!

Joey weaves through the busy town, and zooms around a corner. Her eyes grow large as she sees the SHERIFF, (50's) fat, sweaty, huffing and lumbering toward her.

SHERIFF  
Stop! Wait'll I get my hands on  
you! Come back here you miscreant!

With his shouts echoing behind her, she runs into the barn.

INT. BARN -- DAY

After closing the door, she crosses and climbs a ladder.

EXT. INDEPENDENCE STREET -- DAY

The store clerk stops and leans on a building as Louella storms up--

The sheriff, rounding the corner sees her ranting at the clerk and silently steps away, out of sight.

LOUELLA

Well?

STORE CLERK

She got away--

LOUELLA

Why didn't you stop her!

The clerk cringes from her wrath.

STORE CLERK

She's too fast--

LOUELLA

Stealing me blind!

Her pinched face twists up into a sneer--

LOUELLA (CONT'D)

Lazy no-good--why, that picaninny should be in jail!

STORE CLERK

Miss Barnes--

LOUELLA

You say another word and you'll be sorry!

She storms away ranting as she goes.

LOUELLA (CONT'D)

Kidnapping that little boy, his mamma's body not even cold yet.

STORE CLERK

She didn't kidnap him--

She wheels and wallops him with her purse.

LOUELLA

I told you not to talk!

The clerk reels from the blow. she stalks off.

LOUELLA (CONT'D)

Never should have freed 'em in the first place!

The clerk straggles after her.

INT. BARN -- DAY

Joey gets to the top of the ladder to where Jamie is hiding.

JOEY  
Are you hungry?

Teary-eyed Jamie nods. She drops the beans and pulls the jawbreakers from her pocket. Jamie smiles at her. Joey surveys the meager supply of food popping a jawbreaker into her mouth.

JOEY (CONT'D)  
I think we got enough food for the trip--

Jamie, mouthful of candy.

JAMIE  
We have to leave?

JOEY  
We can't stay here and my Pa's in California.

JAMIE  
I don't want to go to California--

Joey puts the bowler on, trying to tuck her hair up inside.

JOEY  
Jamie, there's nobody here to take care of us.

She takes the hat off, pulls the scissors out and hands them to Jamie.

JOEY (CONT'D)  
Hold these.

JAMIE  
Why?

JOEY  
Gotta' cut my hair.

JAMIE  
Why?

JOEY  
So's people don't see me as a girl.

JAMIE  
Why?

JOEY

Never get to California lookin' like  
this aways.

JAMIE

Still gonna look like a girl--

JOEY

Do what I say--

JAMIE

Alright! I'm jus' sayin'--

JOEY

Well, don't say it! Here, cut--

She holds her hair out and Jamie cuts.

JAMIE

Liddy woulda' taken us in--

Snip, snip. Jamie is done. She puts the bowler on. It  
fits fine.

JAMIE (CONT'D)

Joey, I don't wanta' go--

JOEY

Then stay! You'll end up in the  
orphanage for the rest of your life.

JAMIE

They won't catch me!

JOEY

They will. And I heard they tie up  
little boys--sometimes even sell  
them to the Indians--

Lip trembling he wails at the thought.

JAMIE

NO! Joey!

His cries get louder. Joey softens, trying to quiet him.

JOEY

I'm sorry, Jamie, please don't cry.

JAMIE

Don't let 'em get me!

JOEY

Nobody's gonna get you--

Scared of his crying, she starts to sing lullaby.

JOEY (CONT'D)

Sh, sh, sh. Hush little darlin' don't say a word, Momma's gonna buy you a mocking bird, If that mockingbird don't sing, Momma's gonna buy you a diamond ring--

He quiets down and she gets a light in her eyes.

JOEY (CONT'D)

All's we gotta do is sneak onto a wagon train and we're off to Paradise.

JAMIE

Liddy said Momma was in paradise--

JOEY

Naw, yer momma is in Heaven with Jesus and my momma. Paradise is where my Pa is, in California. See?

She pulls out a folded, worn-out letter.

JAMIE

I can't read very good yet.

She put it back in her pocket.

JOEY

Oh. Well, we're gonna go live with him. We gotta stick together.

JAMIE

We ain't family--

JOEY

Aren't--

Jamie glares at her.

JAMIE

--we aren't family--

JOEY

We are inside--and that's what counts--

JAMIE

I'm scared.

A long pause. Joey puts her hand on his shoulder.

EXT. INDEPENDENCE-- MORNING

Louella storms down the street, the Sheriff in tow, past a wagon train forming up and down an alley. Dogs bark, men yell while loading the heavy wagon. A muleskinner ties a tarp on a wagon.

INT. BARN -- MORNING

Louella and the Sheriff burst into the barn.

LOUELLA  
I found 'em, you git 'em!

She yells.

LOUELLA (CONT'D)  
I got you girl--stealin' from me!

The Sheriff hitches up his pants and starts climbing the ladder to the loft.

Joey wakes Jamie. She claps her hand over his mouth.

JOEY  
(whispering)  
We gotta get out of here!

She looks over at the ladder, shaking with the weight of the Sheriff.

They push the ladder off the edge of the loft. The Sheriff, all the way up, yelps, terror in his eyes. But, the ladder stops, balanced perfectly. He grins at Joey--who smiles back. Then--Joey yells at Jamie.

JOEY (CONT'D)  
Come on!

They start throwing their supplies down to the barn floor.

The bags land near Louella, standing next to the ladder.

LOUELLA  
Watch out! Ahh! Help!

She jumps out of the way, kicking the ladder which goes over.

SHERIFF  
Noooo!

The Sheriff reaches out for the loft edge--

SHERIFF (CONT'D)  
On, no. Oh no. OOOoooh!!!

He jumps clear of the ladder landing on Louella.

LOUELLA  
Ahh! Help me! Oh, degradation!  
Consternation!

The children toss the rest of their supplies down from the loft and then jump together, hand in hand, landing in a hay pile next to their supplies.

The struggling Sheriff lays on top of Louella, a squirming pile of arms and legs.

LOUELLA (CONT'D)  
Get offa' me!

SHERIFF  
I'm tryin'!

LOUELLA  
Animal! Masher!

She starts hitting him with her huge purse.

SHERIFF  
Miz Barnes, hold on there a second--

Holding his arms up, he grabs the purse.

SHERIFF (CONT'D)  
I told you to stop, now!

Joey drags the bags, beans and boxes to the door.

The Sheriff and Louella stand. She straightens her dress, breathing heavily. He smiles shyly, reaches out and takes a piece of hay from her hair. She slaps his hand.

LOUELLA  
Don't you touch me!

She turns on the scrambling kids.

LOUELLA (CONT'D)  
Get them kids!

Louella starts after Joey who drops everything.

She runs down the alley carrying some of the supplies, followed by Jamie, a bag of candy in his hand.

The Sheriff joins in the chase.

EXT. STREET -- MORNING

The MULESKINNER, a large gruff man works to get the train moving. He goes to fix a tangled harness.

MULESKINNER  
Consarn it Abe, what the--I should whip you!

The Muleskinner kicks at ABE, a black driver who avoids the blow.

MULESKINNER (CONT'D)  
Good for nothin'!

EXT. ALLEY -- MORNING

Joey and Jamie reach the street where a loaded wagon stands, ready to depart.

Joey looks around and seeing no one, undoes the wagon's cover and helps Jamie in. She is just ready to climb in behind him when the Sheriff and Louella come out of the barn.

SHERIFF

Stop her!

Joey looks in the wagon at Jamie.

JOEY

I'll be right back. Don't worry.

She pulls the cover down and runs off down the street followed at some distance by the Sheriff and Louella.

EXT. INDEPENDENCE STREET -- CONTINUOUS

Joey runs around the front of the wagon train--smack into the muleskinner's gut. She bounces off landing on her back in the street.

MULESKINNER

What in 'tarnation! Why you--

The muleskinner kicks at her like a dog. Joey avoids the boots, scrambling, keeping her eyes on the muleskinner.

MULESKINNER (CONT'D)

Damn Coloreds! Get my hands on you!

Joey wheels around to escape his grasp and is collared by the Sheriff.

SHERIFF

Ha! I got you--

Louella struggles up, looking around.

LOUELLA

Where's the boy?

Sheriff looks at her.

SHERIFF

Now, I wouldn't know Miz Louella--

LOUELLA

I ain't talkin' to you!

She wheels on Joey, reaching out and shaking her.

LOUELLA (CONT'D)

Where is he? Where is that little  
troublemaker?

Joey sticks out her tongue, pouting.

JOEY

I ain't gonna tell you, you fat old--

The Sheriff shakes her.

SHERIFF

You watch your mouth!

He starts dragging her off as, with the crack of a whip, the wagon train starts down the street.

INT. WAGON -- CONTINUOUS

Jamie feels the wagon start to move. He tries to untie the top of the wagon to escape.

EXT. INDEPENDENCE STREET -- CONTINUOUS

Joey looks at the moving wagons and suddenly, hauls off and kicks the Sheriff in the shins. The girl shoves Louella, who falls on the Sheriff with a grunt. She runs down the street beside the moving wagons.

LOUELLA

Stop that child! Somebody--help me!

The Sheriff is aware of her--laying on him--his eyebrows raise. Louella looks at him with the same thought--and drastically different meaning.

LOUELLA (CONT'D)

What are you lookin' at?

He smiles, glancing at her bosom. Her face darkens in anger as his smile evaporates like water in the desert.

INT. WAGON -- MORNING

Jamie stops pulling the ropes, looking out of the moving wagon through a slit in the canvas, his eyes large, frantic.

The flap opens and Joey jumps in the wagon, out of breath.

JAMIE

Where were you!

JOEY

Havin' fun! Ha! I got the Sheriff  
a good one, right on the shins!

JAMIE

They caught you?

JOEY

They tried. You should have seen  
fat ol' Louella. She was so mad I  
thought she was gonna bust!

She lays back, arms back of her head, laughing.

JOEY (CONT'D)

Good-bye Missouri, hello Paradise!

EXT. WAGON -- MORNING

CUT TO:

The Sheriff puffs up and steps in front of the lead wagon,  
holding up his hands.

SHERIFF

Now, hold on there just a gol-dern  
minute! Stop this train!

The wagon doesn't slow. He grabs the harness of the lead  
oxen. The Muleskinner stands up in the seat and cracks his  
bullwhip over the top of the sheriffs head. CRACK! The  
Sheriff ducks, afraid to look at the muleskinner or even to  
breathe.

MULESKINNER

You let go a' that or, so help me,  
I'll horsewhip you--

The Sheriff swallows and backs off.

MULESKINNER (CONT'D)

Get out of the way!

The train moves on. Louella comes up, yelling at him.

LOUELLA

You gonna let him do that? You're  
the law!

With a look at the Muleskinner, the Sheriff takes her aside.

SHERIFF

Miz Barnes, if those kids are on  
that wagon train, they're out of  
your hair, now ain't they?

LOUELLA

So?

SHERIFF

So, they're gone, and that's good,  
ain't it?

LOUELLA

Well I suppose...good riddance.

She brushes her dress off and straightens her hair.

The Sheriff shuffles his feet shyly, shy smile spread across his face.

SHERIFF

So, I was thinkin'--uh, Miss Louella--

She glares and he takes a big breath and continues.

SHERIFF (CONT'D)

I thought maybe we could--you and me  
that is--

She squints at him.

He backs up a step, just out of her reach.

SHERIFF (CONT'D)

I was wonderin' if we could, maybe  
share a meal or, go to church--

LOUELLA

Go to church?! You lazy, good 'fer  
nothin'-I wouldn't be caught dead--!

She slams him with her purse, pointing at the wagons--

LOUELLA (CONT'D)

You! Git after those young'uns!

Sheriff looks at her with a sour look.

SHERIFF

No. Not anymore.

LOUELLA

I beg your pardon?

He takes off the badge and hands it to her.

SHERIFF

I thought that you might have some  
affection for me. But not one drop.  
You are a mean, bitter woman and I  
for one don't need the aggravation!

He starts off down the street, leaving her fuming.

LOUELLA

You come back here, right this minute!

He slows, then, keeps walking away.

EXT. KANSAS PLAINS INDIAN VILLAGE-- DAY

The Sioux war party rides into the village and RED SKY  
dismounts.

The old man sits next to the body of Running Deer.

OLD INDIAN  
 (Sioux language)  
 The white man and the Buffalo Soldiers  
 came. Running Deer fought them--

Red Sky kneels next to his son, whose face is frozen in death.

The warrior looks up, grief and hatred written on his face.

RED SKY  
 They will all die.

He starts to get on his horse but a WARRIOR stops him.

WARRIOR  
 Your son must be honored.

Red Sky stops and looks at the boy, lying on the ground at his feet. The tribe has gathered around him.

RED SKY  
 I will honor Running Deer--and then,  
 they will pay for his death--

EXT. KANSAS PLAINS -- AFTERNOON

The column rides with Dave, Hyser and William at the front.

HYSER  
 Good time to retire.

DAVE  
 Don't ya' see? I shot a boy. Son  
 of the chief no less! I'm a dead  
 man--

WILLIAM (ignoring him)  
 Time to ride off into the West--

DAVE  
 I brought this curse on all of us.  
 I'm sorry--

Hyser looks at them with a big smile.

HYSER  
 California. No more lousy patrols  
 and no Red Sky.

William wipes his face with a kerchief, smiles--

WILLIAM  
 We'll be landed gentry. Ranchers--

Dave's talking but no one listens to him.

DAVE

I'll be there with you in spirit,  
boys--you can divvy up my share--

Hyser looks at Dave, shakes his head and then answers William.

HYSER

Or maybe we'll farm--say, how 'bout  
a vineyard?

WILLIAM

I just want to sit a spell, have  
some peace and quiet--vineyard?

DAVE

Makes me sad, not seein' it--

Then Hyser finally has had enough of what Dave is saying--

HYSER

Stop! You sound like an old woman!

DAVE

Red Sky's coming for me--my death's  
wearin' war paint.

HYSER

There ain't no curse!

DAVE

I got this feeling--

WILLIAM

Can't we enjoy the thought of  
California for a minute? Hm?

Dave looks at them both and then.

DAVE

(pause)

Yeah. Sure. Sorry.

They look at each other and smile.

HYSER

Let's finish this last patrol boys,  
then we're gone--

DAVE

To California--

William laughs.

WILLIAM

Land of opportunity.

Dave goes back to his dark thoughts with a shake of his head.

DAVE  
 God willin'--

They hit him with their hats and ride on in the hot prairie sun, three friends, comrades in arms.

EXT. KANSAS PLAINS -- AFTERNOON

The wagon train comes to a fork on the trail. Most of the train turns south, but six wagons, one carrying Joey and Jamie, turn north along the Platte.

INT. WAGON -- AFTERNOON

Joey and Jamie take stock of their supplies.

JOEY  
 That dang woman ruin't it all--

JAMIE  
 Don't swear!

JOEY  
 Well, we barely have any food! We're gonna have to cut back eating--

JAMIE  
 Maybe the drivers'll give us some--

JOEY  
 They find us, Jamie, we're done for!

Jamie shifts uncomfortably.

JAMIE  
 Joey--

JOEY  
 What?

JAMIE  
 I gotta go.

Joey looks at him, sternly.

JOEY  
 You have to hold it--

JAMIE  
 I gotta' go!

Joey looks at him, nods her head.

JOEY  
 Yeah--me too--

They crawl to the back of the wagon and disappear.

