

Episode #5

“The Trial of Jack McCall”

(We see Wild Bill's corpse laid out, flies are landing on his face, as those paying their respect pass by, they shoo the flies away.)

Shyster: Tuft of a recently decapitated Indian...25 cents. Authentic heathen hair tufts. Head brought to camp same day as Wild Bill Hickok was killed. 25 cents a tuft. Or five tufts for a dollar. 25 cents a tuft! 25 cents a tuft! Don't miss your chance at a fine souvenir, boys, authentic heathen hair tufts. Send them east to friends and family. And if you was to say in your letter with the tufts inside it it was you, who cut the cocksuckers head off who'd be there to gainsay?

(We see a line in the opposite direction of the respects line, Seth and Sol are there watching...)

Merrick: Anyone, may join the juror's line. Only those admitted to the bar, may join the line of candidates for officers of the court. Jurors will be drawn from the hat on my right. Officers of the court in the box, on my left. I have no say in either outcome. So please don't try to bribe me.

(Cy and Al are watching from the balcony of the Gem outside Al's office...)

Cy: That newspaper fella seems a good sort.
Al: He's alright.
Cy: How far into the process you think he'll stay involved?
Al: 'Til them shysters take over.

(Looks up and sees Alma in her room, pacing, looking out the window occasionally)

Alma: I don't know what's become of the woman who was Hickok's friend.
Doc: Probably, drunk over his murder.
Alma: Yes, well there's a child to be considered.
Doc: And she couldn't be doin' better.
Alma: Despite her situation.
Doc: I don't see your medicine.
Alma: No, I broke the bottle.
Doc: Alright. *(Bends down to his satchel to get a full bottle)*
Alma: No!
Doc: I don't know if this is the time for you to stop takin' this laudanum, Mrs. Garrett.
Alma: Oh, what a pleasant surprise, doctor. To hear you admit the limits of your knowledge.
Doc: Have you made any travel plans?

Alma: (*Shakes her head “no”*) Before his murder, Mr. Hickok arranged with a Mr. Bullock to look after my affairs here.

Doc: That’s good, that’ll...that’ll free you up to leave. (*Alma looks over and meets Sophia’s eyes*)

(*Outside, back at the trial line...*)

Shyster: 25 cents, 25 cents a tuft! Hair from the heathen dead less than one day. (*Seth looks over at the shyster – seething*) 25 cents, 25 cents a tuft!

Man in Line: These are good boots you people sold me.

Seth: (*Walking away towards the shyster*) Glad you’re satisfied.

Shyster: Hair from a heathen dead less than one day!

Seth: Cut that shit out!

Shyster: No law against me selling these, mister.

Seth: No law either against me breakin’ your fuckin’ jaw, you don’t quit it! (*Grabs the stick with the hair, breaks it over his knee and throws it in a fire*)

Seth: (*To Tom Nuttall*) Put him out here like a goddamned circus freak!

Nuttall: Whoa, I’m not makin’ a penny from this, Mr. Bullock. People just wanted to pay their respects. Well, I-I-I had him around the side, but ah, they...they knocked the damn tent over. (*Seth walks away*)

Cy: (*Looking down from the balcony still*) Man has a powerful temper.

Al: Them hardware cocksuckers been an ongoing pain in my balls, since him and his partner showed up.

Cy: Where do you suppose that heathen’s head go to them tufts of hair came off of Al?

Al: Yeah, I don’t know.

Cy: Didn’t some Mexican bring the head in for bounty?

Al: If it’s important to ya, I’ll look it up in my yesterday’s diary. (*Al walks inside*)

Cy: Couldn’t matter less. (*Follows Al inside*)

Al: As the trial itself, I got no problem acting as host. Loss of revenue’s not withstanding. (*Al opens the door for Cy to leave his office*)

Cy: Well, I’m happy to have it at my joint, but bein’ you’re senior in the community, it seems somehow out of place.

Al: Anyways, we’ll have it here. (*They leave the office and start to head downstairs*) But just let me say this once, in your hearing. For outright stupidity, the whole fuckin’ trial concept goes shoulder to shoulder with that cocksucker Custer’s thinkin’ when he headed for that ridge.

Cy: It’s got it’s disadvantages.

Al: We’re illegal. Our whole goal is to get annexed to the united fuckin’ states. We start holdin’ trials, what’s to keep the United States fuckin’ Congress from sayin’, “Oh, excuse us, we didn’t realize you were a fuckin’ sovereign community and nation out there. Where’s your cocksucker’s flag? Where’s your fuckin’ navy or the like? Maybe when we make our treaty with the Sioux we should treat you people like renegade fuckin’ Indians. Deny your fuckin’ gold and property claims. And hand everything over instead to our ne’er-do-well cousins and brother’s in law.”

Cy: *That we don't want.*

Al: But, if we're gonna have the fuckin' thing, might as well have it in my joint, huh?
(They continue walking, the camera pans to outside)

Merrick: Tom Smith, of Lead. Juror number seven!

Al: How's business?

