

IN THIS, MY DARKEST HOUR

BY: KEITH MILLER

Based on the events of the California Gold Rush
1846-1853

EXT. WALNUT TREE FARM - WEDDING - DUSK (FALL 1831)

Her slender shape is gently outlined, backlit by the setting sun.

The simple wedding is framed in the opaque green glow of an early-fall walnut grove.

The moment is inaudible but for the violinist who plays her approach. The emotion is electric, 20 guests.

Her petite hands meet his. Their smiles reveal a marriage of love rather than convenience, her green eyes lower, his are steadily focused. She smiles.

CUT TO:

EXT. WALNUT TREE FARM - CONTINUOUS

Later, lit by the orange glow of candles and lanterns, the guests share wine in honor of the newlyweds.

The affectionate bride and groom steal eager glances with one another.

Eventually they fall away into the dark grove of trees. The abundant fireflies give away their Eastern location.

The groom's face is clearly lit by the glow of the moon. JEREMIAH EMANUEL BENNETT is good-looking, twenty-one with dark hair. He stands a foot taller than his bride, broad shoulders and strong.

The bride, EMMA ISABELLE BENNETT, is fair-skinned with full red lips.

He lifts her and presses his lips against hers. She passionately accepts.

Still in his arms-

EMMA BENNETT

I love you, Jeremiah Emanuel
Bennett.

He manages to pull her in, even more tightly than before.

JEREMIAH BENNETT

And I love you Emma Isabelle
Bennett.

She laughs and he sets her down, they take off into the darkness together.

CUT TO:

INT. SMALL HOME - CONTINUOUS

He slides the white dress from her thin fair frame and lays her in their bed.

The fireplace emits its soft glow as Jeremiah takes his bride for their first time.

CUT TO:

INT. SMALL HOME - 9 MONTHS LATER

Emma struggles through child birth with Jeremiah by her side.

A bloody mess. A new boy.

CUT TO:

EXT. AMERICAN PRAIRIE - 1 YEAR LATER

A team of wagons travels across the rolling golden fields of the Midwest.

Emma breast feeds her one year old child in the back of the cart.

CUT TO:

EXT. BATTLEFIELD - DUSK - 14 YEARS LATER (FALL 1846)

The evening sky settles over a bloody, silent battlefield on the California coast.

Hundreds of soldiers lie dead.

The Mexican-American War.

JEREMIAH BENNETT (V.O.)

I often pray for such a resolute state as evil. What peace I would have, to be what nature calls of me and to have no remorse for it.

Those in white with red cuffs fought for Mexico.

Those in powder blue uniforms with gold buttons down the breast and stomach, a white cross-belt and a dark Blue hat fought for the United States.

Thirty American soldiers, one of whom is Emma Isabelle's groom Jeremiah, browse the massive battlefield searching for living comrades.

A few quick explosions of gunfire here and there to help a suffering friend.

Jeremiah comes to a man whose body is severed, yet he still lives. He cries, cringing and writhing.

JEREMIAH BENNETT (V.O.)

I am an animal after all and I am by no fault of my own, a solitary predator with no equal. I have become what this world requires me to be and yet, this plague of remorse grows deep in my bowels.

The fallen soldiers hands are wrapped tightly around a pack the others did not carry.

He begs Jeremiah for peace. Jeremiah kneels at his side and places his hand on his comrade's.

JEREMIAH BENNETT (V.O.)

It has not subsided. Instead, with each new day, it's stronger yet.

Jeremiah stands, driving the edge of his bayonet at the soldiers throat.

He quickly delivers him from the painful turmoil.

He slides the fallen soldier's leather pack from his shoulder and removes a heavy fabric parcel, unwrapping it.

The American flag. Twenty-Seven stars, seven red horizontal stripes and six white.

A small role of twine accompanies the patriotic symbol.

He holds the folded flag into the air, signaling a few of his surviving comrades.

Together they approach a nearby tree and lay down their rifles.

One officer climbs the twisted oak and ties the twine tight around a low limb.

Jeremiah tosses the folded flag up to his comrade, who attaches the fabric to the tree.

The American flag hangs in victory.

CUT TO:

EXT. COLOMA CALIFORNIA - DAY - WINTER

The American River cuts through the steel colored rocks of the Sierra Nevada Mountain Range. Then, through the snowy peaks of Tahoe with its thick pine forests. It flows into the foothills, then finally through Sacramento where it meets the Sacramento River.

Coloma is a lush and seasonal town on the bank of the American River's southern fork. Thick with wildlife.

Endless flatlands to the south give way to hills that eventually meet at the base of the Sierra Nevada Mountains.

At present, the winter has covered the land in white.

Melting snow lends to the particularly high and rapid waters of the season.

Two-Hundred feet from the bank of the South Fork of the American River sits a small home.

Quaint, a single window near the door glows with the warmth of a fire, a chimney on the slanted roof billows smoke. A small sloped over-hang protects the entry from weather.

CUT TO:

INT. QUAIN T BENNETT HOME - CONTINUOUS

Jeremiah and Emma's son, EMMET is 14 years old now. Growing to be a very similar in size and shape to his strapping father, the same dark hair but with his mother's glowing green eyes.

The two are silent and casual. Emmet pokes at the fire, Emma sits, reading.

They are startled when Jeremiah enters unannounced.

Clean shaven, a new uniform, his rifle slung over his shoulder.

He stands momentarily. Motionless. Unsure of what might come next.

As soon as his mind catches up with his heart, Emmet explodes to his feet and wraps his arms around his father.

The corners of Emma's mouth begins to tremble, her eyes well. She pauses but only to recognize that it isn't another dream.

Jeremiah's mouth pulls into a smile.

His longing wife quickly steps towards him, joining the embrace, welcoming the final counterpart of what was otherwise an incomplete and lonely home.

CUT TO:

EXT. SUTTER'S MILL - COLOMA CALIFORNIA DAY

A group of 12 men hammer, lift beams and tie joints in the structure at the river's edge.

They are building a saw mill, to be powered by the current of the American river.

Jeremiah is among the employees who labor.

A flash illuminates from the river, capturing Jeremiah's interest.

He eyes the spot, watching the water flow over the shimmering yellow metal.

Gold.

He hesitates, averting his eyes. Did someone see what he had found, what he'd been eyeing?

They would kill each other for it. A flake, let alone a rock of that magnitude.

CUT TO:

EXT. SUTTER'S MILL - COLOMA CALIFORNIA - DUSK

Finally alone, Jeremiah makes his way to the shore, still very cautious of his surroundings.

He wades into the water knee deep, he searches, stumbling. Nothing.

He picks up something the size and shape of what he found. It's a simple rock.

He throws it in frustration then reaches back into the freezing water of the river.

He feels it, jagged and different. His face changes, knowing.

He raises it above the surface of the water to confirm and then immediately pushes the yellow metal into his pocket.

Jeremiah sloshes back to the river bank, hand in pocket where he tightly grasps his family's future.

CUT TO:

INT. QUAIN T BENNETT HOME - NIGHT

Jeremiah arrives all smiles. A rarity. He rushes into the door and rightly locks it behind him.

Emmet is at the table, his mother is over the brick fire stove stirring the modest contents of a cast iron pot.

Emmet stands to greet his father but Jeremiah objects excitedly.

JEREMIAH BENNETT

Sit, sit!

His confused son takes his place back at the table.

Emma wipes her hands on a cloth and places a disobedient strand of hair back behind her ear, making her way to the edge of the table.

EMMA BENNETT

What is it?

Jeremiah's hand is still in his pocket. He is coy.

JEREMIAH BENNETT

How much did I send you while I was away?

Emma misses his point.

EMMA BENNETT

What do you mean?

JEREMIAH BENNETT

How much money? How much money did I send?

EMMA BENNETT
Ten dollars a month.

JEREMIAH BENNETT
Three less than my entire wage as a
Sergeant.

EMMA BENNETT
Yes.

JEREMIAH BENNETT
And how much do I bring home while
laboring for Sutter?

EMMA BENNETT
Eight.

JEREMIAH BENNETT
No.

EMMA BENNETT
No?

JEREMIAH BENNETT
More.

Emma is excited.

EMMA BENNETT
They've increased your pay?

Emmett smiles.

The contents of the pot boil, Emma hurriedly returns to it,
stirring once more.

EMMA BENNETT (CONT'D)
I certainly didn't expect that of
Marshall. Did he finally tell...

JEREMIAH BENNETT
It's not that.

EMMA BENNETT
What is in your pocket.

He removes his hand, his fingers wrapped tightly around the
nugget.

It's the size of a large egg, jagged and textured.

He sets it at the edge of the table.

Emmett reaches for it, fondles it close to his face.

Emma approaches once more.

JEREMIAH BENNETT

Gold.

She laughs. Impossible.

She sits on the table near her Son.

EMMA BENNETT

What do you think Emmett?

EMMETT BENNETT

We're rich!

She laughs again.

Jeremiah stands with his arms crossed, watching the realization unfold. Giving them time.

Emmett eyes her husband, waiting for the joke's end.

Sincerity.

She returns to the nugget, holds her palm outward and Emmett places it there obligingly.

She turns to her husband.

EMMA BENNETT

You believe this is gold?

He nods.

EMMA BENNETT (CONT'D)

Where did you...

JEREMIAH BENNETT

In the river, near the mill.

EMMA BENNETT

No one else saw it?

JEREMIAH BENNETT

No.

CUT TO:

EXT. COLOMA - MORNING

The next morning, Jeremiah on horseback, rides towards the quaint home.

He can't ride fast enough.

The pack on his back reveals his return from some market.

The trail is lined with thick foliage and pines.

CUT TO:

INT. QUAIN T BENNETT HOME - MORNING

Jeremiah enters. He sets the pack on the table, removing its contents.

Soon the table is decorated with the ornate tools of a banker; the scale, small weights, a chisel, modest tweezers and a small mixing bowl.

Jeremiah removes a vile of liquid from his pocket and sets in front of him.

Emma makes her way to their bedroom and removes a board from the wood floor where she's hidden the gold, now wrapped in a white cloth.

She returns, setting it on the table. Emmett sits.

Jeremiah cautiously chips a piece of the yellow metal from the nugget.

His wife and son look on.

He balances a teetering scale, cautiously weighing 35 grams of gold.

He removes the stopper from the vile of liquid, pouring it into the mixing bowl.

He acknowledges inquisitive Emmett.

JEREMIAH BENNETT

Aqua Fortis. It will tell us how
much of this metal is really gold.

He places the same chunk into the mixing bowl that holds the aqua fortis.

There is no reaction.

Jeremiah smiles.

EMMA BENNETT

Nothing is happening.

He removes the metal, dabs it on the cloth to remove any excess liquid and weighs it once more.

JEREMIAH BENNETT

This is pure gold. 23... maybe even 24 carats.

His toothy son's smile widens.

EMMETT BENNETT

What's it mean?

He gently lifts the piece of metal from the scale, reflecting it in the light.

JEREMIAH BENNETT

It means, that this little piece of metal is the same as two and a half month's work at the mill.

It means what's left of the rock on the table is worth 2 years.

She thumbs the texture of the metal then sets it down.

EMMA BENNETT

It belongs to Sutter.

Jeremiah pauses. She can't be serious.

JEREMIAH BENNETT

He doesn't own the river.

Her eyes don't move.

EMMA BENNETT

He owns the mill. He owns the land.

She's thought this through.

Jeremiah pauses. The moment is thick with resentment.

Emma's eyes do not divert.

Jeremiah's fist plunges hard against the thick wooden table.

The gold hops. So does Emma.

Jeremiah pauses before turning his attention towards Emmett.

JEREMIAH BENNETT

Emmett. You do not speak a word of this to anyone. Not a soul. Not a bird.

He nods, averting his eyes with fear.

Jeremiah approaches Emma, standing too close for comfort.

He places a hand on her shoulder.

His posture is threatening.

JEREMIAH BENNETT (CONT'D)

I am not a man who wishes for simplicity. I am not a man who is content pounding metal and wood for scraps. Do you understand?

She nods. He gets closer still.

JEREMIAH BENNETT (CONT'D)

I am not a man who abides a law that would favor an immigrant like Sutter to man who has fought for this country, be it "his land" or not.

EMMA BENNETT

I understand.

JEREMIAH BENNETT

This is the beginning of something better for us.

She nods. Her eyes meet his with trust.

CUT TO BLACK:

TITLE: IN THIS, MY DARKEST HOUR

CUT TO:

EXT. COLOMA - RIVER BANK - MORNING

It's snowing.

The land is white. The river breaks between the frozen land.

His thick breath clouds as it leaves his mouth.

JEREMIAH BENNETT (V.O.)

Nearly a year passed before an
Indian worker at the mill caught
the same glimmer of gold in his eye
as I did the Fall prior.

Jeremiah stands from the bank of the river, walks toward his
home.

His boots sink into the snow.

JEREMIAH BENNETT (V.O.)

He wasn't as smart about it, not
knowing it's value at the time.
Course, Marshall took it for
himself, rode that same day into
Sutter's fort out in Sacramento to
show Sutter what they'd found at
the mill.

CUT TO:

EXT. COLOMA - RIVER BANK - SPRING

The sun breaks over the land.

The snow glimmers brightly in its demise.

Water drips from the cold branches of a frozen tree.

JEREMIAH BENNETT (V.O.)

No one could keep it quiet long
enough. Soon the believers would
begin to filter in from every
direction. I had a start on them.

The warming leads the rushing river to flow aggressively.

A flat space at the bend of the American river.

Water moves slowly here. A pool.

JEREMIAH BENNETT (V.O.)

Moved north a few miles on the
American river at a bend where the
water slowed long enough for the
gold to drop, catching in the
rocks.

Jeremiah is wading in the water, panning, searching.

JEREMIAH BENNETT (V.O.)
 There was no shortage. It's a
 miracle no one had seen it before.

Jeremiah walks the same path back to his home.

CUT TO:

EXT. BENNETT HOME - CONTINUOUS (SPRING 1848 - 1 YEAR LATER)

A set of workers, 10 men, are finishing up the new home of the Bennett's.

It's large. Greater than anything on the West Coast to this point.

It's a beacon, screaming fast wealth in abundance.

A white home, pillars, shutters on windows, a large porch that wraps the circumference of the dwelling which is by no means modest.

It resembles a home one might have seen in Savannah Georgia. An out-of-place plantation home high on a hill.

CUT TO:

EXT. COLOMA RIVER BANK - MORNING

Jeremiah is dressed in more illustrious attire. Nothing overdone but still, a man of wealth now.

15 Native American's are on the river bank with pans, catching and straining water. Searching for gold.

Jeremiah walks with a man dressed similarly to him. A man he must pay well.

A man with a gun guards them. Several more guards on the banks watch the employees.

JEREMIAH BENNETT
 Each man checks in and out. I'll
 pay them ten percent of what they
 find each day as well as 8 dollars
 a month. I want them searched
 every night before they leave.
 Nothing is to be missed.

His captive audience of two will do anything he tells them. His marshal and his foreman.

JEREMIAH BENNETT (CONT'D)

I know how much comes from this
river in a day by my hand. I'll
know how much should come by
fifteen. You understand?

The foreman nods.

JEREMIAH BENNETT (CONT'D)

This is my land.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - NIGHT

The room is enormous. Three times the size of the entire
humble home the family lived in the year prior.

Dark wood flooring, dark red curtains made of expensive
fabric, couches, bookshelves and rugs.