EXT. PRAIRIE -- AFTERNOON

The soldiers stop at a burned cabin, still smoking. Dave gets down and checks the ground for signs. He pulls an arrow from the wall of the cabin.

DAVE

They're long gone--

TOBY, a young sergeant, sits with them in council.

TOBY

Always one step behind 'em--

DAVE

Man's like a ghost--I hate ghosts--

Dave shivers as Hyser, climbing up on his mare looks to Toby.

HYSER

Toby, take the men south. There's a wagon train full of families goin' out to Santa Fe--

Toby turns his horse to go--

TOBY

Where you gonna be?

HYSER

We'll keep after Red Sky--meet you at Fort Kearney--two, three days. You ready to run the column?

TOBY

I am sir!

Hyser stands tall. Toby comes to attention.

HYSER

Then, Sergeant, take command.

TOBY

Yes, sir!

Toby salutes, mounts and heads off, calling to the rest of the detail. The three friends watch them and then ride off, following the Indians' trail.

INT. WAGON -- EVENING

The wagon train has stopped for the night at Pappin's ferry before crossing the Platte the next morning. ABE and another black outrider, CLEM are talking as they walk by the wagon.

ABE (O.S.)

Ah tell you fo' certain, if'n that man push me agin', I like to hit him--

CLEM (O.S.)  
 Well, you betta' hit him hard or he  
 kill you and leave you fo' dead, I  
 knows it--knows it fo' sure--

A bell is heard in the background.

They pass out of ear-shot. It gets dark.

EXT. WAGON -- NIGHT

The flap opens and Joey looks out at the silent camp sitting in the moonlight. She looks back inside, holding her finger to her lips. Joey grabs a bucket and sneaks quickly down the line of wagons.

Jamie climbs out and runs the other way.

Joey goes to the water barrel, fills the bucket and puts it back in their hiding place. She looks around at the camp.

JOEY  
 (Whispering)  
 Where's the rest of the wagons?

No answer.

She looks inside, where Jamie was.

JOEY (CONT'D)  
 Jamie?

Frantically, she looks at the camp, filled with sleeping men.

JOEY (CONT'D)  
 (whispering)  
 Jamie!

She runs around, skirting the sleeping bodies, then sees Jamie's trail through the long grass in the moonlight.

She follows and finds Jamie, standing frozen and there, standing thirty feet away, is Red Sky, watching them. Joey takes Jamie's hand.

JOEY (CONT'D)  
 Come on--

They back away, never taking their eyes off of Red Sky, who suddenly disappears in the tall grass.

Joey and Jamie run to the wagon and climb in, pulling the canvas down, closing out the frightening night.

EXT. KANSAS PLAINS -- LATER

A view from the eyes of Red Sky. The camp is quiet, fire dying.

EXT. WAGON TRAIN -- MORNING

The Muleskinner walks the line of wagons, checking the ropes. He comes to the children's wagon and finds the flap untied. Cursing, he ties it closed. He looks around for someone to blame and goes after Abe, dragging him to the wagon's side.

MULESKINNER

I told you to keep things tied down!

ABE

I checked it last night, Cap'n--

MULESKINNER

You do this again and I don't know what, you hear me, boy?

ABE

Yes, suh--

They leave. Joey's hand comes out, trying to undo the knot but to no avail. The hand disappears.

EXT. KANSAS PLAINS -- CONTINUOUS

Red Sky, laying in the tall grass watches as the wagons start out. He leads the raiding party as they creep away.

INT. WAGON -- DAY

The wagon bumps across the rough track. Joey and Jamie argue.

JAMIE

You gotta tell'em!

JOEY

We can't!

JAMIE

But, it was an Indian!

JOEY

Shush!

EXT. WAGON TRAIN -- DAY

The train stops at a creek for water.

INT. WAGON -- DAY

Jamie is afraid and adamant.

JAMIE  
They'll understand.

JOEY  
No they won't!

JAMIE  
We'll be heroes!

JOEY  
We can't trust 'em--

He is too loud.

EXT. WAGON -- CONTINUOUS

One of the men, CLEM, riding beside the wagon, hears the argument.

Jamie starts to cry.

JAMIE (CONT'D)  
I want my Ma--

EXT. WAGON -- CONTINUOUS

Clem dismounts and quietly undoes the knot holding the flap.

INT. WAGON -- CONTINUOUS

Joey sings to calm Jamie down.

JOEY  
Hush little baby, don't say a word,--

The flap is pulled open as Clem grabs the kids, and yells from his snaggletoothed smile--

CLEM  
Hey, boss lookee' what I found!!

EXT. WAGON TRAIN -- CONTINUOUS

The men run over, followed by the Muleskinner, with a scowl on his face. He looks at the stowaways.

MULESKINNER  
What ? You again! Thought you'da learned. A picaninny and this little nothin'...and it's almost suppertime!

He slurps his lips, Jamie squirms, tries to get away.

MULESKINNER (CONT'D)  
Stop your belly-achin'!

JAMIE  
You're gonna eat us!

The Muleskinner, holding him high-up chortles, sneering--

MULESKINNER

Hell, I seen more meat on a squirrel--

With a look at the men.

MULESKINNER (CONT'D)

What we will do is turn you over to the Sheriff in Fort Laramie. How'd you like that?

They both shake their heads, terrified.

MULESKINNER (CONT'D)

Then you do what I tell you! And if'n you don't, we will eat you.

The Muleskinner shoves Joey toward the wagon.

MULESKINNER (CONT'D)

Get your stuff. Wagons are for payin' customers!

EXT. WAGON TRAIN -- AFTERNOON

The wagon train comes to a stop in the distance and the youngsters sink down in the grass, exhausted. Jamie croaks--

JAMIE

Why didn't you tell him?

JOEY

Why didn't you?

JAMIE

Scared--

JOEY

Me too.

JAMIE

I'm thirsty--

JOEY

I know--

Joey struggles to stand, and goes up front to the Muleskinner.

JOEY (CONT'D)

Mister, we need some water.

The Muleskinner shoves her down. She holds her hat on as she falls.

MULESKINNER

You'll drink when I tell you! Now git!

He climbs up in the wagon seat.

MULESKINNER (CONT'D)

Abe? You got that harness fixed yet? We ain't making any money sittin' here--

Abe waves from the next wagon and the train starts moving.

Joey stumbles back to Jamie who is sitting by the trail.

JOEY

Come on. They'll leave us--

JAMIE

I'm tired!

She tries to lift him up but ends up falling down herself.

JOEY

I'm tired too but, we gotta get up--

JAMIE

Never gonna get there--

From the front of the train they hear gunshots--Indian attack!

JAMIE (CONT'D)

I told you to tell them! Now look!

The battle is coming closer, getting louder by the moment.

The two children, staying down low to the ground, crawl off, away from the fighting and disappear in the tall grass.

EXT. KANSAS PLAINS -- LATER

They lay silently peering out of their grass watching the Indians loot the train, hearing them whooping.

Smoke from a burning wagon. A distant scream from the wagons.

Joey hears a soft whinny. She looks over and sees Red Sky, following their path through the grass.

She looks but, there is nowhere to hide.

The big Indian comes closer. The two fugitives shrink down lower in the grass, doomed. Then, a whoop from the wagons. The chief with a yelp, takes off, leaving them cringing in the grass.

EXT. KANSAS PLAINS -- EVENING

There is only a low moan of the wind across the prairie. The men are all dead. The oxen are gone.

Joey scrounges for what little supplies she can find from the smoldering wagons. There isn't much.

JOEY

We gotta git outa' here.

Jamie looks at the carnage around them--

JAMIE

What about them--?

JOEY

What'd they ever do for us?

JAMIE

Jus' gonna leave 'em?

Joey looks around the prairie.

JOEY

We got to!

They find a water barrel that is smashed, but with some of the precious liquid still in the bottom.

Joey gets a cup and gives a drink to Jamie who swallows greedily.

JOEY (CONT'D)

Here--

He guzzles it down and then looks at Joey.

JAMIE

Ok. I'm ready--

JOEY

Let's go--

Jamie looks out on the prairie. Nothing in sight.

JAMIE

Which way do we go?

JOEY

That way I think, toward the sun.  
Can't be that far--

Off they go as the sun runs away with the day.

EXT. WAGON TRAIN -- MORNING

From saddle height we look down at horse hooves and legs. We also see the small tracks Joey and Jamie have left in the grass as they walked away from the wagons.

EXT. KANSAS PLAINS -- AFTERNOON

The sun beats down on the youngsters as they walk westward, stumbling with exhaustion. They cross over a small hill and, spread out before them, a herd of buffalo, hundreds of them, quietly grazing on the prairie grass.

JOEY  
Oh, my--buffalo?

JAMIE  
I guess so--they're big ain't they--

JOEY  
Aren't they--

They stand there looking, their exhaustion forgotten.

JOEY (CONT'D)  
They're somethin' ain't they?

Without taking his eyes off the herd--

JAMIE  
Aren't they--

Smiling softly, she punches him on the arm. He smiles. And they continue to stare.

JOEY  
This place is so big, even buffalo  
get lost in it.

She looks around and suddenly she pulls him to the ground.

JAMIE  
What?

Joey points back the way they came. There on another rise, figures on horseback, move slowly toward them. Jamie's eyes get big as saucers and he hunkers closer to the ground.

JAMIE (CONT'D)  
Get down!

The riders go parallel to the herd, away from Joey and Jamie.

JOEY  
We needa' place to hide.

KANSAS PLAINS -- LATER

They trudge across the plains, making for a lone tree in the distance.

KANSAS PLAINS -- MOMENTS LATER

They reach the tree and collapse. Suddenly, Jamie jumps up, the seat of his pants are wet. Water! Joey digs down frantically scooping out mud and roots, leaving a small pool.

KANSAS PLAINS-OAK TREE -- LATE AFTERNOON

They drink their fill and gather as much as they can put in the jar they carry. There are a few wild blackberries growing nearby. They gobble them up, and rest in the cool shade.

EXT. KANSAS PLAINS -- MOMENTS LATER

The three soldiers come upon the charred remnants of the wagon train.

Dave moseys around the debris then spies the path left in by Joey and Jamie.

DAVE

Hey, we got survivors. Young 'uns,  
looks like--

The others check the tracks.

He points to the other hoof marks.

DAVE (CONT'D)

We better get to 'em before Red Sky  
does. He's one angry Indian.

William and Dave quickly get on their horses. Hyser joins them and they gallop off, Dave leading, following the trail.

EXT. KANSAS PLAINS OAK TREE -- EARLY EVENING

Joey and Jamie sit quietly napping. The ground begins to rumble. They sit up and, way off, a cloud of dust is approaching. Buffalo!

Joey immediately starts climbing the tree. Jamie is motionless, transfixed by the massive herd thundering toward them.

Joey screams, Jamie blinks and suddenly is terrified. Joey reaches and grabs him, and they climb, clinging together as the herd thunders on.

EXT. KANSAS PLAINS OAK TREE -- EARLY EVENING

The Bison have passed. Shaken, Joey and Jamie climb down.

The precious freshwater spring has been trampled out of existence, along with everything else they own.

They look at the mess, each other then, turn and walk off hand in hand, in the afternoon light.

EXT. RUINED HOUSE -- EVENING

Night is falling as Joey and Jamie come to a burned out cabin. Pawing through the wreckage, there is very little left, a few pieces of cloth blowing in the wind.

Joey finds some corn down low in a corner of the root-cellar. She gives half the pile to Jamie who immediately finds a flat place and sits down, gnawing on the hard kernels.

Joey watches the remains of the day, a wondrous sunset, with towering storm clouds moving across the sky and settles down in a corner of the ruined homestead.

EXT. KANSAS PLAINS-OAK TREE -- EVENING

The soldiers make camp under the same Oak tree. There are no more tracks to follow.

WILLIAM

It's pert near impossible to read--I mean they were here and all but--

DAVE

They're goin' straight west, like a beeline. We'll get 'em in the morning--

William looks at the ominous clouds, gathering in the sky.

WILLIAM

If we don't lose 'em in the rain.

INT. HOUSE -- NIGHT

Thunder rumbles in the night as the little ones huddle under the broken roof.

INT. HOUSE -- MORNING

Joey wakes suddenly. The prairie is silent but for the wind. She lays her head back down.

A soft whinny from outside.

Through the ruined door, she sees the legs of a horse outside.

She quietly crawls to the window but sees no one--

She wakes Jamie, covering his mouth and pointing toward the door. His eyes get big.

A horse whinnies again from the other side of the house. She lowers her hand and Jamie mouths--

JAMIE

Indians!

She nods eyes huge, lip trembling.

They sit terrified below the ruined window, quietly waiting.

Suddenly, they are grabbed from outside the window and large dark hands drag them into the morning light.

EXT. RUINED HOUSE -- CONTINUOUS

Joey screams and bites the hand, which immediately lets go of her.

WILLIAM (O.S.)

Ouch!

She scrambles away and William follows. She grabs a board and swings it, with all her might, hitting William on the head. The big Sergeant goes down like a load of poles.

Then she sees the uniform.

William groans and turns over. Joey stands there stunned looking at him. William starts to sit up and immediately, lays back down.

WILLIAM (CONT'D)

Ow--Captain, I got two children in here--

He touches his head groans again. The two children back away, cringing in fear.

WILLIAM (CONT'D)

You're safe now.

Hyser and Dave dismount.

DAVE

Howdy, children. You alright?

They look at him. Jamie nods. Dave gets down to their level.

DAVE (CONT'D)

Well, don't worry, we got you--  
Captain, I think they're ok. Pretty  
shook up though--

HYSER

Hm. You hungry?

Hyser reaches in his saddle bag and comes out with jerky and biscuits. The kids devour them. He reaches for his canteen.

Dave goes to William, smiling a little.

DAVE

You alright, Sarge?

William nods. Dave grins.

DAVE (CONT'D)

The boy knock some sense into ya'?

He laughs as William sits up, holding his head.

WILLIAM

That's real funny--

HYSER

You come from that wagon train?

They nod, mouths full. Dave smiles, comforting them.

DAVE

Well, you did alright, made near  
twenty miles since you started.

He looks at Hyser.

DAVE (CONT'D)

Lookin' purty done in though--I  
wonder, can they talk?

JOEY

'Course we can talk. Can I have  
another piece?

He smiles and hands Joey another jerky.

DAVE

Well, we'll get you all fixed up.

Hyser crouches down to Jamie's level.

HYSER

Your folks, son, were they on the  
train?

JAMIE

I don't have any 'folks'--

Dave looks at Jamie.

DAVE

You're orphans?

JAMIE

I am. My momma died. Joey's momma  
too. We got each other now. We're  
family. And we got Joey's Pa.

HYSER

Where's he?

JOEY

Paradise--

To himself.

DAVE

Oh. He's dead too--

JOEY

We're goin' to live with my Pa in  
Paradise. California.

William exchanges looks with Hyser, shaking his head.

WILLIAM

Well now, that's a mighty long trip  
for you to be runnin' 'round like  
this, alone, somethin' might happen  
to you--

JAMIE

We got along just fine--be even better  
when we get to Paradise. Can you  
help us?

WILLIAM

No way. You two are goin' back where  
you came from--

JAMIE

We can't--

WILLIAM

Well, you can. We ain't nursemaids.

JOEY

But, my Pa wants us to come! Here--

Joey digs out the wrinkled soiled letter from her pants  
pocket. Hyser reads it.

HYSER

What's 'yer name?

JOEY

Joey. And this is Jamie.

HYSER

Well, Joey, this here letter is three  
years old--

Fuming, William stalks off to the horses.