Cy: Hot and cold. Strugglin' to get our craps concept off the ground.

Al: That's the way with any new idea. Takes the hoople heads time to adjust.

Merrick: Samuel Smith.

Al: Sometimes I wish we could just hit 'em over the head, rob 'em and throw their bodies in the creek.

Cy: But that would be wrong.

Merrick: Jay Johnson, Spearfish. Juror number ten.

(Doc is coming down the street, he seems to be in a hurry. He spots Seth and approaches him)

Doc: Mr. Bullock?

Seth: Doc?

Doc: I just seen Mrs. Garrett.

Seth: I've got a proxy for her to sign.

Doc: You oughta go ahead and get that done so she can go ahead and leave town.

Seth: Anything else on your schedule I'm behind on?

Doc: No, sir.

Merrick: I will now draw from the lawyers business cards in the box. The presiding magistrate, prosecutor and counsel for the defense.

Al: *(Loudly)* After that part's over, for not pre-judging the evidence...why don't we try the cocksucker at my place? *(Sophia is watching from her window)*

Cy: Second.

Merrick: Officers of the court, Magistrate...*(This is said off camera as the camera pans down from Sophia to the hotel lobby)*

EB: There's a cripple who'd do. If I could pry her from Mr. Swearengen.

Alma: How much money would loosen his grip?

EB: More likely Al'd bridle at breakin' his routine. He likes to berate the gimp mornin's.

Alma: I cannot see to the child. She needs someone less distracted.

EB: I wish to see you extricated from all these...complications and difficulties, Mrs. Garrett, as much as you do yourself.

Alma: *(Laughing)* Oh, Thank you, Mr. Farnum. *(She sees Seth entering the hotel)*

EB: And in that regard, wonder if you'd decided on my bid for your claim yet?

Alma: *(Turning to walk to Seth)* Are you Mr. Bullock?

Seth: *(Takes off his hat)* Yes.

Alma: I'm Alma Garrett.

Seth: How do you do?

EB: Please, excuse me. I'm spread so thin with my cook out.

Seth: I got this for you to sign. *(EB, watching as he grabs some plates)*

Alma: Have you a pen at the desk, Mr. Farnum?

EB: Certainly. *(Drops bacon into a pan)*

Alma: Several days ago I...watched you, and Wild Bill Hickok, support each other in a gun fight from the window in my room. Later, when Mr. Hickok...spoke so highly, ah, Mr. Bullock, I...I imagined it was you. *(EB turns the writing desk around for Alma and hands her a pen. She dips it in the inkwell and begins to sign the proxy)* Mr. Bullock has authority to act in my behalf on all matters relating to the claim.

EB: I see.

Alma: In case you couldn't, I thought I'd tell you.

EB: Wonderful. One load off your back. Let me see about getting you that, cripple. *(Seth takes the proxy letter from Alma and puts it in his coat pocket. EB goes outside and pauses on the porch, he's stricken with the news.)*

(Joanie comes down the stairs of the Bella Union sees Cy and approaches him...)

Cy: Is he dead or alive?

Joanie: He's sick.

Cy: And we ain't no hospital! *(To Bart)* Number eight's relocatin'. Bundle him up, put some of Leon's remedy down him and take him to the hills.

Bart: Can someone else do it, Mr. Tolliver?

Cy: Sure the can. Shall I get someone else to take him?

Bart: No, I-I'll do it.

Cy: And burn the blanket afterwards. Thanks, Bart. *(Bart leaves, Joanie steps in front of Cy)*

Joanie: Some do get well, Cy.

Cy: His chances'll improve outdoors. The bracing air. *(Joanie stalks off)*

(Back at the Gem...)

Al: What are you movin' the tables for?

Dan: You said you wanted the jury right here.

Al: Can't they sit at separate tables?

Dan: Do you want the tables together, or not?

Al: I don't want anything done, that can't be undone, five minutes after this fiasco concludes. *(To Jewel as he comes downstairs)* Clean somewhere where I can't see ya. *(To the whores)* Go on, get fuckin'!

EB: Have patience with the widow, Al. She's give her proxy to that hardware fella.

Al: Oh, Hickok breaks my balls from the afterlife.

EB: You fell, before he was murdered, Hickok enlisted Bullock in the widow's cause?

Al: Advance the subject or pick up a broom.

EB: Signing a proxy don't mean the widow can't do a deal. It just includes Bullock in.

Al: If the widow trusts her own judgments, she don't let Hickok bring the hardware cocksuckers into it.

EB: She's tryin' to get off the dope. Maybe loaded, she'd get her self-confidence back.