Everything is lit with fire. Candles, lanterns and
fireplaces.

At the end of the rich rectangular executive office, a large
dark wood desk.

Jeremiah sits, cautiously weighing the day's gold.

Ten times what he'd found that day a year before.

He is unmoved. Simply silent.

CUT TO:

INT. BENNETT HOME - LIVING SPACE - CONTINUOUS

Emma, dressed comfortably in a clean peasant's dress makes
her way across the living room.

It glows in the light of a fire place framed by an ornate
mantel.

It is every bit as illustrious as the study, decorated in the
same grand manor.

CUT TO:

INT. BENNETT HOME - HALLWAY - CONTINUOUS

She is barefoot against the rich hardwood floors as she turns into the long hallway of the home.

The ominous space is magnified by the 40 foot ceilings.

There's too much space.

Her face is simple now. No glow, no smile, but present.

Moments pass before she finds herself at Emmett's bedroom door.

CUT TO:

INT. BENNETT HOME - EMMETT'S ROOM - CONTINUOUS

Smaller than the living room but still too large for Emmett alone.

Simple decorations.

A large window bares the blue light of a full moon helping the small flickers of candles illuminate the room just enough for Emmett to read.

She enters.

He pauses, glimpsing over the pages of his book to see his mother.

A simple smile between them.

He moves aside making room on his bed. She leans into his shoulder taking comfort.

He begins to read aloud. This is common for them.

It's how she spends her nights.

He reads aloud.

The King James Bible, New Testament.

EMMETT BENNETT

I thank God, whom I serve from my
forefathers with pure conscience,
that without ceasing I have
remembrance of thee in my prayers
night and day;

(MORE)

EMMETT BENNETT (CONT'D)
 greatly desiring to see thee, being
 mindful of thy tears, that I may be
 filled with joy; when I call to
 remembrance the unfeigned faith
 that is in thee, which dwelt first
 in thy grandmother Lois, and thy
 mother Eunice; and I am persuaded
 that in thee also. Wherefore I put
 thee in remembrance, that thou stir
 up the gift of God, which is in
 thee by the putting on of my hands.
 For God hath not given us the
 spirit of fear; but of power, and
 of love, and of a sound mind.

Emma's eyes fall closed, sleeping. Emmett notices but
 continues.

EMMETT BENNETT (CONT'D)
 Be not thou therefore ashamed of
 the testimony of our Lord, nor of
 me his prisoner: but be thou
 partaker of the afflictions of the
 gospel according to the power of
 God who hath saved us, and called
 us with a holy calling, not
 according to our works, but
 according to his own purpose and
 grace, which was given us in Christ
 Jesus before the world began...

CUT TO:

INT. MAMMY JANE'S HOME - KITCHEN - DAY

A long way off the main road of the growing town of Coloma,
 in a thick of pine, is a small home.

A hard home to find unless you're looking for it.

A porch wraps around the exterior.

Chickens mill around in the dirt outside near the outhouse.

The sun glows brightly.

A heavy-hearted laugh, the kind that forces you to join. It
 belongs to MAMMY JANE, that's what she asks to be called.

At the moment, she's having trouble catching her breath, as
 is Emma Bennett. Something very funny is happening.

Mammy is a black woman in her late 30's. Now she's trying to fan the tears that are welling in her eyes.

MAMMY JANE

And then he... and then he...

Another burst of laughter, she can't get the rest of the story out.

MAMMY JANE (CONT'D)

Oh my dear Lord, I need time...

Emma is collecting herself too.

EMMA BENNETT

What did he say?

Mammy sighs.

MAMMY JANE

He asked me, if bacon grease wasn't supposed to be eaten the same as butter, why'd we keep it in the butter jars...

She shakes her head.

MAMMY JANE (CONT'D)

Let me tell you, that boy never ate butter like any normal child.

She breaths. Wipes the tears from her eyes. More composed now.

MAMMY JANE (CONT'D)

He ate butter like it was iced cream. And that day, he dipped in the bacon fat the same way without noticing...

EMMA BENNETT

That is disgusting.

Mammy and Emma laugh together again.

MAMMY JANE

You ever try plain bacon fat?

EMMA BENNETT

No.

MAMMY JANE

Then you don't know how disgusting it really is.

They laugh.

MAMMY JANE (CONT'D)

After I told him the fat wasn't for eatin' like butter is, I caught him two more times the same way, eatin it like it was sugar! Explains why that child got so fat though. I always told his pa he'd not fit in his pants the next day after he'd buy em'. He just grew and grew.

She thinks for a moment.

MAMMY JANE (CONT'D)

No... he got fatter and fatter.

EMMA BENNETT

Do you ever miss them?

There isn't a moment of hesitation.

MAMMY JANE

Of course I do. Every single day.

Emma smiles.

MAMMY JANE (CONT'D)

Things were different for me though Emma. I loved that family. I loved that man and his sons like they were my own.

EMMA BENNETT

You came here together?

MAMMY JANE

Moved far for em'. Would've moved farther then back again.

A moment passes.

EMMA BENNETT

But, they weren't your own.

MAMMY JANE

In a way, no. But he didn't have a wife no more. Those children didn't have no mom...

EMMA BENNETT

Did you ever...

She smirks, digging for the dirt. Mammy erupts dramatically.

MAMMY JANE

No! My no... With that fat old man?
No. No, no, no... never.

A moment passes.

MAMMY JANE (CONT'D)

But I wish... I do wish he would
have stayed with me. Longer.
After he passed, the kids moved
right out onto other things, in
other places. But I suppose they
all do.

EMMA BENNETT

But you have this.

She gestures to the home.

MAMMY JANE

I do. Thank the lord, I have more
than so many.

They share a smile.

CUT TO:

EXT. COLOMA - TOWN - DAY

The town is busy in comparison to what it once was. Smoke
billows from a black smith.

There's a post office, a mercantile, a church, a bank, a town
hall, a saloon, the saw mill, a sheriff's station and prison.

More structures scatter here and there, all near the river to
grant access to the daily panning.

Pup-tents pop up around the town, new small homes, new faces,
new horses.

There is a large population of natives who join in the hunt
for gold freely.

Men play the harmonica and banjo together. A fiddle joins.

CUT TO:

INT. CHURCH - MORNING

Jeremiah, Emma and Emmett sit together in the second pew.

All in their Sunday best. It's a full house.

The pastor is 21, structured, sincere and handsome. PASTOR
JACOB FICHNER

The congregation concludes in prayer.

CONGRAGATION

Amen.

They begin to file out.

Emma turns to her son.

EMMA BENNETT

You staying here today?

He nods.

EMMETT BENNETT

Yea, youth ministry.

She kisses his head.

JEREMIAH BENNETT

You be home by five o' clock?

EMMETT BENNETT

Yessir.

Emma and Jeremiah turn to join the flow of the remaining patrons moving towards the door.

Emmett approaches the preacher, they exchange smiles.

CUT TO:

INT. BENNETT HOME - ENTRY WAY - CONTINUOUS

Jeremiah removes his jacket, hanging it on the coat rack at the entry way.

Emma follows suit and then proceeds to head to the left, opposite Jeremiah's study, assuming he intends to spend his day there per usual.

JEREMIAH BENNETT

Wait a minute...

She's only slightly startled by the sound of his voice... ghost-like in her ears.

She turns and smiles, hopeful.

EMMA BENNETT

Yes?

JEREMIAH BENNETT

Well, you're rushing off so fast.
Thought we could spend time
together today.

She smiles.

EMMA BENNETT

I'd like that very much.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM - CONTINUOUS

The golden sun still warms the large bedroom.

The husband and wife have become nearly strangers but they
hold each other naked beneath the covers this day.

Emma clings to her husband. Her head on his chest.

EMMA BENNETT

I miss you.

He nuzzles her. His chin against her head.

JEREMIAH BENNETT

I'm sorry Emma. I love you.

She smiles.

EMMA BENNETT

I love you too Jeremiah.

She laughs a little.

EMMA BENNETT (CONT'D)

It's been sixteen years. Since we
were married. I was thinking that
the other day. How sixteen years
have passed.

JEREMIAH BENNETT

It feels like yesterday.

EMMA BENNETT

Does it?

He grins.

JEREMIAH BENNETT

It does for me, yes.

EMMA BENNETT

I remember it very well... but it feels distant. Old.

He pulls her in closer.

JEREMIAH BENNETT

I'm still here.

EMMA BENNETT

I know.

A moment passes.

JEREMIAH BENNETT

Where do you go? During the day?
What do you do?

She looks up at him from his chest.

EMMA BENNETT

What do you mean?

JEREMIAH BENNETT

You know, while I'm gone. Emmett's always off at church or doing some odd thing with some new friend... what do you do, here?

EMMA BENNETT

Well I clean, I tend to dinner and chores. That sort of thing.

JEREMIAH BENNETT

So you don't leave? You don't go for walks? Make... new friends?

She's seeing where he's going. She considers her answer very heavily, almost long enough that he might notice, but just in time-

EMMA BENNETT

I don't need friends.

She smiles.

EMMA BENNETT (CONT'D)

So long as I get you, every month or so.

They laugh.

JEREMIAH BENNETT

I'll try to be here more often. I can have other men see to some of the ins and outs.

She wonders if that's what she really wants.

JEREMIAH BENNETT (CONT'D)

You know how it can be for me. I don't trust these men to turn over their findings the way they should.

She recalls a time when Jeremiah found gold in the river while working for another man.

EMMA BENNETT

I know.

For that moment, she hates her husband for his hypocrisy, but it passes.

JEREMIAH BENNETT

Still... you have no friends? No one else to talk to?

He's suspicious. She lies.

EMMA BENNETT

No.

CUT TO:

INT. BOARD ROOM - DAY

A box of a room. Wooden. A large table. 8 men gather. Jeremiah, his marshal and his foreman. 5 others, all business.

Jeremiah addresses them.

JEREMIAH BENNETT

It's simple. I need land. I need the right to the land. Each man is allotted a portion of land and the law says, as long as they work that land it is theirs to mine.

BUSINESSMAN #1

So land is people. Where do we find the people?

JEREMIAH BENNETT

The natives. We show them that we have all their tribe has to offer and then some. They have access to luxuries they've never dreamed of. To buy those luxuries, they need gold and to get gold, they pan, they mine... for me.

BUSINESSMAN #2

For us.

JEREMIAH BENNETT

For us.

BUSINESSMAN #3

So what is it that you need, from us.

JEREMIAH BENNETT

I can take care of the employment and overseeing the work itself but I need capital.

BUSINESSMAN #3

You, need capital?

They laugh.

Jeremiah is as wealthy as any of them.

JEREMIAH BENNETT

I may be a successful man but I don't have the materials I need to begin an undertaking of this size. I need an advance in pay for each employee for 6 months so that they keep returning, knowing that they will be rightly paid with or without the gold. We make discovering gold secondary to their employment and they'll be loyal.

BUSINESSMAN #3

And what else?

JEREMIAH BENNETT

I need protection. I need weapons.

BUSINESSMAN #3

Easy enough.

JEREMIAH BENNETT

I need materials.

BUSINESSMAN #4

I think it's easy enough to say that we can help you with whatever it is that you need. The question is, what can you promise?

JEREMIAH BENNETT

Gentlemen, there is no promise. We are hunting for metal from the earth. I can only tell you that I'm the best at it and that I have innovations underway that I believe will make us all very rich men.

CUT TO:

EXT. COLOMA - RIVER BANK - DAY

Jeremiah has moved the river. Diverted it entirely with a damn, filtering water what was called a sluice.

The bare river bed is exposed.

40 men work the riverbed, digging while 20 armed men watch over them. Finally, Jeremiah, his foreman and marshal watch over them all.

Instead of pans, the men now use "rockers" and "long-toms" which look like the cradle of a child but are used to sift through rock and debris, separating larger gold fragments.

They use axes to pick away at the river bed.

CUT TO:

INT. BLACKSMITH - NIGHT

Gold is heated, melted and poured into brick molds, then stacked.

It's a beautiful process. Glowing liquid gold, raging fire, in the midst of the harsh black iron machinery of the 1848 blacksmith.

CUT TO:

INT. DARK ROOM - MORNING

The room is black.

A door opens, the entrance.

The light of the sun breaks in, revealing a man bound in a chair, a bag on his head.

Jeremiah, his foreman and marshal step in.

They go about lighting candles as Jeremiah speaks.

JEREMIAH BENNETT
12 ounces of gold.

More candles illuminate the room.

JEREMIAH BENNETT (CONT'D)
12 ounces of gold, that belongs to
me.

Jeremiah removes the bag from the victim's head.

He is gagged.

A white man in his late 20's. Red hair and a beard.

He struggles in fear.

JEREMIAH BENNETT (CONT'D)
Tell me, what is it that you
expected when you tried to leave
with gold from my river?

Jeremiah paces in front of him, then addresses his foreman.

JEREMIAH BENNETT (CONT'D)
His name?

Foreman responds.

FOREMAN
Adam.

JEREMIAH BENNETT
Irony.

Jeremiah pauses, crouches in front of the bound man.

JEREMIAH BENNETT (CONT'D)
I admit, I find myself in a strange
state, Adam. I'm not angry. I
feel... disappointed.

Jeremiah stands. He clasps his hands, recognizing their texture for himself.

JEREMIAH BENNETT (CONT'D)
I provide for you.

He continues to pace.

JEREMIAH BENNETT (CONT'D)

The penance for theft as given us by God is the repayment of what you took plus one fifth. You owe me 14 and a half ounces of gold. Do you have it for me?

The thief lowers his head, turning it from left to right.
"No".

JEREMIAH BENNETT (CONT'D)

No. No you wouldn't would you. Spent it? Squandered it on some prostitute. Indulged in some sin. What else with excess but to indulge?

Jeremiah signals his men.

JEREMIAH BENNETT (CONT'D)

I pay my men what I do, for a reason. Excess is a dangerous thing. Few can handle what it brings.

Marshal and foreman remove Adam from his chair and force him to his knees.

JEREMIAH BENNETT (CONT'D)

I provide what is necessary for survival, not comfort, never excess.

Adam is still on his knees.

He begins to plead through his gag as Jeremiah approaches a whip that hangs on the wall.

JEREMIAH BENNETT (CONT'D)

You owe me 14 and a half gold ounces. You don't have it, I'll remove it in flesh.

He makes his way, squaring off with his victim.

JEREMIAH BENNETT (CONT'D)

Shall it be 15 lashes then? For good measure.

Adam struggles, groaning through the gag.

The Marshal and foreman hook the rope binding the Adam's hands to a metal peg on the stone wall.

Marshal cuts the man's shirt from his body.

He is hanging by his wrists, his back exposed.

Marshal steps away.

He lashes out. The whip cuts harshly across the thief's back as it cracks.

The thief cries out through his gag.

JEREMIAH BENNETT (CONT'D)

14.

Lash. He screams.

JEREMIAH BENNETT (CONT'D)

13.

Another.

JEREMIAH BENNETT (CONT'D)

I pay you fairly for your time. I even offer you a percentage of the findings. Harder work, longer hours may have earned you the same amount you stole from me.

Sweat roles from the man's face.

JEREMIAH BENNETT (CONT'D)

Why steal from me?

A lash. Harder.

Jeremiah is losing himself in aggression.

Lashing out violently, his questions are rhetorical as they become a demonstration of his deep-seeded volatility.