WILLIAM

We don't have time for this--

HYSER

A lot can happen in three years--

JOEY

If you take us, he'll pay you--he's rich!

William storms back, anger all over his face.

WILLIAM

We ain't a'goin' to no Paradise!

Hyser looks at William, a look of surprise at his attitude.

HYSER

Sergeant--

He looks back at the two children.

HYSER (CONT'D)

We'll take you to Fort Morgan.  
They'll get you back home--

Jamie gets tearful.

JAMIE

We don't have a home. Got no kin but each other. They'll just send us to the orphanage!

Dave consoles him, or tries to.

DAVE

That cain't be that bad--

JAMIE

Is too!

DAVE

Is not!

JAMIE

Is too!

DAVE

Is not!

Hyser shakes his head, arguing with a seven year old.

HYSER

Would you stop! Let's get goin'--Red Sky could show up any time.

JOEY

That's his name?

HYSER

Yeah. He's a bad one. Now, Joey can ride with Sergeant Xander.

Dave smiles at Jamie.

DAVE

Jamie? Whyn't you ride with me?

Reaching in his pocket and pulling out a bag of candy

DAVE (CONT'D)

I got jawbreakers--

Jamie grabs the bag as Hyser puts him on Dave's horse.

Joey starts walking around the back of the burnt homestead.

WILLIAM

Where you goin, boy?

JOEY

I gotta make water--

William stares at her. Joey glares at him.

JOEY (CONT'D)

And I want some privacy--

WILLIAM

Well, hurry up!

EXT. HOUSE -- MOMENTS LATER

She comes out from behind the house and gets up on the horse behind William and the group rides away from the ruins.

EXT. KANSAS PLAINS -- DAY

Riding in the morning sun, Dave starts to play 'Jimmy Crack Corn' on his harmonica. Jamie brightens and joins in.

Joey rides behind William, smiling as Jamie and Dave sing.

EXT. KANSAS PLAINS -- EVENING

Over a campfire Joey is fascinated by William.

WILLIAM

What're you looking at?

JOEY

I just never seen an Army man like you--

WILLIAM

What do you mean?

JOEY

Well, you're black--

DAVE

I 'bin tellin' him that for years--

He laughs as William flares.

WILLIAM

I'm a Sergeant in the 10th Regiment  
of the U.S. Cavalry. They call us  
Buffalo Soldiers cause we fight like  
cornered buffalo plus we have this  
thick shaggy mane of hair

HYSER

You'll always have that hair but  
your only a Buffalo Soldier for six  
more days--

JAMIE

Huh?

DAVE

He's gettin' out. We all are.

HYSER

This is our last patrol.

DAVE

Then we're off to California--

Jamie lights up.

JAMIE

California?

Joey looks at William.

JOEY

What're you gonna do?

WILLIAM

What he said, go to California.

JOEY

You gonna work for them?

Hyser looks at William.

HYSER

We're partners.

JAMIE

But--you're black.

Dave laughs.

DAVE

--out of the mouths of babes.

William glares at him. Hyser smiles at the joke.

HYSER

Color don't matter so much to us.  
No room for that--

DAVE

It's the kinda' man you are--how you  
sit in the saddle--at least it's  
that way to a lotta' folks--

JOEY

Were you a slave?

WILLIAM

I was--

JOEY

These white men were your bosses.  
Ain't you angry about that?

JAMIE

Aren't.

JOEY

Aren't you angry 'bout that?

WILLIAM

They weren't part of it. They fought  
against it--

HYSER

And now, we're partners. Win or  
lose.

JAMIE

Take us with you.

Joey grabs at William's hand.

JOEY

We won't be any trouble--

William jerks his hand away, suddenly brooding and angry.

WILLIAM

We ain't taking you and that's final!

Jamie jumps up, eyes flaring and runs to the edge of the  
fire light.

JAMIE

Well, I'm not going back and you  
can't make me!

Jamie takes off into the gathering dusk, running across the  
plains.

DAVE

Jamie--

Dave and William get up. Hyser stares at William.

HYSER

You got a real way with children.  
It's magical. You better get him--

Dave, William and Joey run after Jamie who suddenly screams as he falls down into a sinkhole. They get to the edge of the hole.

WILLIAM

Jamie? You alright?

Dave looks down in the hole. Jamie is standing there, still, looking up at them, too far down to reach.

DAVE

We're comin' Jamie, hold on--

They look for a way down as Jamie's voice comes out of the hole.

JAMIE

There's a snake in here!

A rattlesnake gives it's warning.

Dave yells at Hyser, back at the fire.

DAVE

Captain, we need a rope here, quick!

Hyser undoes his lariat and comes on the run.

Rattler sounds come out of the hole and Jamie screams.

Dave looks over at Hyser who is running full tilt but still too far away. Jamie screams again. There is no time.

DAVE (CONT'D)

Lord--help me--

Dave jumps into the hole.

INT. HOLE -- EVENING

Dave lands on his hands and knees, eye to eye with a hissing rattlesnake. His hat falls off. He grabs it and hops up. It's not just one snake. He's in a den of angry rattlers. Jamie cringes on the far wall of the sinkhole, eyes wide in fear. Dave looks for a path to him in the half light coming from the surface.

DAVE

Don't worry, I'll get you.

He looks at the snakes--then back at Jamie.

DAVE (CONT'D)

How 'bout we sing that song--you  
like that?

Jamie is frozen in fear. Dave starts to sing.

DAVE (CONT'D)

'Jimmy crack corn and I don't care'--  
come on Jamie sing with me--'Jimmy  
crack corn and I don't care'--

A rattler strikes at his boot. He stops singing.

DAVE (CONT'D)

Woo. Jamie, I'm gonna get over there  
then we vamoose. You ready?

Jamie shakes his head yes.

Dave hops through the writhing mass of reptiles to the wall,  
rattlers striking him on his boots and bouncing off. He  
grabs Jamie and tosses him up to William's arms.

The rope falls to his feet. Dave bends to grab it as a snake  
strikes him on the stomach. With a yelp, he climbs the walls  
of the den, out to the fading daylight.

EXT. KANSAS PLAINS -- EVENING

Joey holds Jamie, shaking with fear wrapped in a blanket.  
Hyser checks him for bites.

Hyser pulls Dave way from the hole, pulling the rattler,  
still embedded in Dave's stomach and throwing it into the  
hole. Dave is pale, lying in the grass panting from exertion  
and fear.

DAVE

Lord, they got me--

Hyser rips his shirt open. There, on his stomach right next  
to hi heart is the only bite. Dave tries to sit up but  
settles for looking up at William.

DAVE (CONT'D)

How bad is it? Tell me true--

William stares at the wound and then looks at Dave's eyes.

DAVE (CONT'D)

Oh, my--

WILLIAM

They got you good, Dave--just lay  
still--too close to yer heart.

Dave shakes his head, settling back onto the ground.

DAVE  
Is Jamie alright?

HYSER  
Not a scratch. You saved his life.

Dave smiles at Jamie and Hyser.

DAVE  
That's good.

Uncomfortable silence as they watch him, almost waiting.

DAVE (CONT'D)  
This is it, ain't it?

The men can only nod as Dave looks at the children.

DAVE (CONT'D)  
Wish I coulda' got to know you kids--  
we'da been good friends, now wouldn't  
we--yes, sir--good friends, um-hmm.

Dave is getting sicker and sicker but, he keeps going.

DAVE (CONT'D)  
Tom? William? We been like brothers,  
haven't we--

WILLIAM  
Yeah--

Dave gets on one elbow, woozy, hurting.

DAVE  
You gonna take these children to  
their pa aren't you?

HYSER  
Just rest, Dave.

Dave is suddenly furious, breathing hard with the effort.  
He starts to get up but, sinks back.

DAVE  
No. I see it clear! They deserve  
to be with family! And you two are  
the way--

William looks at Hyser. Dave is getting worse quickly.

DAVE (CONT'D)  
You take 'em to California. I ain't  
a'kiddin'! Promise!

William, saddened, goes along with the dying man's wish.

WILLIAM

Easy. Ok, we'll take 'em, I promise--

Hyser looks away, shaking his head, tearing up--

HYSER

We'll do it--

Dave lays back. Joey and Jamie look at each other, then back to Dave.

JAMIE

You're goin' to heaven--

DAVE

If they'll have me--hope so--yes--

JAMIE

They will--you'll see my momma--

DAVE

Joey, you two take my kit, the Spencers's and my Remington. Learn how to shoot 'em. You can have Dusty too, he's a good horse.

He looks to the men.

DAVE (CONT'D)

William, Captain, you take care of these two--

William shakes Dave's hand as Jamie starts crying and Hyser pulls him away from Dave who is in great pain. He's crying.

DAVE (CONT'D)

Rattler worked fast, didn't he? No time. No time a'tall. Lord, I'm killed, William. I told ya', didn't I? That Indian boy was a curse.

(laughs and then a  
grunt in pain)

Think about it. All we been through and I get bit by a snake--that's Biblical.

He lays his head down.

DAVE (CONT'D)

Well, I'm tired now--rest a minute. Jus' close my eyes 'fer a minute--

He stops talking, his breath slowing then stops.

Hyser takes Jamie, sniffing, and moves away, back toward the fire. Joey stands next to William, looking at Dave.

Blackout.

EXT. KANSAS PLAINS -- MORNING

They stand over Dave's grave, their heads bowed in prayer. A cross marks the spot. Then, with a last look, they mount up and set off.

EXT. FORT MORGAN -- DAY

William and Hyser, the kids riding Dusty, meet the rest of the patrol. They form up and ride toward the fort.

INT. FORT MORGAN -- DAY

A bustling frontier outpost, full of soldiers, settlers and merchants.

The patrol comes through the open gate of the fort. Hyser dismounts and goes in the Commandant's office as William gets the troop formed up.

WILLIAM

Troop, dismount! See to the horses--

The soldiers dismount and lead the horses to the stables.

Joey and Jamie get off Dusty. The two of them stand there, not knowing what to do.

Hyser comes out of the commandant's office with MAJOR PHILLIPS and the camp DOCTOR. They go to the kids, the doctor takes Jamie by the hand and leads him off, Joey follows.

Hyser and William walk with the MAJOR to the barracks.

MAJOR

I'm sorry about Dave, hell of a thing,  
on your last patrol--

HYSER

He was a good friend--

MAJOR

We've lost a lot of those, haven't  
we?

Both men nod. The Major clears his throat.

MAJOR (CONT'D)

You know--if you want to stay on,  
we're gonna need a new scout--

Hyser stares at him. The Major raises his hands.

MAJOR (CONT'D)

I had to ask. Sorry, Captain, no  
offense.

HYSER

None taken.

The major look at William who just shakes his head.

WILLIAM

Major, I couldn't follow signs if you did'em 'em with red paint--Dave was the tracker, not us--

HYSER

'Sides, been fightin' for one thing or another for fifteen years--time to go.

They stop at the door of the barracks. The Major shakes their hands-

He starts off then turns.

MAJOR

What're you gonna do about the young'uns?

HYSER

They were on the way to California but, children don't belong out here alone.

MAJOR

Hm. Ya know, there's a fella' over't the saloon, teacher of some sort, goin' back east, maybe talk to him.

WILLIAM

Well, they can't stay here--

MAJOR

Don't I know--they need someone--

He turns to go.

MAJOR (CONT'D)

Sorry it ended on such a sad note.

HYSER

Thank-you sir--

The soldiers salute and the Major returns to his office.

Toby comes up.

TOBY

Captain--'scuse me. We--that is, some of the boys, would like to buy you civilians a drink--

WILLIAM

Well now, that'd be our pleasure,  
Sergeant. Mr. Hyser, after you.

HYSER

Oh no, Mr. Xander--after you. And  
the name is Tom.

WILLIAM

Ok. Uh, Tom--

He smiles.

WILLIAM (CONT'D)

Why don't we go together--

EXT. FORT MORGAN -- MORNING

Hyser and William stand holding Dusty's reins. The horse is saddled and ready to travel. The SCHOOLTEACHER, a stern, red haired officious man comes up to them followed by a mousy, plain looking woman.

TEACHER

You have the money?

Hyser and William look at him. Without smiling, Hyser nods.

HYSER

Good mornin'--

TEACHER

Yes, good morning, yes. The money?

Hyser slowly reaches in his pocket, pulling out some bills.

HYSER

Here--

Watching the teacher count it, his eyes get hard.

HYSER (CONT'D)

You're responsible for them, you  
understand?

TEACHER

I know how to handle children--

Sergeant Miller (Toby) brings Jamie out, Joey trails behind them, sulking.

HYSER

Joey and Jamie. Joey's the older.

Jamie sees Dusty loaded up. He smiles.

JAMIE

We leavin'?

Hyser nods to the Teacher and his wife, standing next to him.

HYSER  
These folks are gonna take you back  
to Missouri--

JAMIE  
We're not goin' with you?

Hyser shakes his head no.

HYSER  
I got no choice--

JOEY  
You lied to Dave!

Hyser is frustrated with Joey.

HYSER  
There is no way to do it! Dave'd  
see that if he was here!

Joey pulls out of Hyser's grasp.

JOEY  
He would have taken us. I hate you--

The schoolmaster cuffs Joey, knocking her to the ground.

TEACHER  
You watch your mouth! Respect your  
betters!

HYSER  
The child's right.

Joey picks herself up, glaring at the teacher and at Hyser and William. The schoolmaster yanks her arm.

TEACHER  
You apologize!

But Joey is not saying anything, sulking. The Schoolmaster raises his arm but Hyser grabs it--

HYSER  
I told you the child's right. Now  
leave it be!

Interrupting Hyser.

WILLIAM  
This ain't a place for young 'uns!  
You do as your told!

Joey looks at William, tears of frustration running out of her eyes.

TEACHER

Myra, get the boy.

The man grabs Dusty's reins and Joey's arm and they go off down the street, Jamie in the arms of the woman, looking back at William and Hyser. He turns his head away, tears rolling down his cheeks.

Joey pulls her arm and the teacher jerks her back into line.

Hyser and William look after them.

EXT. FORT MORGAN -- AFTERNOON

The Schoolmaster's wagon drives by, Dusty tied to the back. Joey and Jamie sit there, ignoring them. The teacher nods at them. The wagon goes east with a detachment of horsemen riding with them.

Hyser waves and William waves them off.

WILLIAM

There goes our troubles--

HYSER

Hope so--somethin' strange 'bout that Joey though--

They mount up and pass through the gate turning west, away from the departing teacher's wagon. Spurring their horses, they canter out of view.

EXT. COLORADO FOOTHILLS -- EVENING

The fire burns bright, it's quiet as both men stare into the flames. The horses are hobbled nearby and both men lean comfortably against their saddles.

WILLIAM

Dave--

HYSER

He could spin a good yarn, couldn't he?

WILLIAM

Never met a better man--

Hyser looks at him, smiling--

HYSER

You didn't think that when you met him--

William smiles.

WILLIAM

I came around--

They laugh and stare back at the fire, their smiles disappear.

HYSER

Feel bad, going back on a promise--

WILLIAM

Don't start with them kids--

Hyser opens his mouth to speak and then, just raises his coffee cup.

HYSER

To Dave--

William does the same.

A noise from outside the camp. William and Hyser duck down behind their saddles, pulling their revolvers.

Dusty, saddled and dirty, enters the firelight. He comes to Hyser and nuzzles him.

A small voice comes out of the dark.

JOEY

Hello, the camp--

Jamie's voice echoes.