Al: Oh, let me camp beneath her window and suggest that.
EB: Hickok's half woman friend's off somewhere's on a tear. The orphan square head's in the widow's care. The widow feels put upon. She's asked me to find her some help. I suggested the gimp.
Al: No!
EB: So as not to put a whore up first off. Now I will propose Trixie.
Al: As a get acquainted gift, she could bring the widow a good-sized ball a dope.
EB: Yes.
Al: Well thought through, E.B. *(Johnny covers the deer head with a sheet)* Tell the widow you have a candidate.
EB: I have to go look to my roast. My cook's on the queue to see Hickok's remains. *(Johnny hangs the picture of Abe Lincoln up and covers it with a sheet as well)* Then he'll probably sneak here for the trial. *(As Johnny comes down the ladder he causes a bottle of whiskey to crash down to the floor. Al stops dead in his tracks and looks down from above)* Oops. *(EB, seeing Al mad, tip toes as fast as he can out of the Gem)*

(Seth is walking down the street to the store...)

Seth: Reverend.
Rev: Hello, sir. Sir, who stands for Mr. Hickok?
Seth: What do you mean?
Rev: Mr. Utter has gone to Cheyenne. And I don't find Mr. Hickok's woman friend. Mr. Nuttall commissioned the coffin, but wishes not to participate further. Now I need guidance in certain matters. But I don't know who stands for him.
Seth: What are you tryin' to find out?
Rev: For example, I thought "How Firm a Foundation."
Sol: For the hymn.
Seth: Sounds a good choice.
Rev: Do you think so?
Seth: Yes, I do.
Rev: Might something else be more appropriate?
Seth: I don't know, Reverend.
Rev: I think "H-How Firm a Foundation" for the hymn and from the gospel, first Corinthians 12.
Seth: Alright. *(Sol, this whole time, is watching as Seth gets more and more frustrated with the Reverend's questions)*
Rev: If the foot shall say because I am not the hand, I'm not of the body, is it therefore not of the body? And if, the ear shall say because I'm not the eye, I'm not of the body, is it therefore not? Now hath God, set the members, every one of them, in the body as it hath pleased him.
Seth: *(Firmly)* That is a good choice Reverend.
Rev: *(Smiling)* 12 and 13, I think. *(Leaves)*
Sol: Are we open for business?

(Seth stalks off, ooh! Pighthouse walk! With slo-motion effects! Seth is holding back tears)

in his eyes. The pigs are squealing, Mr. Wu glares at Seth as he enters the meat locker.)

Jack: I know you.

Seth: I know you, too.

Jack: I guess after bumrushin' me outta your fine, fuckin' hardware establishment, you didn't see this comin', did you?

Seth: I halfway did, you droop eyed cocksucker!

Jack: I was born droop eyed, alright?

Seth: And who do you blame for the rest of the fuckin' mess?

Jack: Let me ask you this, cocksucker? You think they know me in New York City by now? *(Seth grabs him by the throat)* Ah!

Seth: If you wasn't tied up, I'd kill ya!

Jack: Ow, what you cryin' for?

Seth: What?

Jack: I'm askin' what you're cryin' for? Did you love Hickok so much? Was your sweetheart? Did he stick his dick up your ass? Ah, ah!

Counsel: *(Entering)* Hey, Hey! I'm this man's counsel.

Seth: *(Stops choking Jack – seems surprised at the depth of his anger, turns around to leave)* I'll pin a rose on you. *(Seth leaves, Mr. Wu watches him)*

Jack: Why I shake ya hand. I'm all trussed up like a Christmas pig.

Counsel: I'd say you're better situated than your companions.

Jack: Well, I'm a hard case for you, counselor. And no mistake, everyone in there saw me shoot him.

Counsel: If you'll let me set our strategy, I don't think we'll dispute what people saw.

Jack: Now, I guess you're here to break me out.

Counsel: *(chuckling)* Son, did James Butler Hickok, ever kill a relative of yours?

Jack: James Butler Hickok?

Counsel: Wild Bill Hickok. Did he ever kill a brother of yours or, or the like?

Jack: A brother? *(The light seems to turn on in his vacant head)*

Counsel: I'm asking you, if what happened in that saloon, was vengeance, for the death of a family member? Possibly a brother in Abilene. Or the like.

Jack: A brother in Abilene. *(Counsel smiles, pats Jack on the knee and leaves)*

(Bart is dragging Andy on a sled into the hills...)

Andy: Oh Christ.

(Bart dismounts, dumps the sled over tossing Andy onto the forest floor – he's covered in sores)

Andy: Oh, Jesus.

Bart: You alright? *(Andy gasps)* Look, I'm sorry as hell about all this. Sorry as hell. I'm not gonna burn the fuckin' blanket. Fuck Cy! Look, this is not my fuckin' fault. *(Takes his gloves off and drops them on the ground next to Andy)* It's not my fault.

Andy: Ah, Christ. *(Bart leaves)* Ah, God take me!

(Al enters the whores room and finds Trixie looking out the window, smoking a cigarette)

Al: What do you look at out there?

Trixie: Whatever I can see.

Al: Clean up.

Trixie: Am I on jury duty?

Al: Put on a decent enough dress to help a widow with a kid.

Trixie: What widow in camp, has a kid?

Al: The widow is the New York dude's widow. The kid is the orphan square head.

Trixie: I didn't know she was carin' for that child now.

Al: Does it change what fuckin' dress you wear?

Trixie: No.