JEREMIAH BENNETT (CONT'D)

Am I not good to you?

Another lash. Even more effort behind this swing.

JEREMIAH BENNETT (CONT'D)

Is it not enough?

The whip cracks.

The candle nearest Adam flickers in draft from the displaced air.

CUT TO:

INT. MAMMY JANE'S HOME - KITCHEN

Emma sweeps as Mammy Jane comes in the front door having retrieved the plucked and decapitated body of a chicken.

Emma quickly places the broom against the wall and rushes to the stove.

MAMMY JANE

You bring what I asked?

Emma turns to the counter where a cloth grocery sack sits. She removes some herbs, cooking oil, milk and flour.

Mammy smiles.

MAMMY JANE (CONT'D)

Let's get to it.

She sets a cast iron skillet on her fire stove then pours cooking oil into it as it heats, she continues to prepare.

Mammy grabs a mixing bowl and shows Emma mockingly.

MAMMY JANE (CONT'D)

This a mixin' bowl.

Sarcastic.

EMMA BENNETT

I know what a mixing bowl is Jane.

Ignoring her and going about her business, Mammy corrects-

MAMMY JANE

Mammy Jane.

She begins by breaking two eggs into the bowl.

EMMA BENNETT

You're going to cook the chicken in chicken eggs?

Mammy looks at Emma like she's lost her mind but then realizes it is actually a little strange.

MAMMY JANE

I guess so!

Mammy orders Emma-

EMMA BENNETT
Chop the parsley!

She quickly abides.

Mammy continues by adding milk to the eggs, beating it vigorously.

MAMMY JANE
Cookin' it in cow's milk too.

Emma twists her face humorously.

She takes a second bowl and scoops in the flour. Then she adds bread crumbs, Emma's chopped parsley, some garlic, a little salt and pepper.

In the third bowl, she puts plain flour.

She tears the chicken apart like a professional. Limb from limb.

MAMMY JANE (CONT'D)
Alright.

Now she takes a leg.

MAMMY JANE (CONT'D)
First you dip the chicken good in this plain flour.

EMMA BENNETT
Ok.

Emma picks up a leg as well, waiting for Mammy to move to the next station before she begins rolling her raw meat in the white powder.

MAMMY JANE
Then you dip it into this egg and milk.

Emma is finishing up with the flour and moves to the egg and milk mixture as mammy moves to the final bowl.

MAMMY JANE (CONT'D)
Then last, you get it real good in these bread crumbs and flour.

EMMA BENNETT
Ok.

A moment passes as Emma finishes dipping her chicken leg into the final bowl.

MAMMY JANE

Now stand back.

Mammy tosses her chicken leg into the hot frying pan. It sizzles and cracks wildly.

Emma laughs and dodges the splattering oil.

EMMA BENNETT

Oh, my!

She's cautious, holing her chicken leg by two fingers, extended as far from her body as she can.

She drops her leg into the sizzling oil.

They laugh together.

MAMMY JANE

Turn it! You gotta turn it before it burns!

EMMA BENNETT

How!

She hands Emma a fork.

Emma approaches the sizzling meat cautiously. She flips one piece successfully, then the next.

MAMMY JANE

Good! Good!

CUT TO:

INT. MAMMY JANE'S HOME - KITCHEN - LATER

The friends share their accomplishment. Fried chicken.

Emma is drooling over it.

EMMA BENNETT

Oh my God. This is so delicious.

Emma is shoveling the food into her mouth, no concern for etiquette between these two.

Mammy smiles, too busy chewing to speak.

MAMMY JANE

MMHHMMM...

EMMA BENNETT

No, it's very good. Very good.
The best thing I've ever eaten.

MAMMY JANE

You say you cook for your family?

Emma nods regrettably.

MAMMY JANE (CONT'D)

Oh, my.

EMMA BENNETT

I want so much for you to meet
Jeremiah and Emmett.

It's awkward. This conversation has happened before and
Mammy doesn't want anything to do with it.

MAMMY JANE

I told you, just can't.

EMMA BENNETT

They're very different people from
what you've seen in the south
Mammy. They'd like you and you
them. You have nothing to be
afraid of.

Mammy becomes stern. Standing and taking her plate to the
kitchen counter. Her back is turned on Emma.

A dramatic performance.

She is very concerned by this conversation.

MAMMY JANE

I'm not afraid of them Emma.

EMMA BENNETT

Then what?

Mammy goes to a dark place in her heart... remembering
something cold and best left there.

EMMA BENNETT (CONT'D)

Jeremiah could help you. He knows
everyone. We could make sure you
are kept safe.

MAMMY JANE

Emma. One person becomes two people, then two four and then four eight. Soon enough the whole town will know where I live. Who I am, and that I'm alone.

EMMA BENNETT

But this is your land. He bought it and left it to you.

MAMMY JANE

Those aren't the laws that the hearts of men follow around here. I'm doing just fine without anyone knowin'.

EMMA BENNETT

But I want you to come to church with us, to come to my home, to see my family. To know their faces when I speak about them.

Mammy turns to face Emma once more, realizing that her heart is in a good place.

MAMMY JANE

I believe the world is changing. I believe a time will come when those things are possible for women like you and me. Maybe even possible for you and me. But it ain't time for that yet.

Emma nods.

EMMA BENNETT

You're my best friend Mammy. My only friend really. I just wish I had more time with you... that we could see the same things day to day. Go the same places sometimes.

CUT TO:

INT. BENNETT HOME - LIVING SPACE - DUSK

Jeremiah sits in front of a fire in the living space adjacent to the entryway when Emma enters.

She's carrying the white sack from the market.

Jeremiah is not supposed to be here. He's never here at this time.

He's clearly disturbed.

He raises a glass of whisky to his lips.

Emma shudders and makes her way towards the kitchen.

In obligation-

EMMA BENNETT

Hello Jeremiah. You're home early.

He stands and follows her into the kitchen.

She sets the bag on the counter.

He approaches from behind her. Pinning her to the counter.

Tension builds.

He moves the hair away from the back of her neck and kisses her there.

JEREMIAH BENNETT

Where were you?

She manages to turn and face him, but he's still standing very close to her. So close that she can't escape.

JEREMIAH BENNETT (CONT'D)

I came home for you. But you weren't here...

EMMA BENNETT

I was at the store.

JEREMIAH BENNETT

The store?

She turns again and removes items from the bag on the counter, a display.

EMMA BENNETT

Yes.

JEREMIAH BENNETT

For how long?

She pauses?

EMMA BENNETT

What are you doing?

JEREMIAH BENNETT

I saw Emmett in town. On his way to his damned ministry... he said you'd left early this morning.

She's quick.

EMMA BENNETT

I forgot a few things and had to go back, Jeremiah.

He subsides.

JEREMIAH BENNETT

Doesn't explain why you smell like smoke and chicken.

She laughs to herself.

EMMA BENNETT

I am having an affair with a smoking chicken.

He laughs slightly, surprisingly. There's a good man in there somewhere still.

JEREMIAH BENNETT

Are you having an affair?

EMMA BENNETT

No Jeremiah.

He approaches her. His cold hand brushes the side of her neck and then wraps around the back of it. Either affectionately or dominantly... maybe both.

JEREMIAH BENNETT

Have you been with another man.

She eyes him dead-on.

EMMA BENNETT

No.

He kisses her.

JEREMIAH BENNETT

I would understand if you had. I've been distant.

She nods.

EMMA BENNETT

I haven't.

He believes her.

CUT TO:

EXT. COLOMA - MAIN STREET - DAY (SPRING 1949 - 1 YEAR LATER)

Coloma is chaos.

The town is swarming with miners. Asian, African American, Indians... immigrants of all types.

New stores, new business everywhere.

Hustling, noise, conversations, bells, music, a cultural melting pot.

EXT. BENNETT HOME - PORCH - CONTINUOUS

Jeremiah, Emmett and Emma sit for a sketch artist and a journalist.

As the sketch artists nears completion, the journalist impatiently stands.

REPORTER

Well done! Well done! Beautiful family! Now, if you don't mind I'd love a word with Mr. Bennett?

EMMA BENNETT

Of course.

She and Emmett step away.

Jeremiah and the reporter make their way in the opposite direction.

REPORTER

Quite the town here now. How was it when you began?

JEREMIAH BENNETT

Began looking for gold?

REPORTER

Quite, yes.

JEREMIAH BENNETT

Well, it was nearing the end of winter. I couldn't do much along the lines of panning in that weather but I sure tried.

He laughs. The reporter feigns interest, all the while, taking notes.

REPORTER

And where did you find your first piece of gold.

JEREMIAH BENNETT

Well here of course. Just a couple miles down the river in fact.

REPORTER

Right, right. This was while you were working for James Marshall, right? During his construction of Sutter's Mill?

Jeremiah grins. Cunning muckraker.

JEREMIAH BENNETT

Not quite. At the time, I had enough money saved having served as a sergeant in the army during the Mexican War and I didn't think it right my family go without me as often as they had for the years prior... so I left work. I suppose God favored the decision because shortly there after I found my first lump of gold.

REPORTER

Right, right. And Emma, how is she taking to the new found success?

JEREMIAH BENNETT

She's perfectly made for it, I think. It doesn't affect her one way or the other.

REPORTER

Rare.

JEREMIAH BENNETT

Very.

REPORTER

And your Son, Emmett?

Now it feels a bit strange to Jeremiah. This man knows the names of his family members, where he worked when he discovered gold... he's suddenly less apt to share.

JEREMIAH BENNETT

He's fine. Quite fine. Spends an amount of time in the church.

REPORTER

Well done then. He's sixteen now?

Jeremiah shoots a curious look.

JEREMIAH BENNETT

Seventeen.

REPORTER

It wouldn't be a stretch to say that you made this town what it is today... considering what it was before.

JEREMIAH BENNETT

Not at all. I staffed my business and built the things necessary for my employees to be happy here. As my employees grew the town grew. Of course now, other people are as interested in providing comforts for their employees as I was then... so it's all grown beyond me at this point.

REPORTER

I'd say. This is the Gold Rush good sir... everyone's coming.

Jeremiah stops. He locks eyes with the reporter, dead on.

JEREMIAH BENNETT

It feels very much that way.

Jeremiah begins to walk away from the reporter, back towards his family.

The reporter chases after him for one final question.

CUT TO:

EXT. COLOMA - TOWN - NIGHT

Jeremiah and his sidekicks make their way into the streets of the town. Foreman is drunker than he should be, but Jeremiah surpasses him. Marshal, of course, is with them.

It's fun and light they're friends.

In the distance an argument. Yelling between men, a gunshot.

They run to the bank of the river near the scene of the crime.

CUT TO:

One man lays dead, another man, an AFRICAN AMERICAN MINER is shaking holding a pistol.

The final male involved in the tussal is the, WHITE CULPRIT holding a pistol opposite him.

Jeremiah approaches, hand on his hip. Marshall has his rifle drawn and Foreman his pistol, each on different targets.

JEREMIAH BENNETT

Now, calm down.

AFRICAN AMERICAN MALE

This man tryin' to steal my findings.

Jeremiah turns his attention to the white culprit.

JEREMIAH BENNETT

That true?

WHITE CULPRIT

He owes me money.

AFRICAN AMERICAN MALE

I ain't never met this man before in my life!

Jeremiah turns to the African American Male.

JEREMIAH BENNETT

Try to stay calm here.

WHITE CULPRIT

He owes me money.

The white culprit gives away his drunken nature.

JEREMIAH BENNETT

What for.

The white culprit is not quick on his feet, or if he is, he's too drunk to remember to be.

Jeremiah refers to the dead body on the ground.

JEREMIAH BENNETT (CONT'D)
Who shot this man?

AFRICAN AMERICAN MALE
I did, sir.

For one reason or another these two men are willing to follow the lead of Jeremiah, the would-be-lawmaker.

Maybe it's his domineering presence, maybe his image precedes him or maybe the two men flanking him are intimidating.

JEREMIAH BENNETT
Now, why did you shoot this man?

AFRICAN AMERICAN MALE
He pulled his gun on me, thought he was going to kill me for my gold.

JEREMIAH BENNETT
Rightfully so, he probably would have.

He turns to the drunken white culprit.

JEREMIAH BENNETT (CONT'D)
Now, you should lower your weapon.
You have three...

He draws his gun and aims it at the white culprit.

JEREMIAH BENNETT (CONT'D)
You have four weapons on you.

Jeremiah realizes that Marshal is still aiming at the African American man. He gestures and Marshal takes aim on the correct target.

JEREMIAH BENNETT (CONT'D)
You have four weapons on you and you're carrying but one gun. Now, if you lower your weapon, no harm will come to you tonight. You can head home, wherever that may be and sober up.

The white male lowers his weapon and slumps away.

Jeremiah sets his sites back on the African American man, considering his options.

AFRICAN AMERICAN MALE

Thank you so much sir! I can't tell you how much I appreciate you obliging...

JEREMIAH BENNETT

You can show me.

The African American's face twists in confusion.

JEREMIAH BENNETT (CONT'D)

What we just did here was provide a service. See there's no law around town, as you know and I'm happy to oblige if there's a need. However, such efforts have costs. I, for example have a family to feed.

Jeremiah could feed the entire town for the next 3 generations, but still-

JEREMIAH BENNETT (CONT'D)

If you appreciate our efforts here and if you would value our future efforts we accept one tenth of your daily findings which will be collected on the last day of each month.

The African American male understands.

AFRICAN AMERICAN MALE

That seems a rightful request.

JEREMIAH BENNETT

I agree.

Marshall and Foreman look to one another in awe.

In what dimension of thought, in what conniving corner of Jeremiah's mind did this genius spawn of an idea take birth?

Jeremiah extends his hand, palm open, waiting for the African American Male to take it.

The African American Male is unsure, not used to such civilized behavior.

Slowly, their hands meet. They shake.

JEREMIAH BENNETT (CONT'D)

That's it then. We're in business.

CUT TO:

INT. TOWN HALL - DAY

Jeremiah stands before his room of 100 employees. On his right, his marshal, on his left his foreman.

He addresses the crowd.

JEREMIAH BENNETT

Men, we are stuck hard. As you know, there is no room for me to move my entire company of employees anywhere of value on this river. There are just too many people working claims and there's nothing that can be done about it.

The audience stirs.

JEREMIAH BENNETT (CONT'D)

Now, as some of you may know, the treaty of Hildalgo secured this land rightfully to the United States and as such, it is not natural for it to exist in this lawless manner. From this day forth, I will act as the law of this town and beyond. I need fifty of my strongest men to stay on with me. You will carry weapons, you will have horses - fed and watered, you will be taught the law and you will assist me in securing diplomacy. I will pay each officer Ten dollars a month.

Seventy hands raise into the air. Shortly after the final Thirty hands follow. The translation delay.

Jeremiah turns to his marshal-

JEREMIAH BENNETT (CONT'D)

Pick the ones who speak fluent English first, then the strongest, then the youngest.

CUT TO:

INT. BENNETT HOME - EMMETT'S ROOM - NIGHT

Emmett lays on his bed, his mother next to him.

Her head on his shoulder. He's reading again. Their routine.

Emma interrupts.

EMMA BENNETT

Do you find it odd? All of this?

EMMETT BENNETT

What do you mean?

EMMA BENNETT

This house. This life. It feels... cold. Unreal.

EMMETT BENNETT

I suppose. But it's only because they are material possessions. All true value lies in God. This too shall be dust.