JAMIE

Hello the camp--don't shoot us--

Hyser and William stand as Joey and Jamie, hand in hand come to the campfire. Jamie is smiling and walks in like he owns the place.

JAMIE (CONT'D)

Howdy boys--

JOEY

(laughing nervously)  
Hard time finding you in the dark--

HYSER

What are you doing here!

JOEY

Ain't you gonna say 'howdy'?  
(a little nervous  
laugh)

William grabs her.

WILLIAM

You're 'sposed to be with that  
Schoolmaster! What are you doin'  
here!

Joey squirms out of his grasp.

JOEY

He was a mean drunk. After he beat  
me, he started in on Jamie!

They all stop. Jamie is looking at the fire.

JOEY (CONT'D)

I wasn't gonna let him. We ran away--

Jamie looks at Joey, smiling.

JAMIE

Joey slowed him down--a lot.

Joey smiles.

JOEY

--I brained him with a frying pan.

HYSER

You what?

Joey smiles, proud of herself.

JOEY

I whacked him good. He went down  
like a bag of beans--

Hyser smiles at the thought, trying not to--

HYSER

Really?

William scowls.

WILLIAM

Where was his wife?

JOEY

Passed out drunk. And she weren't  
really his wife--

Hyser shakes his head.

HYSER

The man said he was responsible.

JOEY

He had no right going after Jamie--

WILLIAM

Now what?

JAMIE

You take us to California, like you promised Dave--

JOEY

You won't have to look out for us, just--

Joey reaches in her pocket, pulls out the wad of cash and throws it on the ground.

JOEY (CONT'D)

I got all your money back, every penny--whad'dya' say?

WILLIAM

No.

JAMIE

We'll pay you all we have--

HYSER

Put your money away-- Pitch your bedrolls by the fire--

Joey pulls the saddle off of Dusty as William pulls Hyser away.

WILLIAM

We ain't doing this.

HYSER

Maybe we should--

He storms off. Hyser watches him go.

EXT. COLORADO FOOTHILLS -- DAY

They ride up into the foothills of the Rocky Mountains. Hyser and William up front while Jamie and Joey are close enough to hear the men argue back and forth.

(CONT'D)

Alright, what if we did take'em and somethin' happens--they ain't even our kids--

HYSER

I know--

They ride on further. Then--

HYSER (CONT'D)

Alright. We'll get someone in Greeley--

Joey reins Dusty back a few feet.

JOEY  
We never shoulda' come back!

JAMIE  
Maybe he's right.

JOEY  
I took good care of us, didn't I?

JAMIE  
Yeah--

JOEY  
Well then, we're going to Paradise.

She glares at the men's backs.

JOEY (CONT'D)  
We'll show them--

They ride on in silence. Up front, Hyser smiles.

HYSER  
You afraid of them kids?

The smiles runs away from his face as William stares at Hyser and then looks at the trail ahead.

WILLIAM  
Mistakes'll get 'em killed.

HYSER  
We made our share--

WILLIAM  
I won't make 'em twice--I had a son--

HYSER  
I didn't know--

WILLIAM  
I didn't say--

HYSER  
What happened?

WILLIAM  
That's my business, Captain--

William looks at him then stares down the trail.

EXT. COLORADO FOOTHILLS -- EVENING

It's the middle of the night. In the light from the dying campfire and a crescent moon, the bedrolls look occupied but, the kids are up. They lead Dusty away from camp.

JAMIE

You sure we'll be alright?

JOEY

A'course. We came all across Kansas  
didn't we? All alone?

JAMIE

Yeah--

JOEY

Well, that was the hard part. We're  
almost there, almost home. Home.

She smiles and, in the soft moonlight, helps him up onto  
Dusty's back. Then, they head west, following the moon.

EXT. COLORADO FOOTHILLS -- MORNING

William is getting the breakfast going as Hyser comes back  
from the horses.

HYSER

Dusty's gone. Musta' got loose.

William doesn't look up.

WILLIAM

Get Joey up, it's his horse.

Hyser glares at

HYSER

Rise and shine, Joey, Dusty wandered  
off.

He reaches down pulling the blankets off.

HYSER (CONT'D)

They're gone--

William drops the spoon in the pan.

WILLIAM

This just keeps gettin' better and  
better--

HYSER

We gotta go get 'em--

Hyser grabs a cup from his pack and turns. William downs  
his then pours the coffee on the fire. Hyser looks at him,  
cup outstretched--

HYSER (CONT'D)

I didn't get any of that--

William hardly pays attention, breaking camp.

EXT. COLORADO FOOTHILLS -- MORNING

Joey and Jamie sit on Dusty. Joey looks around them, the direction they came. She looks ahead and nudges Dusty on.

JAMIE

How do ya' know which way to go?

JOEY

You look at a landmark, a hill or somethin' then head for it, when you get there, look for the next landmark. That's what Dave said--

EXT. COLORADO FOOTHILLS PLATTE RIVER CROSSING -- DAY

They come to a fast moving but shallow river. Joey looks behind them at their path. She nudges Dusty into the river and heads downstream.

JAMIE

Now where we goin'?

JOEY

We follow the river for a little, throw 'em off if they're lookin' for us and then, we head west.

EXT. COLORADO FOOTHILLS -- DAY

Hyser and William have no trouble following Dusty's trail.

EXT. COLORADO FOOTHILLS -- AFTERNOON

Joey and Jamie come out of the river. It's almost sunset as Joey dismounts and helps Jamie down. They camp.

EXT. COLORADO FOOTHILLS -- CONTINUOUS

Hyser and William cross the river. They can't see where the trail goes on it is almost dark.

HYSER

Yeah--catch them by dinner--

WILLIAM

Keep your comments to yourself.

They look left and right on the river. William looks at the way the hooves are pointing on the bank--

WILLIAM (CONT'D)

I think they went this a'way--

HYSER

Think? You think?

They mount and follow the river south, in the gathering gloom, after the kids.

EXT. FOOTHILLS -- CONTINUOUS

Red Sky and his war party, ahead of Hyser and William, follow Dusty's trail also.

RED SKY

We will have them all. Kill the young ones in front of the father and then, the men will die.

They ride off.

EXT. FOOTHILLS -- NIGHT

Joey, Jamie and Dusty sit in the dark, eating what they can. Dusty is hobbled right next to them.

EXT. FOOTHILLS -- LATER

Joey wakes up. Jamie is awake and scared. They hear the sound of horses, riding by in the dark. One of them whinnies quietly. Joey covers Dusty's nose, keeping him quiet. The horse sounds drift away on the night. They sit there, motionless, for a long time, staring out at the dark.

EXT. FOOTHILLS -- MORNING

Joey leads Dusty, saddled, ready for the journey. Jamie follows, eating the last of a piece of cold biscuit.

JAMIE

Think that was them last night?

JOEY

Shh!

JAMIE

I was just askin' a question--

She stops walking.

JOEY

I don't know who it was and I don't care. Now shush!

JAMIE

I just wondered--

JOEY

Well, wonder quieter!

She helps Jamie up onto Dusty and then climbs up herself. Dave's pistol dislodges from her holster and hits the ground, discharging. BOOM!

Dusty bucks Joey off. She jumps up, grabs the pistol and, after jamming it back into the saddle holster and gets back up on Dusty.

They ride off at a gallop through the pinon and yucca.

EXT. COLORADO FOOTHILLS -- CONTINUOUS

Red Sky, at the kids' overnight camp, hears the shot. He gestures to his braves, jumping on their horses, following the sound of the gun.

EXT. COLORADO FOOTHILLS -- CONTINUOUS

Hyser and William also hear the shot from over the next ridge.

They gallop off.

EXT. HILLSIDE. -- AFTERNOON

Hyser and William come flying over the top of a hill, right into Red Sky and his men.

Everything freezes, with both sides staring at each other then, suddenly, the battle is on.

Outnumbered, Hyser and William retreat over the ridge with the Indians in hot pursuit, shooting from their horses.

EXT. COLORADO FOOTHILLS -- AFTERNOON

The kids hear the gun battle erupt and spur Dusty on.

JOEY

Heeyah!

They ride at a full gallop, Jamie looking back.

EXT. HILLSIDE. -- AFTERNOON

Hyser and William get down off their horses, getting behind a large boulder. William takes aim with his Spencers rifle. BOOM! Hyser joins in with his. Bullets fly.

Boom!

HYSER

How many of 'em?

William peers around the boulder that is shielding them.

WILLIAM

Don't know--eight, ten maybe--

Stone chips fly around his head from a bullet's near miss. They hunker down, out of the line of fire.

EXT. COLORADO FOOTHILLS -- AFTERNOON

Joey and Jamie urge Dusty up a steep hillside as the gun fire rages on in the distance behind them. Then it is silent.

EXT. HILLSIDE. -- LATER

Hyser looks over the boulder. The Indians have left the scene.

HYSER

They're gone--

WILLIAM

We'll just stay down for a bit, just in case--

They look around the area.

HYSER

The kids--

WILLIAM

--halfway to San Fran by now--

With a final look over the boulder, Hyser stands up.

HYSER

Let's go--

Looking out for any surprises, they mount up and head out the opposite direction from Red Sky's.

EXT. FOOTHILLS -- AFTERNOON

The two men come to the top of a ridge in the ever-steepening foothills and suddenly, they see Joey and Jamie off in the distance, crossing over the ridgeline.

WILLIAM

Well, lookee' there.

HYSER

How'd you like that?

William pulls Hyser down low.

WILLIAM

Don't spook 'em--

The kids disappear over the top of the ridge.

WILLIAM (CONT'D)

The boy is determined, ain't he?

Hyser peers at his friend.

HYSER

Yeah. Persistent. Kinda' wears you  
down--

William smiles a little. So does Hyser

HYSER (CONT'D)

Do I detect a crack in the armor?

William sobers up right away.

WILLIAM

It's them guttin' it out, all alone--  
gotta admire that--

William spurs his horse along.

EXT. HILLSIDE. -- AFTERNOON

Different angle, the Indians see Joey and Jamie from nearly  
as far away. Red Sky points to the children riding away.

RED SKY

There. Finish, then we go home--

They ride off, following the children.

EXT. FOOTHILLS -- DUSK

Joey and Jamie stop for the night next to a boulder. They  
dig out the hard tack and jerky--

JAMIE

Sure am tired of this. Even beans  
sound good--somethin' cooked.

She hands him the canteen.

JOEY

We can't have a fire--

Dusty, hobbled nearby, quietly crops the scruffy grass in  
the area.

The two of them chew silently, washing their dried food down  
with water from the canteen. Dusty knickers.

Joey turns and immediately grabs for Dave's Remington 1864  
'Hog-Leg'. A MOUNTAIN MAN dressed in skins stands at the  
edge of the clearing in the firelight, carrying a long rifle  
and pulling a mule. He sees Joey's Remington 1875 and drops  
to his knee, his muzzle loader at the ready.

MOUNTAIN MAN

Hold on there, little Pilgrim--

They point at each other, frozen for a second in a Mexican  
stand-off.

MOUNTAIN MAN (CONT'D)  
 We got a pretty problem here, don't  
 we? Tell ya' what, I'll put mine  
 down first. Don't shoot me now--

He slowly lowers his rifle.

MOUNTAIN MAN (CONT'D)  
 I mean you no harm--

For the first time Joey speaks--frightened.

JOEY  
 What do you want?

Mountain Man smiles.

MOUNTAIN MAN  
 I been watchin' you. Thought I should  
 have a word--that's all--

JAMIE  
 You promise?

MOUNTAIN MAN  
 Cross my heart.

He does, then Jamie smiles and holds out a bag.

JAMIE  
 Want some jerky?

He smiles and moves forward. Joey raises Dave's pistol.  
 Mountain Man freezes.

MOUNTAIN MAN  
 You got no call now--I gave my word--

Joey glares at Jamie.

JAMIE  
 Where's your manners! He just wants  
 to talk--

She puts her gun up--

JOEY  
 Well, come on in, mister, but I got  
 my eye on you--

Mountain Man laughs, a big laugh.

MOUNTAIN MAN  
 Thank you kindly. Just now, you  
 take your finger away from that  
 trigger--

He comes to the camp and sets his rifle on Dusty's saddle.

He reaches into Jamie's bag for a chunk of jerky and settles back, savoring the taste, like a fine wine.

JAMIE

Want some water? Jerky's kinda' dry--

MOUNTAIN MAN

Don't mind if I do--

He grabs the bag for more along with some biscuits he finds. He eats like a pig, wolfing down hard-tack and jerky with water, lips flapping, mouth open, and begins talking while he eats.

MOUNTAIN MAN (CONT'D)

I been watching you both--you're makin' good progress for little pilgrims--

JOEY

You know these parts?

MOUNTAIN MAN

I bin' out here for a few seasons. Though, with all the settlers wanderin' through, I'm ready to move on. Too many people scare the game--

He leans back, licking his fingers and belching in satisfaction.

MOUNTAIN MAN (CONT'D)

Now I got the obvious question for you. What are two children doin' chasin' 'round in the wilds of Colorado?

JAMIE

We're goin' to California. We're gonna live with Joey's Pa--

He looks at him then at Joey.

MOUNTAIN MAN

You know, there's lots of wild things out here, and most all of them can kill you--

JOEY

Don't matter. It's either California--

JAMIE

Or a orphanage--

He shakes his head.

MOUNTAIN MAN

Orphanage? Them places seem like  
prisons--I don't blame ya.

He pick his teeth with a pine needle.

Joey looks at Jamie, nodding her head. The Mountain Man  
continues--

MOUNTAIN MAN (CONT'D)

Well, I'll say this--there's people  
after you--and they're not far away.

Joey looks around.

MOUNTAIN MAN (CONT'D)

You're safe enough tonight but, I'd  
get a move on soon's day breaks.

JOEY

Two men? Dressed like soldiers?  
One's colored--

MOUNTAIN MAN

Yeah, there's them and there's some  
savages too. Plains Indians, all  
painted. Never seen the Sioux up  
this far--

Jamie's eyes cloud--

JAMIE

One of them have a white spotted  
horse?

MOUNTAIN MAN

Could be. You be real careful.  
You're a long way from anywhere.

He hunkers down next to the saddle, closing his eyes.

Joey looks out into the night, gun at the ready. The Mountain  
Man, eyes already closed, mutters to them.

MOUNTAIN MAN (CONT'D)

Sleep tonight, children. Your safe.  
Then tomorrow, keep your eyes and  
ears open.

JOEY

Ears? That's funny--

He sits up, suddenly intense, scaring the kids.

MOUNTAIN MAN

Funny?

(MORE)

## MOUNTAIN MAN (CONT'D)

If all the sudden it gets real quiet, birds stop singin', you better hunker down--'cause you got company. Animals know it and you better know it too or you'll be dead. Now, that's funny, ain't it.

He lays back down.

## MOUNTAIN MAN (CONT'D)

That's all. Good night.

He closes his eyes and in an instant, the Mountain Man is asleep.

Joey and Jamie huddle together in their blankets, the night noises filling the camp, the moonlight flowing through the trees.

## EXT. COLORADO FOOTHILLS -- MORNING

The birds are singing when Joey pokes her head out of the blankets.

The Mountain Man is gone.

Joey nudges Jamie. He sits up, looking around.

## JAMIE

Where'd he go?

Joey shrugs and gets up. She moves quickly, packing things.

## JOEY

We better get goin' too--

She grabs the saddle and goes to Dusty, as Jamie rolls his blanket up. They work quickly on a beautiful, crisp Colorado morning.