Al: Widow's a dope fiend. She's been drinkin' it. *(Hands Trixie a ball of dope)* Help her expand her horizons.

(At the Bella Union, Doc enters, looks upstairs, gets a concerned look on his face and approaches Cy at the cashier's booth)

Doc: I see no guard outside of room eight.

Cy: Yeah, room eight left.

Doc: Born by angels?

Cy: You don't have that man to worry about anymore, Doc. You or me either, just...put the man in room eight from your mind.

Doc: Sir, I have no vaccine. For the sickness the man in room eight didn't have. The closest place that does, to my knowledge, is Fort Kearney. If you want a remedy, the epidemic that you have no reason to believe *will* break out; I would send somebody there right away.

Cy: Heard ya loud and clear, doctor.

Doc: Will ya send someone, Mr. Tolliver?

Cy: If I do, you'll be the first to know.

Doc: *(Hits the mesh of the cashier's booth – hard)* If you don't, and I have to, that will be known to every damn person in this camp! *(Grabs his satchel and leaves)*

Cy: *(Looks over and sees Joey doing a shot)* Joey? *(Joey looks over and Cy motions with his head for him to come over)* You ever had Nebraska pussy?

Joey: Ah, not to my knowledge, Mr. Tolliver.

Cy: Eddie Sawyer, get in here! *(Puts a hand on Joey's shoulder as Eddie approaches)* True or not, Eddie, when a man wets his end in Nebraska pussy, his life is changes forever.

Eddie: Speaking only for myself, I still mark the anniversary.

Joey: Well, point me in the right direction.

Cy: You hear that, Eddie?

Eddie: Boy's got a healthy attitude.

Cy: *(Chuckling)*

(Knocking, Johnny pokes his head into Al's office)

Johnny: Yes, sir.

Al: Come here. *(Holds out the Indian head wrapped in burlap – Johnny takes it)* Get this outta here.

Johnny: Get rid of it?

Al: Did you hear me announce the other night that I'd pay a \$50 bounty for every fuckin' Indian head?

Johnny: I was right next to ya, Al.

Al: That's the first head. Some chili chomper's out there somewhere spendin' my 50. You get rid of that head, or you'd better know of another place with a position open for an idiot.

Johnny: Alright. Got a couple places I can keep it, I guess.

Al: Yeah, 'til after the trial.

Johnny: Well, what do ya do with it then? Put it somewhere in the bar? It's a nice conversation piece. I mean if it's handled the right way.

(EB is in one of the hotel rooms, squatting down, scrubbing at a bloodstain...)

EB: You have been tested, Al Swearengen. And your deepest purposes proved, there's gold on the woman's claim. You might as well have shouted it from the rooftops. That's why I'm jumpin' through hoops to get it back. Thorough as I fleeced the fool she married, I will fleece his widow, too. Using loyal associates like, Eustace Bailey Farnum as my go-betweens and dupes. To explain, why I want her bought out I'll make a pretext of my fear of the Pinkertons. I'll throw Farnum a token thief, why should I reward E.B., with some small fractional, participation in the claim? Or let him even lay by a little security and source of continuing income, for his declining years. What's he ever done for me? Except let me, terrify him every goddamned day of his life 'til the idea of bowel regularity, is a full on fuckin' hope. *(Pours water on the stain)* Not to mention orderin' a man killed in one of E.B.'s rooms. So every fuckin' free moment of his life E.B. has to spend scrubbin' the bloodstains off the goddamned floor! To keep from...havin' to lower his rates. Goddamned that motherfucker!

(Back at the Gem, the trial is starting, men are chattering, the Magistrate bangs his gavel)

Magistrate Clagett: Rules of the court. No nonsense. Prosecution will open. The defense will respond. The jury will be charged and deliberate. *(Looks at the prosecutor)* Go ahead.

Prosecutor: We shoulder a great weight here today. Now we're many of us miners, but this is no claim dispute.

Al: *(Looking down from above)* Christmas.

Dan: Hmm?

Al: We'll be here 'til fuckin' Christmas!

(The jury turns around and looks up at Al, Dan holds his hand out like – “carry on”)

Prosecutor: Yesterday, a man of reputation was killed in this camp. Now, the killer, had no reputation. But the circumstances speak badly enough about his character that, in time to come he may get one. Now, we all know that, even though the killer is a coward, not all killings are murders. You jurors have to decide if *this killing was*. And your decision, will come to this. Either a man giving you a dollar for breakfast is provocation beyond endurance, or Jack McCall, shooting Wild Bill Hickok, was murder, pure and simple.

Al: Picked up his pace towards the end.

Magistrate Clagett: (*Looks at the Defense counsel*) Go ahead.

Defense: Thank you, sir. Why'd you kill Hickok, Mr. McCall?

Jack: He murdered my brother in Kansas.

Defense: Murdered your brother in Kansas. (*Jack nods his head*) Thank you, son.

Dan: Hmm? (*Like – "see? That's something!"*)

Al: Don't count your fuckin' chickens.

Magistrate Clagett: Go ahead.