She pauses. Looks to her son for guidance.

EMMA BENNETT

Do you truly believe that? In your heart? You believe it?

EMMETT BENNETT

I do.

EMMA BENNETT

I wish I had your faith.

EMMETT BENNETT

Just ask it of him and it will be so, mother. If you truly wish to believe.

A pause. She doesn't feel the same way.

EMMA BENNETT

I can find our names in every paper I see. It seems anytime they mention gold, there we are. Us and Sutter.

EMMETT BENNETT

That bothers you?

EMMA BENNETT

It's strange how people can get to know you when you've never seen their face. All because you're wealthy. How word starts to travel by your name. Everything we do, we get noticed for it.

(MORE)

EMMA BENNETT (CONT'D)

I suppose they might recognize you're different by the look of your clothes or maybe how high you might carry your head. Then maybe they recall hearing your name from some gossip or paper they read. Then it's like you become some object of fascination for them. Somehow learning about all the details of your life becomes the whole town's meaning.

EMMETT BENNETT

You think people recognize me from the paper?

He's a child for a moment. Excited.

EMMA BENNETT

Of course.

He smiles.

EMMA BENNETT (CONT'D)

That's another funny thing, making it in the paper because you got wealthy. Though, I imagine getting wealthy is all anyone's here to do any more. So our getting wealthy gives everyone else a sense they may be able to do it too. Guess if I had a paper I'd put that story in there, I guess it's good news, better than most other news you read. Or see, for that matter.

EMMETT BENNETT

It is.

Silence.

EMMA BENNETT

Maybe I'll start a paper.

They laugh. She could.

EMMA BENNETT (CONT'D)

You see any girls around town that you've come to like?

EMMETT BENNETT

No.

Emma sits up. She jousts, giggles with her son.

EMMA BENNETT
No?

EMMETT BENNETT
No!

EMMA BENNETT
When I was your age I was married.
Next year you'd be having a child.

His eyes widen.

EMMETT BENNETT
Are you glad you did?

EMMA BENNETT
Of course. For you, I could never
regret any of it. For you.

He smiles.

EMMETT BENNETT
I love you ma'.

She kisses his forehead.

CUT TO:

INT. CHURCH - DAY

Emmett sits in the front pew of the church with the young
Pastor Jacob Fichner.

Emmett eyes the floor, slouching in his seat. His hand rests
beside him on the pew, holding his weight.

Jacob's hand is next to Emmett's.

Jacob does not look away when Emmett raises his head, their
eyes meet. Emmett is confused, a tear in his eye.

Jacob moves his hand over Emmett's. It lingers.

Emmett's head falls into Jacob's chest. Jacob holds it there
comfortingly. Lovingly.

CUT TO:

INT. STRANGER'S BEDROOM - DAY

Two bodies intertwined, passionately.

They kiss and pull at one another.

The sun paints light across the white sheets, their canvas.

It's Emma but it is not Jeremiah.

His hands are gentle on her skin. He values her.

He's a bigger man than her husband in height, in sheer size. He envelopes her with his embrace.

CUT TO:

INT. HORSE DRAWN CART - EVENING

Gold bricks stacked high, only partially covered by a large cotton wrapping.

It is being transported, to be exchanged for cash, or to be turned in to its rightful owner, whoever that might be.

There are a thousand bricks, maybe two thousand.

CUT TO:

EXT. COLOMA OUTSKIRTS - GRAVEL ROAD - NIGHT

A wagon travels down a gravel path towards Sacramento.

It is not well guarded. Two men flank the cart drawn by 2 horses. One rider steers.

They are sitting ducks as they enter a canyon.

8 Men at the peak on either side ready their aim on the caravan. Bandits.

Jeremiah approaches from behind. 10 men ride on either side, guns loaded.

The bandits unload a round. The guards on either side of the caravan are down immediately. The horses spook, taking to a sprint.

Jeremiah's men fire upwards at the bandits who role and dive.

Jeremiah's marshal is a bandit, as is his foreman. They stand and brush themselves off.

A dramatic show of gun powder and actors.

Jeremiah continues forward with his men. They race through the canyon after the fleeing caravan of gold which has been reduced to a single driver.

Eventually they catch up to the caravan, the horses slowed by the weight of the gold they pull.

The driver halts, throwing his arms in the air.

Jeremiah pulls his horse around the front of the carriage.

JEREMIAH BENNETT

We aren't here to rob you, we just saved you.

DRIVER

The other guards?

JEREMIAH BENNETT

Down in the canyon, likely dead. I assume you're transporting a hefty amount of gold there.

A ploy, he already knows everything, he even knows where it's going.

JEREMIAH BENNETT (CONT'D)

Assuming you're transporting bricks of a troy pound? Worth about 248 each. A well paid man makes 120 a year. Mind telling me whose stupid enough to send for that amount of gold and guard it with only two armed men? Or rather, who cares so little about your well-being to have you steer the cart?

DRIVER

I'm taking it to Sutter's fort. To John Sutter.

JEREMIAH BENNETT

I'll tell you what, we'll accompany you the rest of the way, so long as you promise to gain us an audience with Sutter.

DRIVER

I can't imagine he'd deny you after keeping his property safe all these miles.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM - NIGHT

Emma is alone in the master bedroom.

She slides into bed. Pulls the blankets to her shoulders.

Loneliness devastates her.

She licks her finger tips and reaches for the final burning candle on the bedside table.

Then darkness.

FADE IN:

EXT. NEW HELVETIA - SUTTER'S FORT - MORNING

A large establishment sprawling over acres of flat land in the Sacramento valley.

The walls 17 feet tall. 2 and a half feet thick. White adobe.

A true fort.

Surrounding the fort are acres upon acres of grapes and wheat fields.

Jeremiah and his men follow the horse drawn carriage of gold into the main entry point.

CUT TO:

INT. SUTTER'S FORT - CONTINUOUS

Within the walls, trade posts, mercantile, post offices, black smiths, candles makers. Anything and everything that could be bought or traded.

The fort serves as the end of the California and Siskiyou trails.

Travelers pay to take residence. For long awaited sustenance and rest.

The main building is two stories tall. Sutter's office is within.

The driver parks the cart and men begin to immediately unload and carry the bricks into the two story building.

CUT TO:

INT. SUTTER'S FORT - SUTTER'S RESIDENCE - CONTINUOUS

JOHN SUTTER, 46 years old and heavy set. Balding with grey white hair, long sideburns that grow to his chin. A large mustache that naturally curls upward at the corner of his mouth. A thick white goatee.

He sits behind a large desk, littered with documents. There's a small candelabra, with lit candles, though, the windows are providing adequate light in the room.

A magnifying glass on an adjustable stand. A leather bound journal. Pens and ink.

The driver addresses him. Sets a bill of delivery on his desk.

JOHN SUTTER

Thank you Percible.

His swiss accent reveals his immigrant roots, his kind nature does the same.

DRIVER

Mr. Sutter, may I introduce you to a man whose actions ensured the safe delivery of your gold?

Sutter looks up from his work for the first time since the two men entered the room.

JOHN SUTTER

I hadn't even noticed that there was a second person here.

He stands to greet Jeremiah.

DRIVER

We were attacked by a group of bandits. The guards you sent did not return with me. Had it not been for Mr. Bennett, we would have been overtaken. He asked only that I introduce you.

JOHN SUTTER

Of course, of course. John Sutter.

Jeremiah extends a hand.

JEREMIAH BENNETT

Jeremiah Bennett.

JOHN SUTTER

Your name is very familiar. Are you Jeremiah Bennett of Coloma. The successful gold entrepreneur I often read of?

JEREMIAH BENNETT

The same.

JOHN SUTTER

I should have noticed from your pictures. A hard face to forget.

JEREMIAH BENNETT

We have even more history than that. I worked as a laborer for you under Marshal at the mill in 46'.

JOHN SUTTER

How strange the winding paths of life.

JEREMIAH BENNETT

Ever so.

JOHN SUTTER

So Jeremiah, how can I repay you?

Jeremiah avoids.

JEREMIAH BENNETT

Have you found much success with the discovery?

JOHN SUTTER

No, no, no. It's not my business. The true gold in California is its crops and land for ranches. The grapes and wheat in my fields. The saw mill that you were building was to produce lumber for my flouring mill in Brighton. Also for other buildings I intended to erect in Yerba Buena.

JEREMIAH BENNETT

The gold that was being delivered here?

JOHN SUTTER

The last of my stake on the banks of the American river.

(MORE)

JOHN SUTTER (CONT'D)

I shan't seek to dredge anymore of earth's soil in this race for wealth. Not me. But you, you've created quite the illustrious name for yourself. Gathered riches by acting more quickly than most could. Commendable.

For a moment Jeremiah is inspired, remembering who he was before the war. Before the gold. Recalling honor.

JEREMIAH BENNETT

Commendable is a word too kindly chosen. Opportunistic at best. But such is the nature of survival I suppose.

Sutter lets out a chuckle.

A pause.

JOHN SUTTER

So kindly once more, might I ask what I can do for you to thank you for your assistance?

JEREMIAH BENNETT

A true business man.

Jeremiah considers.

JEREMIAH BENNETT (CONT'D)

I've noticed a severe necessity for structure in Coloma. For law.

JOHN SUTTER

Ah, local ordinances not holding their ground?

JEREMIAH BENNETT

Of course not. It is a lawless state with no presence from the United States army and none of the Mexican Government to enforce their standards.

JOHN SUTTER

Not that they would have before.

JEREMIAH BENNETT

Maybe so.

JOHN SUTTER

So, how can I help?

JEREMIAH BENNETT

To be honest I came here expecting that your investment in the gold rush was greater. I imagined you'd have more stake in the land, more business to protect, more of a need. I saw how minimally you guarded your gold while it was being transferred and figured I might serve you some benefit.

JOHN SUTTER

You found an opportunity. How convenient that your men happened to be available and armed during such a time of need.

Sutter is no fool.

Jeremiah recognizes his play has become all for naught.

JEREMIAH BENNETT

I suppose it was simple luck.

Jeremiah approaches Sutter. Extends his hand in defeat.

JEREMIAH BENNETT (CONT'D)

I suppose I'll take my leave. It truly was a pleasure.

Sutter's grip is firm. Stronger than the first time they shook hands. Jeremiah takes note. Sutter is not being played.

JOHN SUTTER

We are business men. I can't let you walk away empty handed. Please, allow me to pay you for your efforts.

Their hands still wrapped tightly.

Jeremiah releases his grip.

JOHN SUTTER (CONT'D)

It was in this very room that Mr. Marshal came to me with the gold he had found that January over a year ago.

A moment.

JOHN SUTTER (CONT'D)

It was nothing substantial. Minimal really. I remember he arrived in such a bustle. I knew that something was amiss as he had visited just a few days prior and it was raining heavily. Certainly no condition for travel.

Sutter is teaching a lesson, Jeremiah's guilt is growing.

JOHN SUTTER (CONT'D)

He asked to speak to me in private, requesting that I lock that very door behind you. Something I have never done before or since. When he revealed the gold, we tested it forthright finding that it was in fact pure gold. Mr. Marshal begged that we leave right away for Coloma. It was late and raining and I took the news of the gold with less excitement than Marshal. All-the-while I realized what the discovery might mean for my business. I imagined it negative, rightfully so. Still, the next morning I went to meet Mr. Marshall in Coloma at the site of my mill. We sorted through the tail-race, which you may have had a hand in building.

Jeremiah looks up from the ground where he's become lost in Sutter's story. He smiles with closed lips but only for a moment.

JOHN SUTTER (CONT'D)

We found flakes, occasional nuggets. I crafted a ring once we had found enough. The employees of the mill would occasionally come to me with their days winnings.

Of course they had, Jeremiah thinks to himself.

JOHN SUTTER (CONT'D)

Soon I began to lose them though, one by one. The promise of wealth from the river stole them all away. Then once the word of your success began to travel, there was no hope for me.

(MORE)

JOHN SUTTER (CONT'D)

I never met you at the mill, when I came after Marshal's discovery. You had already left by that time, I recall now.

Jeremiah is transfixed.

JOHN SUTTER (CONT'D)

I did see you once though. Not in a news article but in life. Marshal knew your back. It was around the time of the discovery. Marshal and I were surveying the surrounding land and we found you near the river. You were crouched on the shore, washing gravel through a makeshift pan. He told me you had disappeared the year prior.

The story has come to an end.

JOHN SUTTER (CONT'D)

I'm sorry. An old man reminiscing. What would one generally request for services of this nature?

JEREMIAH BENNETT

Ten percent.

Much too high.

JOHN SUTTER

Then it's ten percent.

Sutter turns to Percible the driver, who still stands at the side of the room.

JOHN SUTTER (CONT'D)

Percible, please escort Jeremiah to the cart and leave him with ten percent.

He turns back to Jeremiah.

JOHN SUTTER (CONT'D)

Please take the horses and cart as a token of my personal gratitude as the ten percent is simply payment.

Sutter turns his back and makes his way back to his desk.

JOHN SUTTER (CONT'D)

Best luck to you and your struggle
in Coloma. You seem a fit man for
the job.

Jeremiah exits with Percible.

JEREMIAH BENNETT (V.O.)

At that moment I felt the true
burden of a thief for the first
time. A thief against a willing
victim. Even worse, two lives had
been lost in Sutter's hands. In
my game. But the winding paths of
life always come with a choice and
Coloma still had a need for law.
So I would be their law, for a
price.

CUT TO:

EXT. COLOMA - TOWN - DAY

Armed men on horseback make their rounds, collecting their
percentage for keeping structure.

CUT TO:

EXT. COLOMA - PRISON - CONTINUOUS

Jeremiah's foreman is overseeing the development of a new,
larger prison.

Construction is under way.

CUT TO:

EXT. COLOMA OUTSKIRTS - WOODS - CONTINUOUS

Emmett and Jacob walk through the woods.

Emmett is 18 now. Jacob is 23.

They spend every passing moment together.

CUT TO BLACK:

JEREMIAH BENNETT (V.O.)

On October 18, 1850 a steam ship called Oregon docked in San Francisco with a banner proclaiming that California was now a State. That's how most Californians came to know of their newfound statehood.

CUT TO:

EXT. BENNETT HOME - PORCH - DAY (SEPTEMBER 1850 1 YEAR LATER)

A courier delivers a parcel package to the Bennett home. Emmett answers the door and receives the package that is addressed to his father.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - NIGHT

That night, Jeremiah enters his study and approaches the parcel and sealed letter on his desk.

The grand room crafted of dark wood, framed by blood red curtains, is more fitting for him now than it's ever been.

His presence has become domineering and carnal but his pace has become unsure and cautious.

He lights the candles at his desk then sits.

He opens the letter first.

He reads.

GOVERNOR PETER BURNETT (V.O.)

Mr. Bennett, your success on the banks of the American river truly magnify the dreams of the common man during the gold rush. Your story has fed the fires of hope in the bellies of thousands who flock to this west land. I have followed the details of your endeavors as closely as word and news will allow. I can only say that your entrepreneurial spirit is admirable and I would be honored to welcome you and your wife this November as we celebrate the statehood of our land, California.

He shuffles to the next card of information which includes the details for a grand ball. To be held at the State Capital in San Jose.

Jeremiah unravels the parcel that was delivered with the note.

An American Flag, 31 stars. Most recently, one was added for California.