Jamie pulls out a biscuit from a saddle bag. They eat, listening to the birds.

Suddenly everything is silent, even the birds stop singing.

Looking around, Joey holds her finger to her mouth. Jamie takes Dusty's reins and they skulk off into the trees.

## EXT. COLORADO FOOTHILLS -- MOMENTS LATER

The bushes part and Red Sky silently enters the other side of the meadow. The other braves file in behind him.

They spot Dusty's tracks.

Red Sky leads and like shadows, they follow the children.

EXT. FOOTHILLS -- MORNING

Hyser and William, still behind in the game, are in the deserted camp.

WILLIAM

They slept here--

He looks at their footprints and Dusty's hoofprints

Pointing to the other shoeless hoofprints--

WILLIAM (CONT'D)

Indians are right behind 'em.

They mount up and head off.

EXT. COLORADO FOOTHILLS BOULDER -- MORNING

The kids travel past broken boulders and scrub pine that litter the landscape. The woodlands are alive with sounds.

Jamie drops off doing the gotta-go-dance.

JOEY

Hurry!

He runs off into the bushes. Joey dismounts and disappears too. Dusty nibbles some grass. Jamie comes back and climbs a large boulder, looking back over the path and there, not forty feet away, an Indian is crouched behind a tree, looking around for them.

Jamie quickly slides down the rock and crouches behind it. Joey comes back.

JOEY (CONT'D)

Ready?

He grabs her by the arm and pulls her down low. She pulls away.

JOEY (CONT'D)

What?

JAMIE

(whispering)

Listen!

Silence has descended again. No birds call, not even the wind. Fear runs across Joey's face. She sinks even lower in the shadows, up against the boulder.

EXT. FOOTHILLS -- DAY

The Sioux warriors silently surround the area where the two youngsters hunkered down.

EXT. FOOTHILLS/BOULDER -- CONTINUOUS

Jamie points in the direction of the Indian. They pull Dusty's reins and silently move into the cover of the pinon' and yucca plants. Walking softly they follow a game trail into a stand of wagon-size boulders. It is the only path for them to go to get away from their pursuers.

INT. FOOTHILLS/BOULDER-- CONTINUOUS

They walk up the path amongst the boulders. Then right in front of them jump two COUGAR CUBS, growling and yowling at play. Both children are spellbound by the cavorting cubs and they fail to notice the MOTHER COUGAR who announces her presence behind them with a menacing, throaty, growl.

Caught between the cubs and their mother, Joey and Jamie try to get out of the way, backing further up the path into the rock formation, further from freedom. The mother cougar herds them, first left then right, cutting off their escape. Dinner?

EXT. FOOTHILLS/BOULDER -- CONTINUOUS

William dismounts when he sees the children's footprints in the dirt. Waving Tom over, they follow the tracks on foot until they can see the game trail followed by the children.

Hyser sees Jamie and Joey stepping backwards. He smiles but then, the smile fades. The kids are frozen, something is wrong. It is deathly quiet.

Looking through the trees the men see a Sioux brave creeping into position on the edge of the boulder field, his attention drawn to the same path that they are looking at.

Red Sky climbs a boulder in the distance, overlooking the edge of the path.

Tom draws his Remington and William aims his Spencer.

Meanwhile, unseen behind the two men, another brave steps out, and without seeing the two soldiers, looks forward to the path. The stillness is deafening

The cocking of the Spencers' sounds like a hammer on steel. 'CLICK'.

EXT. FOOTHILLS/BOULDER -- SIMULTANEOUS

All of the Sioux warriors turn and aim at the sound of that click.

INT. FOOTHILLS/BOULDER -- SIMULTANEOUS

Jamie and Joey are backed up as far as they can go by the advancing cougar, protecting her young. She roars as-

EXT. FOOTHILLS/BOULDER -- SIMULTANEOUS

The Sioux warriors and Tom and William fire simultaneously.

INT. FOOTHILLS/BOULDER-- SIMULTANEOUS

Both cougar and children look out toward the sound of the shots.

EXT. FOOTHILLS/BOULDER-- SIMULTANEOUS

Bullets crackle as two braves fall in the volley. Branches snap around Tom and William as they reload and take aim at new targets.

INT. FOOTHILLS/BOULDER-- SIMULTANEOUS

The children turn back to the cougar but she has vanished, along with her cubs, disappearing with the first volley.

The children look at each other then turn back to the battle raging.

Suddenly, landing and rearing up in front of them is Red Sky, full of malice and hatred. Jamie starts to run but Red Sky grabs him and tosses him against a boulder. He lays still.

Joey fires Dave's pistol, which flies out of her hand with the recoil, the shot missing Red Sky who leaps at her. She scrambles back, going after the revolver. Red Sky grabs her by the ankle and drags her back, away from the gun. She screams.

EXT. FOOTHILLS/BOULDER-- SIMULTANEOUS --

Hyser is reloading his revolver and William reaches inside his cartridge case for another round when they hear Joey's scream. Suddenly they are rushed by two braves--

William reloads and points the carbine at the two braves who freeze. Standing there, they raise their hands in surrender palms outstretched. They carefully move away from the gun and leave, going back the way they came.

INT. FOOTHILLS/BOULDER -- CONTINUOUS

William and Tom frantically run, entering the boulder stand, guns drawn and pointed toward Red Sky, who is holding Joey in front of him, knife at the ready. They lower their weapons-

(Sioux language)

WILLIAM  
Why attack children?

RED SKY  
You kill my family, I kill yours.

WILLIAM  
They ain't my family...

RED SKY  
You lie. They run and you follow  
many days.

WILLIAM  
We protect them.

RED SKY  
No you don't. They die. Then you  
die.

William raises the Spencer up to his shoulder.

WILLIAM  
Not before you.

RED SKY  
Perhaps but, you will die inside, a  
failure.

Red Sky puts his knife to Joey.

A gun fires. Red Sky freezes mid-strike and with a look of  
shock on his face, drops the knife.

Jamie, standing with a look of shock on his face holding the  
smoking gun.

JAMIE  
(tearfully determined)  
My family. My family. I won't lose  
my family.

Red Sky looks at him, falls to his knees.

Joey runs to Jamie, hugging him. He drops the gun.

Red Sky falls forward on his face.

JAMIE (CONT'D)  
Mama said you're my family, ain't  
you?

JOEY  
Aren't you. Yes, I am.

Joey hugs him. Tom and William stand, looking at the body  
of Red Sky.

WILLIAM  
He thought they were my family--

Hyser, exhausted, looks at him.

HYSER

They're getting to be that way ain't they?

William stares at the ground, deep in thought.

WILLIAM

My family was lost in Tennessee, 1861. Runnin' away, me, my wife and son, trying for the Ohio River. I heard the dogs chasin' n' sent 'em on, while I decoy the hunters--

He laughs bitterly.

WILLIAM (CONT'D)

Callie, my wife and son were the ones that got caught--

HYSER

Did you go back?

WILLIAM

I did later. Didn't rightly know what happened. I thought they were still after me so I kept running, trying to draw them away--

HYSER

You never said anything--

WILLIAM

Weren't your business. I went back but, they was gone--I looked everywhere--

He stands, distracted, wanders toward his horse, the rifle hanging by his side. He set it down and takes off the saddle bags.

WILLIAM (CONT'D)

Red Sky died for his son--and me? I did nothin'. Seein' Joey, same age as my Lucas, well, it just set me off--

He turns his back and takes a shovel from his saddle pack and sets to digging. Tom goes to move Red Sky.

EXT. FOOTHILLS/BOULDER -- LATER

They have set camp, a fire is sputtering as Joey and Jamie tip-toe out leading Dusty. They mount up. Jamie yawns and whispers.

JAMIE

(whispering)

I wish you'd let me sleep just once  
all night.

JOEY

Shh!

EXT. COLORADO FOOTHILLS -- MORNING

Tom and William are up, starting the fire, setting up breakfast. The two piles of blankets are still twisted together, away from the fire.

HYSER

This might be a way to redeem  
yourself, ya know? Gettin' them  
kids to California.

WILLIAM

You take' em Tom. I'll ride with  
you but I cain't look at 'em.

Tom raises his hands and William calls to the children.

WILLIAM (CONT'D)

Y'all gonna sleep all day?

He looks over and with a look at Tom, moves to the blankets.

WILLIAM (CONT'D)

Damn.

He grabs the blankets, empty of children.

Tom looks over and begins to put the breakfast things back.

HYSER

They put'ole Red Sky to shame with  
all that sneakin' around.

William fumes, staring at Tom then, grabs his saddle off of the ground and moves to his horse.

EXT. COLORADO FOOTHILLS -- LATER

They pass through a scrub pine grove, looking for signs of the missing children.

A voice comes down from the ridge above.

JOEY

(yelling)

Why won't you let us alone?

The voice stops them. Then they see the children on the far ridge, silhouetted against the sky--

HYSER  
(yelling)  
You alright?

JAMIE  
(yelling)  
Yeah--

JOEY  
(yelling)  
We don't need you--

JAMIE  
(yelling)  
Stop following us!

They turn and go over the ridge, out of sight. Hyser stops them, yelling.

HYSER  
(yelling)  
Wait!

They come back in view.

Hyser starts toward them.

Joey points her pistol, cocking the trigger.

JOEY  
(yelling)  
That's far enough.

He reins his horse and stops.

JOEY (CONT'D)  
(yelling)  
We's grateful that you saved us from  
the Indian and all but, we cain't  
let you send us back. We're going  
to Paradise--that's final--

Hyser shakes his head and looks at William. He laughs--

HYSER  
(yelling)  
I have no doubt. So, why don't we  
go together?

JAMIE  
(yelling)  
You mean it?

JOEY  
 (yelling)  
 Why should we trust you?

HYSER  
 (yelling)  
 'Cause--

Hyser wipes his face with his kerchief.

HYSER (CONT'D)  
 (yelling)  
 --we are tired of chasin' you!

EXT. COLORADO FOOTHILLS RIDGE -- CONTINUOUS

Jamie smiles. Joey is not amused.

JOEY  
 I don't trust him--

JAMIE  
 He's gonna take us--

JOEY  
 What if they're lyin' again?

JAMIE  
 Then we run away again.

JOEY  
 We surely will--

Joey aims Dusty down the hill.

EXT. COLORADO FOOTHILLS RIDGE -- CONTINUOUS

The kids and Hyser with silent William in the lead, head off west, down the last of the foothills to the Nevada desert.

EXT. DESERT -- DAY

It's hot as a griddle. Horses and riders move slowly across a rocky desert.

They pass decaying furniture and household goods, discarded by previous travelers, useless threats to survival.

Hyser passes a wagon, bleached skeletal remains of oxen that had pulled it all the way from the east. Joey and Jamie stop, staring at the scene.

JAMIE  
 Did they die?

JOEY  
 Yep. Ran out of water--

JAMIE

I'm thirsty.

Joey reaches down and pulls up a canteen and hands it to Jamie. It is almost empty and he drains it.

EXT. DESERT -- AFTERNOON

They ride in silence, the sun blazing down on them from above.

Dusty wanders off the trail. The kids, heads nodding on their chests, don't notice. They get further from Hyser and William who are as oblivious as they are, each lost in his own frying mind, cooked by the sun.

Hyser's eyes open for a second and he sees Dusty, a shimmering mirage in the distance. He looks back to where the children should be.

They are not there. Suddenly he is wide awake. He spurs his horse after Dusty.

William wakes up and snaps his reins taking off after Tom.

He gets there first, grabbing the trailing reins.

WILLIAM

Wake up!

The children jerk suddenly, afraid.

WILLIAM (CONT'D)

You wanta' die out here?

Hyser cools the situation.

HYSER

That's enough, William.

WILLIAM

No, it is not enough! I oughta' tan your hide, boy!

HYSER

They're alright, now drop it!

William rides off, Hyser glares at the kids.

HYSER (CONT'D)

You keep up, hear me?

JAMIE

Why's he so mad?

HYSER

You scared him.

JOEY  
Scared? Ha! He hates us!

Hyser angers.

HYSER  
Stay on the trail!

He rides off, the kids look at each other and ride on.

EXT. DESERT -- EVENING

The day has cooled and everyone wears jackets as they make camp on the edge of the desert. Joey and Jamie silently set their blankets apart from the men, ignoring them.

William shades his eyes looking out across the open spaces at a cloud of dust on the horizon.

WILLIAM  
We got company.

William checks his rifle, laying it close by.

Hyser holds his spyglass to his eye.

HYSER  
Cavalry.

WILLIAM  
Buffalo?

HYSER  
No.

They go back to cooking on the fire.

The soldiers pull up. A very young LIEUTENANT leads the column.

LIEUTENANT  
Gentlemen--

HYSER  
Lieutenant--

LIEUTENANT  
Mind if we set up here?

HYSER  
It's a big country--

The troops ride off a-ways and start setting up camp. The travelers continue with their evening chores.

EXT. DESERT -- LATER

As Hyser, William and the kids sit around the fire a voice comes in from the dark.

SERGEANT WILKS  
Hello, the camp--

WILLIAM  
Come on in--

SERGEANT WILKS and two soldiers, PRIVATE DOBBS and PRIVATE MILLER come to the fire.

SERGEANT WILKS  
Lieutenant's compliments sir, would you like to join him for coffee--

Hyser smiles. William perks up too.

HYSER  
Well, that'd be nice, Sergeant, tell him we'll be with him directly--

The soldiers exchange a look.

SERGEANT WILKS  
Not the Negro, sir, just you.

William sits stock still. Hyser stands slowly.

HYSER  
Really.

The Sergeant almost smiles, then recovers.

SERGEANT WILKS  
Sorry sir, no disrespect intended.

HYSER  
None taken--yet. Sergeant, this man is my business partner.

The soldiers exchange looks.

SERGEANT WILKS  
That may be but, he wants to speak to you sir.

The other two soldiers snicker. William walks up to them.

WILLIAM  
You got something to say?

The taller of the two moves forward.

PRIVATE DOBBS  
Pushy ain't he?

PRIVATE MILLER

I never heard of a white man havin'  
a--

Looking at William.

PRIVATE DOBBS

(sneering)

--black man as a partner--I mean you  
have to pay'em but--partner? Naw--

Looking at Joey and Jamie staring at the confrontation,  
William, gestures at the prone children to Private Dobbs.

WILLIAM

Whyn't you keep it quiet, these  
children need their sleep.

The soldiers laugh now--

PRIVATE DOBBS

Well, why don't we step outside, so  
to speak--

William grins and gestures them out of the firelight.

WILLIAM

After you--

They move off into the night. Joey and Jamie quickly get  
out of their blankets crawling after the men.

EXT. DESERT -- NIGHT

The men stand, facing each other. In the light of the moon,  
William's smile disappears.

WILLIAM

You were sayin'?

Private Dobbs smiles and repeats--

PRIVATE DOBBS

I said, I never heard of a white man  
having a slave for a partner. What  
do you think about that?

WILLIAM

I'm not a slave. I am free. Lincoln  
decided that--

PRIVATE MILLER is a mean little weasel of a man.

PRIVATE MILLER

Yeah, he freed the slaves and look  
what it got us--

Miller looks at Private Dobbs and then wheels and swings at William who bobs and lands a haymaker on Private Miller, who goes down in a heap. Dobbs jumps on his back. William pitches him off and the fight is on. Private Miller grabs William from the back, holding his arms, so Dobbs could attack. Dobbs doubles up his fist and comes at William.