Prosecutor: When did Hickok murder your brother, Mr. McCall?

Jack: In Kansas, Abilene.

Prosecutor: Are you still drunk? I said when?

Jack: Ah, I-I don't recall the exact year. When they was both in Abilene.

Prosecutor: And you were present?

Jack: Not at shooting, no.

Prosecutor: But you were in Abilene at the time that this happened?

Jack: No, when the shooting happened, no.

Al: Tell that judge I was to see him. (*Dan goes downstairs*)

Prosecutor: Were you ever in Abilene?

Jack: Yes.

Prosecutor: Well do you often play cards, McCall, for three days with a man who murdered your brother, before, in passion's white heat, you take your revenge?

Jack: No, it wasn't white heat. (*Dan whispers in the Magistrate's ear*) I had to find my chance.

Magistrate Clagett: If that's it, I'm callin' a break for nature and we'll finish later.

Prosecutor: Do you even have a brother, Mr. McCall?

Jack: Yeah. And Hickok killed him.

Magistrate Clagett: Break for nature. (*The room starts chattering, the Magistrate Starts heading for the stairs*)

Card Player Shot in the Arm: Sir? Sir? Bullet that killed Mr. Hickok is in my wrist. Any chance I could testify?

Magistrate Clagett: McCall already admitted he killed Hickok.

Card guy: Well, years to come when I'm givin' talks or the like, I just, I'd just appreciate it if I'd be on the record. (*Magistrate Clagett heads upstairs*) Sir, there's \$50 in it for ya. I'd be tellin' the truth, sir!

Trixie: (*Knocking on Alma's door*) Mrs. Garrett?

Alma: (*To Sophia*) It's okay. (*knocking – Alma heads to the door*) Who is it?

Trixie: I'm sent to help you with the little one. (*Alma opens the door & Trixie steps inside*) I'm Trixie.

Alma: Thank you for coming at such short notice, Trixie. (*Motions to Sophia*)

Trixie: Oh, ain't you pretty? (*kneels down*) I'm sorry about your husband, ma'am. It's good of you to care for the child. (*Picks up Sophia*) Oh...

Alma: I was under the impression you were, hurt.

Trixie: Ma'am?

Alma: Mr. Farnum, said you had some, sort of, physical liability?

Trixie: I'm not here. Oh, she's lovely though, a jewel. May I wash her? Give her a nice bath?

Alma: Of course.

Trixie: Alright, little one. (*Puts Sophia down and pushes up her own sleeves*)

Alma: She doesn't speak English.

Trixie: (*Nods her head*) I'm Trixie (*Pats her chest*) Trixie.

(*Back at the Gem, in Al's office, the Magistrate is seated across from him, Al is getting out the whiskey from his drawer and setting up a couple drinks*)

Al: You want a blowjob while I talk to you?

Magistrate Clagett: No.

Al: I wasn't offerin' it personally. (*Pours the drinks*)

Magistrate Clagett: Make your point.

Al: My point is...before a guilty verdict would get executed on that cocksucker, three men, would walk in that meat locker where he's bein' held with bags over their heads and cut his fuckin' throat. And within half an hour that celestial's little pigs will be, on their backs, with their hooves in the air, belching up human remains.

Magistrate Clagett: Are you saying you'd order that to be done?

Al: I'm sayin', I had a vision, it'd happen. My second of the day. First come when I was watchin' you and them lawyers on line this morning. They began to slither in my sight like vipers. So as not to puke I had to close my eyes. The vision went on. Got worse. I saw the vipers in the big nest in Washington. They were takin' us in the camp, for actin' like we could set out own laws up or organizations and then saw the big viper decide to strangle and swallow us up every fuckin' thing we gain here. It was horrible. How could we fuckin' avoid it? How could we let the vipers in the big nest know that, we didn't wanna cause any fuckin' trouble?

Magistrate Clagett: And that's when you had your second vision.

Al: Yeah, the cut throats and the pigs. But who wants all that blood spilled, judge, huh? Isn't there a simpler way of not pissing off the big vipers?

Magistrate Clagett: (*Does his shot*) I want to get back to the trial.

Al: Go ahead. (*We hear the door open & close, Al finishes his drink*)

(*Back at the hardware store...*)

Sol: How do you 'spose the trial's goin'?

Seth: I don't know.

Sol: Should've took him into the territory. Hang 'em here they'll be openin' a can of worms. (*The Reverend approaches*) Guess it's all a can a worms.

Seth: Now you're talkin'?

Rev: Will you help me with the body? *(Seth looks up at him – quizzically)*

(Back at the trial – men are chattering among themselves...)

Dan: Good talk?

Al: We'll see.

Dan: Mmm. You see that one? *(Pointing down)* Him, that one there in the middle?

Al: The curly hair?

Dan: Yeah, yeah. Told me the other night how bad Hickok needed killin'. *(Al raises his eyebrows)* Yeah. Said Hickok insulted him in the street.

Al: Hope he's got a forceful personality.