CUT TO:

EXT. BENNETT HOME - MORNING

Jeremiah removes the previous flag from its post and replaces it with the new flag bearing 31 stars. Delivering the news of California's statehood before the press did.

He remembers the flag he hung over the battlefield during his final battle in the Mexican American war.

CUT TO:

INT. MAMMY JANE'S HOME - LIVING ROOM - DAY

Emma sits in an armchair, leaning over it admiring Mammy who sits on floral love seat opposite her.

The room is quaint. A bit overly decorated. Light shines through the windows illuminating Mammy Jane's knitting.

She weaves the yarn between two sticks, creating some pattern of fabric.

EMMA BENNETT

You know how to do so many things
Mammy.

MAMMY JANE

Learnin' is easy enough I suppose.

Her focus doesn't waiver from her art.

EMMA BENNETT

Why do you suppose you took the
time to learn these things when I
never did.

MAMMY JANE

Need, I guess. I had a family to
tend to. Chores to complete.

EMMA BENNETT

I have a family to tend to.

Mammy lowers her yarn and pins. Sets them on the side table and decides to have this conversation with her friend.

MAMMY JANE

You and your family never want for anything Emma Bennett. You ain't got no need to learn how to knit a blanket.

EMMA BENNETT

It didn't used to be that way.

MAMMY JANE

How'd you make it through when it wasn't.

A long pause, she's trying to remember who she was, why who she is now might feel so distant from that same woman a few years ago.

EMMA BENNETT

I was a stronger woman then.

MAMMY JANE

I believe you're a strong woman now.

Emma smiles, truly grateful for the compliment from Mammy.

Mammy returns it, sincerely.

Emma takes a moment before she approaches the delicate subject again.

EMMA BENNETT

Mammy. The world is changing. There are free blacks all over these parts. Men who been released of their services. You know California is Union now. You have nothing to fear anymore. Come into town. Come see how everything has changed.

CUT TO:

INT. BENNETT HOME - KITCHEN - DUSK

Just enough light in the kitchen from the setting sun.

Emma has prepared herself for the undertaking of fried chicken... alone.

There are bowls, floury messes, utensils here and there. More than she needs.

She begins by heating the grease.

She takes a deep breath.

CUT TO:

EXT. BENNETT HOME - CONTINUOUS

Jeremiah enters through the front door on the porch.

He smells the frying chicken and enters the kitchen.

Emma doesn't notice him. Her back is turned as she faces the fire stove.

She dances around splattering grease. It's a mess, but she's getting the job done.

Jeremiah approaches from behind, wrapping his hands around her arms, one on each.

Emma is startled at first, but recognizes her husband's touch quickly after. He's being gentle.

JEREMIAH BENNETT

What's this?

He asks playfully.

EMMA BENNETT

Fried chicken.

He releases her.

She turns over her shoulder and smiles, then goes back to her business.

EMMA BENNETT (CONT'D)

Wash up, dinner will be done in minutes.

Jeremiah doesn't move.

JEREMIAH BENNETT

I'd rather watch.

She pauses, awkwardly, then continues.

The chicken is dipped in the 3 assortments of liquids and powders and then dropped into the sizzling hot grease.

The grease is intimidating in this moment, rather than playful as it was with Mammy.

Jeremiah begins to recognize the glint of a memory. He pauses a moment... realizing he's caught something.

JEREMIAH BENNETT (CONT'D)

You've never cooked fried chicken before.

EMMA BENNETT

Well, I wanted to try. Figured there's no harm in learning some new things.

How will he sort this out? He knows more.

Mulling.

JEREMIAH BENNETT

Where'd you learn it?

EMMA BENNETT

A woman in the market gave it to me, I asked her for it.

Emma recognizes that this fire could grow into something she can't control.

She doesn't remove her eyes from her task.

JEREMIAH BENNETT

Did this woman write it down for you?

EMMA BENNETT

She told me. It's easy enough, I have it by memory now.

JEREMIAH BENNETT

Right.

This isn't over.

The grease cracks.

A pause. He approaches her and turns her face towards his. Her chin in his fingers.

JEREMIAH BENNETT (CONT'D)

Stop lying to me.

Her eyes lower.

EMMA BENNETT

I don't know what you're talking about.

She turns with haste, back towards the oven.

EMMA BENNETT (CONT'D)

But I need to focus on this or the chicken's gonna' burn.

She flips the chicken.

Jeremiah grabs her by the arm and pulls her away from the stove, forcing her backward against the opposite wall.

JEREMIAH BENNETT

You tell me the truth Emma. Where have you been spending your days?

She pushes out from under his grip and walks into the living room.

Her temper rises.

He follows her into the living room.

JEREMIAH BENNETT (CONT'D)

Don't you run from me Emma!

EMMA BENNETT

I'm just trying to do you a kindness! I'm trying to cook you a meal! Do the task of a simple wife!

JEREMIAH BENNETT

Don't turn this on me. You came home a while back from bein' out somewhere. You told me you had been to the store for a second time that day but you smelled like smoke and chicken. You smelled like that fried chicken.

EMMA BENNETT

You've lost your mind entirely.

He approaches her, grabs her by the arm again and throws her onto the couch.

She lets a yelp of pain slip from her throat, she'd rather have not.

He bends at the waist, finger in her face.

JEREMIAH BENNETT

You better tell me right now, where you've been. Where you were that day. What you've been hiding.

She stands to leave again but he grabs her by the arm and throws her back onto the couch.

JEREMIAH BENNETT (CONT'D)

Tell me!

She repeats the attempt to leave but this time he backhands her hard across the face once he's sat her back on the couch.

He's never hit her before.

It affects them both. She holds her face for a moment.

He turns away.

JEREMIAH BENNETT (CONT'D)

You know I could have you followed. It would be that simple. To know where you go. But I trust you. I'm a loyal man for you and I give you my faith.

It's the truth.

This actually does effect her.

He turns to face her. The anger has not subsided, in fact it has grown stronger as he's just reminded himself that he has a right to it.

JEREMIAH BENNETT (CONT'D)

You are my wife. So help me God, you obey me and answer me what I'm asking you.

She stands and flattens the apron on her waist.

Calmly, she makes her way down the hallway towards their bedroom.

CUT TO:

INT. BENNETT HOME - HALLWAY

He lets her make it halfway down the hall before pursuing her.

She gets to the door, enters their room.

He sprints a few steps to try to block her from closing the door, but she's fast enough.

She struggles with the key in the lock.

He's forcing with all of his weight trying to enter.

He wins.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM - CONTINUOUS

She stumbles backwards and lands on the floor.

He's enraged. He straddles her body, reaching down, he takes hold of her collar by both hands.

JEREMIAH BENNETT
Enough of this! Tell me!

She begins to cry.

He shakes her. Her collar rips.

Her cries become louder.

EMMA BENNETT
Please stop!

JEREMIAH BENNETT
Tell me!

EMMA BENNETT
Please, stop Jeremiah!

He draws back and hits her heavy across the face.

JEREMIAH BENNETT
Tell me now!

She is wrecked, inconsolable, afraid.

JEREMIAH BENNETT (CONT'D)
Tell me!

He grabs her by the arms and lifts her, throwing her against the wall.

The wind leaves her body, she tries to recover.

JEREMIAH BENNETT (CONT'D)
 Does he like the chicken? You
 thought I might too? Is that where
 you were that day?

She shakes her head no. Then screams it.

EMMA BENNETT
 No!

JEREMIAH BENNETT
 Are you some southern man's whore
 Emma?

She cries.

JEREMIAH BENNETT (CONT'D)
 You're my wife!

He slams her against the wall again.

JEREMIAH BENNETT (CONT'D)
 You're my wife!

She's shielding her face from continuous slaps now.

Then finally she screams.

EMMA BENNETT
 I'll tell you!

He backs away.

Her clothes are torn. Her face is red and wet from tears.
 Her arms will bear bruises.

He recognizes that he's gone too far.

But then his face changes again, if she's about to admit what
 he's assumed, it's merited.

EMMA BENNETT (CONT'D)
 A friend...

She pauses. He's more sure now that she's cheating than
 ever. Until-

EMMA BENNETT (CONT'D)
 A black woman. She's a friend.

Emma gains some strength as she sacrifices her friend for her
 true affair.

She throws her arm out towards the kitchen.

EMMA BENNETT (CONT'D)
 She taught me how to cook this!

He reaches for her but she slaps his hand away.

EMMA BENNETT (CONT'D)
 She's an older woman!

He reaches for her again.

EMMA BENNETT (CONT'D)
 No!

She slaps his hand away again.

EMMA BENNETT (CONT'D)
 She lives alone. She didn't want
 anyone to know. She's afraid.
 She's afraid of you, afraid of the
 town. Afraid of a hanging!

JEREMIAH BENNETT
 I didn't know...

EMMA BENNETT
 She watched her brother hang!

JEREMIAH BENNETT
 I'm sorry.

EMMA BENNETT
 She watched them burn him! So I
 didn't tell you! I was respecting
 her.

JEREMIAH BENNETT
 I didn't know.

EMMA BENNETT
 She's my friend...

CUT TO:

INT. BENNETT HOME - DINING ROOM - LATER

Emma and Jeremiah sit at opposite ends of the table in an awkward silence, eating the fried chicken Emma had prepared.

Her eyes are vacant and cold.

She tries to eat the fried chicken with a knife and fork.

A far cry from the mannerless free-for-all she'd had with Mammy.

JEREMIAH BENNETT

Emmett spends too much time at church.

CUT TO:

EXT. MAMMY JANE'S HOME - DAY

Jeremiah, on horseback, is a distance from Mammy's house but he can see her as she sweeps her porch.

He's verifying his wife's confession.

He loiters longer than he should, watching, wondering if Emma is there now.

He makes his exit.

CUT TO:

INT. STRANGER'S BEDROOM - DAY

Emma scoots out from beneath the covers of her lover's bed.

She pulls her slip back over her bare chest and stands, getting dressed.

Her arms are bruised.

Her lover watches. He seems like a good enough man.

EMMA'S LOVER

Who did this?

He's simple. Attractive.

He may even love her.

She smiles nervously.

EMMA BENNETT

It's nothing.

CUT TO:

INT. SAN JOSE, CA - GOVERNOR'S BALL - NIGHT (NOVEMBER 1850)

It's an extravagant affair, in a luxurious hotel.

Thousands of candles light the space.

Men are black tie, women in gowns.

A few familiar faces.

John Sutter of Sutter's fort.

The business men from Jeremiah's meeting to request financing to expand his plans for gold retrieval.

Political banter, boisterous laughs and moderate debates.

Everyone enjoying libations.

Sixty men and women in total.

The women's gowns are a series of pale blues, yellows and whites. A few greens.

Emma enters at the side of her husband Jeremiah.

She is truly ravishing. She wears a blood red gown which perfectly accentuates her pale skin.

Her lips, thick and red. Her eyes glow again, green.

Jeremiah is handsome, clean shaven.

He seems young and proud to be seen with his wife.

JEREMIAH BENNETT

You truly are the most stunning woman, I've ever laid eyes on.

She blushes. He hasn't complimented her since he wooed her 19 years ago.

Peter Burnett enters, at the balcony atop the stairs.

A man at his side clanks a silver spoon against his glass, gathering attention.

He introduces-

CLANKING MAN

Ladies and gentlemen, Governor Peter Burnett.

Mr. Burnett thanks his man for the introduction with a nod. He approaches the railing of the balcony.

GOVERNOR PETER BURNETT

First, thank you all for joining us tonight. I am happy to have a crowd of such exemplary citizens both men and women. As you all well know, the land of California has been a wild one to tame. We have fought hard and true for this place and now we have it outright, for that, we celebrate.

He raises his glass.

Men and women clink their glasses in applaud.

GOVERNOR PETER BURNETT (CONT'D)

In the infantile days of our statehood it is most important that we lay strong foundations of social expectation, of law and of discipline. The discovery of gold has brought so much good to this land. Our population has been born of an explosion rather than simple and steady. We reap many benefits for that. Business is booming. Wouldn't you say?

Clanking glasses.

GOVERNOR PETER BURNETT (CONT'D)

Certainly no miner has any interest in giving their land of gold back to Mexico and for that, we are given an army of civilians to protect our sensitive state in its beginning days. But there are many detriments which are born of the same booming growth in population, especially due to the foreigners and blacks who freely enter and rape the land of its resources. Resources that belong to the American people who fought to take this land for themselves.

Emma looks to her husband, takes his hand. She feels dizzy.

He takes it as affection.

She tries to hold aware and is successful.

GOVERNOR PETER BURNETT (CONT'D)

Land that was otherwise dormant and untapped. The compromise promises us our statehood. But there are more pressing issues that I hope to undertake as your Governor. Many of social decline. Lawlessness.

Sutter sees Jeremiah. They exchange a glance.

Sutter notices that he, himself, might be delivering a glare of something more hateful than he'd wished, so he smiles and returns his attention to the Governor, who has continued.

GOVERNOR PETER BURNETT (CONT'D)

We must be cautious about the freedoms we allot to those who do not pay a due for it. Those who have not fought for it. Those who have not lost for it. We must be cautious of those who have no loyalty born of the United States, but intend to take from it. We have certainly the right to prevent any class of population from settling in our State, that we may deem injurious to our society.

Emma looks to her husband and cringes a little. She doesn't like this man, but she's also still quite light headed.

GOVERNOR PETER BURNETT (CONT'D)

For some years past I have given this subject of slavery my most serious and candid attention and I most cheerfully lay before you the result of my own reflections. There is, in my opinion, but one of two consistent courses to take in reference to this class of population; either to admit blacks to the full and free enjoyment of all the privileges guaranteed by the Constitution to others, or exclude them from the State. If we permit them to settle in our State, under existing circumstances, we consign them, by our own institutions, and the usages of our own society, to a subordinate and degraded position, which is in itself but a species of slavery.

(MORE)

GOVERNOR PETER BURNETT (CONT'D)

They would be placed in a situation where they would have no efficient motives for moral or intellectual improvement, but must remain in our midst, sensible of their degradation, unhappy themselves, enemies to the institutions and the society whose usages have placed them there, and for ever fit teachers in all the schools of ignorance, vice, and idleness.

Glasses clank wildly. Cheers.

Emma moves her hand from her husband's hand to his shoulder.

She's loosing balance.

Her eyes shutter.

She's down. Out cold.

CUT TO BLACK:

Sighs of concern and a cluster of action and noise as people rush to gather around her.

CUT TO:

INT. CARRIAGE - DAY

Jeremiah and Emma ride home together.

Emma stares out the window of the carriage.

They are mid conversation. He is frustrated, she is distant.

JEREMIAH BENNETT

Did you have to do it in the middle of the Governor's speech? For God's sake, I didn't even have the opportunity to discuss politics with him, to introduce myself.

Sarcastically.

EMMA BENNETT

I planned it that way.

JEREMIAH BENNETT

I would think you had.

A moment passes.

JEREMIAH BENNETT (CONT'D)

Really though, what were you thinking?

EMMA BENNETT

I wasn't thinking anything. I felt ill.

JEREMIAH BENNETT

And now?

EMMA BENNETT

Now, I feel fine.

JEREMIAH BENNETT

A blatant lack of concern for me then.

EMMA BENNETT

Not at all Jeremiah. I began feeling dizzy as he started speaking. Blame the man's rambling on if you must blame anything at all.

She sets her gazes outward again.

JEREMIAH BENNETT

You could have at least applauded him when the time permitted.