William shrugs Miller off, and connects with Dobbs, hitting him with one huge fist. Dobbs goes down. William turns and both enlisted men get up and rush him. He punches left and right, laying both down on the ground. William stands there, breathing hard and waiting for them to get up.

Sergeant Wilks pulls his gun out and cocks the hammer, aiming at William when--'CLICK'--Tom's pistol is up against his ear--

HYSER

You stand real still, Sergeant--

William glares at Hyser.

WILLIAM

I can fight my own battles!

Keeping his gun on the Sergeant, frozen in mid-action.

HYSER

I know--I just think it should be a fair fight.

Just then their Lieutenant runs up.

LIEUTENANT

What's going on here Dobbs? What in 'tarnation are you doin'? Stand at attention!

The fight stops and the soldiers stand loosely at attention.

HYSER

They are gettin' a lesson in respect for what President Lincoln did for the slaves.

The Lieutenant is furious. He turns to Hyser.

LIEUTENANT

I apologize mister. They don't know their manners.

He wheels on the three troopers.

LIEUTENANT (CONT'D)

Ain't fightin' Indians enough for you? You gotta' take on the rest of the country--by God, you are all on report!

The Private Dobbs looks sheepish.

PRIVATE DOBBS

Sir, we was jus' havin' some fun--.  
'Sides, that man's only a--

Hyser jerks him around.

HYSER

That man's a Sergeant in the United  
States 10th Cavalry Regiment!

PRIVATE DOBBS

What? Buffalo soldiers?

HYSER

You're damn right Private and you  
have assaulted a non-commissioned  
officer. Which is a crime under the  
United States Code of Military Justice  
punishable by a nice long stretch in  
the stockade.

William pulls off his jacket, his uniform shirt underneath,  
stripes on the side. Lieutenant pulls back.

LIEUTENANT

My apologies Sergeant.

Pointing at the Sergeant with the gun in his hand.

HYSER

This--man, is not fit to wear these  
stripes!

The Lieutenant bristles.

LIEUTENANT

I'll be the judge of that--

HYSER

No, I will. As a Captain in that  
same United States Cavalry, I outrank  
you-sir. We fought for this country  
and neither you nor anyone else is  
gonna demean that--

The Lieutenant straightens up to attention.

LIEUTENANT

Sir. I had no idea--

Hyser is on a roll.

HYSER

And, let me say that as an officer,  
you leave a lot to be desired!

The Lieutenant slumps and drops all military bearing.

LIEUTENANT  
I apologize, sir.

HYSER  
Discipline comes from the top down,  
Lieutenant! You expect men to follow  
you, you'd better lead 'em!

They stand around, looking at their feet.

HYSER (CONT'D)  
Stand at attention when I speak to  
you!

The soldiers brace. He stalks among them. He glares at William who is still steaming.

HYSER (CONT'D)  
Now, I will make a report of this to  
your commanding officer.

The men straighten up and look at him.

HYSER (CONT'D)  
--or we could finish what your  
troopers started. As gentlemen, of  
course.

William stands there, a slow smile comes to his face.

HYSER (CONT'D)  
Sergeant, if you're of a mind I see  
no reason why the schooling shouldn't  
continue--come what may--

Hyser gestures at William, who is ready to go again.

HYSER (CONT'D)  
Then, let the lessons begin--

The three combatants square off. They go at it until the two soldiers are beaten well into tomorrow. William drops the last one on the ground.

Hyser stands over them.

HYSER (CONT'D)  
You got anything to say?

He kicks the soldiers foot.

PRIVATE DOBBS  
Sorry--

WILLIAM  
What?

PRIVATE DOBBS  
 Sorry, Sergeant.

WILLIAM  
 Get out of my sight.

Dobbs leans down and pulls a badly beaten and bloody Private Miller to his feet and they stumble away. The Lieutenant starts to go then turns.

LIEUTENANT  
 As an officer and a gentleman I  
 apologize for this, sir.

He salutes and follows his men back to camp. Hyser follows William to the fire.

HYSER  
 You ok?

William nods, smiling, a load lifted from his shoulders, massaging his hand.

WILLIAM  
 I needed that--

HYSER  
 Dumb crackers--

They laugh. William groans.

WILLIAM  
 They got a few in--

HYSER  
 You'll heal.

WILLIAM  
 You know it's a crime impersonating  
 an officer--

Hyser smiles.

HYSER  
 That it is, Sergeant, that it is--  
 and I think we best skedaddle--'fore  
 they figure it out. Lemme help you--

They head back to camp, arm in arm.

EXT. DESERT -- DAY

It is hot, but there are clouds moving in and distant thunder rumbles. They move through foothills, closer to the Sierras.

EXT. STREAMBED -- LATE AFTERNOON

Rain starts to fall as Hyser, William, Joey and Jamie ride up to a small stream. The horses drink as Jamie and Joey dismount then stomp and twirl in the cool water. It rains harder and the stream rises a bit.

Jamie starts walking across and slips. William grabs him, pulling him up to his saddle. Hyser rides across the ever-rising stream.

Joey sits in the water, a beaming smile on her face, not paying attention as the water quickly rises around her. Hyser yells over the roar of the storm and the rising stream.

HYSER

Joey!

She can't hear him over the storm.

HYSER (CONT'D)

JOEY!

Joey turns. Hyser gestures, let's go! She stands and starts across, Dusty's reins in her hand--

But, the stream has become a raging torrent, a gully-washer. Joey is transfixed by the raw power surging around her.

She tries to get on Dusty, but the horse is skittish and bolts the rest of the way across the stream, leaving Joey thigh-deep in rising muddy water. Jamie screams.

JAMIE

Joey!

Joey takes a step, loses her footing, and is swept away in the fast moving current.

William heads his horse downstream, into the water.

Joey screams and goes under.

William's horse is trying to stay upright but both horse and rider topple following Joey's path, down-river.

William's horse scrambles out of the water.

William reaches a sputtering and coughing Joey and pulls her up.

Hyser, riding along the stream edge, throws a rope. He misses and tries again.

This time, William grabs it and holds on to Joey. Tom heads his horse away, dragging both water-soaked twosome with him.

As Hyser pulls them toward the shore, a large branch caught in the flow, hits William's shoulder, breaking his hold, and the pair float downstream, the rope floating slack.

EXT. DOWNSTREAM -- DUSK

As daylight fades, William appears, with Joey in one arm and the tree in the other. He grounds the branch on the shore.

Hyser grabs them, dragging them onto the bank. They collapse as the downpour continues.

William sits up, weak but alive. Joey is in a bad way, shaking from fear and cold.

HYSER  
Need to string a tarp.

WILLIAM  
We gotta get Joey out of them clothes--

Joey holds her shirt together.

JOEY  
Leave me alone!

HYSER  
You wanta' die?

It starts raining harder. William looks around.

WILLIAM  
We gotta find shelter--

They get Jamie on Dusty, Joey rides with Hyser.

It is getting dark as the rain lets up a bit. Jamie perks up.

JAMIE  
Hear that?

WILLIAM  
What?

He points off in the distance--

JAMIE  
There's somebody out there--

Then the others hear it--a woman's voice--

ELVIRA  
Andrew! Possum! You get yourselves  
in here, right now! Andrew!

The soaked survivors ride toward the voice.

They come upon a wild-haired woman, Elvira, early 40's-- crazy, distracted, standing in a slicker, looking out into the gathering darkness. She sees them.

ELVIRA (CONT'D)

Have you seen my little babies?  
Catch their death in this weather--

HYSER

No ma'am. But we sure could use a  
dry place to hole up for a bit--

She looks at them, and then, she starts off.

ELVIRA

I'm gonna tan Andrew's hide, keepin'  
her out in this.

She looks back.

ELVIRA (CONT'D)

You comin'? I ain't seen many Negroes  
in these parts, don't know why--you  
suppose--

The men wait for her to finish--

She comes back and looks at Joey then, starts in on Hyser.

ELVIRA (CONT'D)

What are you doin' to this child?  
She's near drowned--

Hyser and William exchange looks--

HYSER

Not a she--

She looks at him like he's crazy as a loon.

ELVIRA

Whatever you say--just get her inside--

They follow her up a hill to a run down cabin, only standing out of sheer habit.

ELVIRA (CONT'D)

You see 'em? Andrew is fourteen and  
Possum is a girl, no more'n eleven--

HYSER

Ma'am, we just got caught crossin'  
that gully back there, storm nearly  
killed us--

She looks back toward the gully.

ELVIRA

If it rains upstream in the mountains  
and you're in it, you'll be drowned  
before you know it.

A lost look crosses her face.

ELVIRA (CONT'D)

Happened to my Ben--

She leads them to the house.

They pass a small graveyard. There are three graves, the  
wooden headstones read--Ben, Andrew, Possum.

Elvira opens the door to the cabin and shows them in.

INT. SHACK -- EVENING

There is a fire going in the hearth. The place is a mess.  
Three cats and a mangy dog are the only other inhabitants.  
The dog starts to bark.

ELVIRA

Hush!

She throws a towel at the dog and brushes the cats off of  
the table.

Hyser sits Jamie down by the fire.

HYSER

You stay put.

William puts Joey, weak and feverish, on the bed. He starts  
removing her clothes. She doesn't resist him this time.

Elvira takes over.

ELVIRA

You the father?

WILLIAM

No--

She pushes him away.

ELVIRA

Well, then, whyn't you give her some  
privacy? You both--wait outside--  
go!

She pulls a ragged drape in front of the bed as Hyser and  
William go out the front door. The dog starts barking again.

ELVIRA (CONT'D)

I told you to hush!

The dog stops and she continues removing Joey's clothes.

EXT. SHACK -- EVENING

Hyser and William stand there in the evening light--

WILLIAM  
That woman's touched--

HYSER  
Yes but, thank God we found her--

William goes back inside as Hyser starts wringing his shirt out.

William comes out, shutting the door softly behind him, a look of shock on his face. Hyser looks into his eyes.

HYSER (CONT'D)  
How is he?  
(pause)

WILLIAM  
Fine. But, he's not a he. He's a she--

HYSER  
What?

WILLIAM  
A girl. Joey's a girl--

William looks at Hyser, shaking his head and pointing at the door.

HYSER  
He's been a girl all this time?  
Dang!

Hyser goes to the door, ready to burst into the shack--

WILLIAM  
I wouldn't go in there yet--

Hyser stops, knocks. Elvira's voice come through the door.

ELVIRA (O.S.)  
Alright, you can come in--

Both go inside, shutting the door softly.

INT. SHACK -- CONTINUOUS

Joey is in bed, covers up to her chin, her hair wrapped in a towel. With the light hitting her from the lamp beside the bed, it's obvious she's a young woman. Jamie sits next to her, holding her hand.

The men come to the bed, taking their hats off and look.

Jamie looks at them and smiles.

JAMIE

She'll be ok.

From the kitchen, pans banging.

ELVIRA

Child could have died out there--

HYSER

Why'd you lie?

JOEY

I didn't--

WILLIAM

You coulda' said somethin'.

He looks at Jamie and then back at Joey.

JOEY

You wouldn't have helped us.

He sits down on the bed, shaking his head.

WILLIAM

You'd do anything to get to your Pa,  
wouldn't ya?

Joey smiles, bundled up in the warm bed.

JOEY

I told you we was'a goin'--

WILLIAM

(shaking his head)  
You surely did.--

Hyser stares stupidly at Joey. William pulls his arm.

WILLIAM (CONT'D)

Let's get some air.

The men go back outside. The door closes.

INT. SHACK -- EVENING

The table is set, a pot is sitting on the tabletop, steam rising out of it. Elvira frets with the preparations.

ELVIRA

My talents aren't in housekeeping--  
that's what my husband says--

Hyser comes in, carrying the saddle bags.

Elvira sees him and stops.

ELVIRA (CONT'D)

Ben?

HYSER

No ma'am--I'm Tom. Tom Hyser--and thanks for taking us in--

ELVIRA

Oh of course, Tom Hyser. Oh, it's no trouble--like my Ben always says to the children--

She sets bowls down on the table and ladles stew out of a kettle from the fire--

ELVIRA (CONT'D)

--You help a stranger, they help someone else, and everyone gets along--

She points at the table.

ELVIRA (CONT'D)

Listen to me blabber--why don't you sit, get somethin' in ya--

William spoons some food in a bowl and goes back to feed Joey. Hyser and Jamie sit at the table. Jamie lifts the spoon out of the bowl. The stew looks terrible. Hyser looks at him.

HYSER

Eat--

JAMIE

I ain't hungry--

Elvira gets right on him.

ELVIRA

Now child, don't be picky. You sound like Andrew. That squirrel's fresh and them's good turnips from the garden.

She stares at Jamie.

ELVIRA (CONT'D)

Eat!

Jamie looks at her and starts spooning the stuff into his mouth. It tastes terrible. Hyser is having trouble eating it too, but, he forges on.

HYSER

This is--hearty.

She hops up from her place, grabbing the spoon out of the kettle.

ELVIRA  
Would you like some more?

Hyser begs off with a gesture.

HYSER  
Oh, ma'am, I can't eat another bite--

ELVIRA  
I swain, you sound just like my Ben  
and he's skinny as a rail--

The travelers look at each other.

HYSER  
I'm surprised to hear you say that--

Her face changes to kind of a far-off stare for a moment.

ELVIRA  
We don't get much company out here,  
since Ben--. The Indians are nice  
to us--

HYSER  
Nice? Commanche, ain't they?

JAMIE  
Aren't they-

Hyser glares at Jamie who only smiles back.

HYSER  
Aren't they?

She leans in--

ELVIRA  
Yeah. But they bring things and  
food by, now and again. They think  
I'm crazy.  
(laughing)  
I make Andrew and Possum laugh, the  
nights I go howl at the moon--  
AAA00000H!

Everyone jumps, even Joey. The dog starts baying along with her. She laughs and looks around at them, staring at her.

ELVIRA (CONT'D)  
Well, the kids like it--

Then, she gets up from table, agitated.

ELVIRA (CONT'D)

I wonder where they are--

She goes out the door, yelling their names--disappearing in the night--

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

Andrew! Possum--

The travelers look at each other. Hyser gets up and goes out after Elvira, closing the door. Joey is awake and alert.

JAMIE

What's wrong with her?

JOEY

She's crazy with grief.

JAMIE

Let's get out of here--

Joey starts to get up. William pushes her back down.

WILLIAM

Lay down--we're stayin' here tonight--

JOEY

But--

WILLIAM

But nothin'--you nearly died! You need a good night's sleep--

Joey lays back down.

EXT. SHACK -- NIGHT

The evening is full of sounds. Hyser catches up to Elvira, standing at the headstones, crying.

HYSER

Miss Elvira?

She looks at him. Then she looks down at the headstones.

ELVIRA

The nights are hardest. Drives me to distraction--missing them--

HYSER

When did they die?

She pauses, looks at the rising moon, puzzled.

ELVIRA

I don't know.

(MORE)

ELVIRA (CONT'D)

One day, they went out to explore  
and they didn't come back. Neither  
one of them. Never came back. These  
are just so I have them all together.

HYSER

Was that after your husband passed?

ELVIRA

Uh-huh. He was a good man. This  
place is his dream--Andrew n' Possom  
were my dream--

She looks back at the graves.

ELVIRA (CONT'D)

But sometimes I can't remember what  
they look like.

Turns to him, desperately clutching his shirt.

ELVIRA (CONT'D)

That's terrible, ain't it?

He stands there looking at the graves and at her.

HYSER

Why stay here?

She looks around at the place.

ELVIRA

It's where my family is--

HYSER

There are other places--with people--

Her face goes through a change.