Magistrate Claggett: *(Sitting down)* We're back in session. This camp is part of no territory, state or nation. Stars and stripes may fly here soon, but that day is not here yet. You of the jury therefore are without the law upon which to decide this case. *(Al gives a thumbs up)* And how then are you to decide it? You must rely on common custom. That McCall killed Hickok is not in dispute. He says he was takin' revenge that Hickok murdered his brother. If you believe what he says to be true, custom dictates, that you excuse him. The jury will now retire to the whore's rooms, and begin their deliberations. *(We see Ellsworth below, he winks at Dan)*

Al: You suppose Ellsworth's with us?

Dan: Oh yeah, four square. *(Jury gets up, the men all disperse)*

Al: Open the bar. Get the girls fucking. When the jury comes back.

Dan: Mmm, the downstairs rooms is occupied.

Al: Upstairs ain't.

Dan: True. *(Dan takes off)*

(Back in the hills...)

Andy: Oh, strike me dead. *(Calamity Jane appears)* I apologize. Please, I hurt so much now.

Jane: *(Approaches Andy)* You're one sick fuckin' customer.

Andy: I apologize.

Jane: Don't apologize to me. I don't even fuckin' know ya! You want a drink a whiskey? And no lip in the bottle but I got a pretty steady pourin' hand.

Andy: I apologize.

Jane: Accepted, open your yap! Hey! Open up! More for me anyhow.

Andy: I apologize.

Jane: Hey. My best friend died. The man I had my best friend feelin' about in the world. Took as he found you, thought the best a you. Sweet to me!

Andy: I apologize.

Jane: Maybe you'd rather have some water? I'll go get some from the creek. But if you don't stop 'pologizin', I'm not gonna give ya a goddamn drop. Alright, Mister? I'm comin' back with some water.

Andy: I apologize.

Jane: Shut the fuck up!

(Back in Alma's room, Trixie is braiding Sophia's hair...)

Trixie: Look how pretty you are. Pretty girl. *(Alma looks out the window, she's clutching her stomach)* Are you poorly? Crampy?

Alma: Yes.

Trixie: Does laudanum help?

Alma: It used to. It doesn't anymore.

Trixie: Are you afraid?

Alma: Yes.

Trixie: I was awful afraid when I was stoppin'. First I was afraid I was gonna die. And then I was afraid I wouldn't. And then one day I woke up...free. *(Alma looks out the window again, then back)*

Alma: I don't know why I didn't think to put her in one of my camisoles.

Trixie: No, but you look how pretty she looks in it. Look at her. *(Alma smiles)*

(Back at the Bella Union...)

Eddie: May I confide?

Cy: Certainly.

Eddie: I've never been laid in Nebraska.

Cy: We all of us sometimes embellish.

Eddie: I feel unburdened.

Cy: Happy to help.

Eddie: What did you send him to get?

Cy: If I haven't said yet, Eddie, you think askin's gonna make me? *(Joanie comes down the stairs – all dressed up, wearing that awesome hat with the trailing scarf)* Look at the Lady.

Joanie: It's quiet, I thought I'd see Hickok buried.

Cy: Sure.

Joanie: Sure, what?

Cy: Sure, Joanie, go ahead. Or was your point you weren't askin' permission? *(Joanie glares at Cy, turns & leaves)* Conscience struck. Needs to sing a hymn.

Eddie: She liked Andy.

Cy: I did, too. *(Eddie nods, turns and goes back into the office)*

(Seth and Sol are lowering Bill's corpse into the coffin. Tom Nuttall places Bill's hat and rifle in with him. They place the lid on the coffin and lift it into the wagon. Nuttall starts to nail the coffin shut.)

(Trixie is knocking on the Doc's cabin door...)

Trixie: Doc?

Doc: I'm in my back.

Trixie: Well, I won't trouble nothin'? *(Doc stops what he is doing and gets up)* Hi, Doc.

Doc: What is it?

Trixie: Couple years ago I took, powders, gettin' some awful crampin'. I wish I knew what was in 'em.

Doc: Well, that'd be helpful.

Trixie: Brownish like *(Trixie looks over to where the Doc was working, he sidesteps to block her view)* I put 'em in my tea.

Doc: Well, if it's the monthly's, I generally prescribe a day or two of laudanum against the cramps.

Trixie: Comin' off the laudanum's what had me crampy.

Doc: Then you used it for more than a few days.

Trixie: Little longer, yeah. *(Doc sits, Trixie joins him)* 'Tween 12 and...however old I was three years ago.

Doc: Have you taken 'em back up again?

Trixie: It's the rich woman wants to stop. The widow.

Doc: And what's that to you?

Trixie: Or to you, why I'd be interested?

Doc: I won't swear, *(gets up and begins to pick dried herbs)* this is your sovereign remedy. But, the color will be right. And it should give her some relief. *(Sits down and begins to make his concoction)*

Trixie: Thanks, doc.

Doc: Why that's a little enough to do with what's comin'.

Trixie: What would that be?

Doc: And what would that be to you?