EMMA BENNETT

I have no interest in applauding a man that I so clearly disagree with.

JEREMIAH BENNETT

Emma, there are certain ways of behaving in civil society. You were invited as my guest and I was a guest of his. In order to not cause me discomfort you should have behaved as though you agreed even if you hadn't. Even more so, you certainly should not have fainted.

EMMA BENNETT

Well then I am regretful. May I take some silence, I'm beginning to feel the same dizziness that was brought on by Mr. Burnett's rambling.

Gutsy.

Jeremiah accommodates.

CUT TO:

EXT. COLOMA - RIVER BANK - DAY

Jeremiah and his 3 "law men" approach a tent where an Asian man has staked claim. He pans nearby.

Jeremiah dismounts and begins to speak to the Asian, who can converse, but minimally.

JEREMIAH BENNETT
You haven't paid your taxes this month.

ASIAN MAN
Yes, paid, to that man.

He points to one of Jeremiah's thugs.

Jeremiah turns to his thug.

JEREMIAH BENNETT
Did he pay you?

Thug says no.

JEREMIAH BENNETT (CONT'D)
He says you didn't pay.

ASIAN MAN
I did! I did pay!

He throws his arms up.

ASIAN MAN (CONT'D)
I always pay!

Jeremiah begins to intimidate. Pointing his finger into the Asian man's chest.

JEREMIAH BENNETT
You keep calm.

Jeremiah refers to his thug.

JEREMIAH BENNETT (CONT'D)
My boy here says you didn't pay,
that means you didn't pay.

The Asian man is noticeably disheartened.

JEREMIAH BENNETT (CONT'D)

Now, we provide a service here. We protect this town and its people. But...

He steps in closer, nudging the Asian man back a bit-

JEREMIAH BENNETT (CONT'D)

...if you don't pay your keep, we won't protect you. You just don't know what might happen then. Who might come looking for you. Who might come to take all your findings. You understand?

He pushes one final time. The Asian man stumbles backwards.

Defeated, the Asian man goes into his tent and removes a small metal box where he stores his minimal gold findings.

A sad moment. He is barely scraping by.

He dumps what's left into Jeremiah's palm.

JEREMIAH BENNETT (CONT'D)

That's ten percent?

The Asian man clarifies.

ASIAN MAN

That's everything.

Jeremiah looks at his clan members who grin and laugh. Jeremiah follows suit.

JEREMIAH BENNETT

From now on it's twenty percent.

Jeremiah drops the gold into a small bag and puts it into his vest.

He returns to his horses saddle, they ride off.

CUT TO:

INT. MAMMY JANE'S HOME - LIVING ROOM (2 MONTHS LATER)

Emma is 5 months pregnant. A clear bump.

They laugh together.

EMMA BENNETT
I fell flat on the floor. The
whole room watching.

Mammy laughs at her.

MAMMY JANE
You're a mess.

EMMA BENNETT
There was so much money in that
room. So many fancy women. Fancy
men. The Governor of California.
Sutter. Of course, my husband,
trying to impress them all at once
and I go down like a rock.

She laughs through the story.

MAMMY JANE
It'll be worth your pride I
imagine. Havin' a new little one.

EMMA BENNETT
Of course. Hell, the look on
Jeremiah's face when I woke up
might have been enough.

MAMMY JANE
I can imagine. Poor man.

EMMA BENNETT
Poor man? I'm the one who fainted.

MAMMY JANE
That's your own doin'. You don't
take care of yourself. Course'
you're tired.

EMMA BENNETT
I just have trouble sleeping.

MAMMY JANE
That and you eat like a bird.
You're skin and bones besides that.

Mammy refers to Emma's baby-bump.

MAMMY JANE (CONT'D)
Ain't healthy.

EMMA BENNETT
I just don't have the appetite
Mammy.

MAMMY JANE

Well, you're eatin' for two now, I suppose you aware?

EMMA BENNETT

Yes.

She holds her belly.

A moment.

MAMMY JANE

It'll be a girl.

EMMA BENNETT

Really!

She hopes.

EMMA BENNETT (CONT'D)

Oh, I'd love that. I'd love that very much.

MAMMY JANE

So'd I.

EMMA BENNETT

Why not... one of your own? There are plenty of suitors in town now. Plenty of men.

Mammy is a bit embarrassed.

MAMMY JANE

I don't know. I feel like my time for that life may have passed.

EMMA BENNETT

Even for love? Something simple? Easy?

MAMMY JANE

Ain't nothin' simple or easy about love.

Mammy approaches, something she hasn't asked before.

MAMMY JANE (CONT'D)

He treat you ok?

EMMA BENNETT

Who Jeremiah?

Mammy nods.

Emma lets it sit too long for it to be the truth.

EMMA BENNETT (CONT'D)

Yes. He treats me just fine.

MAMMY JANE

You know if you ever need anything from me Emma. You come and ask it.

EMMA BENNETT

Thank you. Thank you, I know that. It's nice to hear you say it though. The same to you of course.

Mammy smiles. It's a little awkward for her. They've grown closer than either had expected them to.

Mammy stands and Emma meets her.

Emma reaches in for a hug and holds Mammy.

EMMA BENNETT (CONT'D)

There is something...

MAMMY JANE

Yes?

EMMA BENNETT

When this baby comes...

Emma releases Mammy so that she can see her face.

EMMA BENNETT (CONT'D)

I want you to know him. Or her. I want you to know my child.

Mammy forces a nervous smile but nods. An agreement.

CUT TO:

INT. BENNETT HOME - KITCHEN - MORNING (JANUARY 1851)

Emma is cutting vegetables for the evening dinner.

Jeremiah enters, tosses the newspaper onto the island.

JEREMIAH BENNETT

Peter Burnett resigned as Governor. Spittin' coward couldn't stand in the face of some opposition to his views. Says he was "forced out" because of his "unpopular beliefs".

(MORE)

JEREMIAH BENNETT (CONT'D)
Ain't nothing "unpopular" about his
beliefs from where I stand.

Emma smiles to herself. Times are changing.

EMMA BENNETT
That's a shame.

But it's not.

CUT TO:

EXT. COLOMA - MAIN STREET - DAY

Mammy steps into the streets of the town. In public. Into
the light of the streets.

It's the first time in years.

She is in awe. Frightened of strangers who pass too closely.

Gun-shy.

She begins to notice the other African Americans.

She sees Asians.

She makes her way to the busy market, perusing the displays.

She feels safer than she thought she might.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM (MAY 1851)

The darkly lit bedroom hums with silence.

Then, the sounds of birth. Emma's effort, her cries.

A doctor is delivering her child in the home.

Jeremiah paces.

Emma is in pain.

The doctor reveals the bloody mess. It's a girl.

He passes her off to a nurse who immediately begins to wash
the child.

Emma is dizzy. Panting.

Her chest swells as she catches her breath, sweating heavily.
The corners of her mouth lift into a smile.
She lets her head fall into the pillow.
The room spins.

CUT TO:

INT. BENNETT HOME - HALLWAY - NIGHT (2 MONTHS LATER)

Emma's child cries and coughs. Emma bounces her. Walks her into the living room.

A nurse waits there on the couch.

EMMA BENNETT

She won't take milk. It's been days.

The nurse offers to take the girl. Emma holds her.

NURSE

I'm sorry Mrs. Bennett. All we can do is try.

The infant coughs, then cries. Emma makes her way to a nursery near the back side of the house.

CUT TO:

INT. NURSERY - CONTINUOUS

She sits in a rocking chair with her crying child, rocking.
Emma holds her baby girl close.

CUT TO:

INT. NURSERY - MORNING

The door is slightly ajar. Jeremiah enters.
His wife is sleeping, the child in her arms still.
His daughter's breath is broken with rasp.
Jeremiah runs the back of his finger across his small girl's forehead.

A smile escapes him, though, it is short lived.
He stands for a moment, admiring his wife.
Suddenly feeling intrusive, he makes his silent exit.

CUT TO:

EXT. COLOMA - MAINSTREET - MORNING

Jeremiah is clean. Dressed in casual attire, but well-kept today.

He is on foot and alone. Two rarities.

The morning sun is barely creeping over the Eastern horizon.

He makes his way to the steps of the small church.

CUT TO:

INT. CHURCH - CONTINUOUS

Jeremiah enters the sacred white building.

Pews frame the isle, leading to the pulpit.

A large crucified statue of Jesus hangs there.

Jeremiah slowly makes his way to the front of the room.

He eyes the cross.

Jesus.

He steps to the right and backs into his seat, not removing his eyes from the statue at the center front of the room.

He clasps his hands between his legs.

His chin shudders, he looks to the floor, holding back tears.

Then with strength, he returns his gaze to the cross.

His attempt at prayer.

CUT TO:

INT. BENNETT HOME - NURSERY - DAY

Emma bounces her crying baby, trying to appease her.

The nurse comes in, suggesting that Emma has a visitor.

Emma is a bit confused, not expecting anyone.

The nurse invites her in, before the door can fully reveal her friend, Emma realizes who it is.

Her mouth curls downwards, the tears well.

EMMA BENNETT

Mammy Jane...

Tears break.

MAMMY JANE

Now hun, don't cry.

Emma laughs a little as she wipes the tears from her cheeks.

EMMA BENNETT

You're here!

MAMMY JANE

That I am. That I am.

Mammy comes closer.

EMMA BENNETT

It's so good to see you.

Still fighting tears, she pulls Mammy in and holds her next to her daughter, who is still having trouble breathing through congestion.

Mammy frowns a bit.

MAMMY JANE

I come to meet this child.

A smile. A wide smile.

MAMMY JANE (CONT'D)

This beautiful baby girl.

She stretches out her arms, asking to hold her.

Emma gladly hands her over, Mammy holds her in tight against her chest.

MAMMY JANE (CONT'D)

Didn't I tell you she's a girl?

The girl has calmed, resting, nearly sleeping.

Emma nods and smiles.

MAMMY JANE (CONT'D)
What's her name.

EMMA BENNETT
Jane.

Mammy is lost in the comfort of holding the child. Her eyes don't leave the girl's round face.

MAMMY JANE
Yes?

Her eyes come back to Emma.

EMMA BENNETT
Jane. Her name. Jane Emma
Bennett.

It gets Mammy Jane to the core. She trembles. She can't fight the tears.

MAMMY JANE
Oh! Oh my!

She laughs.

Emma nods.

MAMMY JANE (CONT'D)
Jane. Oh Jane. Such a beautiful
girl.

Mammy closes her eyes as tears role down her cheeks.

Jane begins to cough, waking herself. Her sore throat hurts. She cries, only perpetuating the pain.

MAMMY JANE (CONT'D)
Now, now.

Mammy bounces her.

Emma sits in the rocking chair.

MAMMY JANE (CONT'D)
Now, now.

Emma closes her eyes, she's so tired.

Mammy rocks Jane, who continues coughing, continues crying.

Mammy begins to sing.

A slow, beautifully haunting hymn.

Her voice is thick and melodic. Peaceful and soothing. She swells with love, Baby Jane can feel it.

Emma can feel it.

Her soothing voice quiets them both.

She continues after the crying has ceased, after Emma has fallen to sleep.

CUT TO:

EXT. GRAVEYARD - DAY

Mammy Jane's voice flows through as the Bennett's bury their infant daughter.

A pastor blesses the coffin.

They lower the small box into the ground.

Emma brings her palm over her face as she breaks.

Emmett reaches for his mother's hand and holds it.

Jeremiah is stoic and distant. As upset as Emma, but not capable of the same release.

CUT TO:

INT. MAMMY JANE'S HOME - LIVING ROOM

Emma is on her knees, sobbing.

Mammy Jane is comforting her.

All the while, her song continues.

CUT TO:

Silence.

FADE TO:

INT. BENNETT HOME - DINING ROOM (JANUARY 1952)

Jeremiah, Emmett and Emma are at the dinner table.

There are plenty of extra spaces at the table but they sit closer together now.

Jeremiah is at the head of the table, Emma is next to him on one side, Emmett on the other opposite his mother.

They eat a simple stew dinner.

Jeremiah reads the paper.

JEREMIAH BENNETT

John Bigler takes the seat as Governor of California. Encourages Californians to "check this tide of Asiatic immigration.", direct opposition to California's short-lived Governor John McDougall who said, "The Chinese are one of the most worthy classes of our newly adopted citizens, to whom the climate and character of California is peculiarly suited."

He tosses the paper aside.

JEREMIAH BENNETT (CONT'D)

A perfectly suited plague is what he meant to say.

Emma smiles, trying to abide.

JEREMIAH BENNETT (CONT'D)

Explains why he's not the Governor anymore.

Emmett spoons stew into his mouth.

JEREMIAH BENNETT (CONT'D)

Emmett, you considered settling down? You're at the ripe age now.

His father isn't threatening, just trying to make small talk.

Emmett nods, trying to finish his last bite which was an attempt at avoiding his father's last attempt at conversation.

He knows now that shoveling another bite before answering his question might give away his trick.

EMMETT BENNETT

I've actually... well, I've actually been considering joining the priesthood.

JEREMIAH BENNETT
The priesthood!

Emmett nods, shoveling another bite into his mouth.

JEREMIAH BENNETT (CONT'D)
How're we supposed to have grand
children?

Emmett's eyes widen, he shrugs his shoulders, mouth full.

JEREMIAH BENNETT (CONT'D)
I'm gonna' have to do the work of
finding you a wife myself...

EMMA BENNETT
Let's not push it Jeremiah.

Jeremiah lets out a guttural, disapproving noise.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - NIGHT

Jeremiah enters his already candle-lit study.

He locks his door behind him, turning the knob to ensure it is secure.

He goes from window to window, drawing each curtain closed until he has complete privacy.

He approaches his desk, removes the burning candles and sets them aside on a bookshelf.

Then he pulls his desk away from the wall, 10 feet.

He rolls the rug away, revealing a hatch door.

He opens it, descending a staircase, 10 feet deep into what could have been a wine cellar.

CUT TO:

INT - BENNETT HOME - GOLD CELLAR - CONTINUOUS

He goes from pillar to pillar, lighting candles which are secured by sconces.

Soon the room is lit enough to recognize just how much gold this man has hoarded.

Bricks upon bricks stacked against the surrounding walls.
Gold on every side. Aisles of it.
The flickering orange light is magnified.
He inhales, taking comfort in his security.
Closes his eyes.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - MOMENTS LATER

Jeremiah ascends the staircase into his study, bearing four bars of gold.

He sets them down, closes the hatch, covers it with the rug and replaces the desk.

CUT TO:

INT. SALOON - NIGHT

Jeremiah plays cards with his friends, drinking.

A particularly beautiful woman eyes him from the corner of the saloon.

He reciprocates glances over his hand of cards.

His foreman notices his glances and turns to see the object of Jeremiah's affection.

The foreman looks back at Jeremiah and grins, shaking his head.

CUT TO:

INT. STRANGER'S BEDROOM - NIGHT (JANUARY 1853)

Emma and her lover kiss passionately in candlelight.

They lay beside each other, the man strokes her hair.

CUT TO:

INT. COLOMA - MARKET - DAY

Emma is in the market.

There are very few women in town. One for every twenty men at most. But the ones who are in town know Emma's face well.

These two women are young, Emmett's age. One blonde and one red-head. The blonde is a little heavier but only slightly.

Both are pretty enough but, at this moment she can't blame Emmett for not having found a suitable wife.

She's used to women staring, but in this particular situation the women are gossiping about her from across the market.