ELVIRA

The children would never forgive me--  
oh my, where are they?

HYSER

Elvira, they're gone--

ELVIRA

No! Stop it!

She runs off into the night.

ELVIRA (CONT'D)

Possum, come to mama. Andrew, please.  
Come home children, please--

Hyser watches her then turns around walking back into the  
house.

EXT. HOUSE -- MORNING

It is a chilly damp morning as they are leaving.

Joey is dressed in a worn dress, looking all the way a pretty young woman. She wears William's warm coat around her shoulders. Elvira is calm now.

ELVIRA

I'm sorry 'bout last night. Seeing  
your young'uns musta' stirred  
somethin' up--

She looks down at Jamie and smiles. Jamie smiles back. A look passes across her face, something darker then she brightens. William doesn't see it. Tom does.

WILLIAM

Don't worry 'bout it Miss Elvira.  
Thank you for putting us up--

Elvira looks at Hyser, her smile is sly.

ELVIRA

This little one, he needs a mother,  
don't he?

HYSER

His ma died in Missouri. He's alone.  
That's why he came here.

ELVIRA

Well, you have two little ones that  
ain't yours--

Her face changes as tears rolls down her cheeks

ELVIRA (CONT'D)

--I don't have any now, do I?.

William and Tom exchange a look.

HYSER

I suppose not.

ELVIRA

Why don't you just, why can't you  
just, leave him with me?

HYSER

What?

ELVIRA

He won't be no trouble and, I'd take  
real good care of him and Possom  
could use a playmate, soon's she  
comes home--

HYSER

I'm sorry but his boy is with us.

She becomes shrill, almost frantic, moving toward Jamie. William stands in her way.

ELVIRA

Why? Why should you have two? And  
I don't have any--give me the boy!  
Give him to me!

Her voice gets weaker and her anger leaves. She almost pleads with them.

ELVIRA (CONT'D)

Give him to me--

She wails and buries her head in her hands.

ELVIRA (CONT'D)

He's the answer to my prayers--

Hyser shakes his head no. William and Joey stare. Jamie doesn't know what is going on. Joey takes a step toward her, taking her hand.

JOEY

Miss Elvira, I appreciate what you  
done for me. Thank you for my dress.

Elvira looks at Joey and her face brightens, the dark mood passes. She daubs her eyes with her apron and fixes her hair.

ELVIRA

My goodness, your welcome, child.  
Possum only needs one dress, anything  
more is putting on airs--

She hugs Joey, distractedly looking at Jamie.

ELVIRA (CONT'D)

I'm glad you came. Won't my little  
ones be surprised when I tell 'em we  
had visitors.

Then she laughs a happy, girlish laugh. William looks antsy.

WILLIAM

Well, we'd best be goin'--

They lead their horses off. Elvira comes part-way with them and stops as the others get to the property line. Hyser looks at her.

HYSER

Why don't you come with us?

She shakes her head 'no' a look in her eyes.

ELVIRA

I-I need to be here, for when the  
children come back. They need me.

The travelers mount up. Elvira is jittery again, looking around, wanting to be anywhere else but here. She turns and runs back toward the house.

They watch her and then, turn and head off down the trail.

EXT. SIERRA FOOTHILLS -- MORNING

The clouds hang low to the ground. Everything is swathed in a newly-misted drizzle, a miserable day.

Joey is wearing William's rain slicker. They ride together, Hyser in front, William, smiling, riding next to Joey and Jamie.

JOEY

How'd a colored man get in the army?

WILLIAM

I joined up. Government needed all  
the help it could get--lots of freemen  
and slaves joined. And fight we  
did.

JOEY

You married?

WILLIAM

I--was--

JOEY

Where is she?

JAMIE

We never gonna get there?

William looks at Joey and then--

WILLIAM

We'll be there 'fore you know it--

JAMIE

Your Pa's gonna be so happy.

The men look at each other.

HYSER

It'll be quite a surprise--

JOEY

I sure hope so--

She lapses into silence.

Riding up a hill, they see a murky silhouette of buildings through the mist. Beside the trail, a beat-up old sign proclaims: "Welcome to Paradise, California. Population 245" with the numbers crossed out and number '38' scratched into the wood, "Firearms prohibited!" "Check your guns." "No public drunkenness."

Next to it, a hand-painted board proclaims: "Jesse Albers, if you're looking for me I'm gone to Sacramento, Finlay Hawse." Another note complains, "The gold is gone and so am I. Mobley Varner."

EXT. PARADISE, CALIFORNIA -- MORNING

They ride up the deserted main street. An "OPEN" sign hangs in a dirty window of the saloon.

The silence is broken only by creaking hinges of the Paradise Hotel sign, swinging in the breeze down the street.

Hyser ties up and goes in the saloon. Everyone else follows.

INT. PARADISE SALOON -- MORNING

A bar with a mirror behind it, a relic of better times. ELSIE, a faded saloon floozy, watches a washed up GAMBLER play solitaire. Catching sight of Hyser at the door, she measures him up. The BARTENDER gets busy polishing glasses when the doors swing open with Hyser's entrance.

BARTENDER

Howdy, friend, what can I do you for?

HYSER

Lookin' for somebody--

Hyser looks around as William and the kids come in. When they see the blacks, the gambler sighs and goes back to his game. Bartender looks at Hyser.

BARTENDER

They with you?

Hyser glares at him.

HYSER

Yeah, matter of fact they are--

Bartender backs off.

BARTENDER

Fine. No problem here. Matter of fact we got us a colored mayor--

ELSIE

(laughing)

He calls himself 'the mayor'--

Gambler looks over at them while turning cards on the table.

GAMBLER

Care for a game?

HYSER

No thanks--

GAMBLER

Who'd you say you was looking for?

Joey perks up.

JOEY

My Pa. He came here and got rich--  
gold mining.

Elsie laughs--

ELSIE

Then he's long gone from here.

JOEY

He sent for me--my ma too, but she  
died--

GAMBLER

Got rich, did he? Musta' been a  
couple'a years ago--

JAMIE

Why's that?

GAMBLER

Well, the gold's all played out.  
Nothin' left but rocks and dreams--

ELSIE

What was his name, sweet-cheeks,  
yer' Pa?

JOEY

Calhoun. Caleb Jefferson Calhoun--

The room erupts in laughter--

GAMBLER

Caleb Jefferson Cal--

ELSIE

High falutin'.

BARTENDER

Don't that beat all!

William and Tom look around.

WILLIAM  
What's so funny?

Elsie laughs again.

ELSIE  
Your Pa's still here--

JOEY  
Really?

BARTENDER  
I don't know how you'll feel after  
you meet him.

JAMIE  
He rich?

ELSIE  
He talks rich but, he ain't--'cept  
in his head--

BARTENDER  
Lot of big plans though--boy-oh-boy--

Everyone finds that really funny. Elsie helps Joey out.

ELSIE  
Sweetie, he's the mayor--

Jamie smiles, Joey looks at William and Hyser, grinning.

JOEY  
Mayor. See? I told you!

GAMBLER  
Of course, there weren't no election--

Another laugh. Hyser steps in.

HYSER  
Um, where can we find him?

The bartender gestures out the door.

BARTENDER  
At the hotel--

The other two locals share a look.

GAMBLER  
He got that place for free too.  
Him'n that Nettie--

Elsie turns back to Joey.

ELSIE

Been awhile since you seen him?

Joey nods.

ELSIE (CONT'D)

Well, you might settle him down--he gets a little crazy when he drinks--

BARTENDER

And that Nettie's got a mean streak--

ELSIE

Streak? Hell, she's mean all the way through--

The men exchange looks. Hyser shakes his head--

HYSER

Well, let's go meet your daddy.

The travelers walk out of the saloon. Elsie walks to the door, watching them go. The rest go back to passing time.

EXT. PARADISE, CALIFORNIA -- AFTERNOON

They walk down the street of the forgotten town toward the hotel. Joey only heard what she wanted to hear.

JOEY

--and rich too! That's what he said!

Then, out of the front door of the hotel, a black man, CALEB flies, screaming bloody murder, landing in the muddy street.

CALEB

AAAaahhhh!

He's wearing a tattered frock coat and stained evening pants. He hits the ground, sliding in the mud. A ratty bowler falls off of his head, revealing a graying, unkempt ball of hair. He jumps up, brushing mud off of his coat. He starts back inside but stops and calls instead.

CALEB (CONT'D)

Now, Nettie, let's not jump to conclusions--

When he sees the travelers he stops, the attitude disappears and he becomes the garrulous mayor of Paradise, brushing himself off while talking to himself.

CALEB (CONT'D)

Hold on, there, your Honor, we sees constituents. Welcome friends, to Paradise--pearl of the High Sierra.

They stand there looking at each other. He notices his disheveled look.

CALEB (CONT'D)

Forgive my appearance, I have recently come upon a dip in the highway of life, a shift of finances, as will happen from time to time. Nothing permanent, of course.

He sticks his hand out.

CALEB (CONT'D)

I'm the honorable Caleb Calhoun, Mayor of Paradise--May I inquire, are you passin' through or have you come in response to the handbills--new members of the our burgeoning community as it were?

Hyser nudges Joey when they hear a shrewish voice from within the hotel.

NETTIE (O.S.)

I ain't done with you yet!

He stops smiling, pulls his sleeves up, starts back inside--

CALEB

Excuse me, I am being summoned.

He runs back inside with a whoop,

CALEB (CONT'D)

She-devil, Medusa, Screaming Hellion!  
Wait 'til I get you!

The hotel front door slams shut. There are voices yelling inside. The sound of combat comes out of the lobby, glass breaking, a piano keyboard is hit.

The travelers look at each other, speechless.

The door is jerked open. Flying out of it, the Right Honorable Mayor of Paradise returns, landing right on his political reputation--

He starts to get up and then, with a groan, lays there in the mud, beat.

A large, hard faced Black woman bursts out of the Hotel railing--

NETTIE

Good for nothin'! I told you, to get that roof fixed, and by all that's holy, you'll fix it, or die tryin'!

She folds her arms.

NETTIE (CONT'D)

Hmm! My mama is not gonna stay in a leaky, room! Now you get to it!

She turns to go in and sees the travelers.

NETTIE (CONT'D)

What are you lookin' at?

Everyone shakes their heads, not wanting anything to do with her.

A little girl comes out, dirty and crying. Nettie snatches her up, loading her on one hip. With a contemptuous look at Caleb she starts back inside.

NETTIE (CONT'D)

You mind my words, she will have a dry room or you'll sleep in the shed with the chickens.

She bounces the crying girl--

NETTIE (CONT'D)

Hush. You're soundin' like your Pa, and that ain't a good thing.

Without another look she goes back inside, slamming the door behind her.

All eyes turn back to Caleb, picking himself up.

CALEB

Women! You come to them in a moment of weakness and then, you're a prisoner for life. Marriage. It ain't a word, it's a sentence.

He brushes himself off and reaches gingerly inside his coat and pulls out a pint bottle and takes along pull.

Hyser and William stare, Joey and Jamie are in shock.

He corks the bottle and puts it back in his pocket.

CALEB (CONT'D)

Ahhh! Lemme' tell ya, life with a good woman is a godly thing-- unfortunately, Nettie's not any good--  
(he belches and guffaws)

CALEB (CONT'D)

Do I know you?

Hyser shakes his head.

HYSER

Well, this here is William Xander  
and I'm Tom Hyser. We just got here  
from out east.

CALEB

(smiling)

I lived in the east for a bit. I  
find living here is a welcome relief  
from civilization--all those rules.

HYSER

You're right enough but, a man can't  
shirk responsibility to his family--

Caleb looks at the door of the Hotel.

CALEB

Oh, that? Well, I need to ready my  
prison for yet another warden. Not  
that it's any business of yours--

William steps up.

WILLIAM

That ain't what he's talking about.

Joey steps forward and a questioning look crosses Caleb's  
face.

CALEB

Now, what in the--do I know you?

She nods and opens her mouth to speak when recognition flies  
across Caleb's face.

CALEB (CONT'D)

Law's a' mercy. Joey? Little  
Johanna?

He smiles and then, he looks around, suddenly paranoid.

CALEB (CONT'D)

Your ma ain't here, is she?

Joey shakes her head.

JOEY

She dead. I brought your letter--

CALEB

Letter? Let me see that--

He grabs it out of her hand and reads it.

CALEB (CONT'D)

Oh, yeah--forgot about that--

JOEY

You wrote it.

CALEB

Naw, fella' over to the General Store  
did. He's gone to Placerville--

Jamie comes out from behind Hyser.

CALEB (CONT'D)

Who're you? We related too? Haw!  
Related! Heh-hehe--get it?

Seeing no one else is laughing, he stops. Clears his throat.

Jamie sticks out his hand.

JAMIE

I'm Jamie. Me and my ma took Joey  
in when her ma passed. When my momma  
died, Joey and me, we decided to  
come here--and live with you--

Caleb looks at them and looks at the front door of the hotel.

CALEB

Live with me?  
(laughs then fearful)  
Oh. No--you can't

He looks over his shoulder.

CALEB (CONT'D)

--laws, this ain't a good time-- I  
gotta' go.

He starts for the front door. William stops him.

WILLIAM

These children came halfway across  
the country, nearly died gettin'  
here and this ain't a good time?

HYSER

The time is jus' fine.

Caleb backs up, quailing in the heat from William.

CALEB

Her mama and me, that was a long  
time ago. I'm not responsible--

HYSER

But you are--

CALEB

Why?

Jamie holds out the letter.

JAMIE  
Mister, you sent this--

He grabs the letter.

CALEB  
I was drunk!

WILLIAM  
That's no excuse!

JAMIE  
You said you were rich, that Joey  
and her ma were gonna live like  
queens! You lied!

CALEB  
I didn't! Things just ain't that  
way anymore.

HYSER  
These children need a home--

Caleb comes forward, afraid of talking too loud.

CALEB  
You saw that woman--You think she's  
gonna want more young-uns? I got  
three now, plus her three, that's  
six of 'em and now two more? Oh,  
no. No.

He wads the letter up, throwing it on the ground.

William pushes him against a wall, leaning on him hard.

WILLIAM  
This girl fought for this, I don't  
know why but, you better make the  
best of it.

Caleb is fearful again and angry.

CALEB  
Alright! Stay! Leggo o' me!

William lets him go. Caleb sulks at the indignity and then,  
makes a show of straightening his clothes.

CALEB (CONT'D)  
But, you're gonna earn your keep,  
understand?

She nods, smiling. Caleb looks at William.

CALEB (CONT'D)  
Make the best of it, right?

He pats Joey on the head and looks at Jamie, a measuring stare.

CALEB (CONT'D)  
This other one--he's the wrong color  
and he's awful little--

JAMIE  
I'm seven, how big should I be?

CALEB  
Well, he ain't mine--

BOTH CHILDREN  
Isn't mine--

CALEB  
Whatever. I don't want him--

Hyser takes Jamie's hand.

HYSER  
Good. You can't have him.

Hyser looks at Joey who is smiling and excited.

HYSER (CONT'D)  
If Joey wants to stay, that's up to  
her--Jamie goes with us.

Caleb looks at him then Jamie--

CALEB  
Good.

He starts up the steps, shaking his head.

CALEB (CONT'D)  
What I'm gonna say to Nettie--gonna  
be bad--

At the top of the stairs, he looks back at Hyser and William.

CALEB (CONT'D)  
She is like to be a might testy-

He goes inside, closing the door.

Hyser, Jamie and William gather around Joey.