(Back at the Gem, one of the jury members is "deliberating" with the help of a whore. She's laughing. Dan knocks and pokes his head in...)

Dan: Finish your business. The jury's comin' back. Hurry it up!

(In the bar area, the jury and clerks of the court are being seated. The Magistrate enters and they all rise. When he sits, all but Jack McCall sits back down...)

Magistrate Clagett: What's the verdict?

Curly: Innocent. *(Jack breathes relief, everyone starts chattering, Merrick hurries off)*

Magistrate Clagett: Thank you. The defendant is free.

Al: *(To Dan)* Don't ever knock this camp to me.

(The whores all smile and wave at Jack, he blows them a kiss)

Defense: Good luck, son. *(Shakes Jack's hand)*

(At the cemetery, they are burying Wild Bill...)

Rev: Mr. Hickok will lie beside two brothers. One he likely killed, the other he killed for certain and he's been killed now in turn. So much blood. And on the battlefields of the brother's war, I saw more blood than this. And asked then, after the purpose, and did not know. But know now to testify that, not knowing, I

believe. Saint Paul tells us, (*Merrick approaches, sneezing*) by one spirit, are we all baptized in the one body. Whether we be Jew or gentile, bond or free. And they've all been made to drink into one spirit. For the body is not one men, but many. He tells us, the eye cannot say unto the hand, I have no need of thee. Nor again, the head to the feet, I have no need of thee. They much more those members of the body which we think of as less honorable, all are necessary. He says that, there should be no schism in the body, but that the members should have the same care, one to another. And whether one member suffer, all the members suffer with it. I believe in God's purpose. Not knowing it. I ask him, moving in me, to allow me to see his will. I ask him, moving in others, to allow them to see it. (*Stops, clutches his bible*) Let us sing, "How Firm A Foundation" as Mr. Hickok is laid to rest.

(Jane is looking on from the above the cemetery, the guitar player starts to play and sing...the rest join in after he starts the first word of every line...)

Singers: ♪When though fiery trials♪
♪They pathways shall lie♪
♪My grace all sufficient♪
♪Shall be thy supply♪
♪The flame shall not hurt thee♪
♪Only design...♪

Merrick: (*To Seth*) They turned him loose.

Seth: McCall?

Merrick: They turned him loose.

Singers: ♪And thy gold to refine...♪

(Seth & Sol grab shovels and begin to cover the casket. Merrick, sneezing, turns to leave, Joanie hikes up her skirt and leaves, the Reverend has his eyes shut in pure bliss, face upturned to the sky, Jane is watching, crying...)

(Joanie arrives back at the Bella Union, she heads straight upstairs, Cy watching her...)

(The reverend is kneeling now, face still turned to the sky...)

Seth: Can we get started?

Sol: He's purty near done.

Seth: Oh, you can tell? Can you believe they let the sonofabitch go?

Sol: Yeah, I guess I can. Here he comes.

Rev: Oh, thank you for waiting.

Seth: Mmm-hmm.

Rev: You've been so kind to me, a stranger. Many of us have asked being broken, how are we to live? Well, you took me into the body of the camp. "I'm from Etobicoke, Ontario." "I'm from Vienna, Austria." I-may, may I ask, Mr. Bullock, what you feel now may be your part...

Seth: I can't say I know what you're talkin' about, Reverend.

Rev: I would not impose; it's been given me to ask.

Seth: Okay, then. You did what you've been given to do.

Sol: The camp was lucky you were here today, Reverend.

Rev: No, I'm a frail and feeble vessel but, none of us can deny our parts—

Seth: *(Stops)* Can we finish the goddamned walk in quiet?

Rev: Certainly, sir.

Sol: *(Quietly as they turn to continue their walk)* Sorry, Reverend.

(Merrick enters the Gem, loud now with celebration and chatter. He goes to the bar, takes off his hat and does a shot. Jack is signing an autograph for Curly)

Jack: There you go, that's for you.

Merrick: *(Loudly- so everyone can hear)* Should it ever be your misfortune, Gentlemen, or mine, to need to kill a man, then let us toast together, the possibility that our trials, be held in this camp. *(Holds his glass up to Jack)*

Al: Hey, what's your name? It's Jack, ain't it?

Jack: Yes, sir. You buy me a drink? I'll make my mark.

Al: Stick around camp, Jack. I'll make mine for you.

Jack: What in the hell's that supposed to mean?

Al: Mean's there's a horse for you outside you want to get on before somebody murders you who gives a fuck about right and wrong. Or I do. It's the paint, Jack. *(Pointing)* Right outside my joint. *(whispering)* Run for your fuckin' life.

Jack: Jack McCall runs from no man. *(Leaves – quickly)*

Al: *(To Dan)* Remember this when you run your own place. That type guy hangin' round gets people agitated. Forces 'em to take a position, one side or the other. And agitation, brings a slight bump up in whiskey sales but the sale of cunt, plummets. *(Looks at the whores, idling nearby)* That's why I often wonder if I should take that fuckin' picture of Lincoln down. *(Looks up at Abe)*

(Outside, Jack finds the horse and mounts it)

Jack: Come on. Come on. *(The horse begins to run, Seth and Sol are up ahead of him..)* Yah, yah. *(They see Jack galloping by, their jaws dropped)*

(Back in the hills, Jane returns to Andy...)