Emma's pride shifts. A slight.

What could they be saying about her? DO they know something?

Emma tries to ignore them, but as she continues looking for some specific item, the importance of which is now lost on her, she can't help but notice.

That's enough.

All at once Emma storms up to them.

EMMA BENNETT

Judging by your talking about me since I walked in, I imagine you know who I am. So please, do share with me, the insight you might have on my life.

They back away, faces dead serious.

RED-HEAD GIRL

We don't know anything.

EMMA BENNETT

Let's just be honest with it. I'd prefer to know what sorts of things go around about me.

RED-HEAD GIRL

Honestly, it's not about you.

EMMA BENNETT

Oh, come on now. It must be something worth your time. I mean, there's a lot to say about my life, I'm sure. As we're on the matter, I'm sure that whatever it is that I do in my day to day life is as exciting as what happens in your life each day over and over again.

(MORE)

EMMA BENNETT (CONT'D)
I'm sure whatever it is, is more
entertaining than the actual truth.

BLONDE GIRL
Miss, we were just admiring you.

EMMA BENNETT
Admiring me. I'm certain that's
the blessed truth. Look at you
with your cheap excuse for
clothing, imitating what you'll
never have.

Emma thumbs the cheap material of the red-head's dress.
Intimidating her.

EMMA BENNETT (CONT'D)
Painting your faces to hide your
flaws. There's no hiding your
size, cow.

She gestures to the heavier of the two girls.

EMMA BENNETT (CONT'D)
Blowhards. Reading about me,
talking about me. Hell, maybe you
were even admiring me. Bone up.

She looks them up and down one last time.

EMMA BENNETT (CONT'D)
Go find yourselves lives
interesting enough to distract you
enough that you avoid the talk of
mine.

The girls are embarrassed. The public display has gained the
attention of the other bystanders in the market.

BLONDE GIRL
We know who you are, of course and
we'd never seen you in person
before, that's all. We were just
happy to see you in person.

She's a better liar than her friend.

Emma is taken back. A little flattered, a little angry with
herself for reacting the way she had.

She lowers her eyes as the girls make their exit without
looking back.

Before she can fully recover another stranger, a woman, closer to her own age approaches her.

FEMALE STRANGER

I'm sorry, I couldn't help but overhear. They weren't talking about you...

Emma is all ears.

FEMALE STRANGER (CONT'D)

They were talking about your son.

EMMA BENNETT

My son? What about my son?

FEMALE STRANGER

About the time he spends with the preacher. People are thinking it a bit odd is all. A bit, Betty.

EMMA BENNETT

A bit Betty. People ought to focus on their own business.

The stranger smiles malevolently.

FEMALE STRANGER

I thought you wanted to know.

The stranger takes her exit.

CUT TO:

INT. BENNETT HOME - NIGHT

The family eats together in silence.

CUT TO:

INT. MAMMY JANE'S HOME - KITCHEN - DAY

Mammy stirs a pot of soup.

EMMA BENNETT

I need to ask you about something, I need you to keep it between you and I.

Mammy turns over her shoulder, delivering a sarcastic glare.

MAMMY JANE

Now who am I gonna' tell?

She wipes her hands on her apron. Then approaches the table and sits across from Emma.

EMMA BENNETT

There have been some rumors going around about Emmett.

MAMMY JANE

Alright.

EMMA BENNETT

He's twenty years old now and people are beginning to question some things about him.

Mammy laughs.

MAMMY JANE

Alright.

Emma corrects herself.

EMMA BENNETT

I've been questioning things about him.

MAMMY JANE

What sorts of things have you been questioning.

EMMA BENNETT

Well, he spends a lot of time with the pastor boy, Jacob.

MAMMY JANE

I ain't never heard no mother worried about a son who's spending too much time in church before.

She smiles.

Emma realizes this.

EMMA BENNETT

I think it's more. I just, think maybe... the time he's spending with Jacob, it might stop him from finding a wife.

MAMMY JANE

You're worried that he doesn't want a wife at all.

Mammy Jane knows.

Emma nods, she takes Emma's hand.

MAMMY JANE (CONT'D)

Now, let me tell you something Emma. It don't matter what people in town want to question.

She looks her dead in the eyes.

MAMMY JANE (CONT'D)

It don't matter what you want to question either.

Emma isn't amused.

Mammy repeats a bit more boisterously.

MAMMY JANE (CONT'D)

It, don't matter!

Emma forces a laugh.

MAMMY JANE (CONT'D)

I'll say, whatever your boy wants to do with his life, whoever he wants to spend all his time with, that's all his questioning to do. You see?

Emma quickly changes the subject. Reaching into the front pocket of her dress, she removes a necklace that she brought for Mammy.

A gold pendant hangs from a thin gold chain.

EMMA BENNETT

I bought this for you.

Emma extends the necklace.

MAMMY JANE

It's beautiful.

EMMA BENNETT

Well, put it on.

MAMMY JANE

Emma, you know I'm not one for jewelry or shiny things.

EMMA BENNETT

You don't like it?

Mammy catches on to her attempt.

MAMMY JANE

You want to hear what I have to say about your boy or not...

EMMA BENNETT

I suppose I do.

MAMMY JANE

If spendin' every last second of his time in that church, with that boy, or with that boy outside of that church, makes Emmett smile, it ain't hurtin' nobody. Findin' somethin' in life that makes you smile is a hard thing to do nowadays and let me help you to understand that there are many, many people, very near by and very far away who would tell you that it's not right for you to be spendin' your time with me.

Emma understands this.

MAMMY JANE (CONT'D)

I wouldn't like that at all.

EMMA BENNETT

I wouldn't either.

Emma regroups.

EMMA BENNETT (CONT'D)

It's just, I think it's different. Maybe you don't see what I'm trying to say...

Mammy stops her.

MAMMY JANE

I'm not finished.

EMMA BENNETT

Alright.

MAMMY JANE

Now, love... for a friend, love in any way is a very hard thing to find. When it's valuable to you, the kind of love you want from the time you're a child, you hold onto it, no matter what someone is questionin' about it. Now, I know this cause' I know what I've been missin' my whole life. You see?

Emma's eyes grow apologetic.

MAMMY JANE (CONT'D)

I know just what you're askin' me about your boy, I do. You know I've hidden in this house for years and years, afraid to go into town, afraid of that same questionin'. Afraid that, that questionin' might lead to somethin' hateful happenin' to me.

Emma squeezes Mammy's hand as Mammy's eyes well.

MAMMY JANE (CONT'D)

But if it hadn't been for your visits, this life wouldn't have been worth livin' at all. So now, I say, bring on the questionin'. Bring the hateful to me, bring the evil to me and I will persevere. That's what people who do things that are worth questionin' are meant to do. Perservere.

Emma nods.

MAMMY JANE (CONT'D)

Now, the last thing I'll tell you is, if your boy is gonna' be livin' a life worth questionin', then he better be prepared to confront it. To confront the hateful and the evil, or to hide from it.

Their hands are still grasped tightly.

The moment means everything to Mammy, who feels that she's broken through to Emma, but then Emma releases her hand.

She moves back to the necklace.

EMMA BENNETT
Here, let me put this on you...

MAMMY JANE
I don't want that on.

EMMA BENNETT
Why not? It's a gift.

Mammy stands, realizing that she might not have gotten through.

MAMMY JANE
Did you hear one thing I just said?

EMMA BENNETT
Of course.

MAMMY JANE
I suppose you might still feel differently?

EMMA BENNETT
I suppose I must.

Mammy Holds back anger, revealing her humanity and fallibility.

Then she delivers a verbal blow to Emma.

MAMMY JANE
Ain't no matter what people think of you and I. Ain't no matter what people think of your son and his friend. There ain't no disagreeing about that. You either agree with both those facts, or neither. You be careful about yourself Emma, of how you think of this thing with your boy. You walkin' a thin line of being the same type of hypocrite you hate in your husband.

Emma's face moves from shocked to sour.

She storms out, leaving the necklace on the table behind her.

The door slams.

Mammy Jane steps toward the window and watches Emma untie her horse in a heated rush.

Emma throws herself onto the beast's back and looks at the window where Mammy stands.

The slighted friends make eye contact but only for a second before Mammy pridefully turns away and goes back to her soup on the stove.

Emma takes a moment before she takes her leave.

She kicks her horse into a gallop.

CUT TO:

EXT. SIERRA FOOTHILLS - CONTINUOUS

Several acres of flat nestled among the rising hills of the Sierra Nevada's.

A group of men work on building a massive machine.

Near them, wooden structures are being built. A dam.

Flakes of snow have begun to fall, it's still mid day.

The engineer greets Jeremiah as he arrives on horseback.

ENGINEER

Mr. Bennett.

Jeremiah hops off his saddle and extends his hand.

JEREMIAH BENNETT

Pleasure.

The engineer begins by showing him the wooden water conduits that lead towards where the dam is being built.

ENGINEER

This is where the water will be diverted. It will build into this damn and provide the water for the machine.

JEREMIAH BENNETT

Simple enough.

The engineer laughs to himself. Not an easy feat.

He leads Jeremiah to the machine. It's a monstrosity.

ENGINEER

This is the next generation of gold mining.

JEREMIAH BENNETT

No one else has it?

ENGINEER
Not in California.

JEREMIAH BENNETT
How's it work?

ENGINEER
We filter the water into the dam,
then pump the water through the
hydraulic system. It creates a
powerful stream of water that
releases through the canvas hose.
We use this high pressure water to
break away the rock and sediment to
dislodge the valuable metals.

JEREMIAH BENNETT
How powerful?

ENGINEER
It'll clear the hillside right
quick. Shoot a stream of water
some, 400 feet into the sky.

Jeremiah smiles.

JEREMIAH BENNETT
Let's get it working then, this
snow ain't gonna' be the last of
it.

CUT TO:

INT. BENNETT HOME - DINING ROOM

The usual silence, but they are still seated near one another.

Ham, corn, peas and bread roles.

Jeremiah takes a bread role. Eats.

There's something electric. It looms.

Emma feels it. Her eyes flicker from Emmett to Jeremiah.

Jeremiah hasn't spoken to them at all that day, not entirely unusual, but tonight, it's out of purpose and not accident.

He finishes swallowing a cut of ham.

He waits until Jeremiah is finished swallowing a bite, between cutting and shoveling the next into his mouth, Jeremiah catches him

JEREMIAH BENNETT

These rumors true?

Emmett tries to get the next mouth of food in, but Jeremiah reaches out, weighing Emmett's hand down with the weight of his own.

Emmett can't help but make eye contact.

A mistake if lying were ever the play.

JEREMIAH BENNETT (CONT'D)

Are the rumors true?

Emmett looks to his mother, wondering if she might help him out of this inquiry.

EMMETT BENNETT

What rumors?

Emma steps in.

EMMA BENNETT

There were two girls, at the market... they were talking to one another.

Emmett is silent. His eyes lower.

EMMA BENNETT (CONT'D)

It's no matter.

JEREMIAH BENNETT

The hell if it isn't.

EMMA BENNETT

People are suggesting that you've been spending too much time with Jacob.

JEREMIAH BENNETT

Is it true, what they're saying about you two?

Emmett is silent. He looks directly to his mother, ignoring his father entirely.

EMMETT BENNETT

Do you believe them?

EMMA BENNETT

No, of course not, it's just that
you're...

Jeremiah cuts her off. He's growing aggressive. His
question is going unanswered.

JEREMIAH BENNETT

Are the rumors true?

EMMA BENNETT

Jeremiah, maybe we shouldn't
push...

JEREMIAH BENNETT

I'm asking my son a question.

Silence.

He doesn't have her relationship with their son and he's
doing a terrible job of trying for it.

Then suddenly the entire table shakes under the force of his
fist.

JEREMIAH BENNETT (CONT'D)

Enough with the God damned secrets
in this house!

Emmett stands and leaves the table. Never one for
confrontation.

Jeremiah lets him leave, then continues eating his food. A
failed attempt.

Emma glances at him over her dinner plate.

They make eye contact and Jeremiah is sure to hold his
ground, not looking away as he shovels the next mouthful in.

EMMA BENNETT

Well, at least you handled that
with grace.

Emma excuses herself.

CUT TO:

INT. SALOON - LATER THAT NIGHT

Jeremiah has abandoned his home for the later hours of the
evening. Drinking and gambling with the usual cohorts.

His foreman watches him, noticing that he seems particularly distant tonight.

The same beautiful prostitute is in her regular corner tonight.

She makes eyes at Jeremiah, per usual.

Tonight he pays less attention to her.

Eventually she's had enough of the game and makes her way to the table.

BEAUTIFUL PROSTITUE

Hello boys.

The table of men all say their hellos. Simple fast grunts and acknowledgments.

She makes her way to Jeremiah, who doesn't look away from his cards.

The foreman watches Jeremiah closely, knowing there's something off about him tonight. He could do anything.

The beautiful prostitute runs her hand around Jeremiah's chest, up his shoulder until she's standing behind him.

She moves like a cat, on purpose.

She bends to his ear.

BEAUTIFUL PROSTITUE (CONT'D)

Something the matter tonight?

He doesn't respond.

BEAUTIFUL PROSTITUE (CONT'D)

Why don't you come talk to me about it sweetie?

He's silent for a moment.

JEREMIAH BENNETT

I'm in the middle of a game here.

She stands.

BEAUTIFUL PROSTITUE

Of course. Whenever you'd like hun'. You know where to find me.

She slinks away.

The round ends, the dealer collects the cards and distributes winnings.

The foreman, in the chair next to him, close enough to speak privately.

FOREMAN

Why don't you go with her?

Jeremiah is confused by the question.

JEREMIAH BENNETT

I'm a married man.

Foreman is dead serious.

FOREMAN

What's that got to do with anything?

Jeremiah looks at his friend.

JEREMIAH BENNETT

I can't do that to my wife. The thought of it detests me.

The foreman considers for a second, how should he deliver the blow.

FOREMAN

My friend, she does it to you.

Jeremiah is enraged.

He snaps, he's up out of his chair, hand around his friend's neck and has him against the wall in moments.

JEREMIAH BENNETT

You'd better be out with it or there's gonna' be real trouble.

The saloon only half notices the scuffle. The dealer pauses but only because he's not certain whether to deal the foreman and Jeremiah.

A few others watch because they've never seen these two friends in any kind of altercation with one another.

The foreman raises his hands in surrender.

FOREMAN

Don't make a scene friend. This is a private matter and those that don't already know ought not hear.

Jeremiah lowers his offense, releases the foreman.

Cautiously, the foreman turns his back from the saloon, to finish what he was saying.

FOREMAN (CONT'D)
She has a man, who she goes to.

Jeremiah is hurt.

FOREMAN (CONT'D)
A year now, maybe more.

Jeremiah isn't sure how to handle himself. His hands move from his waist to his face, then back to his waist.

FOREMAN (CONT'D)
You didn't know...

JEREMIAH BENNETT
Of course I didn't know.

Jeremiah punches the wall hard.

FOREMAN
I'm sorry to have been the one to
tell you, friend.

The foreman puts his hand on Jeremiah's shoulder.

FOREMAN (CONT'D)
I'm sorry.

CUT TO:

INT. SALOON - LATER

Jeremiah takes shot after shot of a dark alcohol.

His foreman signals the prostitute and gestures to his severely drunk friend, who he feels, needs the type of attention that she can provide.