WILLIAM  
You sure this is what you want?

Joey looks at them, a shocked look on her face.

JOEY

He's my Pa--

WILLIAM

Well, alright--

They start back toward the horses.

JOEY

Whyn't you stay till tomorrow?

Hyser looks at the front door and the now clear blue sky.

HYSER

You got a little weather on the way.  
And we--better get on down the trail.

William looks at Joey.

WILLIAM

Are you sure?

She nods.

JOEY

Like you said, I been dreamin' about  
this. He's family.

William nods.

WILLIAM

We'll be livin' outside of Oroville  
if you need us--

Jamie is crying. She hugs him.

JAMIE

But, you're my family.

JOEY

I know. But, I gotta--I can't--

JAMIE

When will I see you again?

Joey gets down to his height.

JOEY

You got William and Tom now. They're  
your family, jus' like me. And that's  
the best thing there is.

They hug. Then Joey looks at William and Hyser.

JOEY (CONT'D)

You are the best men I ever did meet.

William is on the edge of not being the strong silent type.

WILLIAM

Look, if this don't work out--if you  
need a--well--you know where we are--

Hyser leads Dusty to Joey.

HYSER

Dusty's yours now.

JOEY

What about Jamie?

HYSER

We'll get something more his size.

They mount up, Jamie climbing up with William.

JAMIE

'Bye, Joey--

WILLIAM

Remember what I said--

They ride off down the street.

Joey stands in the street holding Dusty's reins, watching  
them leave.

Jamie looks over William's shoulder and waves at her.

Joey smiles and waves back.

Then, they are gone. She leads Dusty toward the back of the  
Hotel and we hear Nettie start up--

NETTIE (O.S.)

What? Are you out of your mind?

Caleb walks out of the door and stops, staring at her.

CALEB

Put your things in the barn--and  
stay outa' Nettie's way--

He glares at her, then he starts down the street. She calls  
after him.

JOEY

Pa?

He waves over his shoulder.

CALEB

Not now. I got business over at the  
saloon.

She takes Dusty's reins and starts toward the barn.

JOEY

Feels like I was born in a barn, all  
the time I spent in one--

She leads Dusty inside. The door closes.

EXT. OROVILLE -- DAY

The three travelers ride into Oroville and pull up in front  
of the Oroville Mercantile, dismount.

INT. OROVILLE STORE -- DAY

The bell rings as the door opens. Hyser leads the group.

The store is run by an attractive woman in her thirties,  
DANA, who comes out from the back. Seeing Hyser, her eyes  
light up--

DANA

Well, howdy. What can I get you?

HYSER

Well, thing is, we bought some land  
hereabouts and, we need supplies--

DANA

Whereabouts?

Hyser takes out the deed.

HYSER

I'm not sure, I'm hoping to find the  
county clerk--

She smiles--

DANA

That's me--

HYSER

I'm Tom Hyser--

Shakes her hand.

William and Jamie come in behind Hyser.

DANA

These people with you?

HYSER

(nodding)

My partner, William Xander and, this  
is Jamie--

She frowns--

DANA

Partner? You know, there are some folks around here don't believe the South lost the war--

William bristles.

WILLIAM

You one of them?

DANA

No! I say we're all equal in God's eyes, the Bible says so too.

She smiles at Jamie who lights up like the sun.

DANA (CONT'D)

How 'bout a peppermint?

The men smile as she reaches into a jar on the counter.

DANA (CONT'D)

What's your name?

Jamie sticks out his hand, smiling.

JAMIE

James Albert Newcomb. But you can call me Jamie.

She hands him the peppermint stick.

DANA

Well, there you go, Jamie

JAMIE

Thank you ma'am--

He beams, she rustles his hair.

DANA

How old is your son?

HYSER

He's not exactly my son--

DANA

Really?

WILLIAM

Long story. We met up with Jamie and another little girl, Joey back in Kansas. They trekked all the way to here, to be with her Pa--she stayed.

HYSER

And Jamie came with us-

DANA  
Where's your folks, Jamie?

JAMIE  
They died.

DANA  
Oh, I'm sorry--

HYSER  
We need flour, and bacon--hammers,  
saws, everything--

William smiles at Jamie,

WILLIAM  
And some jawbreakers--

Jamie smiles at Hyser.

JAMIE  
She's purty, don'tcha think, Tom?

Hyser grimaces and starts for the door.

HYSER  
I'm gonna check the horses--

Dana starts piling supplies up on the counter.

INT. OROVILLE STORE -- LATER

William is counting out the money on the counter.

Hyser has a map out.

HYSER  
'Bout ten miles or so?

DANA  
Uh-huh. Just around a bend in the  
river--you can't miss it.

William picks up the last of the supplies and moves toward  
the door.

WILLIAM  
Well, thank you. We'll be goin' on--

She leads them out followed by Jamie.

EXT. OROVILLE -- MORNING

The men stand next to their heavily laden horses. Dana leans  
down and gives Jamie a hug, straightens his collar.

DANA

Jamie needs a woman around to mother  
him--you all do.

JAMIE

Hear that? We need a woman around--

He laughs. The men pretend not to hear him.

HYSER

We better get going.

JAMIE

She's shore is pretty--don'tcha think  
Tom?

Dana looks at Jamie, smiling.

DANA

I'll be out there real soon to check  
on you, here?

Hyser lifts his hat and pulls it down low over his eyes.

HYSER

Ma'am.

Jamie waves at her, smiling.

JAMIE

Bye--

Hyser turns his horse and off they go. Dana stands watching.

INT. JOEY'S ROOM -PARADISE -- MORNING

Joey is writing a letter when Caleb storms in. She covers  
the letter with her pillow.

CALEB

What are you doin'? You got chores!

Joey hides her pencil with the letter and stands up as he  
turns to go. He stops.

CALEB (CONT'D)

I'm taking that horse.

JOEY

But, Dusty's mine.

CALEB

I'm gonna call him General--

Joey is on the edge.

JOEY

They gave him to me--and his name's  
Dusty!

He looks at her coldly.

CALEB

The mayor of Paradise ain't'a gonna  
ride around on a horse name a'  
'Dusty'.

Nettie's voice floats into the conversation.

NETTIE

Where is that girl!

Caleb looks out the door.

CALEB

Nettie's waitin'!

He leaves. Joey, folds the letter she's been writing and  
puts it in an envelope. She leaves, closing the door.

EXT. RANCH -- AFTERNOON

Hyser, William and Jamie walk the horses down a rutted wagon  
path. They come around a bend and stop, taking in the view  
for the first time.

HYSER

This is it.

A beautiful valley next to a rushing stream, grass and trees,  
it's a perfect spot.

WILLIAM

(pause)

Just look at it--

WILLIAM (CONT'D)

Wish Dave could'a seen this.

JAMIE

And Joey--

They all smile.

HYSER

Let's get to work--burnin' daylight.

The men dismount as Jamie smiles a contented grin, looking  
at the view.

JAMIE

Home--

EXT. RANCH -- DAY

The cabin is up. The roof is on and Hyser is sealing the log walls with mud in the cracks. He stands back and smiles.

EXT. RANCH -- DAY

A buckboard drives up to the homestead. It's Dana. Hyser smiles, wipes his hands and helps her down.

HYSER

Howdy--

He looks at her as she looks around at the property.

DANA

Looks like you're gonna stay Mr. Hyser--

HYSER

Please, call me Tom.

She smiles and he blushes, holding her hand out.

DANA

Dana--

HYSER

Dana--pleased to meetcha'--again.

They shake. Jamie comes flies out of the door.

JAMIE

You're here!

DANA

Hello, Jamie--

JAMIE

Can you stay for supper? William's cooking--fritters, bacon and beans---

She wrinkles her nose--

JAMIE (CONT'D)

He's a good cook--

She sets him down.

DANA

I brought you a letter--want me to read it to you?

JAMIE

(big smile)

A letter!? I can read--

She hands him the letter--

JAMIE (CONT'D)

It's from Joey!

He rips it open and starts reading out loud. William comes out wiping his hands, nods at Dana and stands, reading over Jamie's shoulder.

JAMIE (CONT'D)

Dear Jamie, William and Tom--

He looks at them smiling.

JAMIE (CONT'D)

How are you? I'm fine. I have my own room in the barn and I am tryin' to learn the names of all my brothers and sisters. I'm busy all of the time so this letter will be short. Nettie is not like your ma. But, I'm trying to like her. I miss you. Love, Joey. P.S. Dusty says 'hi.'

They all smile. Jamie runs inside.

JAMIE (CONT'D)

I'm gonna write her a letter. Would you help me William?

WILLIAM

'Course.

They go inside. Hyser and Dana are left standing there.

HYSER

Like to come inside? Cup of coffee--

She holds out her hand--

DANA

Yes, Tom, I would--

EXT. PARADISE HOTEL -- NIGHT

Joey walks out of the back door and starts across the yard to her room to the barn. She looks exhausted.

Caleb pulls up on Dusty, frothy from a hard ride, his ears are back in fear. Caleb swings down from the saddle, drunk.

CALEB

Dang horse tried to throw me.

He gets in Dusty's face.

CALEB (CONT'D)

You'll learn who's boss 'round here.

He starts to stumble inside. Then he turns back.

CALEB (CONT'D)

You got your chores done?

JOEY

Yes, sir--

He struts drunkenly through the back door and slams it, leaving Joey holding Dusty's reins.

There is a commotion inside. Caleb and Nettie start arguing, a baby starts crying. Something heavy falls with the sound of breaking glass.

Joey looks at the door and then, with a snap of the reins and a determined look, she hurries Dusty into the barn.

EXT. PARADISE HOTEL -- MORNING

Caleb exits the open barn door holding Dusty's lead but, there's no Dusty.

CALEB

I'll tan her hide ridin' the General!

Nettie bursts out of Joey's room in the barn.

NETTIE

That girl's run away!

CALEB

What?

NETTIE

She's gone. Took everything.

Caleb is livid.

CALEB

My horse?! She stole the General!

NETTIE

What are you gonna do about it?

He starts off down the street.

CALEB

Get the Marshal. Throw her in jail--

NETTIE

Get her back--laundry's pilin' up.

He stalks off and Nettie watches him.

EXT. OROVILLE STORE -- AFTERNOON

Dana points down the road as she stands with Joey, who is dressed in her tomboy travelin' clothes. Dusty is hitched to the rail.

DANA

And you come around a bend in the river--you can't miss it--

JOEY

Thank you, ma'am.

DANA

They sure will be glad to see you--

JOEY

I hope so--

DANA

But, you're living with your Pa--

JOEY

I'm his daughter but that's as far as I go. I don't belong there.

Caleb and the MARSHAL turn onto the main street.

CALEB

There she is. And that's my horse!

The Marshal yells.

MARSHAL

Stop that thief!

Joey looks at Dana.

JOEY

I gotta go--

DANA

Hurry!

Joey jumps on Dusty and takes off.

Dana looks at her and then steps out into the street, blocking the Marshal and Caleb, who stop in a flurry of curses.

MARSHAL

Darn fool woman, get out of the way!

Her eyes flash.

DANA

Don't speak to me like that! Why, I have half a mind to call the sheriff.

MARSHAL

Hold on a minute! I'm the U. S. Marshal and that there's a horse thief!

Joey disappears out of town. Dana smiles at Caleb--

CALEB

You and that girl are in cahoots!  
Arrests her, Marshal!

The Marshal wheels his horse around Dana.

MARSHAL

I'll deal with you later!

They gallop off after Joey.

Dana closes the door, and goes around the back of the store.

EXT. RANCH -- AFTERNOON

The men are putting up fencing. Jamie pours dirt in the holes around the base of the posts.

The sound of horses pounding the road draws Jamie's eyes to a young rider on a horse, galloping by in the distance, chased by two other riders.

JAMIE

That's Dusty! They're chasin' Joe

They drop what they're doing and run to the road.

EXT. RANCH ROAD -- AFTERNOON

The Marshal pulls even with Joey and grabs Dusty's reins pulling the horse to a stop. His gun is pointed at Joey.

MARSHAL

Get down, slow. And keep your hands  
where I can see 'em--

She does. Caleb, dismounted, comes to her, cuffing her.

CALEB

Around here we hang horse thieves!

He grabs her by the ear.

JOEY

Ow! He's my horse! You stole him!

The Marshal turns her roughly around.

MARSHAL

Gonna take you back and put the fear  
of God in you--

He pulls out handcuffs as Tom, William and Jamie run up.

HYSER

Just hold on there--what are you  
doin'?

Marshal clicks the irons in place.

MARSHAL

I'm Owen Claghorn, U. S. Marshal.  
And this is a horse thief. Rest  
assured, he'll pay for it, too.

William looks at Joey.

WILLIAM

Just a minute. First off, her name  
is Johanna. Second, this here's her  
Pa, if you want to call him that.  
And third, that horse is hers.

CALEB

That is my horse. Name's General.

JAMIE

His name is Dusty. A U.S. Cavalry  
soldier gave him to us when he died.

The Marshal takes off his hat and scratches his head.

MARSHAL

Well, I don't know what to do--you  
stole it or he's lyin'.

JAMIE

Why don't you let the horse decide?

MARSHAL

How you gonna do that?

Jamie and Joey walk away from Dusty who follows them, nuzzling  
Joey and then Jamie who laughs.

JAMIE

See?

The Marshal takes the irons off of Joey--

MARSHAL

Well, I--young lady--

The Marshal turns, red-faced to Caleb.

MARSHAL (CONT'D)

I oughta' arrest you for stealin'  
her horse--

Caleb quiets right down but, Marshal Claghorn isn't finished.

MARSHAL (CONT'D)

Mister Calhoun, mayor of Fleabag,  
California, we are now going back to  
your town and you are gonna pay me  
for my time and for these horses.

CALEB

I won't!

The marshal smiles.

MARSHAL

I was hopin' you'd say that--maybe  
I'll just horsewhip you instead.

He points. Caleb climbs back up in the saddle.

Marshal tips his hat to the others.

MARSHAL (CONT'D)

Sorry for the misunderstandin'--

He looks at Joey.

MARSHAL (CONT'D)

You comin' with us?

Joey shakes her head.

JOEY

He's my pa but, I'll live in a cave  
before I go back with him--

MARSHAL

Don't blame you. Well, good luck.

The two men ride off. Joey watches them go.

JOEY

I wasn't family--I was a slave,  
working for free.

Jamie looks at William and then--

JAMIE

Why don't you stay with us?

Joey looks at them.

JOEY

I'd like to--I'll do anything, sleep  
anywhere, even the barn.

William shakes his head--

WILLIAM

No--

Her face starts to fall--

WILLIAM (CONT'D)

(smiling)  
We'll build you your own room--

Joey smiles tiredly, tears in her eyes.

JOEY

Really? I'm so tired--

William puts his arm on Joey's shoulder--

Dana rides up in her buckboard past the departing men and hops down.

DANA

Is she alright?

HYSER

Dana, meet Johanna, our lost daughter  
has come home--

They cluster around Joey, hugging her as she weeps and smiles at the same time.

Everyone goes inside the house--William, Jamie, Dana and Tom. Joey stands at the door looking in.

Jamie comes to the door, takes her hand, and leads her inside.

The door closes.

EXT. RANCH -- DAY

We can see the cabin in the clearing. Then as we watch, it changes, the cabin grows with new rooms and floors. There are more children, black and white, playing and working. Out-buildings appear, white fences appear. An arbor appears over the main road. Written in wrought iron it reads:  
"Paradise Ranch".

THE END.