Jane: It's me, mister! Back with water. *(Looks at Andy – motionless, eyes open)* Are you dead?! *(Bends down and pours water in his mouth – Andy spits it out)* Ah! There you are. Chokin' and coughin' just like the rest of us. Ah. *(Sits down)* Saw the widow's husband in the creek. 'Less they're keepin' more than one body cool for shippin' back east. Tied there, to wrapped up and floating like a lure for some huge fuckin' fish. The widow's got the little one now. I had her for a while but, I ain't the type she should be with long-term. Fuckin' drunk and so forth. And when I was down at the creek, I heard voices, and I went to where they were singin', and I saw as they laid my poor fuckin' Bill to rest...*(Jane starts crying)*

for a moment, she stops herself, blinks hard...) Now there's a bird I ain't never seen before. Shall I talk about it to you?

(The Reverend returns to his tent, as he enters he starts to shake, he sits, tries to open his bible and starts to convulse, he falls to the ground, people passing by his tent. No one notices that he's having a seizure...)

(Back at the hardware store...)

Seth: The man is a lunatic. High water, he never made much sense, but now, he just utters pure gibberish. *(Taking off his coat, preparing to work on the building)*

Sol: Did he look pale to you?

Seth: What?

Sol: Did he seem pale?

Seth: How the fuck do I know if he was pale or not?

Sol: He looked pale to me.

Seth: What if he was? Let's say he was. Will you shut up about it? What is part and your part? What part of my part is your part? Is my foot your knee? What about your ear? What the fuck is that?

Sol: Yeah...I don't know.

Seth: What don't you know? If he was pale or not?

Sol: What your supposed to do.

Seth: *(drops his hammer)* I'm not supposed to do anything! Let's agree to that. Not one fuckin' thing that I don't decide I'm gonna. Alright, Sol? *(Puts on his vest, starts to put on his jacket)*

Sol: Alright. *(Seth starts to put on his jacket)* Suspenders.

Seth: *(Looks down)* Goddamnit! *(Throws jacket to the ground and puts on his suspenders)* If I kill the droop eyed sonofabitch, and my part's gettin' hanged for it, good luck with the fuckin' store.

Sol: Alright.

Seth: I'll write to Martha and see it posted. You look out after that widow.

Sol: Alright, Seth.

Seth: Can I impose on ya to pack a bag for me to cut down on the cocksucker's head start?

Sol: Be ready for ya when you ride out.

Seth: Thanks, Sol. *(Walks off— Sol watches him leave, looking at him like "WTF?")*

(Joanie is bathing the whores upstairs. Cy opens the door...)

Cy: Did you get the prayin' outta your system?

(Keeping eye contact with Cy, Joanie grabs the nearest whore by the neck, turns the whore's face to hers and gives her a big ole French wet kiss. Cy leaves, she stops immediately, upset.)

(Jane is wetting a clothe to put on Andy...dabbing his lips...)

Jane: *(To the tune of “How Firm a Foundation”)* ♪Mmm mmm dooo doo dadoo da doo da doo do do dooo, do, do dodo do doo, eh dah, da da♪

(Trixie is back with Alma’s powders, she fixes her a cup of tea and hands it to a grateful Alma. Trixie sits down with Sophia and they start to – try – and play patty-cake)

(Sol is outside the store, hears Seth’s horse neigh and approach, he hooks Seth’s bag to the saddle. They shake hands, almost before they stop shaking, Seth takes off...)

Seth: Ya!

[Timothy Olyphant](#)

[Ian McShane](#)

[Molly Parker](#)

[Jim Beaver](#)

[Brad Dourif](#)

[John Hawkes](#)

[Paula Malcomson](#)

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[William Sanderson](#)

[Robin Weigert](#)

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Guest Appearances:

[Marshall Bell](#)

[Dirk Blocker](#)

[Sean Bridgers](#)

[Brent Briscoe](#)

[Candice Cook](#)

[Kim Dickens](#)

[Garret Dillahunt](#)

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Seth Bullock

[Al Swearengen](#)

Alma Garret

Ellsworth

[Doc Cochran](#)

Sol Star

Trixie

Tom Nuttall

Eustis Baily (E.B.) Farnum

Calamity Jane

Dan Dority

Charlie Utter

Magistrate Claggett

Johnny Burns

Gem Whore (uncredited)

Joanie Stubbs

Jack McCall

Andy Cramed

Eddie Sawyer

Jewel

A.W. Merrick

Reverend H.W. Smith (as Raymond McKinnon)

[Toni Oswald](#)

[Nicolas Surovy](#)

[Bree Seanna Wall](#)

[Everette Wallin](#)

[Clay Wilcox](#)

[Keone Young](#)

Captain

Metz Girl

Loudmouth Drunk in the Gem Saloon

Mr. Wu

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