Jeremiah is drunk enough to stumble when the beautiful prostitute comes for him.

This time he puts up no resistance.

She takes him by the hand.

Jeremiah exchanges a look with his foreman, who nods his head.

She pulls him up from his seat and they move upstairs.

He demonstrates how inebriated he is on the way. Step after step.

She takes him to a door and unlocks it.

CUT TO:

INT. SALOON - PRIVATE BEDROOM

They enter and she closes it behind them.

She's on him quickly. Kissing his neck, unbuttoning his shirt.

She moves downward but he pulls her back to his feet.

JEREMIAH BENNETT

Am I an evil man?

She looks into his sad eyes.

BEAUTIFUL PROSTITUE

Evil is the way of the world honey.
We survive.

She moves back in, kissing his neck, she tries to kiss his mouth but he turns away.

She continues until he pushes her off.

BEAUTIFUL PROSTITUE (CONT'D)

I thought this is what you wanted.

He's drunk, trapped between wanting so many things.

There's a moment. She waits for him to move, to leave.

He doesn't.

She's back on him.

His breath quickens. His sadness becomes frustration, then anger and then hate.

He throws her away from him.

She falls onto the bed bewildered.

He escapes through the door they came in through.

CUT TO:

INT. SALOON - CONTINUOUS

Jeremiah races down the stairs, stumbling. He catches himself between falls.

He makes it to the exit.

CUT TO:

EXT. COLOMA - MAINSTREET - CONTINUOUS

Snow is falling, adding to the compiled snow from the previous days.

Jeremiah races through the streets of the town.

He's furious, vengeful, wasted.

CUT TO:

INT. MAMMY JANE'S HOME - BEDROOM

Moonlight breaks through Mammy's frosted bedroom window, illuminating her as she sleeps.

The sound of breaking glass stirs her to her feet quickly.

She stands, rustling through her belongings, looking for her gun.

She hasn't needed it in fifteen years.

The blue light of the moon is not her friend, casting his shadow away from her.

His silhouette stands in her bedroom doorway. Jeremiah.

His gun is aimed at Mammy. He cocks it.

The noise brings Mammy to her feet. Her back is turned to him.

Mammy is wearing the necklace Emma gave her.

She raises her arms in surrender.

MAMMY JANE

Please. I'll give you anything you want, just please...

JEREMIAH BENNETT

Turn around.

She turns, slowly. His face doesn't add or subtract any value to her. She's never seen him in her life.

JEREMIAH BENNETT (CONT'D)

Did you know?

She's bewildered, shaking scared.

MAMMY JANE

Know what?

He snaps.

JEREMIAH BENNETT

Don't play dumb to me!

Her head lowers.

JEREMIAH BENNETT (CONT'D)

Don't play dumb...

He's so drunk.

JEREMIAH BENNETT (CONT'D)

Did you know that she was with that man? That whore. Did you know that she was a whore?

Mammy is fighting tears, thinking this person stark raving mad. He is, but not in the way she thinks him.

MAMMY JANE

Mister, I don't know who you are.

Jeremiah smiles. Realizing-

JEREMIAH BENNETT

I'm sorry, I have never had the opportunity to introduce myself. I'm Jeremiah Bennett, Emma's husband.

Mammy pauses, calmer for a moment, she takes the time to make out his features.

Mammy is betrayed. Emma told her secret.

She's sad again, so sad that she lowers her hands helplessly. Defeated.

She sits on her bed.

MAMMY JANE

She told you about me?

She takes the golden pendant hanging from her necklace between her thumb and index finger, holding it.

JEREMIAH BENNETT
You ain't heard of the compromise?

Mammy nods.

JEREMIAH BENNETT (CONT'D)
Nigger, this has been a free state
for three years.

The word cuts her more than it should for a woman of her time.

JEREMIAH BENNETT (CONT'D)
Instead you... run around in secret
with my wife. Makin' her keep
secrets from me. Makin' it
comfortable for her to keep a
secret!

He has a point, but it's lost in his drunken rage.

Mammy looks to him, their eyes connect.

MAMMY JANE
I'm sorry...

CUT TO:

EXT. MAMMY JANE'S HOME - BEDROOM WINDOW - CONTINUOUS

Still snowing. The landscape is a blanket of white, the trees bear heavy loads of frozen powder.

The loud snap of a gunshot. A spark of gunfire.

CUT TO:

INT. BENNETT HOME - LIVING SPACE - DAY

Emma stands at the large window near the blazing fire place.

It truly is a site to behold, Coloma after a snow storm.

Jeremiah enters from behind her.

He's changed. Calm, quiet.

He approaches Emma, but stops halfway there.

She senses him, turns to face him.

They are enemies. Two forces with different methods.

She has no knowledge of Jeremiah's night. What he had learned from his foreman, his prostitute, his murder.

EMMA BENNETT

Hello.

Jeremiah musters a kind smile.

But then it turns downward. Sour.

He recites Exodus 21.

JEREMIAH BENNETT

Eye for eye, tooth for tooth, hand
for hand, foot for foot, burning
for burning, wound for wound,
stripe for stripe.

She approaches him.

She sees through him. She sees that he knows about her lover. Then, she sees through to his confession.

EMMA BENNETT

What did you do.

He continues.

JEREMIAH BENNETT

And if a man shall open a pit and
not cover it, and an ox fall
therein, then the owner of the pit
shall make it good and repay the
owner of the ox.

EMMA BENNETT

Oh God, what did you do.

She races to the exit.

CUT TO:

EXT. MAMMY JANE'S HOME - CONTINUOUS

She races through the snow on horseback, directly for Mammy's home.

Knowing.

CUT TO:

INT. MAMMY JANE'S HOME - PORCH - CONTINUOUS

Emma stumbles from her horse, racing up the porch.

EMMA BENNETT

Mammy!

She pulls on the front door to no avail. The lock rattles.

EMMA BENNETT (CONT'D)

Mammy!

She slams her fists on the door. Calling out for her friend. Fearing the worst.

She notices the breeze catch a curtain from the draft through the broken window and now she's certain.

EMMA BENNETT (CONT'D)

No. No.

She decidedly pulls herself through the broken window. Cutting her leg, she falls to the floor.

INT. MAMMY JANE'S HOME - CONTINUOUS

Inside now, Emma makes her way through the kitchen and finally to Mammy's bedroom.

INT. MAMMY JANE'S HOME - BEDROOM

Mammy's peaceful body lay elegantly where it fell. Her eyes open.

Emma crumbles and her breath escapes her.

She makes her way to Mammy's body and falls to the floor, embracing her.

Emma brushes the hair from Mammy's brow and notices the necklace she had given Jane, clasped around her cold neck.

Emma fixes the necklace, laying it straight on her chest. She arranges Mammy. Still distraught.

CUT TO:

EXT. MAMMY JANE'S HOME - PORCH

Emma, unlocks the front door and exits Mammy's home.

A cold stare. A decision made.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - NIGHT

A heavy fire is burning, illuminating the room in an orange glow.

The red curtains framing the dark red woods.

Half of Jeremiah's face is masked in shadow, half illuminated in the blazing glow of the flames.

INT. MASTER BEDROOM - CONTINUOUS

Emma enters the bedroom. Locking the door behind her.

She is rummaging through clothes. Choosing some, laying them on the bed behind her.

Running away.

Her face pink with tears.

She comes to her wedding dress.

Vivid memories of the wedding run through her mind.

FLASHBACK TO:

EXT. WALNUT TREE FARM - WEDDING - DUSK (FALL 1832)

Her slender shape is gently outlined, backlit by the setting sun.

The simple wedding is framed in the opaque green glow of an early-fall walnut grove.

Her frail hands meet his. Their smiles reveal a marriage of love rather than convenience, her green eyes lower, his are steadily focused. She smiles.

CUT TO:

EXT. WALNUT TREE FARM - CONTINUOUS

The affectionate bride and groom steal eager glances with one another.

Eventually they fall away into the dark grove of trees. The abundant fireflies give away their Eastern location.

The groom's face is clearly lit by the glow of the moon. Jeremiah Bennett. Young. Different.

He lifts her and presses his lips against hers. She passionately accepts.

EMMA BENNETT

I love you, Jeremiah Emanuel
Bennett.

He manages to pull her in, even more tightly than before.

JEREMIAH BENNETT

And I love you Emma Isabelle
Bennett.

She laughs and he sets her down, they take off into the darkness together.

CUT BACK TO:

She holds the dress in front of her.

Splashes it top to bottom with kerosene.

CUT TO:

INT. BENNETT HOME - EMMETT'S ROOM

Emmett is struggling with the latches on his windows. Opening them, he makes his exit.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM - CONTINUOUS

Emma lites the wedding dress ablaze, letting it burn.

She throws it on the bed.

The blankets ignite quickly.

She exits with a single simple bag.

CUT TO:

INT. BENNETT HOME - HALLWAY

Through the hallway and to Emmett's door.

She opens the door.

Emmett is gone. The windows wide open.

She makes her way to the front door of the home.

Exits.

CUT TO:

EXT. COLOMA - OUTSKIRTS - NIGHT

She races on horseback through the snow.

CUT TO:

EXT. COLOMA - MAINSTREET - CONTINUOUS

Emmett runs through the main street of Coloma which is all but empty.

Seeking refuge in his friend, he comes to the church.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY

Jeremiah is writing a letter.

JEREMIAH BENNETT (V.O.)

I often pray for such a resolute state as evil. What peace it would be, to be what nature calls of me and to have no remorse for it. I am an animal after all and I am by no fault of my own, a solitary predator with no equal.

CUT TO:

EXT. COLOMA - CHURCH - CONTINUOUS

Emmett enters the church, looking for Jacob.

JEREMIAH BENNETT (V.O.)
 I have become what this world
 requires me to be and yet, this
 plague of remorse grows deep in my
 bowels. It has not subsided.
 Instead, with each new day, it's
 stronger yet.

CUT TO:

INT. COLOMA - CHURCH - CONTINUOUS

Emmett senses that something is wrong. He makes his way down the aisle of the church.

He nears the front, under the statue of the crucifixion.

He looks to his left, then his right.

Jacob isn't here.

He sits, waiting.

They were supposed to meet here.

But then he notices...

A spatter of blood next to him, in the pew.

Emmett touches the red spray, examines it near his face.

JEREMIAH BENNETT (V.O.)
 But it is you, my son, who I suffer
 the most agony for. I regret
 having chosen to bring you into
 this hell of life. I am a selfish
 man and you are quite possibly the
 most selfish choice I've made. I
 am sorry.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - CONTINUOUS

He is writing.

CUT TO:

INT. BENNETT HOME - MASTER BEDROOM

The entire master bedroom of the house is fully engulfed in flames.

CUT BACK TO:

INT. COLOMA - CHURCH - CONTINUOUS

Emmett notices that the trail of blood continues across the dark wooden floors of the church.

There is a smear of blood on the wall, low, near the floor, by the back exit.

He opens the back door of the church, revealing the sprawling white landscape littered with random trees

CUT TO:

EXT. COLOMA - CHURCH - CONTINUOUS

Jacob is lying in the snow, shaking cold.

His blood is sprayed across the white landscape from a second gunshot.

Emmett runs to him.

His hand on Jacob's back.

EMMETT BENNETT

Who did this?

Jacob can't speak. His eyes can only move to the side enough to meet Emmet's.

Jacob reaches out his bloody hand and takes hold of Emmett's collar.

Emmett pulls Jacob upward, embracing him against his chest.

JEREMIAH BENNETT (V.O.)

I told you once that nothing would harm you. I have only wanted to protect what is mine. Your mother and you. My actions are deplorable... I suppose. Evil. But I've learned something about evil. It lives in every man. Every woman.

(MORE)

JEREMIAH BENNETT (V.O.) (CONT'D)

We have weaknesses in our soul and
once we display them, once evil
knows our weakness, a place for it
to enter... it starts to seep in.
More and more. Consuming you,
taking you. Becoming you.

Emmett's teary eyes fill with the fury of his father's.

Jacob's stunted breathing ends. His head hard against
Emmett's chest.

Jacob passes away in Emmett's arms.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - CONTINUOUS

JEREMIAH BENNETT (V.O.)

But now it is my wish, that you
might know me, that my life might
be a lesson for you. That you
might learn to protect yourself and
what is yours. It is in these
threads of remorse that I believe
my hope for you lives.

CUT TO:

INT. BENNETT HOME - ENTRY WAY

The flames have grown into the living space, leaving the
entry way.

CUT TO:

INT. BENNETT HOME - JEREMIAH'S STUDY - CONTINUOUS

His letter is pages long.

He folds it, places it in an envelope and addresses it to
Emmett.

JEREMIAH BENNETT (V.O.)

My remorse and my hope. My need
for you to know me. All because I
love you. My son. I love you.

Emmett enters. Covered in Jacob's blood. He holds a pistol.

Emmett is distant. He's gone.

He takes several steps into the room

CUT TO:

EXT. COLOMA - OUTSKIRTS - CONTINUOUS

Emma keeps going.

A get away.

A chance at freedom.

A new life.

CUT BACK TO:

INT. BENNETT HOME - JEREMIAH'S STUDY

The flames make their way into the door of Jeremiah's study.

He hasn't noticed them until now.

Emmett is holding the gun at his side. His hands are trembling.

Jeremiah stands. Approaches Emmett, hands out, he holds his letter in his left. Cautious.

JEREMIAH BENNETT

Everything I want to say is here.

Emmett is empty. He raises the gun, pointing it at his father.

JEREMIAH BENNETT (CONT'D)

This isn't you Emmett. You aren't a cruel man.

The flames enter, having their way with the curtains. There's no way out of the room except through flame.

JEREMIAH BENNETT (CONT'D)

Don't mark your soul with my death Emmett. Hand me the gun.

Emmett steps backward from him, making space.

JEREMIAH BENNETT (CONT'D)

You have to leave. You have to go.

Emmett is shaking.

Jeremiah yells.

JEREMIAH BENNETT (CONT'D)
What's wrong with you boy?

He tries even harder.

JEREMIAH BENNETT (CONT'D)
Say something!

10 feet away now.

JEREMIAH BENNETT (CONT'D)
Give me the gun Emmett! I'm a
sinful man. I'll do it myself.

Too much time passes, Emmett is bluffing.

Part of Jeremiah wishes he weren't. He wishes his son
weren't so weak.

But then, Jeremiah begins his attempt at an apology.

He extends the sealed envelop with Emmett's name written
across its face.

JEREMIAH BENNETT (CONT'D)
I want you to have this. The
things I've done...

Before Jeremiah can finish Emmett turns the gun to his own
temple and pulls the trigger.

It is so incredibly immediate. So shocking.

JEREMIAH BENNETT (CONT'D)
No! No!

The crack of gunfire echoes and rings around the burning room
and in the ears of Jeremiah.

He falls dead.

The ringing lives on in Jeremiah's mind. Reflecting the
sounds that took his sons life with them.

He rushes to his son's body.

JEREMIAH BENNETT (CONT'D)
My God no.

The flames burn. Blazing, consuming closer.

He tries to close the bloody wound on the side of his son's head.

JEREMIAH BENNETT (CONT'D)

Emmett no... no...

Then he says it.

JEREMIAH BENNETT (CONT'D)

I love you. I love you...

The envelope is close. It burns.

Jeremiah, on his knees, leans into his son.

JEREMIAH BENNETT (CONT'D)

I love you.

The flames take it all.

CUT TO BLACK: