

THE PATRIOT

by

Robert Rodat

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FADE IN:

CREDITS OVER:

EXT. SOUTH CAROLINA COUNTRYSIDE - DAY

Woodlands. Beautiful. Untamed. Soaring old-growth elms arch over riverside maples along the shores of the gently curving, deep-water Santee River.

SUPERIMPOSITION:

SOUTH CAROLINA
April, 1776

Upstream, the swamps. Beautiful. Hundreds of BIRDS SING. Shafts of sunlight pierce the canopy, cutting through the hanging moss and kudzu, falling onto soft, swaying ferns covering the high ground.

The water is clear, with fields of floating lily pads, each with a stark white flower rising from it.

SUPERIMPOSITION:

THE FOLLOWING IS BASED ON A
TRUE STORY

EXT. POND BLUFF - DAY

A farm built between the banks of the river and the deep green of the swamps. Good, fertile land, hacked out of the wilderness.

The perfectly tended fields are ripe with barley, hops, alfalfa and tobacco. Two sturdy brothers, NATHAN, 13 and SAMUEL, 12, work one of the fields, rhythmically swinging scythes through the barley.

The house, built of native brick, is well-constructed and

well-maintained. There's a barn, a workshop and a forge. It is a home of substance rather than wealth. On the front porch, MARGARET, 11, pumps a butter churn while her brother, WILLIAM, 6, watches.

GABRIEL, 18, strong and handsome, walks out of the woods with a musket in his hand and a dozen game-birds over his shoulder. At his side walks THOMAS, 14, also carrying a musket.

INT. WORKSHOP - DAY

A perfect colonial workshop, fastidiously arranged with every conceivable tool of the period. A foot-powered lathe. A drop-forge. A lifting saw. Racks of tools, planes, hammers, augers, drills, blocks, all hanging in their places. All very well-worn.

FRANCIS MARION methodically works his lathe, turning a piece of hardwood, shaving off tiny curls of wood with a razor-sharp chisel. He's in his late-forties, strong and weathered. His hands, though big and callused, handle the chisel with a surgeon's precision. Self-educated and self-sufficient, he has built himself, as he built his farm, brick by brick, from the coarse clay of the earth.

A finely-made rocking chair, missing only the dowel on which Marion is working, sits on the work table. The chair is a work of art, thin and light, a spider-web of perfectly turned wood, no nails, no glue.

Sitting on the woodpile, SUSAN, 4, a silent, stone-face wisp of a child, watches her father.

Marion takes the piece of wood out of the lathe, carefully fits it into the chair, inserts a peg and taps it into place. Then he steps back and appraises his handiwork.

He picks up the chair and hooks the top rail to a scale, countering with a three-pound weight. The chair floats.

Marion blows softly on the weight which sinks. Susan nods, so far, so good. Marion puts the chair on the floor and walks slowly around it, checking every angle.

Then, the acid test. He takes a deep breath and lowers himself onto the seat, gingerly adding an ounce at a time. Not a creak. He smiles and sits back with a sigh.

CRACK! THE CHAIR SPLINTERS under Marion's weight, DUMPING HIM on his ass on a pile of broken wood.

MARION

Damnation!

He picks up some of the wood, about to fling it across the room but stops as Susan shoots him a disapproving look. He calms himself.

MARION

Sorry.

Susan gets down from the woodpile and puts the remains of the chair in the fireplace. As she climbs back up to her perch, Marion steps over to his wood rack, extracts a fresh dowel, fits it into the lathe and starts all over again.

END CREDITS.

EXT. WORKSHOP - DUSK

Marion leaves the workshop with Susan at his side. Nathan and Samuel walk past, exhausted from their day in the field.

NATHAN

Father, I saw a post rider at the house.

MARION

Thank you. Did you finish the upper field?

SAMUEL

We got it all cut and we bundled half of it.

MARION

Those swimming breaks cut into the day, don't they?

Marion walks on without waiting for a reply from his contrite sons who jostle one another, trying to pass off the blame. Gabriel and Thomas walk out of the barn.

GABRIEL

Father, a post rider came from Charleston. You have a letter inside.

MARION

Thank you. How's the spotted one's milk?

THOMAS

Better. She's near ready to calve.

Marion nods and motions for Susan to go with Gabriel and Thomas to the house. She does so and Marion walks on alone toward:

EXT. HILLTOP - POND BLUFF - SUNSET

The loveliest spot on the farm. A beautiful view of the house, barns, river, fields and hills beyond. A gravestone stands in the shade of a single apple tree. It reads:

ELIZABETH PUTNAM MARION 1738-1773

Above her name is a carving of the night sky, at the center of which is the NORTH STAR, steady and guiding.

Marion approaches. He gives himself a moment to look at the grave, then he starts picking apples, speaking to the gravestone in a quiet voice that is more matter-of-fact than sorrowful.

MARION

... and they bundled half... almost no trace of the boys you knew...

A soft wind blows some dry leaves along the ground. Marion pauses as if listening to a spoken reply.

MARION

... no, she still hasn't spoken... Margaret was her age when you... I remember the time at the river when we couldn't find Catherine... you couldn't stop crying... and she was asleep in the wagon the entire time...

Marion pauses, remembering. The CRASH OF A PLATE BREAKING, followed by the SOUND OF AN ARGUMENT rises from the house below. Marion shakes his head with an exasperated sigh.

MARION

Your children.

He heads down the hill toward the house, now glowing from the lights of candles and oil lamps.

INT. MARION'S HOUSE - EVENING

Pre-dinner chaos. Everyone talking at once. Marion's seven children and his two family servants, ABIGAIL and AARON, a middle-aged black couple, prepare dinner. Susan silently watches from the stairs. Marion walks in.

MARION

I smell turnips...

WILLIAM

Father, Samuel broke the blue plate...

SAMUEL

I did not...

MARGARET

Dinner...

Marion hands the apples to Abigail and steps over to open his mail and dispatches.

GABRIEL

News of Boston, father?

NATHAN

I hate turnips...

SAMUEL

William knocked it right out of my hands...

GABRIEL

Father...?

MARION

Samuel, William, both of you clean it up...

Marion hands a packet of pamphlets to Gabriel and opens a letter.

MARION

The Assembly has been reconvened, I've been called to...

Marion's children go wild.

MARGARET
Charleston!

NATHAN
We're going to Charleston!

SAMUEL
When, father, when?

MARION
We'll leave tomorrow...

The children ERUPT INTO CHEERS and THUNDER into the dining room.

THE CHILDREN
Charleston! We're going to
Charleston!

Marion and Gabriel exchange a stone-faced look. Then Marion puts on a smile and inhales deeply.

MARION
I love turnips...

Marion follows his children into the dining room.

EXT. MARION'S HOUSE - NIGHT

Quiet. The only sounds are the soft calls of a few NIGHTBIRDS and the DRONE OF CICADAS. A faint light moves through the downstairs, passing windows in the otherwise dark house.

INT. MARION'S HOUSE - NIGHT

Marion, holding a candle, does a father's bedtime check. The CAMERA FOLLOWS him as he makes his rounds into:

THE KITCHEN. Everything is clean and put away in its proper place.

THE MAIN HALLWAY. Marion checks that the doors are closed and bolted. He heads up the stairs.

INT. BOYS' BEDROOM - NIGHT

Marion enters, finding William asleep on the floor and Nathan and Samuel in bed. He lifts William into bed, takes a slingshot from Nathan's hand, tucks in Samuel and

walks out.

INT. GIRLS' BEDROOM - NIGHT

Marion steps to the doorway, finding Margaret and Susan at the window, looking up at the night sky.

MARGARET

... now count five finger lengths up from the front two stars of the Big Dipper, and that's the North Star, that's her.

Susan gazes up at the North Star. The girls notice Marion and climb into bed. He puts a chair against Susan's bed and kisses her. He pulls a blanket up around Margaret, who whispers:

MARGARET

It helps her to know Mother's there.

Marion nods with a thin smile, kisses Margaret and walks out.

INT. MARION'S STUDY - NIGHT

Squadrons of lead soldiers stand ready for battle as Thomas, lying on the floor, deploys his men. Gabriel reads the new pamphlets and broadsides. Marion walks in and pours a drink. Gabriel hands several of the pamphlets to his father.

GABRIEL

The New York and Rhode Island assemblies have been dissolved...

MARION

The middle colonies?

GABRIEL

Rioting both sides of the bay, in Chestertown they burned the Customs House and tar-and-feathered the Customs Agent. He died of burns. In Wilmington they killed a Royal Magistrate and two Redcoats.

MARION

Anything about the convention in Philadelphia?

GABRIEL

Poor Richard says they'll make a
Declaration of Independence by July.

Marion shakes his head and sits down, carefully extracting
a delicate pair of reading glasses from a wooden box. He
begins reading.

GABRIEL

Scott Higgins joined the militia.

Marion hears but doesn't respond. Thomas looks up from
his lead soldiers.

GABRIEL

He's seventeen. A year younger than
I.

Gabriel and Thomas wait for a reaction. There is none.
Gabriel goes back to reading and Thomas resumes playing
with his toy soldiers. Marion's eyes drift from the page
to Gabriel.

EXT. SWAMP ROAD - DAY

The Marion family, in two tightly-packed carriages, drives
on a beautiful road, cut through the swamps. The canopy
of swamp maples and weeping willows forms a tunnel of
green, mottled by sunlight.

EXT. BENNINGTON OVERLOOK - DAY

The two carriages pass a view of their entire valley.
Scattered farms with a patchwork of cultivated fields
surrounding the town of Bennington.

EXT. SANTEE ROAD - DAY

Passing through rolling farmland, the Marions head toward
the coast. They pass a large contingent of South Carolina
Militia, drilling in a field. The children, particularly
Gabriel, watch avidly.

EXT. CHARLESTON - DAY

A big, bustling city. Marion and Gabriel negotiate the
carriages through the busy streets. The children watch,
wide-eyed, seeing taverns, a public gallows, drunkards,
street entertainers, well-dressed ladies attended by their
maids, food vendors, a man with a trained bear.

EXT. CHARLOTTE'S HOUSE - CHARLESTON - DAY

Grand. Four stories. Marion and his children pull up. CHARLOTTE MOTTE hurries out. She's in her mid-thirties, beautiful, with a deep sadness that she keeps hidden as best she can.

The children leap from the carriages and swarm around her, embracing her, smothering her with kisses.

THE CHILDREN

Aunt Charlotte! Aunt Charlotte!

CHARLOTTE

Welcome! Welcome! Margaret,
William, look at you...!

(to Marion)

They're huge. What have you been
feeding them?

MARION

They're from good stock on their
mother's side.

CHARLOTTE

Thank you.

Charlotte hustles the children toward the door.

CHARLOTTE

Come, come, inside, wait until you
see what I have...

THE CHILDREN

(simultaneous)

Presents! For me? What do you
have?

CHARLOTTE

Inside, inside...

Charlotte sweeps past Marion who smiles and follows her into the house.

INT. PARLOR - CHARLOTTE'S HOUSE - DAY

Marion watches as Charlotte finishes handing out presents. Susan plays with a new doll. William has half-a-dozen new spinning tops, skimming around the floor. Margaret holds a new dress up to herself. Samuel, Nathan and Thomas tear into packages holding platoons of lead soldiers. Gabriel

looks through a new book.

Charlotte sees Marion watching her, rises and joins him at the doorway.

MARION

You look well, Charlotte.

CHARLOTTE

As do you.

Suddenly Thomas and Samuel race through the doorway, forcing Marion and Charlotte together, their bodies close. They step back and exchange warm but uneasy smiles.

The moment is broken by the SOUND OF CHILDREN. Marion and Charlotte gratefully turn their attention back to them.

EXT. CHARLESTON SQUARE - NIGHT

Down the block from the Motte house. A yelling crowd of Sons of Liberty is massed around a Liberty Tree from which hang dozens of glowing lanterns. Most of the men in the crowd are drunk. Vendors sell rum, ale, food and banners emblazoned with a coiled snake and the legend, "Don't Tread On Me." Scores of on-lookers, including respectable people, as well as street urchins, whores and drunkards, watch the proceedings.

Several Sons of Liberty string up effigies of King George III and Governor Wilmington. They light the effigies on fire. As they begin to blaze, the crowd cheers.

EXT. CHARLOTTE'S BALCONY - NIGHT

Marion's children, except Gabriel, stand on the balcony watching the mob. Marion steps out onto the balcony.

MARION

Inside, all of you...

The children turn to Marion with stricken expressions. Marion relents.

MARION

Very well.

The children turn back to the mob. Marion joins them.

THOMAS

Look! There's Gabriel!

They see Gabriel making his way through the crowd. He sees them and waves, then enters the house.

A moment later Charlotte steps out onto the balcony and sees:

IN THE SQUARE, a pair of drunk Sons of Liberty, pull down one of the smoldering effigies, cut off its head, then start hacking at it's groin with a sword.

Appalled, Charlotte shoots a glare at Marion and snaps at the children.

CHARLOTTE

Children, inside! All of you!
Right now.

The children start to protest, but a glance at Charlotte's resolute expression makes them think better of it. They file into the house. Charlotte shoots a glare at Marion and shoos the children inside. Gabriel steps out and joins them.

MARION

What news?

GABRIEL

The British army is barricaded in Boston. Harry Lee, is here from Virginia, recruiting for a Continental Army.

MARION

Is that why the Assembly was convened?

GABRIEL

Yes. He seeks a levy of troops and money.

MARION

And the Governor?

GABRIEL

He vowed that if the Assembly votes a single shilling to Lee, he'll dissolve the body.

MARION

Which would force our delegates in

Philadelphia to vote for
independence.

CHARLOTTE

And send us to war alongside
Massachusetts.

MARION

Our governor is a bigger fool than I
thought.

GABRIEL

Lee is counting on your vote and
expects you to be the first to
enlist.

Marion nods thoughtfully without revealing what he thinks
of Lee's expectations. Marion turns back to watch the
mob.

EXT. ASSEMBLY HALL - CHARLESTON - DAY

The capital building of South Carolina. A large crowd of
lower-class men and women is massed in front of the
Assembly Hall. As well-dressed Assemblymen walk into the
building, the CROWD YELLS words of encouragement to some
and berates others.

In the square in front of the Assembly Hall a squadron of
blue-uniformed AMERICAN CONTINENTAL SOLDIERS drills. A
recruiting table is being set up by a Continental Captain
and several military clerks.

Marion and Gabriel walk across the square toward the
Assembly Hall. As they push their way through the crowd,
Gabriel eyes the Continentals.

INT. ASSEMBLY HALL - DAY

Two dozen ANGRY, YELLING, MEN OF PROPERTY. Among them are
ROBINSON, HAMILL and JOHNSON, who are Patriots. Opposed
to them are SIMMS, WITHINGTON and BALDRIDGE who are
Loyalists (loyal the the King). As Marion makes his way
to his seat, the SPEAKER OF THE ASSEMBLY POUNDS HIS GAVEL.

SPEAKER

ORDER! ORDER!

Slowly, the room quiets down.

SPEAKER

Our first order of business...

SIMMS

And out last if we vote a levy...

The ROOM ERUPTS.

SPEAKER

ORDER! ORDER! Mr. Simms, you do not have the floor.

The ROOM SETTLES DOWN.

SPEAKER

Our first order of business is an address by Colonel Harry Lee of the Continental Army.

An imposing figure rises and makes his way to the front of the assembly. He's COLONEL HARRY LEE, about Marion's age and cut from the same cloth -- strong, weathered, with a powerful bearing. The room quiets down.

Lee sees Marion and offers a familiar nod, which Marion returns, stone-faced. Then Lee speaks, simply and clearly.

LEE

You all know why I am here. I am not an orator and I will not try to convince you of the worthiness of our cause. I am a soldier and we are at war and with the declaration of independence we all expect from Philadelphia, it will soon be a formal state of war. In preparation for that, eight of the thirteen colonies have levied money in support of a Continental Army. I ask South Carolina to be the ninth.

SIMMS

Colonel Lee, Massachusetts may be at war, along with New Hampshire and Rhode Island and Virginia, but South Carolina is not at war.

LEE

Massachusetts and New Hampshire are not as far from South Carolina as you might think and the war they're

fighting is not for independence of one or two colonies. It's for the independence of a nation.

WITHINGTON

And what nation is that?

Robinson, one of the Patriots, stands up.

ROBINSON

An American nation. Colonel Lee, with your permission?

LEE

Please.

ROBINSON

Those of us who call ourselves Patriots are not seeking to give birth to an American nation, but to protect one that already exists. It was born a hundred-and-seventy years ago at Jamestown, Virginia and has grown stronger and more mature with every generation reared and with every crop sown and harvested. We are a nation and our rights as citizens of that nation are threatened by a tyrant three thousand miles away.

LEE

Thank you. Were I an orator, those are the exact words I would have spoken.

Laughter. Marion rises.

MARION

Mister Robinson, tell me, why should I trade one tyrant, three thousand miles away, for three thousand tyrants, one mile away?

Laughter from the Loyalists. Surprise from Lee and the Patriots. In the gallery, Gabriel winces.

ROBINSON

Sir?

MARION

An elected legislature can trample a man's rights just as easily as a King can.

LEE

Captain Marion, I understood you to be a Patriot.

MARION

It's Mister Marion.

LEE

I understood him to be a Patriot as well.

More laughter.

MARION

If you mean by a Patriot, am I angry at the Townsend Acts and the Stamp Act? Then I'm a Patriot. And what of the Navigation Act? Should I be permitted to sell my tobacco to the French traders on Martinique? Yes, and it's an intrusion into my affairs that I can't... legally.

Laughter.

MARION

And what of the greedy, self-serving bastards who sit as Magistrates on the Admiralty Court and have fined nearly every man in this room. Should they be boxed about the ears and thrown onto the first ship back to England? I'll do it myself.

(beat)

And do I believe that the American colonies should stand as a separate, independent nation, free from the reins of King and Parliament? I do, and if that makes a Patriot, then I'm a Patriot.

Marion grows more serious.

MARION

But if you're asking whether I'm willing to go to war with England, the answer is, no. I've been to war

and I have no desire to do so again.

The room is quiet, the Assemblymen having been thrown off-balance. Gabriel is stunned and disappointed by his father's speech.

ROBINSON

This from the same Captain Francis Marion whose anger was so famous during the Wilderness Campaign.

Marion glares at Robinson, then smiles.

MARION

I was intemperate in my youth. My departed wife, God bless her soul, dampened that intemperance with the mantle of responsibility.

Robinson looks derisively at Marion.

ROBINSON

Temperance can be a convenient disguise for fear.

Marion bristles but before he can answer, Lee steps in.

LEE

Mister Robinson, I fought with Captain Marion in the French and Indian War, including the Wilderness Campaign. We served as scouts under Washington and I have no doubts about Captain Marion's courage or competence on a battlefield. There's not a man in this room, or anywhere, for that matter, to whom I would more willingly trust my life.

ROBINSON

I stand corrected.

LEE

Nonetheless, I would like to know, Mister Marion, how... how... how...

Lee's oratorical skills peter out.

LEE

Damn it, Francis! How in God's name do you expect to gain independence

without going to war?

MARION

Harry, Harry, Harry...

Marion and Lee drop all formality and become nothing more than two old friends, pissed off.

LEE

My hairy arse! You live in a cave if you think we'll get independence without war...

The Speaker POUNDS HIS GAVEL.

SPEAKER

Gentlemen! Please! This is not a tavern!

MARION

Wasn't it a Union Jack we fought under?

LEE

A long time ago...

MARION

Thirteen years...

LEE

That's a damn long time...

The Speaker POUNDS HIS GAVEL again.

SPEAKER

Gentlemen! Please!

Marion and Lee ignore the speaker.

MARION

You were an Englishman then...

LEE

I was an American, I just didn't know it yet...

The astonished Assemblymen and now even the Speaker watch the argument avidly, turning their heads in simultaneous anticipation of each rejoinder.

MARION

We don't have to go to war to gain independence...

LEE

Balderdash!

MARION

There are a thousand avenues, other than war, at our disposal...

LEE

Name five hundred.

MARION

Royal petition, delegates to court, judicial redress, economic boycott, bribery...

LEE

That's five, keep going...

MARION

... time, royal succession, regicide, bribery...

LEE

You said bribery twice...

Marion speaks slowly and firmly.

MARION

We do not have to go to war to gain independence.

Lee says nothing for a moment, then he speaks more seriously, quietly, grimly.

LEE

Francis, I was at Bunker Hill. It was as bad as anything you and I saw on the frontier. Worse than the slaughter at the Ashuelot River. The British advanced three times and we killed over seven hundred of them at point blank range. And still, they advanced and they took the ground. That is the measure of their resolve. If your principles dictate independence, then war is the only way. It has come to that.

Marion is silent for a long moment. He softens, finds himself unsteady and speaks far more honestly than he ever wanted to.

MARION

I have seven children. My wife is dead. Who's to care for them if I go to war?

Lee is stunned by Marion's honesty and his show of weakness. At first Lee has no answer, then:

LEE

Wars are not fought only by childless men. A man must weigh his personal responsibilities against his principles.

MARION

That's what I'm doing. I will not fight and because I won't, I will not cast a vote that will send others to fight in my stead.

LEE

And your principles?

MARION

I'm a parent, I don't have the luxury of principles.

The other Assemblymen, both Patriots and Loyalists, stare at him, appalled. Marion, feeling weak, sits down. Lee looks at his friend with more sympathy than disappointment. Then Lee turns to Robinson who addresses the chair.

ROBINSON

Mister Speaker, I call for a vote on a levy to the Continental Army.

HAMILL

Second.

SPEAKER

So moved.

The vote is taken on a roll call. Gabriel watches from the gallery.

SPEAKER

Mr. Robinson.

ROBINSON

Yea.

SPEAKER

Mr. Hamill.

HAMILL

Yea.

SPEAKER

Mr. Johnson.

JOHNSON

Yea.

SPEAKER

Mr. Simms.

SIMMS

Nay.

SPEAKER

Mr. Marion.

No response.

SPEAKER

Mr. Marion.

MARION

Nay.

In the gallery Gabriel turns and walks out. The roll call continues. Marion sits, eyes straight ahead.

EXT. ASSEMBLY HALL - DAY

The crowd waits. The doors open and a PAGE BOY dashes out and runs to the Continental Captain at the recruiting table.

PAGE BOY

Twenty-eight to twelve, the levy passed!

The Continental Captain motions to an assembled squadron. They raise their muskets and FIRE A VOLLEY into the air. Other soldiers, STRIKE UP A MARTIAL AIR ON FIFES AND DRUMS. Volunteers crowd around the recruiting table,

YELLING and jostling for position.

The delegates walk out. Both Patriots and Loyalists give Marion a wide berth.

Marion sees Gabriel, standing near the crowd at the recruiting table. Marion walks up to him.

GABRIEL

Father, I've lost respect for you.
I thought you were a man of
principle.

MARION

When you have children, I hope
you'll understand.

GABRIEL

When I have children, I hope I don't
hide behind them.

Marion looks closely at Gabriel.

MARION

Do you intend to enlist without my
permission?

GABRIEL

Yes.

They lock eyes for a moment, then Gabriel turns from his father and walks away, joining the crush around the recruiting table.

Marion stands alone in the middle of the chaos. The FIFES AND DRUMS continue to play. Marion doesn't hear them.

Harry Lee walks out of the Assembly hall with a triumphant group of Patriots who look at Marion coldly.

Lee excuses himself, and steps over next to Marion. Lee sees that Marion is watching Gabriel at the enlistment table.

LEE

One of yours?

MARION

Gabriel.

LEE

I recognize him now. Is he as imprudent as his father was at his age?

MARION

No, thank the Lord. He's more like his mother.

LEE

I'll see to it that he serves under me.

MARION

Thank you.

They shake hands. Then Lee walks over to the soldiers. Marion takes a last look at Gabriel, then heads off through the crowded square, moving against the tide of men headed toward the recruiting table.

EXT. POND BLUFF - DAY

Springtime. The apple tree at the top of the hill is covered with blossoms.

SUPERIMPOSITION:

"TWO YEARS LATER"

EXT. FIELD - POND BLUFF - DAY

Marion plows a field. Nathan leads the plowhorse. Samuel follows, breaking up the clods of dirt. Hard work. They stop to catch their breath. A SOFT WIND blows.

Marion turns his head as if listening for a faint voice. He hears nothing. He snaps the reins and continues plowing.

INT. MARION'S ATTIC - LATE AFTERNOON

Dark. Thomas steps up into the attic. He finds a trunk and opens it. Lifting out some blankets, he uncovers a trove of Marion's old military gear -- a worn battle coat, a box of medals, a military sword, rusted into its scabbard.

Thomas puts on the coat, which hangs off his narrow shoulders. He stands in front of a dusty mirror, appraising himself, then stops as he hears FOOTSTEPS coming up the stairs.

It's Marion, tired and dirty from his plowing. Thomas grimaces, expecting him to be angry, but sees him shake his head gently.

MARION

Not yet, Thomas.

THOMAS

When?

Marion looks closely at his son, giving him the courtesy of really thinking about the answer.

MARION

Seventeen.

THOMAS

But it's already been two years and that's two more years. The war could be over by then.

MARION

God willing.

Thomas considers it, then nods.

THOMAS

Alright. Seventeen.

Marion offers his hand. They shake firmly, like adults. Marion takes the coat off Thomas and puts it back in the trunk. They walk down the stairs together.

INT. POND BLUFF - DAWN

All is quiet. A dawn mist hovers close over the ground. Some sparrows feed at the base of the apple tree near the gravesite. DISTANT THUNDER. Low and rolling. The birds stop feeding, uneasy, then fly away.

INT. MARION'S BEDROOM - DAWN

At another roll of the DISTANT THUNDER Marion awakes. He gets out of bed and pulls on his clothes.

EXT. FRONT PORCH - MARION'S HOUSE - DAWN

Marion steps out to his front porch and listens. He knows the sound, the DISTANT STACCATO BOOMS OF CANNON and the PATTERNING WAVE OF THOUSANDS OF MUSKETS FIRING.

One by one the children join him. Thomas, Nathan and Samuel listen analytically. Margaret and Susan press close against their father. William looks curiously at the cloudless sky.

WILLIAM

Is it going to rain?

THOMAS

That's not thunder.

The SOUND BECOMES DEEPER, MORE OMINOUS. They all notice the change.

NATHAN

Father?

MARION

Six-pounders. Lots of them.

MARGARET

How far away?

MARION

Four, five miles.

SAMUEL

Waxhaus?

MARION

Just east of it.

MARGARET

Are we safe here?

Marion puts on a smile.

MARION

Don't worry.

MARGARET

We could go stay at Aunt Charlotte's farm. She's to the west.

MARION

No, there'll be skirmishers on the roads. We're safer here.

Thomas appears at the doorway with a pair of muskets. He gives one to Nathan and offers the other to his father.

MARION

Put those away.

THOMAS

But father, they might come this way.

MARION

Put them away.

Reluctantly, Thomas takes the muskets back into the house.

MARION

Enough. I'll be in the workshop. Samuel, the cows. Thomas, attend to your studies here on the porch. Nathan, on the back porch. If you see anyone, come get me. Margaret, please keep William close to you. No one is to go past the yard wall.

They all nod. Marion walks off toward the workshop, followed by Susan. The others hesitate.

MARION

Children.

They head off to do as they were told.

INT. WORKSHOP - DAY

Marion works the lathe. Susan watches from her perch on the woodpile.

EXT. BARN - DAY

The SOUND OF A CRASH from inside the barn. An angry cow runs out of the barn, dragging a tenacious Samuel who is holding onto the cow's neck.

Samuel's grip fails and he lands in the dirt. The cow runs about thirty yards down the hill, stopping on the bank of the river. Samuel grabs a rope and heads down the hill to get the cow.

ON THE RIVERBANK

As Samuel approaches the cow, he see it skittishly approaching then retreating from the water. Then he sees the cause -- the water in the river has a pale, pink hue.

Samuel stares at it, trying to figure out what it is.

Behind him, Margaret sees her brother beyond the yard wall.

MARGARET

Samuel...

He doesn't respond. Margaret, trailed by William, walks down toward Samuel.

MARGARET

Samuel, get up to the house. You heard father...

Then she sees it, too. The pale pink is turning redder and redder. And then the BODIES. First one, then more, many more. Torn apart. Missing limbs. Those with wide-open wounds, are already drained of blood. Others are still seeping, leaving trails of deep red in the paler red of the surrounding water.

Samuel, Margaret and William stand frozen, appalled and fascinated.

MARION steps out of the workshop and sees the children at the river. He can't see what they're looking at. Irritated, he walks toward them. Then, as he nears the river, he sees the color of the water and the bodies that have hypnotized his children. He quickens his stride, speaking calmly but firmly, careful not to frighten them.

MARION

Up to the house, now. All of you, come on. Now.

EXT. MARION'S HOUSE - NIGHT

Quiet. Dark. Marion stands on the front porch, looking out into the night, listening, hearing nothing. He glances up at the star-filled sky, tracking his eyes from the Big Dipper to the NORTH STAR.

BEHIND THE HOUSE, A FIGURE IN THE DARKNESS, carrying a musket, moves from shadow to shadow.

INT. KITCHEN - NIGHT

Margaret and Samuel and William talk, their voices low.

SAMUEL

They're going to come.

MARGARET

Quiet.

SAMUEL

We're going to have to fight them off.

WILLIAM

Father will do that.

SAMUEL

They'll probably kill us men and do Lord knows what to you women.

MARGARET

Samuel!

A SOUND. They all stop. Something moved behind the kitchen. Margaret silently eases the others out of the room, through the darkened hall toward their father.

SUDDENLY IN FRONT OF THEM, A BLOODY FIGURE

Big. Hulking. In uniform. Margaret SCREAMS. William and Samuel CRY OUT. The figure moves toward them...

Marion, on the porch, hears the scream, races into the house. He sees the figure, moves toward it...

THE FIGURE MOVES INTO THE LIGHT... Marion sees the bloodied face...

MARION

Gabriel!

Gabriel is wounded, battered and dirty. He carries a musket and a dispatch case. He sways. Marion catches him and eases him to a seat.

MARGARET

You're hurt.

THOMAS

The battle, were you there?

MARION

Margaret, get bandages and water.
Thomas, the porch, eyes open.

Marion checks Gabriel's wounds which are nasty but not life-threatening.

GABRIEL

Have you seen any Redcoats?

MARION

Not yet. What happened?

Margaret brings water and linen to Marion who expertly cleans Gabriel's wounds and applies field-dressings.

GABRIEL

It wasn't like Saratoga. There, we stayed in the trees, but this time Gates marched us straight at the Redcoats. They fired two volleys into us and we broke like straw. I was given these dispatches... I saw Virginia Regulars surrender... as they laid down their weapons the British Green Dragoons rode into them and hacked them to bits... killed them all, over two hundred men.

Marion's appalled.

MARION

They had surrendered?

Gabriel nods. Marion's stunned. Gabriel tries to rise.

GABRIEL

I have to get these dispatches to Hillsboro.

MARION

You're in no condition to ride.

GABRIEL

I have no choice, I...

Gabriel passes out. Marion catches him and carries him to a day-bed in the parlor. As Marion lays him down, they hear HEAVY MUSKET FIRE, VERY CLOSE.

Marion hurries to the door and looks out into the night, the children cluster around him, seeing a strange sight.

A SKIRMISH IN THE FIELD BELOW THE HOUSE

Pitch black. Then a MUSKET FIRES, creating a FLASH OF LIGHT that illuminates a tableau of soldiers, about three dozen Redcoats and as many Patriots.

The strobe of the musket shot provides targets for an ensuing VOLLEY OF SHOTS in every direction. Then darkness, punctuated by SCREAMS OF PAIN, CONFUSED HOLLERING and the RUSTLING OF ARMED MEN IN MOVEMENT.

Then the pattern repeats itself: A MUSKET FIRES, illuminating a tableau of targets for another MURDEROUS VOLLEY OF SHOTS.

MARION

Margaret, take William and Susan down to the root cellar. Thomas, go to the back porch. Nathan and Samuel, the side windows. Keep out of sight.

They hurry off. Marion steps into the house and opens his gun cabinet. He extracts two pistols and a pair of muskets. Then he steps back to the front door. He waits and watches.

EXT. LOWER FIELD - POND BLUFF - DAWN

First light. The morning mist lies low over the field. Marion warily approaches the scene of the battle. He carries a Pennsylvania rifle, has another slung over his shoulder, and has a pair of pistols in his belt.

As Marion nears the field he sees, appearing out of the low mist, a nightmarish vision. Young Redcoats and Continentals are scattered on the ground, dead and wounded. Many have been hideously torn apart by the massive musket balls. Blood is everywhere. Marion hurries back toward the house.

EXT. LOWER FIELD - POND BLUFF - MORNING

Marion loads the wounded men onto a wagon, helped by Thomas, Nathan and Samuel.

EXT. MARION'S HOUSE - POND BLUFF - DAY

The porch and yard have been turned into a field hospital. There are about two dozen wounded, a few more Patriots than Redcoats. Thomas, Nathan, Samuel and Margaret help Marion tend the soldiers. William and Susan watch from

inside.

Marion treats an arm wound, retying a tourniquet, stanching an ugly flow of blood.

Marion moves to the next of the wounded. Thomas starts to help but Marion shakes his head.

MARION

He's dead...

Marion moves on to another.

MARION

Thomas, help me turn him over...

They turn over a young Continental and see a horrible wound on his back. Thomas, swoons.

MARION

Thomas!

A hard glare from Marion strengthens his son. Together they bandage the wounded man.

EXT. MARION'S HOUSE - AFTERNOON

Triage completed. Margaret and Samuel give water and food. Marion kneels next to a CONTINENTAL SERGEANT and a COUPLE OF PRIVATES who are less severely wounded than the others.

CONTINENTAL SERGEANT

Thank you.

Marion nods, uncomfortable with the thanks.

MARION

Sergeant, there are seventeen wounded men here. Seven Redcoats and ten Patriots, counting my son inside. That puts me in a difficult position.

The Continental Sergeant knows what's coming. The Privates and Marion's children don't.

MARION

You three are the least severely wounded. I have to ask you to leave and find care elsewhere.

The Privates are stunned at the request. The Sergeant looks at Marion's children and nods.

SERGEANT

I understand.

He struggles to his feet and jerks his head for the two Privates to do the same.

SERGEANT

Come on, boys.

Nathan, Samuel and Margaret are confused.

THOMAS

Father?

NATHAN

But they're wounded.

MARION

There are rules, even in war.

Marion motions to a large, old scar on his arm.

MARION

After the Battle of Ashuelot River, against the French, I got this and the one on my leg. I couldn't walk. Washington had to march north. He left me with other wounded men and a like number of French prisoners. Nine for nine. When the French found us, their surgeon gave me the best of care. We'll be safe this way.

Marion's children are not convinced. The Sergeant and the two Privates gather themselves to leave.

MARION

Your best chance is in Bennington, seven miles east, along the river road.

The wounded men nod grimly and start off down the road.

MARION

Thank you.

Marion and his children watch them go.

EXT. POND BLUFF ROAD - DAY

A dirt road runs along the edge of the Santee Swamps, stretching toward green, rolling hills beyond. Beautiful country. Peaceful. Then, the GROUND BEGINS TO SHAKE. A THUNDEROUS SOUND rises, louder and louder. HORSES HOOVES. From around a bend, a detachment of cavalry gallops:

British GREEN DRAGOONS. The finest light calvary in the world. Hard, strong men. Excellent horsemen. Their mounts are powerful, muscled and perfectly cared for. The Dragoons themselves are all hardened veterans, marked with the blood and dirt of a recent battle. Tired and vigorous.

They're armed to the teeth. Each carries a flintlock carbine, a brace of pistols and a sword. Some carry lances as well. Regimental flags flutter. They are forty of the most imposing, frightening horsemen imaginable.

And at their head, the most imposing man of all, LT. COLONEL BANASTRE TARLETON. "The Butcher." Aristocratic. Strong. Dark. A powerful horseman on the best mount of the entire troop. Decorated. Imperious. No temper, just hard, cold authority. His men struggle to keep up with him.

Behind them, two dozen LOYALIST MILITIA CALVARY (American civilians loyal to the crown). Nasty, local men. Civilian clothes. Riding at their head is AMOS GASKINS, grizzled, lower-class, wearing ill-fitting patrician's clothing.

AROUND A BEND

The three wounded Patriots who just left Marion's farm hear the horses coming, stand on the side of the road, raise their arms and a white cloth of surrender.

The Green Dragoons rein in. Tarleton stops in front of the three men. He motions for one of his men to lower his weapon. Then he speaks calmly, quietly, to the wounded men.

TARLETON

You're surrendering.

CONTINENTAL SERGEANT

Yes, sir.

TARLETON

What unit?

CONTINENTAL SERGEANT

First Virginia Regulars under
Colonel Hamilton.

TARLETON

Who cared for your wounds?

They hesitate.

CONTINENTAL SERGEANT

We did.

TARLETON

With a lace table cloth?

Tarleton turns to his second-in-command, MAJOR WILKINS.

TARLETON

Kill them.

Tarleton rides off. Wilkins and several other Dragoons calmly FIRE THEIR PISTOLS, killing the three Patriots. The troops ride off, thundering past the bodies of the three men.

EXT. POND BLUFF - DAY

Marion and his children tend the wounded. Gabriel, weak but walking, helps. REDCOAT INFANTRY appears out of the woods, heading toward the house. Three dozen men. Scouts and flank units covering the main body. Marion gathers his family around him, stands and waits.

The Redcoats get to the house, warily eye the wounded and Marion's family. A young REDCOAT LIEUTENANT motions his men to check out the house and barn, then looks at the wounded, doing a silent count. He turns to Marion.

REDCOAT LIEUTENANT

These men are of my regiment. Thank
you.

Marion nods. ONE OF THE REDCOATS emerges from the house carrying Gabriel's dispatch case.

REDCOAT

Rebel dispatches, sir.

Gabriel steps up.

GABRIEL

I carried those. I was wounded,
these people gave me care, they have
nothing to do with the dispatches.

REDCOAT LIEUTENANT

I understand.

The SOUND OF HORSES HOOVES. All turn and see:

TARLETON AND THE GREEN DRAGOONS

Thundering down the road toward the house. It's an
impressive, frightening sight.

They rein in their horses, stopping in the yard, enveloped
by their trailing cloud of dust.

Tarleton surveys the scene, then speaks to the young
Redcoat Lieutenant.

TARLETON

Lieutenant, have a detachment take
our wounded to our surgeons at
Camden crossing. Use whatever
horses and wagons you can find here.

REDCOAT LIEUTENANT

Yes, sir.

He hands the dispatch case to Tarleton.

REDCOAT LIEUTENANT

We found this, sir.

Tarleton opens it and quickly scans the contents.

TARLETON

Who carried this?

GABRIEL

I did.

TARLETON

(to Lt. re: Gabriel)

Take this one to Camden, he's a spy.
He will be hung.

Marion quickly steps between Tarleton and Gabriel.

MARION

Colonel, he's a dispatch rider and that's a marked dispatch case.

Tarleton ignores Marion and continues speaking to the Lieutenant.

TARLETON

Fire the house and barns.

REDCOAT LIEUTENANT

Yes, sir.

MARION

Colonel...

REDCOAT LIEUTENANT

And the Rebel wounded?

TARLETON

Kill them.

The Redcoat Lieutenant and several of his men are shocked by the order. Marion is, also, but he's more concerned with Gabriel. He pushes past some Redcoats and stands at Tarleton's mount, looking up.

MARION

A dispatch rider with a marked case cannot be held for spying.

Tarleton finally pays attention to Marion. He looks down at his anguished face and offers the barest of smiles.

TARLETON

We're not going to hold him, we're going to hang him.

MARION

But...

Tarleton draws his pistol and points it at Marion. Gabriel tries to intercede but is held back by a burly Redcoat Corporal.

GABRIEL

Father...

TARLETON

Oh, he's your son. You should have taught him about loyalty.

MARION

Colonel, I beg you, please reconsider. By the rules of war, a dispatch rider with a marked case...

Tarleton controls his shifting mount, keeping his pistol trained on Marion's face.

TARLETON

Would you like a lesson in the rules of war?

Marion doesn't answer. He looks up at Tarleton coldly, taking his measure, waiting to see if he's going to pull the trigger.

Tarleton walks his horse a couple of steps and shifts his aim, pointing the pistol among Marion's children.

TARLETON

Perhaps your children would.

The children are terrified. Thomas is more angry than frightened. Marion quickly steps between the pistol and his children and speaks quietly to Tarleton.

MARION

No lesson is necessary.

Tarleton sees the terrified expressions on the faces of Marion's children. He smiles at the effect. Then he holsters his pistol.

Marion and his children watch as one of the Redcoats ties Gabriel's hands. Thomas is beside himself.

THOMAS

Father, do something.

Thomas grows increasingly agitated. He sees that his father is going to do nothing. He gauges the distance between Gabriel and the cover of the nearby woods.

Then suddenly, Thomas SPRINGS. He RUNS, THROWING HIMSELF, into the two Redcoats holding Gabriel, KNOCKING THEM DOWN.

THOMAS

Gabriel! Run!

Gabriel is too shocked to take flight. A few of the Redcoats, including one of the ones knocked down, shake their heads with sad laughter at Thomas' ineffectual gesture. One of them grabs Thomas by the scruff of the neck and yanks him to his feet.

TARLETON sees the commotion. Without pausing he DRAWS HIS PISTOL AND FIRES, HITTING THOMAS IN THE BACK.

THOMAS is thrown to his knees by the shot. Stunned, confused, he looks down and sees the massive exit wound in his chest.

MARION, horrified, catches Thomas as he falls, easing him to the ground.

MARGARET CRIES OUT. THE OTHER CHILDREN are stunned to silence.

The REDCOATS are frozen in place. Tarleton's GREEN DRAGOONS are impassive, having seen worse.

MARION holds his son, looking at the huge, incomprehensible wound. He knows that Thomas is already dead, though his body still moves.

MARION'S stunned agony turns to fury. He rises, his eyes trained on Tarleton, then stops as...

TARLETON raises a second loaded pistol and a DOZEN GREEN DRAGOONS raise pistols and carbines, aiming them at Marion and his children.

MARION FREEZES, torn between his fury and fear for his other children. He locks his eyes on Tarleton.

TARLETON calmly bathes in Marion's anger. Then, with a hard yank of the reins, he jerks his horse's head around and utters a sharp command to Wilkins.

TARLETON
Major.

Tarleton spurs his horse and rides off without looking back. His GREEN DRAGOONS THUNDER after him.

MARION'S CHILDREN begin to cry. Margaret tries to revive Thomas' lifeless body, gently caressing his cheek.

MARGARET

Thomas, please, Thomas...

The Redcoats watch in silence. MARION LOOKS AT GABRIEL and turns to the Redcoat Lieutenant.

MARION

Lieutenant, please...

The Lieutenant wavers, but he looks after the departing Tarleton and his resolve stiffens. He turns coldly to Marion.

REDCOAT LIEUTENANT

I have my orders. Sergeant!

The Redcoat infantrymen scatter, some to get horses and wagons from the barn, others to torch the buildings.

MARION stands among the children, all of whom look to Marion with pleading eyes, waiting for him to do something.

MARGARET

Papa, look what they did to Thomas...

NATHAN

Father, they're going to take Gabriel...

With stone-faced fury, Marion watches the Redcoats do their work.

From the barns, they hear the sounds of MUSKETS FIRING and the SQUEALS OF THE LIVESTOCK being killed.

Other REDCOATS TORCH THE HOUSE, BARN AND OUTBUILDINGS. THE FLAMES RISE.

The Redcoats bring out Marion's wagons and carriages and begin loading the Redcoat wounded.

The Redcoat Lieutenant and several of his men walk among the Patriot wounded who start to struggle to their feet, begging for mercy. The Redcoats quickly OPEN FIRE, as if to get it over with.

The WOUNDED PATRIOTS CRY OUT. More SHOTS. Then SILENCE.

GABRIEL, his hands bound behind him, looks to his father with a combination of resoluteness and fear. Marion locks

eyes with him.

NATHAN

Father, you can't let them take
him...

MARION

Quiet.

MARION AND THE CHILDREN

Watch as the Redcoats form up and move out, leading Gabriel on a tether. Gabriel looks back helplessly but a hard jerk on the rope by one of the Redcoats turns him around. They disappear around a bend in the road.

THE INSTANT THE REDCOATS ARE OUT OF SIGHT, MARION speaks firmly to his weeping children.

MARION

Don't move.

MARION STRIDES to his front door and ENTERS THE BURNING HOUSE.

INSIDE, FIRE EVERYWHERE. Picking a route between the flames, Marion walks to his gun cabinet. He opens it and pulls out weapons -- two Pennsylvania rifles, two muskets, two pistols, a long-bladed knife and a worn tomahawk. He carries them, with powder horns and ammunition pouches back toward the door.

Marion walks OUT OF THE BURNING HOUSE.

MARION

Nathan, Samuel...

Without breaking stride, Marion throws muskets to Nathan and Samuel who catch them.

MARION

Margaret, take William and Susan to the river shed. Hide there. If we're not back by dawn, go up the river to the Richardson's house. They'll take you to your Aunt Charlotte's farm. Nathan, Samuel, and I are going to get Gabriel.

MARGARET

But what about Thomas?

MARION

Leave him. Take care of William and Susan.

Marion runs off toward the woods, Nathan and Samuel follow. Margaret hesitates, then herds William and Susan toward the river. The house is enveloped in flames.

EXT. WOODED PATH - AFTERNOON

Marion runs, breathing hard, keeping a punishing, steady pace. Nathan and Samuel run behind, less winded than their father. Marion makes up with cold fury what he lacks in youth.

EXT. WOODED HILLSIDE - AFTERNOON

Marion runs up to the crest of a wooded hill. Slows. Crawls the last few feet. Nathan and Samuel just behind him. Looks over the hillside.

A path runs through a glen, about fifty feet below. Marion's eyes dart, absorbing the terrain, looking for advantage. He points.

MARION

Nathan, there. Samuel, there.

The boys go where they're told.

MARION

I'll fire first. Then, Nathan, kill whoever is standing closest to Gabriel. Samuel, kill the last man in the line.

They stagger under the weight of the orders. Marion notices but continues.

MARION

After that, Samuel, load for Nathan. If something happens to me, put down your weapons and run as fast as you can, that way, downhill. Hide in the brush by the river, then make your way home, get the others and go to Aunt Charlotte's farm.

The boys hesitate. Marion looks at them firmly.

MARION

Boys... steady.

NATHAN & SAMUEL

Yes, father.

Marion disappears into the underbrush.

DOWN THE PATH

The dozen Redcoats approach. Leading Gabriel on the rope.

AHEAD OF THEM

Marion waits in the thick undergrowth.

On the hillside, Nathan and Samuel grip their muskets and exchange a frightened, troubled look.

The REDCOATS enter the glen.

MARION waits, then picks his moment and FIRES, killing the Redcoat Lieutenant with a shot to the chest.

NATHAN AND SAMUEL INSTANTLY FIRE, dropping the last Redcoat in the line and the one holding Gabriel's rope.

THE REDCOATS STOP in confusion...

GABRIEL kneels, out of the line of fire.

The REDCOAT SERGEANT takes command...

REDCOAT SERGEANT

FORM BY TWOS! BACK-TO-BACK LINES...

MARION KILLS the Sergeant with a shot to the throat...

Samuel finishes reloading, swaps muskets with Nathan who FIRES, DROPPING ANOTHER REDCOAT.

REDCOAT CORPORAL

READY...

Marion FIRES, killing the Corporal, the last man of rank...

Marion ducks to the side as a VOLLEY OF REDCOAT MUSKET FIRE tears into the spot marked by Marion's rifle smoke...

FROM THIS MOMENT ON, MARION NEVER STOPS MOVING. He

strides rather than runs, staying just inside the brush, offering only glimpses of himself. He changes his pace and direction repeatedly, ducking and weaving, firing and loading while moving. He never gives the Redcoats a stationary target, especially one marked by billowing smoke from his flintlock. It's an Indian tactic and it works.

The Redcoats TRACK HIM WITH THEIR BARRELS, about to fire... Marion suddenly STOPS DEAD, REVERSES DIRECTION, several REDCOATS FIRE AND MISS.

Six Redcoats left. Some primed, some reloading. A REDCOAT draws a bead on Marion who drops to the ground and FIRES, killing him.

Samuel, WEEPING as he loads, hands a primed musket to Nathan who FIRES...

The Redcoats turn their attention to THE SPOT MARKED BY NATHAN'S SMOKE...

Marion SEES THE REDCOATS AIMING TOWARD THE BOYS. He instantly STRIDES OUT INTO THE OPEN, drawing the Redcoats' attention from his sons...

Marion FIRES BOTH HIS PISTOLS, killing two Redcoats...

One Redcoat finishes reloading... Marion rushes him, shoves aside the barrel and SLAMS him in the face with the butt of the musket...

This is a DIFFERENT MARION, a vicious, savage Marion, killing with stunning brutality...

Marion drops his own expended rifle and CATCHES THE REDCOAT'S LOADED MUSKET before it hits the ground shoves that musket into another Redcoat's belly and FIRES...

Two Redcoats left, neither finished loading...

MARION CHARGES, drawing his TOMAHAWK, ignores a GLANCING BAYONET WOUND to the neck, HACKS a Redcoat open...

Splattering himself with BLOOD...

The final Redcoat, a cherubic-face young man, ducks into the woods... Marion tears after him...

A FOOTTRACE... the young Redcoat BLASTING THROUGH THE BRUSH... the older Marion, panting, losing ground...

A CLEARING... the Redcoat is almost to the cover of the trees on the far side...

MARION THROWS HIS TOMAHAWK which FLIES through the air and SINKS IN THE REDCOAT'S BACK...

Marion runs to the wounded Redcoat, grabs his hair, yanks back his head and SLITS HIS THROAT...

Then, without pausing, Marion wrenches the tomahawk from the Redcoat's body, and races back toward his sons...

AT THE GLEN

Nathan and a weeping Samuel, stunned at the carnage, stumble down the hillside toward Gabriel. Marion runs up and motions for them to stop.

Marion, checks the Redcoats, making sure they're all dead.

MARION

Samuel, reload. Nathan, untie Gabriel.

They quickly do so as Marion picks up a loaded musket and scans the road and the underbrush. In a moment they're ready. Marion finds his own Pennsylvania rifle, then he and his sons disappear into the underbrush.

EXT. POND BLUFF - DAY

The house and barns smolder. Thomas' body lies in the yard. Nearby, the bodies of the Patriot wounded, now dead.

EXT. RIVER SHED - POND BLUFF - DAY

Margaret waits in the shed with William and Susan. They hear a SOUND. APPROACHING FOOTSTEPS. Margaret pulls her sister and brother to her and waits.

The door opens. It's Marion and Gabriel, Nathan and Samuel. Margaret and the little ones throw themselves into Marion's arms.

Margaret notices the blood on Marion. She hesitates but her relief tightens her embrace.

EXT. POND BLUFF - DAY

Marion, trailed by his children, walks past the soldiers' bodies and the remains of their house.

He kneels down next to Thomas' body. On the ground Marion sees several of THOMAS' LEAD SOLDIERS. He stares at them for a moment, picks them up and puts them in his pocket.

Marion picks up Thomas and carries him up the hill toward the apple tree and Elizabeth's grave. The children follow.

EXT. HILLTOP - POND BLUFF - DAY

Marion digs a grave. The children watch. The only sounds are Marion's labored BREATHING, the RASP OF THE SHOVEL and the RUSTLE OF DEAD LEAVES blown along the ground by a soft wind.

Some dry leaves catch on Thomas' still wet blood, as if trying to bandage his wound.

EXT. HILLTOP - POND BLUFF - DAY (LATER)

Marion puts the last shovelfuls of dirt on the grave. Near tears and unsure of what to do next, he turns to Elizabeth's gravestone. The soft wind blows. Marion listens.

He turns and sees his children looking up at him. Holding in his own tears, he gathers the children around him and let's them cry.

MARION

There, there... he's alright... he's with your mother now...

He stiffens, speaking formally:

MARION

Lord, we pray that You accept this child, Thomas Marion and give him a place at Your side with his mother. We ask that You embrace him and help us to understand the manner in which Your mercy works. This we ask, in Your name. Amen.

MARION'S CHILDREN

Amen.

Marion looks at Elizabeth's grave, then he gently eases

his children away.

EXT. BENNINGTON OVERLOOK - DAY

Marion and his children stop at the overlook, seeing the Santee River valley spread out before them. The SMOKE from two dozen farms rises.

GABRIEL

The Morgans, the Halseys, Williams,
Stantons...

The smoke from the separate fires joins together high in the sky, forming what looks like stormclouds. They walk on.

EXT. CHARLOTTE'S FARM - NIGHT

Marion and his children wait in the cover of the woods. They see a pair of shadowed figures coming toward them from the house, Gabriel and Charlotte.

GABRIEL

Father, it's safe.

Marion hustles the children out of the woods.

INT. BEDROOM - NIGHT

Charlotte sits, holding a sleeping Susan. The other children lie awake on pallets. Marion, still streaked with dried blood and sweat, tucks William and Margaret into bed.

MARION

Sleep, now.

Marion moves on to Nathan.

NATHAN

Father... I killed those men...

MARION

Don't blame yourself, you did what I
told you to do.

NATHAN

I'm glad I killed them... I'm
glad...

Marion isn't. He turns to Samuel who's cried-out. Marion

reaches out to touch him but Samuel recoils from Marion's blood-streaked hand. Marion sighs and tucks him in.

MARION

Try to get some sleep.

Marion moves to take Susan from Charlotte who shakes her head.

CHARLOTTE

I'll stay with them.

Marion nods and leaves Charlotte with the children.

INT. CHARLOTTE'S LIVING ROOM - NIGHT

Marion enters. He starts to pace but grows unsteady. He rears back as if screaming but no sound comes from his mouth, as he looks upstairs, knowing his children are searching for the solace of sleep.

He opens a cabinet, pulls out a bottle of liquor, pours and drinks. Then another.

THE SOUND OF HORSEMEN. Gabriel walks in. Tired. Grim.

GABRIEL

How are they?

Marion just shakes his head.

GABRIEL

Gates is at Hillsboro with the Continental Army. I'll leave in the morning to join him.

Marion nods. Marion and Gabriel stand in silence for a long moment, neither one finding words. Then Gabriel speaks softly.

GABRIEL

I'll tend my horse.

He leaves Marion alone.

INT. CHARLOTTE'S FARMHOUSE - NIGHT (LATER)

Marion stares at the fireplace. Charlotte walks in carrying a pitcher and fresh clothing.

CHARLOTTE

They're asleep.

Marion is silent. Charlotte pours water into a washbowl and motions to Marion. He takes off his shirt. She begins cleaning away the blood and tending the wound on his neck.

MARION

How did this... how did I let this happen?

CHARLOTTE

You couldn't have known.

MARION

I should have known... once I would have... I used to be wary... and today I watched my son killed before my eyes... your sister civilized me and I damn myself for having let her...

CHARLOTTE

Thomas is dead but you've done nothing for which you should be ashamed.

MARION

I've done nothing and for that I am ashamed.

She looks at him closely.

CHARLOTTE

If you go, I'll care for them as if they were my own.

MARION

I'll leave in the morning with Gabriel.

He stares past her, looking at the flames in the fireplace. She tends his wounds.

EXT. PORCH - CHARLOTTE'S FARMHOUSE - MORNING

Marion and Gabriel finish saddling their horses. Marion embraces Nathan and Samuel. Then he turns to Margaret, William and Susan.

WILLIAM

When will you be back?

MARION

I don't know, William.

WILLIAM

Tomorrow?

Marion winces. Margaret puts her arm around William.

MARGARET

No, not tomorrow.

Marion kisses them both, then moves on to Susan, trying to coax a word out of the silent four-year-old:

MARION

Goodbye?

She just looks at him.

MARION

Just one word? Goodbye? That's all I want.

Susan shakes her head. He sighs, rises and turns to Charlotte. They hesitate, then embrace, hugging deeply but a bit awkwardly, holding each other just a moment longer than one would expect. She looks up at him... he kisses her on the cheek.

Marion mounts up. And he and Gabriel head off, Susan, unnoticed and unheard, whispers:

SUSAN

Goodbye.

Marion and Gabriel ride away.

EXT. CAMDEN ROAD - DAY

Marion and Gabriel ride past the signs of a small skirmish. Bodies. Abandoned wagons. Dead horses. A burning farm.

EXT. CAMDEN HILLSIDE - DAY

Marion and Gabriel ride to the crest of a hill. A vista spreads out before them. They see an awesome sight -- A MASSIVE SLASH OF RED approaches a MASSIVE SLASH OF BLUE. A battle is taking place about five miles away.

Gabriel starts to spur his horse but Marion restrains him.

MARION

No, it's too late.

Gabriel stops. Marion points out brightly colored clusters of men behind each army.

MARION

Command posts... Patriot...
British...

The distant slash of red stops. Marion and Gabriel hear only a GENTLE WIND and some nearby SONGBIRDS.

Then, from a black mass of the side of the red slash, a sudden, silent eruption of white smoke.

An instant later, the blue slash quivers. A moment later the SOUND OF THE CANNONS, RUMBLES UP THE HILL and rolls over Marion and Gabriel.

The RED SLASH STOPS moving. It darkens as thousands of Redcoats raise their muskets and the front ranks kneel into firing position.

Marion's eyes dart. He knows what's coming.

MARION

Break for the trees... break for the
trees...

A MASSIVE ERUPTION OF WHITE SMOKE billows from the red slash. An instant later, the blue line starts to break up as hundreds of distant Patriots fall.

The SOUND OF THE BRITISH MUSKETS reaches Marion and Gabriel like the pattering of rain.

Then the SMOKE OF INEFFECTIVE, SCATTERED VOLLEYS erupts from the Patriot lines. The red line holds firm.

MARION

Send them to cover! Goddamn you!

But the blue line of the Patriots stays in the open field.

From behind the Redcoats, FAST-MOVING GREEN AND RED MASSES move quickly onto the battlefield. CAVALRY.

GABRIEL

Father, we have to do something...

The British cavalry slams into the blue line, shattering it. Tiny bits of blue move in every direction.

GABRIEL

Father...

MARION

It's already over.

Marion watches, appalled. At this distance the moving slashes of color and billowing smoke are strangely beautiful. Marion turns his horse and heads down the hill, toward the rear of the Patriot lines.

EXT. AMERICAN ENCAMPMENT - NIGHT

A nightmare. SCREAMS OF AGONY. A few hundred battered, Patriot survivors treat their wounded and prepare to move out. The battle, so bloodless and beautiful at a distance, has, in its aftermath, become horrifically painful and ugly.

Marion and Gabriel ride into camp, passing nervous sentries and a field surgery which is surrounded by pools of blood and amputated legs and arms. Marion sees HARRY LEE at a make-shift command post, barking orders, trying to pull things together.

LEE

Damn you, Sergeant, don't move the wounded twice, put them straight on the wagons from the surgeons.

PATRIOT SERGEANT

Yes, sir.

LEE

Lieutenant, detail men for outriders. We move out as soon as the wounded are ready.

LIEUTENANT

Yes, sir.

The Lieutenant rushes off. Lee notices Marion and Gabriel, surprised to see them. He jerks his head for them to follow him into:

LEE'S COMMAND TENT

Once out of sight of the men, Lee loses his command bearing. Exhausted, he leans on his campaign table and looks closely at Marion, asking with his eyes why Marion is here.

MARION

Green Dragoons came to my home,
killed my son, Thomas. It was
Tarleton himself.

LEE

I'm sorry.

MARION

I'm sorry I wasn't here for this.

LEE

There's nothing you could have done,
Gates is a damned fool.

MARION

We saw.

LEE

I begged him to stay in the cover of
the trees but he insisted the only
way to break Cornwallis was muzzle-
to-muzzle. He spent too many years
in the British army.

MARION

Where is he now?

LEE

Last anyone saw, riding hard,
northeast, his staff a hundred yards
behind, trying to catch up.

MARION

Who's in command?

LEE

I am, I think.

MARION

What are my orders?

Lee gives Marion a tired smile.

LEE

If you want orders, I've got some for you.

Lee ROLLS OUT A MAP for Marion and Gabriel.

LEE

We're a breath away from losing this war. In the North, Washington is reeling from Valley Forge, running and hiding from Clinton and twelve thousand Redcoats.

(pointing)

Here in the South, Cornwallis has broken our back. He captured over five thousand of our troops when he took Charleston and today he destroyed the only army that stood between him and New York.

MARION

So now Cornwallis will head north, link up with Clinton and finish off Washington.

LEE

And Patriots will start dying on the gallows instead of the battlefield.

(beat)

Unless we can keep Cornwallis in the South until the French arrive. A treaty was signed at Versailles after our victory at Saratoga. The French are sending a fleet and ten thousand troops.

MARION

When?

LEE

Fall, six months at the earliest.

MARION

Long time.

LEE

The bigger problem is where, not when. The French fleet won't sail north of the Chesapeake for fear of early storms.

MARION

So you're going to try to keep Cornwallis in the South until then.

LEE

Not me, you. I'm going north with every Continental regular I can find to reinforce Washington or he won't last six weeks.

MARION

You expect Cornwallis to be held here by militia?

LEE

Not held, just slowed down.

MARION

They're nothing but farmers and you're asking them to try to keep a tiger in their backyard. They'd be better off letting it move on.

LEE

They'd be better off, but the cause wouldn't be.

MARION

How many men does Cornwallis have under his command?

LEE

Four thousand infantry and around six hundred cavalry...

(beat)

... including the Green Dragoons under Tarleton.

At the mention of Tarleton, Marion nods.

MARION

I'll do what I can.

Lee quickly writes something.

LEE

I'm giving you a field commission as a colonel.

He hands it to Marion. Gabriel steps forward.

GABRIEL

Colonel Lee, I request a transfer to
Colonel Marion's command.

LEE

Granted.

Lee scribbles another order and hands it to Gabriel. Then
he turns to Marion.

LEE

Good luck.

Marion nods. They duck out of the tent.

EXT. AMERICAN ENCAMPMENT - NIGHT (LATER)

Marion and Gabriel stand watching Lee and his Continental
regulars move out. Gabriel turns to Marion.

GABRIEL

What now, sir?

MARION

We put out the word. We'll start
along the south side of the
Santee...

GABRIEL

We'd cover more ground if we split
up.

MARION

It's safer if we stay together.

Gabriel steps in front of Marion.

GABRIEL

Colonel, I didn't request this
transfer because you're my father.
I requested it because I believe in
this cause and this is where I can
do the most good.

MARION

Oh?

GABRIEL

I've been doing this for two years.
I'm the best scout in the
Continental Army, the best horseman,

the best shot, the best scavenger
and I know every deer path and swamp
trail between here and Charleston.

MARION

Is that so?

GABRIEL

Yes, sir.

(beat)

My father taught me.

Marion looks at Gabriel closely.

MARION

Did your father teach you humility?

GABRIEL

He tried. It didn't take.

Marion looks Gabriel up and down.

MARION

Alright, Corporal, you take
Bennington, Harrisville, Acworth and
the farms along Black Swamp. I'll
take the north side of the river.
We'll meet at Snow's Island.

GABRIEL

Yes, sir.

They mount up.

MARION

And, Corporal...

(beat)

... be careful.

GABRIEL

Yes...

(beat)

... father.

They ride off in different directions.

EXT. BRADFORD VILLAGE - NIGHT

Marion rides into a small village, passing several bodies
in blue Continental uniforms, hanging from lampposts.
Marion stops in front of a tavern, dismounts and enters.

INT. TAVERN - BRADFORD - NIGHT

As Marion walks in he's greeted by cold stares from half-a-dozen men, huddles over their drinks.

MARION

I'm looking for John Billings.

BARTENDER

He's dead.

Marion looks closely at the grim, suspicious men.

MARION

If he comes back from the dead, tell him Francis Marion is looking for him.

BARTENDER

I'll be sure to do that.

As Marion turns to leave he notices an open bottle of Madeira on one of the tables. He stops.

MARION

I'll wait. Miracles happen.

A stand-off. Then, a hulking FIGURE appears in the shadows at the back doorway. He's JOHN BILLINGS, big, coarse, about Marion's age. Billings jerks his head for Marion to join him in the back room.

INT. BACK ROOM - TAVERN - NIGHT

Dark. Marion and billings talk over a bottle.

BILLINGS

You expect to hold Cornwallis with militia?

MARION

I expect to try.

BILLINGS

Trust you and Harry Lee. Remember that damned overland you two thought up in '62 to hit Fort Louis?

MARION

It worked. How many men can you

raise?

BILLINGS

Not many. Dalton, Scott, they've got their reasons; Rev. Oliver, he believes in the cause; some of the young bucks; a few like me with nothing to lose...

(beat)

What about you? You've got a lot to lose.

Marion drains his glass and stands up.

MARION

You coming, or not?

Billings drains his glass. They walk out together.

EXT. TAVERN - BRADFORD - NIGHT

Marion and Billings ride away from the tavern, passing the hanging Patriot bodies.

EXT. SNOW'S ISLAND - SANTEE SWAMPS - NIGHT

A CACOPHONY OF BIRDS AND INSECTS. Swamp maples and willows form a canopy over moss-covered mounds and pools of plant-choked water.

Gabriel leads several men, riding along a dry path that snakes through the swamp. They cross a narrow land bridge onto a wooded island, joining a dozen-and-a-half men, including Marion who kneels at a campfire.

CLOSE SHOT: Several of Thomas' brightly painted LEAD SOLDIERS MELT in a cast-iron pan. The little men fall to their knees then lose form, turning into bubbling, molten metal.

The new arrivals dismount and greet the others.

Gabriel steps up behind Marion and watches as he pours the lead into a bullet mold, closes the lid and dips the mold into a bucket of water which HISSES and STEAMS.

GABRIEL

Father, this war is about more than Thomas.

Marion doesn't look up.

MARION

Is it?

GABRIEL

If you're here only for revenge,
you're doing a disservice to him as
well as yourself.

MARION

How old are you?

GABRIEL

You know how old I am.

MARION

God help us all when you're forty.

Marion puts some more lead soldiers into the pan. Gabriel
shakes his head, turns away and goes to tend his horse.

EXT. SNOW'S ISLAND ENCAMPMENT - MORNING

Day breaks. A low, thick swamp mist covers the
encampment. Marion, sits alone by the embers of last
night's campfire. The men are awake. Some eat, others
talk.

Marion pulls himself out of his dark reverie. He takes
the bullets from the mold and puts them in a pouch
attached to his weapons' belt. Then he rises and heads
over to the men.

He surveys his brigade. Twenty-six men: framers,
artisans, mountain men, none in uniform. Marion walks
among them, nodding familiarly to several. He notices an
imposing looking Cherokee Indian, BROTHER JOSEPH, standing
a bit apart from the others. They exchange nods.

He notices a stern-looking man in partial clerical garb,
REV. CHARLES OLIVER.

MARION

Reverend.

REV. OLIVER

I heard about your son. I'm sorry.

Marion accepts his condolences. He notes GEORGE DALTON, a
tough-looking, rustic man with an ice-cold, distant stare.

MARION

Dalton.

Dalton doesn't respond. Marion recognizes another face, ABNER BROWN, African-American, around thirty, rugged.

Marion addresses the men who do not gather around so much as just give him their attention.

MARION

You all have your own reasons for being here. I lost a son and I intend to kill the man who killed him...

Marion pauses and looks over at Gabriel.

MARION

... But I don't consider that man's life adequate payment for the life of my son, and killing him won't keep the sons of other men from dying...

Gabriel nods, approvingly.

MARION

Cornwallis has to move north. We have to keep him right here. If he's south of the Chesapeake when the French arrive, if the French arrive, we have a chance of winning this war.

Marion looks from face to face.

MARION

Eat, get some rest, we move out in two hours.

Marion heads back to his campsite, passing Gabriel without looking at him, but very aware of his son's eyes on him.

EXT. BRITISH FIELD HEADQUARTERS - CAMDEN - DAY

A massive British army field encampment. Thousands of well-armed, veteran troops. Large detachments of Redcoats march through endless rows of tents. Some are battle-worn, others are fresh troops moving out.

TARLETON and his GREEN DRAGOONS, covered with dirt and

sweat, ride into the encampment. Tarleton and Wilkins peel off, riding to the front of a farmhouse that has been commandeered for British headquarters. They dismount and stride in.

INT. CORNWALLIS' HEADQUARTERS - CAMDEN FARMHOUSE - DAY

British officers, clerks and aides work. They're in good spirits. LORD CORNWALLIS, a proud man, comfortable with command, coldly notes one of his officers slapping another on the back. MAJOR HUNTINGTON rolls out a map for Cornwallis.

CORNWALLIS
Gentlemen.

The officers gather around the map.

CORNWALLIS
Major, this is not an adequate map.

MAJOR HUNTINGTON
We have better coming on the trailing supply convoy from Charleston.

CORNWALLIS
A useful place for our maps.

MAJOR HUNTINGTON
I'm sorry, sir, it won't happen again.

Tarleton enters, followed by Wilkins.

CORNWALLIS
My harrier. Join us, Colonel.

TARLETON
Sir.

Tarleton and Wilkins join them around the map.

CORNWALLIS
Gentlemen, celebration is premature. We have a difficult campaign ahead of us. We are in predominately hostile country and we cannot rely on forage. As we move north, the bulk of our supplies will reach us by sea, through Charleston, which

will give us a long and vulnerable supply line, one that can only be secured if the locals are loyal to the crown.

CORNWALLIS' OFFICERS

(multiple)

Yes, sir.

Cornwallis turns to his field officers, paying particular attention to Tarleton.

CORNWALLIS

Nonetheless, we must remember that this is a civil war...

Tarleton proudly holds Cornwallis' look.

CORNWALLIS

These colonials are our brethren and when this conflict is over, we will be reestablishing commerce with them. Surrendering troops will be given quarter and unwarranted assaults on civilians will cease.

Wilkins shifts uneasily. Tarleton isn't cowed.

CORNWALLIS

I expect this war to be fought in a vigorous but civilized manner.

Cornwallis looks at his other officers.

CORNWALLIS

Have I made myself clear, gentlemen?

OFFICERS

(multiple)

Yes, sir.

Cornwallis shifts his eyes back to Tarleton who was not among those who spoke. Tarleton pointedly pauses a moment, then says:

TARLETON

Yes, sir.

Cornwallis turns his attention back to the map. His men gather around.

EXT. CORNWALLIS' FIELD HEADQUARTERS - CAMDEN - DAY

Tarleton and Wilkins walk out and mount up.

WILKINS

I believe he was speaking to us,
Colonel.

TARLETON

Did you know that Lord Cornwallis'
father was a tenant on the estate of
my grandfather?

Tarleton jerks his reins and rides off. Wilkins laughs
and follows.

EXT. WOODED ROAD - DAY

A British supply train of several dozen wagons, a herd of
horses and accompanying Redcoats makes its way.

ON A WOODED HILLSIDE, Gabriel lies on the ground,
observing the convoy. He eases back, mounts up, and rides
off.

EXT. BRIDGE - SANTEE RIVER - DAY

Marion and his men wait, well-hidden in the brush on a
rise, just above the bridge. Gabriel rides up.

GABRIEL

Less than a mile. Forty-one wagons,
a company of Redcoat infantry,
horses at the rear.

MARION

Flanking riders?

GABRIEL

I didn't see any.

Marion nods and motions to his men who check their weapons
and pass the word. Gabriel ties up his horse and takes a
position near his father.

EXT. SANTEE ROAD - NIGHT

The British convoy rounds the curve. When two-thirds of
the wagons have crossed the bridge, Marion FIRES, killing
the Redcoat of highest rank, a CAPTAIN.

BILLINGS AND DALTON heave CORKED BOTTLES which break, spreading their OILY CONTENTS on the wooden bridge.

BROTHER JOSEPH fires a FLAMING ARROW, igniting the oil.

The BRIDGE BURSTS INTO FLAMES, cutting off the tail of the convoy, stranding a dozen wagons and the herd of horses on Marion's side of the river.

A REDCOAT LIEUTENANT takes command.

REDCOAT LIEUTENANT

Across the river! Covering fire!
Double rank!

Marion calls to his men.

MARION

Epaulets first... Kill the officers.

Marion and his men FIRE A WITHERING VOLLEY, KILLING ALL REDCOATS OF RANK -- two lieutenants, a sergeant and several corporals.

The LEADERLESS REDCOAT PRIVATES take cover as Marion's men OPEN UP on the Redcoats on their side of the river.

MARION

THE WAGONS!

With half of his men FIRING COVER, Marion and the other half run to the wagons, passing Redcoat dead and wounded...

DALTON, notices a WOUNDED REDCOAT and pauses...

The Redcoat looks up imploringly at Dalton who finishes reloading, then coldly FIRES, KILLING THE helpless Redcoat...

Marion, Gabriel and Rev. Oliver see Dalton kill the wounded Redcoat as they race toward the wagons, British musketballs SPLINTERING TREES all around them...

The horses nearest the burning bridge are terrified, BUCKING AND REARING, STRUGGLING in their traces...

MARION LEAPS INTO THE SEAT of one wagon. Gabriel and Billings grab the reins of two more wagons.

The Redcoats keep up a STEADY FIRE. TWO OF MARION'S MEN

FALL, one dead another wounded.

Marion, Gabriel and Billings STRUGGLE TO CONTROL THE FRIGHTENED HORSES, backing them up around the curve to the cover of the woods.

MARION'S REARGUARD, Brother Joseph, Abner, Dan Scott and others, withdraws in leapfrog, FIRING BACK ACROSS THE RIVER.

BRITISH MUSKET BALLS SLAM into the trees and SPLINTER THE WAGONS...

Another of Marion's men is WOUNDED. Two of his comrades HEAVE HIM onto one of the wagons...

As Marion's men get the wagons turned and unblocked from each other, they DRIVE THEM OFF, one after another...

Brother Joseph, Abner and the rest of the rearguard make it to Marion and LEAP INTO HIS WAGON...

MARION snaps the reins and they THUNDER OFF, away from the BURNING BRIDGE and the FIRING Redcoats.

EXT. SNOW'S ISLAND - DAY

Marion's men tend their wounded and look through the British wagons, taking inventory.

REV. OLIVER

... two-hundred-sixty-six Brown Bess muskets, forty-one casks of powder, balls, tamping...

BILLINGS

We have enough arms for an army.
Now all we need is an army.

Marion checks out a wagon full of tools with DAN SCOTT and ROB FIELDING, a couple of sharp-eyed craftsmen. They overlap dialogue, rapidly speaking the private language of colonial artisans.

SCOTT

Reamer, boring tool...

MARION

Swage, broach, etching tool...

FIELDING

A rolling gunsmith's shop...

SCOTT

We can rifle those musket barrels...

FIELDING

Get another hundred yards out of
'em...

MARION

We'll need a forge...

SCOTT

Easy enough...

MARION

We've got clay to make a chamber...

FIELDING

Oak to make charcoal...

SCOTT

Oil cloth and barrel staves to make
a bellows...

MARION

And we can yank a wagon wheel,
weight it, rig a piston and drive
shaft and we'll have a flywheel to
power the bellows...

Scott and Fielding exchange an impressed look.

SCOTT

(to Fielding)

That's why he's a colonel.

Scott and Fielding roll up their sleeves and get to work.
Marion hears a COMMOTION OF BARKING DOGS AND YELLING MEN
and strides over to find Billings cowering before TWO HUGE
GREAT DANES who stand guard at one of the wagons.

BILLINGS

Shoot them! Shoot the damn things!

Dalton prepares to do so.

MARION

Put that pistol down!

SCOTT

They followed us from the bridge.
They won't let anyone near the
wagon.

Marion steps forward, speaking softly but firmly to the
dogs.

MARION

Stay... stay... stay...

The dogs waver between obeying Marion and ripping out his
throat.

MARION

Don't you growl at me!

The dogs decide to obey. Marion lets them sniff his hand,
then firmly pats them.

MARION

Now let's see what's in this wagon.

Rev. Oliver and Abner join him. Billings eases past the
dogs. Abner opens a large case and finds it filled with
bottles.

ABNER

Rum, French Champagne, Madeira,
Port...

BILLINGS

No wonder they were guarding it.

Gabriel opens a trunk and finds it filled with powdered
wigs, all perfectly coifed and stored on head-shaped wig-
stands. Rev. Oliver opens one of several identical cases
and finds it filled with papers.

REV. OLIVER

My heavens, personal correspondence
of... Lord Cornwallis.

Marion grabs some papers, scans them, then finds matching
cases on nearby wagons.

MARION

These four wagons must be his.

GABRIEL

And the dogs, too, I'll wager.

BILLINGS

I say we drink the wine, shoot the dogs, and use the papers for musket wadding.

MARION

His journals, letters, maps, books...

Abner calls from another wagon.

ABNER

Colonel, we got a wagon full of officer's uniforms and more powder and muskets here.

Ignoring Abner, Marion, sits down on a stump with a pile of Cornwallis' papers and starts to read.

EXT. SNOW'S ISLAND - NIGHT

Marion sits at Cornwallis' ornate, folding campaign desk, reading Cornwallis' journal, surrounded by Cornwallis' field gear which includes furniture, music boxes, oil paintings and an elaborate folding commode. The TWO GREAT DANES sit nearby, eyeing Marion warily.

The men have divided themselves into two groups, one coarse, the other civilized, each clustered around a separate fire.

The coarse men, including Dalton, Brother Joseph and RANDOLPH, a grizzled, black-toothed mountain man, drink and laugh loudly, wearing Cornwallis' wigs askew.

The civilized men, including Rev. Oliver, Gabriel, Scott, Fielding and Abner, talk quietly.

Marion puts down the journal and walks over to the campfire where the rougher men are gathered. He stands just inside the firelight and speaks loudly, so that all can hear:

MARION

Today was hard earned but a good start.

Marion looks at Dalton, then turns to the other men as well.

MARION

In the future wounded British soldiers will be given quarters.

DALTON

Like they gave quarter to my family? My wife and three children were hiding in our root cellar when they came. The Redcoats locked the door and torched the house.

MARION

You have my sympathy... but the order stands.

DALTON

And who are you to give an order like that? We all know what you did after Fort Wilderness.

That hits home but Marion remains calm.

MARION

I'm your commanding officer. This is militia, not regular army. I can't hold you here, but as long as you stay, you'll follow my orders.

Marion looks from face to face. Most begrudgingly nod. That's enough for Marion.

As he heads back to his own campfire he's intercepted by Rev. Oliver who speaks to him out of earshot of the other men, except for Gabriel and Billings who overhear.

REV. OLIVER

Thank you.

MARION

For what?

REV. OLIVER

For trying to impose some decency on that sort.

MARION

Don't depend on my decency. I'm one of that sort.

Marion walks on. Rev. Oliver exchanges a look with Gabriel, then heads off. As Marion joins Gabriel and Billings at his campfire, Billings grips his bottle.

BILLINGS

Am I one of that sort?

MARION

You're the worst of that sort.
You're the sort that gives that sort
a bad name.

Billings considers that, then shrugs and takes a long drink. He hands the bottle to Marion who takes an equally long drink. Marion picks up his Pennsylvania rifle.

MARION

I'm going to check the watch.

He disappears into the darkness leaving Gabriel and Billings at the campfire.

GABRIEL

He shouldn't make light. That
Redcoat should not have been killed.

BILLINGS

He's not making light.

Gabriel shoots Billings a dubious look.

BILLINGS

You don't know him very well, do
you?

GABRIEL

He's my father.

Billings looks closely at Gabriel.

GABRIEL

I know him well enough?

BILLINGS

Don't fault him for having grown up
on the frontier. It was a harder
time and a harder place than you
know.

Gabriel looks at Billings, then turns back to the fire.

EXT. SNOW'S ISLAND - DAWN

The men are beginning to stir, gathering around the

campfires, cooking, using pots, pans and other gear from the stolen British wagons.

Marion reads Cornwallis' journal. He looks up, stretches and walks over to a campfire where Gabriel, Billings and Rev. Oliver cook. The dogs follow at a distance.

BILLINGS

Well?

MARION

I've just been inside the mind of a genius. Lord Cornwallis knows more about war than I could in a dozen lifetimes.

BILLINGS

Cheerful news to greet the morn.

MARION

His victories at Charleston and Camden were perfect, strategically, tactically, logistically. But he has a weakness.

They all turn to Marion.

MARION

Lord Cornwallis is brilliant. His weakness is that he knows it.

GABRIEL

Father?

MARION

Pride is his weakness.

The men consider that.

BILLINGS

Personally, I'd prefer stupidity.

MARION

Pride will do.

BEGIN MONTAGE: Series of shots as follows:

-- A VOLLEY OF MUSKET FIRE erupts from some thick underbrush, cutting down half of a squadron of Redcoats on the march. The surviving Redcoats FIRE BACK into the trees at unseen targets to little effect.

- Marion rides with about fifty men.
- A British supply convoy makes its way through the woods. Suddenly, Marion's men appear, rising up from the ground as if by magic, having been camouflaged by leaves and brush. They OPEN FIRE on the convoy escort, which holds for a moment, then flees.
- Marion rides with about seventy-five men.
- Cornwallis finishes reading a dispatch and furiously flings it across the room.
- Marion rides with about one hundred men.
- Snow's Island. Marion and his men do an inventory of a large haul of stolen British supply wagons. The booty includes dozens of BRASS MUSICAL INSTRUMENTS, some of which Marion's men BLARE in celebration.
- Marion rides with about one-hundred-fifty men.
- Marion, Gabriel, and some of the other men watch as the flaming supports of a BURNING WOODEN BRIDGE collapse into a river.
- A seething Cornwallis stands at the same spot, looking at the charred, now cooled, remains of the bridge. Cornwallis angrily mounts up and rides off. His contrite staff officers mount up and follow.
- Snow's Island. Marion sits with his muddy feet on Cornwallis' campaign desk, reading Cornwallis' journal, with Cornwallis' Great Danes at his side.

EXT. CAMDEN - NIGHT

Glittering lights shine from the Camden Inn, a grand structure in the center of town.

A line of OPULENT CARRIAGES discharges well-dressed passengers, arriving for a ball. Ladies in their finery. Patrician husbands. Redcoat and Green Dragoon officers in magnificent dress uniforms.

INT. CORNWALLIS' PERSONAL QUARTERS - EVENING

Cornwallis, standing in front of a full-length mirror, is dressed by his VALET while Major Halbert, Colonel Huntington and Tarleton look on.

CORNWALLIS

Why am I here, Colonel Halbert?

MAJOR HALBERT

For the ball, sir?

Cornwallis holds his temper.

CORNWALLIS

Why, after six weeks, are we still here to attend a ball. By now, we should be attending balls in North Carolina, not South Carolina.

MAJOR HALBERT

Our supply line, sir?

CORNWALLIS

Excellent guess, Major.

The valet puts a dress coat on Cornwallis who looks at the garment with deepest disdain.

CORNWALLIS

And what, praytell, is this?

VALET

Uh... I borrowed it from Colonel North. I took it in at the back, added wider epaulets, a court sash and looped gold braiding on the cuffs...

CORNWALLIS

It's a horse blanket.

(to Major Halbert)

First my personal baggage, then half the bridges and ferries between here and Charleston burned, a dozen convoys attacked. Colonel, if you can't secure our supply line against militia, how do you expect to do so against Colonial regulars or the French when they come?

COLONEL HALBERT

Sir, they're not like regulars, we can't find them and we don't know when or where they're going to strike.

CORNWALLIS

How impolite. And who leads these clever, secretive fellows?

COLONEL HALBERT

We don't know, sir. He's called, the Commander by some, the Swamp Fox by others.

CORNWALLIS

Colonel, I'm a civilized man but I'm finding it difficult to remain civil. Secure my supply line.

COLONEL HALBERT

Yes, sir.

Cornwallis looks at his reflection with dismay, sighs and strides out. Tarleton, amused, follows.

EXT. CAMDEN STREET - NIGHT

At the far end of town Marion, Gabriel, Billings, Dalton, Scott and several other men slip through the shadows into an alley. The lights from the ball shine from down the street and the MUSICAL STRAINS of a MINUET drift to them through the night.

EXT. ARMORY - NIGHT

A block-like building on the far edge of town. A pair of REDCOATS stand guard. A PAIR OF DRUNKEN REDCOATS stagger out of a side-street, SINGING A MUMBLING SONG. The Redcoat guards look at the drunk Redcoats enviously.

REDCOAT GUARD

Hey, what you got there?

The drunken Redcoats look up, bringing their faces into the light -- THE DRUNKEN REDCOATS ARE BILLINGS AND DALTON.

BILLINGS

We got our own little party...

DALTON

To hell with the officers and their fancy dress ball...

GUARD

Give us a nip, here.

Billings and Dalton walk over to the Redcoats guards. As the guards reach for the bottles, Billings SLAMS one of the guards back against the building...

Dalton DRAWS A KNIFE and PLUNGES IT into the second guard's belly and HACKS HIM OPEN...

Dalton shoves Billings out of the way, SLITS THE OTHER GUARD'S THROAT. Billings is taken aback by the speed and ferocity of Dalton's attack...

Marion and Scott duck into the shadows of the doorway, pull out hammer-less carving chisels and quickly and silently start gouging out the wood around the hinges of the heavy door.

Billings and Dalton take the posts of the guards while the other men drag the bodies of the real guards out of sight. Everything appears as it should.

INT. BALLROOM - NIGHT

Grand. Opulent. Cornwallis speaks with a small gathering of loyalist civilians, among whom is the spectacular MRS. TALBOT, who wears a daring dress that reveals an enormous expanse of bosom. At her side stands her toady of a husband, MR. TALBOT.

MRS. TALBOT

No! The beasts took your dogs, as well?

CORNWALLIS

Fine animals, a gift from His Majesty. Dead now, for all I know.

MRS. TALBOT

Is there no decency?

MR. TALBOT

Among the rebels? We know the answer to that.

CORNWALLIS

Yes, we have learned.

INT./ EXT. CAMDEN ARMORY - NIGHT

Marion and Scott shove their chisels through the door which falls away from the hinges. They all duck inside

finding barrels and casks of gunpowder, boxes of weapons and hundreds of muskets.

Gabriel and the others load themselves up with the best of the weapons as Marion opens a cask and pours a trail of gunpowder across the floor.

EXT. BALCONY - CAMDEN INN - NIGHT

Cornwallis, taking the night air with Mrs. Talbot, gazes at the moon, achieving the calculated effect.

MRS. TALBOT

You seem far away.

CORNWALLIS

It's the weight of command and the lot of a widower -- memories, loneliness...

(with a self-deprecating laugh)

... and long gazes at the moon.

Mrs. Talbot sympathetically sighs and touches her fingertips to her heart which is conveniently located inches above her stunning cleavage.

MRS. TALBOT

Oh, you poor man...

A MASSIVE EXPLOSION LIGHTS UP THE NIGHT as a FIREBALL erupts from the armory. British officers, including Major Halbert and Tarleton, RUSH OUT along with Mr. Talbot and other Loyalist civilians.

MAJOR HALBERT

Good God!

Mr. Talbot tears his eyes from the flames and looks at his wife, clinging to Cornwallis' arm.

MR. TALBOT

These rebels seem to lack fear as well as decency, eh, General?

Cornwallis registers the insult, glances at the hapless Major Halbert, then turns to Tarleton.

CORNWALLIS

Colonel Tarleton, you deal with these damned rebels.

TARLETON

Yes, sir.

Tarleton smiles grimly and strides off the balcony.

EXT. VIEW OF PEMBROKE VILLAGE - DAY

The village of Pembroke lies nestled in a valley, surrounded by tilled fields and small farms.

EXT. PEMBROKE VILLAGE - DAY

Forty of Marion's men water their horses. Marion, with the two Great Danes at his side, speaks with PETER GREEN, a middle-aged storekeeper with a marked limp.

GREEN

... four baskets of apples, salt pork, sweet potatoes, jerky, hard tack, salt and powder. It's not much, but I'll get you more.

MARION

We can't pay for this...

GREEN

I'll give you what I can, when I can. You pay me what you can.

Green's daughter, ANNE, very attractive, around sixteen, joins them. Gabriel sees her and sidles over.

GREEN

Francis, you remember my daughter, Anne.

MARION

Nice to see you again, Anne.

Gabriel clears his throat. Anne looks at him coolly.

ANNE

I know who you are, Gabriel Marion. The last time I saw you, I was nine and you put ink in my tea.

GABRIEL

I... uh... that wasn't me, it was Samuel... I mean Nathan...

ANNE

It was you and it turned my teeth
black for a month.

GABRIEL

Uh... uh... I...

GREEN

He's sorry. Come.

Green heads across the square where some townspeople are giving Marion's men provisions. Anne and Gabriel follow. Marion turns to some waiting men, new recruits.

Billings, nearby, reads A POSTED BROADSHEET that announces: "Reward Offered: For the capture or death of the rebel known as 'The Swamp Fox'".

He tears it down and walks over to Marion.

MARION

... and your terms of enlistment
will be month-to-month. Every
thirty days you can re-enlist or
return to your families.

REED, the sturdiest of the lot offers his hand to Marion.

REED

I'm in.

The others nod in agreement.

MARION

Talk to Abner and Scott about
provisions, powder and mounts.

The recruits head off. Billings hands Marion the wanted poster which Marion glances at and crumbles up.

BILLINGS

Twenty men here, seventeen in New
Brighton, a dozen along the Black
River. We'll pass three hundred by
week's end if this keeps up.

ON THE OTHER SIDE OF THE SQUARE

Gabriel and several of Marion's men take supplies from Green, Anne, and some other townspeople. Gabriel looks at Anne.

GABRIEL

If I'd known you were going to look like this, I never would have put ink in your tea.

ANNE

You call that a compliment?

GABRIEL

It's a start.

She gives him a bit of a smile. He checks out her teeth.

GABRIEL

They look nice. As white as can be.

She tries to glare but she can't help but laugh.

MARION AND BILLINGS watch as Anne gives Gabriel some apples which he tosses into the air, one-by-one, catching them behind his back, a cocky move, executed with a disarming smile that makes Anne laugh again. Marion smiles at his son's flirtation. Billings smiles as well.

BILLINGS

He reminds me of you before you got old and ugly.

MARION

(softly)

No, he takes after his mother...

Billings is taken aback by the gentleness of Marion's words.

MARION

... the younger ones barely remember her but Gabriel spent more time with Elizabeth... she taught him well, guided him, she was his North Star and mine... her father was a minister, in Boston, did you know that?

Billings nods.

MARION

... Gabriel's already a better man than I could ever hope to be...

Marion hears himself and pulls his eyes from Gabriel, adopting a coarse, joking tone.

MARION

What do you mean, old and ugly?

BILLINGS

You got me beat on both accounts.

MARION

The hell I do.

They mount up, grateful to leave the sincerity behind.

Gabriel sees Marion and his men starting to ride off. He says goodbye to Anne, then RUNS TO HIS HORSE, MOUNTING WITH A DRAMATIC LEAP. He GALLOPS up, taking his place at his father's side. Marion doesn't turn to look at him, but he knows he's there.

EXT. CAROLINA ROAD - DAY

A patchwork of fields with a village visible in the distance. The ROLLINS BOYS, 10 and 12, work a field, harvesting grain. Hearing the SOUND OF HORSES' HOOVES, they stop and listen.

Then they see a CLOUD OF DUST rising over the ridge line. Growing excited, they throw down their scythes and race down the hillside, madly stumbling and falling, trying to intersect the approaching sound.

At the bottom of the hill they pass their father, BEN ROLLINS, who watches his sons plant themselves on the side of the road, gazing in awe at:

MARION AND HIS MEN, THUNDERING BY. They're an impressive sight, a hundred-and-fifty heavily armed men, on powerful mounts, raising a cloud of dust as they gallop down the road.

EXT. CHARLESTON ROAD - DAY

Marion and forty of his men, including Gabriel, sit on their motionless horses in the middle of the road. There are a number of new faces among Marion's men, among them Ben Rollins. Gabriel is lost in thought.

MARION

Gabriel? Are you asleep?

GABRIEL

We're low on salt. I should go to
Pembroke and get some.

BILLINGS

You got salt last week.

GABRIEL

Oh, right.

(beat)

Baking powder, we need baking
powder.

BILLINGS

We've got plenty of baking powder.
You went to Pembroke and got five
pounds two weeks ago.

Gabriel sighs. They hear a SOUND APPROACHING, then see
two British wagons round a curve with a guard of only SIX
REDCOATS, commanded by a REDCOAT SERGEANT. The Redcoat
Sergeant signals stop.

REDCOAT SERGEANT

Halt. Look alive, boys.

The young Redcoat privates nervously UNSHOULDER THEIR
MUSKETS.

MARION

Sergeant, this road is closed.
Those wagons now belong to the
Continental Army.

REDCOAT SERGEANT

Ready arms! By twos!

Marion's surprised by the Sergeant's order.

MARION

Sergeant, there's no reason for you
and your men to die. Just leave the
wagons and go.

REDCOAT SERGEANT

Steady, boys...

Marion sighs and lets loose with a PIERCING WHISTLE. The
underbrush parts and more of Marion's men show themselves,
MUSKETS LEVELED at the outnumbered Redcoats.

REDCOAT SERGEANT

This is the King's highway and I advise you and your men to make way.

(to his men)

Prepare to fire.

Marion exchanges a look with Rev. Oliver who, like Marion, doesn't want to kill these men. Seeing no other option, Marion turns to give the order, then stops, hearing a FAINT BARELY DETECTABLE, RUMBLING SOUND...

A moment later Brother Joseph hears it as well... HORSES HOOVES, LOTS OF THEM, growing louder by the second, THUNDERING toward them from the road behind the British wagons...

Then, the SOUND OF MORE HORSES, coming in fast on both flanks.

MARION

It's a trap...

The canvas sides of the British wagons are THROWN UP and DOZENS OF REDCOATS, armed with muskets, spill out...

Marion's unmounted men run to their horses, LEAPING into their saddles...

Then GREEN DRAGOONS appear, galloping down the wooded slopes on both flanks, astonishing horsemen, weaving through the trees without slacking their pace, SWORDS DRAWN, PISTOLS PRIMED...

REDCOAT SERGEANT

FIRE!

A THUNDEROUS VOLLEY ERUPTS from the Redcoat infantry, KILLING several of Marion's men...

Marion's men FIRE BACK from their BUCKING MOUNTS, most of their shots going awry...

Behind the British wagons, a huge detachment of GREEN DRAGOONS appears, TARLETON among them...

MARION SEES THE DRAGOONS BUT NOT TARLETON HIMSELF...

MARION AND HIS MEN spur their mounts, taking off down the road in the opposite direction...

The FLANKING BODIES OF DRAGOONS gallop out of the woods,

JOINING THE MAIN BODY, riding in hard pursuit...

EXT. WOODED ROAD - DAY

Marion and his men GALLOP down the road. The much larger body of Green Dragoons THUNDER after them.

EXT. BLACK SWAMP ROAD - DAY

Marion and his men ride along a raised road that drops off into Black Swamp on either side...

They ROUND A CURVE AND STOP, reining back their horses in confusion as they see:

FIFTY GREEN DRAGOONS heading straight toward them...

THE DRAGOONS OPEN FIRE from both directions, KILLING several more of Marion's men, WOUNDING others...

Marion's men FIRE BACK as best they can, caught in the CHAOS OF BUCKING AND FALLING HORSES and WOUNDED AND DISMOUNTED MEN...

They remount, doubling-up with the wounded...

MARION sees an unaided wounded man. LEAPS FROM HIS HORSE, heaves him onto his horse, slaps it...

Marion's men head off both sides of the road into the swamp, struggling with their mounts as they hit the knee-deep water...

Marion on foot with four men, only three horses... A DRAGOON, aiming his pistol, THUNDERS down on Marion... MARION FIRES, killing the Dragoon...

Marion's men mount, one motions to Marion...

MARION

GO!

Marion's men ride off, leaving him ALONE... a Dragoon is almost on him, SWORD RAISED. Marion, his weapon spent, sees a thick branch on the ground, two feet long... grabs it...

The sword flashes and SINKS DEEPLY INTO THE WOOD... Marion YANKS, brings the rider off his horse, grabs the reins and SWINGS HIMSELF UP INTO THE EMPTY SADDLE. Marion rides down the embankment...

The Dragoons rein back, slowed by the dead horses and men. They spur their reluctant mounts over the bodies and follow Marion and his men into the swamp...

EXT. BLACK SWAMP - DAY

MARION RIDES HARD, galloping along a circuitous, barely visible dry trail... A MOMENT LATER, Tarleton and Green Dragoons follow...

EXT. DEEP IN THE SWAMPS - EVENING

MARION CATCHES UP to a dozen of his men, including Gabriel and Billings. Several of the men are badly wounded, barely clinging to their saddles...

They ride through the shallow water, get to a fork, SPLIT UP. As they disappear into the swamp, the sounds of their horses are swallowed up in the LOUD BUZZING OF SWAMP INSECTS and the CRIES OF THE SWAMP BIRDS...

A moment later, Tarleton and the vanguard of Dragoons ride up. Tarleton signals stop at the fork...

Looks... nothing. Listens... nothing. Chooses a path, the one Marion took. Rides off, the Dragoons following...

EXT. DEEPER IN THE SWAMPS - NIGHT

Darker still. Tarleton and his men come to a dead end, blocked by a heavy tangle of huge swamp ferns and thorn bushes.

They rein back their horses, stopping in a confused mess. Tarleton calls to Gaskins and the Loyalist scouts.

TARLETON

Which way?

GASKINS

This way... no this... I think...

Tarleton makes his own choice... rides off... the Green Dragoons follow, the Loyalists bring up the rear.

EXT. SWAMP MORASS - NIGHT

Tarleton and his mounted Dragoons struggle through a nearly impassable morass of swamp-grass, reeds and swarming mosquitoes...

The exhausted Dragoons are wet, covered with mud, and bleeding from swamp briars. The horses are spent and foaming...

Tarleton struggles harder than any, but finally even he has had enough. He reins back his horse.

TARLETON
HALT!

Tarleton glares into the impenetrable darkness of plant-choked water and swamp...

TARLETON
Enough of this. There are other ways to run down a fox.

Tarleton yanks on his reins, turns his horse and starts back the way they came. His grateful men turn their horses and follow.

IN THE UNDERGROWTH, Marion, Gabriel, Billings and three badly wounded men, with only four horses between them, calm their mounts...

They can hear, but not see the Dragoons. Then, through the thick undergrowth, MARION CATCHES A GLIMPSE OF TARLETON...

Gabriel, tending the wounded men, sees his father lock his eyes on Tarleton...

Marion quickly opens his weapons pouch and pulls out one of the bullets he made from Thomas' lead soldiers. Walking to his horse, Marion loads...

Marion mounts, scanning the terrain, planning a route...

GABRIEL
Father, no...

As Marion spurs his horse to ride after Tarleton, Gabriel grabs the bridle. He YANKS HARD, stopping Marion's horse dead. THE HORSE BUCKS, nearly throwing Marion...

MARION
That's him. Tarleton.

MARION SPURS THE HORSE which tries to respond but is JERKED BACK AGAIN by Gabriel. Marion angrily turns on his

son...

MARION

Damn you! Let go!

Gabriel looks up at his father, never loosening his iron grip on the bridles but speaking softly, almost pleadingly:

GABRIEL

Father, please...

Marion looks down at Gabriel. Then Marion looks over at Billings and the three wounded men...

One bleeds from an ugly neck wound... their shared mounts are nearly spent...

Marion takes a last look in the direction of the departing Tarleton. Then he dismounts and hurries over to help the wounded. Gabriel watches his father for a moment, then joins him with the wounded.

EXT. WOODED GLEN - NIGHT

Dark. Marion and his battered men gather, taking stock. Men drift in, mounted and on foot in ones and twos, past wary sentries. GABRIEL RIDES UP, dismounts and reports to Marion, out of earshot of the other men.

GABRIEL

Fourteen dead, eleven wounded,
eighteen captured.

MARION

I should have killed him when I had
the chance?

GABRIEL

When was that? In the swamp at the
expense of your men? Or when he
killed Thomas at the expense of your
family?

MARION

No...

GABRIEL

Or perhaps tomorrow at the expense
of our cause.

Marion is silent.

GABRIEL

There will be a time and a place for revenge but killing Tarleton at the expense of your duty serves no one but yourself.

(beat)

Stay the course.

The parental-sounding formality of Gabriel's words brings a thin smile to Marion's face.

MARION

Stay the course... your mother used to say that to me when I'd get drunk or lose my temper.

GABRIEL

She'd say it to me when I picked on Thomas or Nathan.

MARION

You learned her lessons better than I.

GABRIEL

She got me at a more impressionable age.

Marion smiles, nods a silent thanks to his son and heads over to help with the wounded.

EXT. MARION'S ENCAMPMENT - NIGHT

A cold, winter rain falls. Most of Marion's grim men are huddled in lean-to's and around campfires. Green and several other Pembroke townspeople unload a wagon of supplies while Marion, Scott and Fielding stow the provisions.

Gabriel and Anne sit at a fire, under the cover of a lean-to, taking quietly. He's troubled. She tries to be hopeful.

ANNE

Next time we'll bring more blankets.

GABRIEL

That would be nice.

ANNE

Maybe we'll be lucky this winter and have just rain, no snow.

GABRIEL

That would be nice, too.

She takes a pot off the campfire and pours him a cup of tea.

ANNE

Just because the French didn't come this fall, doesn't mean they're never going to come.

He nods and takes a drink of the tea. She smiles. Gabriel smiles back to her, revealing a mouthful of ink-stained, black teeth. Before she has time to laugh...

ROLLINS RIDES HARD INTO CAMP. Marion hurries over, accompanied by the Great Danes. The other men gather around.

ROLLINS

They're to be hung!

GABRIEL

But they're prisoners-of-war!

Marion isn't as surprised as Gabriel. He is, however, taken aback by Gabriel's black teeth. Gabriel notices everyone looking at his mouth.

Anne is embarrassed and regretful, seeing her joke fly in the face of the troubling news.

EXT. FORT CAROLINA - DAY

A REDCOAT SENTRY sees a lone figure on horseback ride out of distant woods. It's Rev. Oliver, carrying a white flag with one hand, holding a dispatch case in the other. The sentry calls to the Commander of the Watch.

REDCOAT SENTRY

Sir.

INT. CORNWALLIS' HEADQUARTERS - FORT CAROLINA - DAY

A temporary HQ has been set up in a commandeered farmhouse. Cornwallis stands uncomfortably while a tailor measures him and marks alterations on a partially

completed uniform. Tarleton enters.

TARLETON

General, a message from the
commander of the rebel militia.

Cornwallis reads the message.

CORNWALLIS

It seems our Swamp Fox wants to have
a formal parley.

TARLETON

Are you going to meet with him?

CORNWALLIS

Most certainly. Arrange it.

EXT. CAROLINA ROAD - DAY

Marion rides, trailed by Cornwallis' Great Danes. Behind
him, two dozen heavily armed Patriots, including Rev.
Oliver who carries a white flag.

A detachment of Redcoat Cavalry, lead by Major Halbert,
waits. The Redcoats fall in on either side. They ride
on.

EXT. FORT CAROLINA - DAY

Redcoat sentries see the approaching Patriots and Redcoats
and open the gates. Billings and the other Patriots stop,
a hundred yards outside the barricades.

MARION alone rides through the gates, flanked by the
British cavalry, the Great Danes following closely behind.

INT. CORNWALLIS' HEADQUARTERS - DAY

Major Halbert ushers Marion in. The Great Danes follow
sniffing curiously, sensing something or someone.

MAJOR HALBERT

Lord Cornwallis will be with you
presently.

MARION

Thank you.

MAJOR HALBERT

You may, of course, keep your

weapons, but I must warn you that...

MARION

(interrupting)

I'm familiar with appropriate behavior at a military parley.

MAJOR HALBERT

Yes, quite, but you should know that...

MARION

That will be all, Major. I'll wait for Lord Cornwallis.

MAJOR HALBERT

(coldly)

Yes... you will wait.

Major Halbert turns and starts to stride out.

MARION

One other thing.

Major Halbert stops.

MARION

The proper form of address to a superior officer, even one of an opposing army, is "Yes, sir."

Major Halbert sneers and strides from the room. MARION ALONE, EXCEPT FOR THE DOGS, allows himself a fleeting smile. Then he looks around the room. He notes a rocking chair. Curious, he hefts it. Too heavy. He puts it down, sits and rocks. The dogs walk over and lay at his feet.

INT. CORNWALLIS' HEADQUARTERS - DAY (LATER)

Marion patiently sits rocking. One of the dogs has its head in his lap and Marion scratches it behind the ears.

DISSOLVE TO:

INT. CORNWALLIS' HEADQUARTERS - DAY

A stone-faced Marion stands in the center of the room, playing with the dogs. One of the dogs jumps up, putting its front legs on Marion's shoulders, and licks his face. Just then, Cornwallis walks in, overjoyed to see his dogs.

CORNWALLIS

Jupiter! Mars!

The dogs just look at Cornwallis. He holds out his arms, waiting for them to rush to him. They look up at Marion who nods to them.

MARION

Go.

The dogs run to Cornwallis and nuzzle him in a friendly but not enthusiastic manner. Cornwallis pats them vigorously, too vigorously for the moderate level of joy the dogs are showing at their reunion.

CORNWALLIS

My boys... my boys... you seem to have been well fed. Thank you for that, Colonel.

MARION

My pleasure, sir.

CORNWALLIS

Please forgive me for keeping you waiting.

MARION

Apology accepted.

CORNWALLIS

Thank you, Colonel... I'm afraid I don't know your name.

MARION

Colonel will do.

CORNWALLIS

As you wish.

TARLETON ENTERS with four Dragoons, all armed...

Marion freezes...

Marion and Tarleton lock eyes. Marion searches for some sign that Tarleton recognizes him. There's none.

CORNWALLIS

Colonel... Colonel Banastre
Tarleton.

Tarleton nods.

TARLETON
Colonel.

Marion, like ice, looks Tarleton up and down. Then he slowly turns and looks at the four Dragoons, two on either side of Tarleton. Marion measures the odds and finds them wanting.

With a supreme effort of will, Marion forces himself to turn from Tarleton to Cornwallis and the matter at hand.

MARION
Shall we proceed?

CORNWALLIS
Let us. Unless you object, I would like to deem this meeting a formal negotiation and, as such, there are certain customary practices. Perhaps I could explain them to you...

MARION
I'm familiar with how a formal negotiation is handled.

CORNWALLIS
Oh?

MARION
I served in His Majesty's army in the French and Indian War.

CORNWALLIS
Oh. Very well, then. Would you, as the initiating party, like to begin?

MARION
Unless you would like to claim aggrieved status.

Cornwallis is surprised. He exchanges a look with Tarleton.

CORNWALLIS
You are familiar with how these things are done. In fact, I would like to claim aggrieved status.

MARION

Very well, proceed, sir.

CORNWALLIS

First, you have in your possession certain belongings of mine, including clothing, private papers, furniture and personal effects of a non-military nature which I would like to have returned to me.

MARION

I will do so as soon as possible.

Cornwallis is surprised.

CORNWALLIS

Thank you.

MARION

Please accept my apology for not having done so sooner.

CORNWALLIS

Apology accepted. Now, on the matter of the specific targeting of officers during engagements, this is absolutely unacceptable.

MARION

That one is a bit more difficult.

CORNWALLIS

Certainly you must know that in civilized warfare, officers in the field must not be accorded inappropriate levels of hostile attention.

MARION

And what are inappropriate levels of hostile attention?

CORNWALLIS

Colonel, imagine the utter chaos that would result from un-led armies having at each other. There must be gentlemen in command to lead and, when appropriate, restrain their men.

MARION

Restrain them from the targeting of civilians, including women and children?

CORNWALLIS

That is a separate issue.

MARION

I consider them linked.

CORNWALLIS

I beg to differ. One is a command decision on your part. The other represents nothing more than the occasional over-exuberance of field officers attempting to carry out their duty in difficult circumstances.

MARION

As long as your soldiers attack civilians, I will order the shooting of your officers at the outset of every engagement.

(beat)

And my men are excellent marksmen.

Cornwallis sighs.

CORNWALLIS

Very well, let us move on to...

MARION

Prisoner exchange.

CORNWALLIS

Sir?

MARION

You have eighteen of my men. I want them back.

CORNWALLIS

I do have eighteen criminals under sentence of death, but I hold no prisoners-of-war.

MARION

If that's your position, then

eighteen of your officers will die.
Nineteen, if you hang me with my
men.

CORNWALLIS
What officers?

Marion steps to the window, checks the view. A wooded hillside is visible in the distance. Marion reaches into his jacket...

The Dragoons move on him...

Marion extracts not a weapon, but a spyglass, which he hands to Cornwallis.

MARION
In the clearing, just down from the crest, to the left of the dark pines...

Cornwallis looks through the spyglass.

VIEW THROUGH THE SPYGLASS

Though difficult to see clearly through the shimmering haze, Cornwallis can just make out a row of bound Redcoat officers, with Patriot soldiers holding muskets at their heads.

CORNWALLIS turns coldly to Marion.

CORNWALLIS
Their names, ranks and posts?

MARION
They refused to give me their names. Their ranks are nine lieutenants, five captains, three majors and one fat colonel who called me a cheeky fellow. Their posts? We picked them up here-and-there last night.

Cornwallis glares at Marion.

CORNWALLIS
You are not a gentleman.

Marion can't help but laugh at the insult.

MARION

If your conduct is the measure of a gentleman, I take that as a compliment.

(coldly)

Get my men.

Cornwallis turns to Colonel Huntington.

CORNWALLIS

Arrange the exchange.

Colonel Huntington leaves to do so.

MARION

Thank you, General. I'm sure your officers will thank you, as well.

Marion salutes Cornwallis who doesn't return the salute.

THEN MARION TURNS TO TARLETON. He walks up to him and looks him in the eye.

MARION

You don't remember me, do you?

Tarleton examines Marion's face, finding him familiar, but unable to place him... then Tarleton remembers...

TARLETON

Ah, yes, that boy.

Tarleton calmly holds Marion's glare.

TARLETON

Ugly business, doing one's duty.

MARION

Yes, ugly business.

Marion takes a step closer to Tarleton, then speaks very softly, very slowly, very clearly.

MARION

If you are alive when this war is over, I'm going to kill you.

Marion locks his eyes on Tarleton to make it perfectly clear that he means what he says. Tarleton tries to cover his reaction but it's apparent that he's taken aback by Marion's icy words.

Marion turns and walks out. The two Great Danes start to follow, but Cornwallis SNAPS A COMMAND:

CORNWALLIS

Jupiter! Mars!

THE DOGS FREEZE, looking after Marion, who doesn't turn back. The dogs reluctantly sidle over to Cornwallis' side.

EXT. ASSEMBLY YARD - FORT CAROLINA - DAY

Redcoats glare at Marion who sits, mounted, waiting. His eighteen men are led out of the prison blockhouse and directed to waiting horses. Surprised to be freed, they mount up.

CORNWALLIS AND TARLETON step out onto the front porch of Cornwallis' headquarters and watch as Marion and his men ride toward the gate.

THE TWO GREAT DANES, watch Marion from Cornwallis' side.

Cornwallis motions to the Redcoat Sentries to OPEN THE GATES. They do so and Marion and his men, without hurrying, ride out.

Then, just as the gates are closing behind him, Marion, without turning around, lets loose with a PIERCING WHISTLE...

THE TWO GREAT DANES INSTANTLY RACE AFTER MARION, making it through the gates just as they're closing.

CORNWALLIS, seeing his dogs run after Marion, SPUTTERS, then turns and storms back into his quarters.

TARLETON, still off-balance from Marion's parting statement, watches Marion ride away. Then he turns to Major Wilkins who stands nearby.

TARLETON

Take a detachment and go get our officers.

Wilkins hurries off.

EXT. HILLSIDE CLEARING - ABOVE FORT CAROLINA - DAY

Major Wilkins and a detachment of Green Dragoons ride up the wooded slope toward the bound Redcoat officers that

Cornwallis saw through the spyglass. As the Dragoons ride out of the trees into the clearing they stop dead, seeing that:

THE "REDCOAT OFFICERS" are not real -- they're nothing more than SCARECROWS IN REDCOAT UNIFORMS. There's no sign of Marion or his men.

INT. CORNWALLIS' HEADQUARTERS - FORT CAROLINA - DAY

CLOSE SHOT: One of the "Redcoat Officers," stuffed with straw is thrown onto Cornwallis' desk by Tarleton.

Cornwallis looks at the scarecrow, then turns to Tarleton.

CORNWALLIS

This fox believes himself clever.
We shall see.

EXT. POND BLUFF - DAY

Tarleton and Wilkins wait while Green Dragoons and Loyalists search the remains of Marion's house and barn. Gaskins, filthy from the ashes, walks up to Tarleton.

GASKINS

Nothing.

WILKINS

No one's been here for months.

TARLETON

But now we have a name for our
Colonel... Francis Marion. And with
a name will come a family.

EXT. CHARLOTTE'S HOUSE - NIGHT

A thick ground fog surrounds Charlotte's house. The soft lights of candles glow in the windows. All appears peaceful.

Then, the SHADOWED FIGURES of THREE DOZEN GREEN DRAGOONS appear out of the mist, silently approaching the house on foot.

INT. CHARLOTTE'S HOUSE - NIGHT

A fire crackles in the fireplace. A curtain blows in the open window. THE DOOR BURSTS OPEN. WINDOWS BREAK. Green Dragoons pour into the house, muskets brandished. No sign

of occupants. CAPTAIN MORROW barks a command:

CAPTAIN MORROW
UPSTAIRS!

The Dragoons THUNDER UP THE STAIRS... Tarleton and Wilkins stride in, watching the search... the parlor... nothing... The kitchen... food is cooking...

The dining room... the table is set, half-eaten food is on the plates, abandoned in mid-meal. TARLETON WALKS INTO THE DINING ROOM, touches some of the food, gauging its warmth.

TARLETON
They can't be far. Check the outbuildings and the woods.

The Dragoons race outside.

EXT. CHARLOTTE'S HOUSE - NIGHT

A TORCH BURNS. A dozen Dragoons light torches off of it and fan out to search. The thick fog turns the torches into diffused, floating balls of light, turning the Dragoons into ghost-like apparitions.

CAMERA FOLLOWS ONE OF THE TORCHES, carried by a particularly rough-looking Dragoon who skirts the edge of the underbrush closest to the house. As the torch moves, its flame sends long shadows and shafts of light into the underbrush...

The CAMERA STOPS to reveal, in the brush, TWO FACES, GABRIEL AND CHARLOTTE, dark, motionless, watching the search. Behind them, MARION'S OTHER CHILDREN, Nathan, Samuel, Margaret, William and Susan...

Around them, SEVERAL MORE OF MARION'S MEN, including ABNER BROWN, weapons ready. The moving lights play on their faces.

AT THE FRONT OF THE HOUSE, the torches converge, illuminating Tarleton who gives the unheard order. The torches fan out and begin SETTING FIRE TO THE HOUSE, BARN AND OUTBUILDINGS.

MARGARET grips Charlotte's arm. Gabriel motions and they all ease back, disappearing into the brush.

EXT. SHANTY TOWN - NIGHT

A compound of rude shacks, built of scraps of lumber and rough-hewn logs, stands on the side of the Magpie River.

Marion's men wait with the children while Abner, Charlotte and Gabriel, flanked by Aaron and Abigail, Marion's middle-aged, black servants, seen in the opening sequence, talk with several stern-looking, middle-aged, black FREEDMEN.

The conversation, which is out of the children's earshot, is testy, with one of the middle-aged freedmen particularly troubled.

Marion's stone-faced children look around, appraising their surroundings, registering the poverty of the shanty town.

THE DISCUSSION BETWEEN THE GROWN-UPS ends with a guarded exchange of handshakes. Gabriel, Charlotte, Abner, Aaron and Abigail rejoin the children and Marion's men.

GABRIEL

It's all set.

They follow Aaron, down an alley to A SHACK. Small. Barely standing. The children stop in their tracks, knowing this is to be their new home.

Charlotte sees their hesitation. She walks up to the little structure, examining it with a critical eye. She looks on the doorway, seeing a single room, a dirt floor, wax-paper instead of glass in the windows, a rude, chimney-less fire-pit against the back wall. She smiles.

CHARLOTTE

This will do fine.

She turns to Aaron and Abigail.

CHARLOTTE

Thank you.

Charlotte walks inside without looking back. The children hesitate, then follow her inside.

INT. SHACK - SHANTY TOWN - NIGHT

The children help Aaron and Abigail make beds out of armloads of hay. OUTSIDE, Charlotte and Gabriel talk quietly.

CHARLOTTE

So he's the one they talk about, the
Swamp Fox.

GABRIEL

Yes.

CHARLOTTE

I thought it might be him, the bits
and pieces we heard, a veteran,
fought in the French and Indian War,
knows the swamps.

GABRIEL

They won't stop looking for you and
the children.

CHARLOTTE

We'll be alright, here, for now.

(beat)

How is he?

Gabriel searches for an honest answer.

GABRIEL

I don't know... I'm his son.

Gabriel steps over to his saddlebags, opens his pack and
pulls out a stack of letters which he hands to Charlotte.

GABRIEL

These are for you and the children.

They sense someone behind them.

SUSAN

Why didn't father come?

Gabriel is astonished to hear words coming from his
heretofore silent sister. Charlotte nods, smiling.

CHARLOTTE

Speaking for months now.

SUSAN

Why didn't he come?

GABRIEL

He wanted to, Susan, but he couldn't
leave his men.

SUSAN

He left us.

GABRIEL

I know he did and he's sorry. He'll come back as soon as he can.

Susan says nothing. Gabriel continues, hopefully.

GABRIEL

There are some letters here from him. Some are just to you.

SUSAN

I don't care. I hate him.

GABRIEL

You don't hate him.

SUSAN

Yes, I do. I hate him and I hope he never comes back.

Gabriel kneels down and embraces her. She stands coldly with her arms at her sides.

EXT. MARION'S ENCAMPMENT - DAY

An astonished Marion talks to Gabriel.

MARION

She spoke? Susan spoke?

GABRIEL

Full sentences. As if she had been speaking all along.

MARION

I don't believe it... and I wasn't there for it...

The cloud passes quickly.

MARION

Tell me everything she said, word for word.

Gabriel hesitates.

GABRIEL

She said... she loves you and misses you but she understands why you can't be there with her.

MARION

She said that? Oh, my Lord, she said that?

Gabriel nods.

MARION

Isn't that something.

Marion shakes his head at the thought, smiling to himself. Gabriel, uncomfortable with the lie, changes the subject.

GABRIEL

Father, there's something else I need to talk to you about.

MARION

What?

GABRIEL

Come with me. I'll tell you when we get there.

Marion nods and curiously follows Gabriel.

EXT. PEMBROKE VILLAGE - NIGHT

Dark. The village square is deserted. Marion follows Gabriel into the shadow of the village church. They dismount, tie up their horses and enter the back door of the church.

INT. CHURCH - PEMBROKE VILLAGE - NIGHT

Marion walks in and stops dead. At the altar of the small sanctuary, HALF-A-DOZEN PEOPLE stand with Rev. Oliver. At the center of the tiny gathering is Anne Green, flanked by her parents.

GABRIEL

Father, I'm looking for a best man.

Marion is stunned but recovers quickly.

MARION

I'd be honored.

They share a moment, then head down the aisle. Marion greets Anne's parents, shaking hands with her father and bowing to her mother. Abner, at the door, nods that the coast is clear.

REV. OLIVER

Dearly beloved, we are gathered here in the sight of God to join this man and this woman in holy matrimony...

MARION feels every word, looking straight ahead but knowing that he's standing next to his son.

EXT. CHURCH - NIGHT

In the shadows behind the church, the bride and groom say goodbye to the wedding party. Anne talks quietly with her parents. Marion and Gabriel talk nearby.

GABRIEL

Sir, I'd like to request a furlough. Two days?

MARION

Granted. Where are you going?

GABRIEL

Cheraw Falls.

MARION

It's beautiful there. Your mother and I were there once, before you were born.

GABRIEL

I know.

They're silent for a moment.

MARION

She would have been pleased.

Gabriel nods, then turns to his horse, unnecessarily checking his pack ropes. Anne joins them. Marion embraces her and gives her a fatherly kiss.

ANNE

I'm sorry we didn't give you more warning.

MARION

It's alright. I'm very happy for you.

He helps her mount up. Abner, on guard near the road, motions them on. They all watch as Gabriel and Anne ride off.

EXT. WOODED ROAD - NIGHT

Marion, Rev. Oliver and Abner ride slowly down the road. It's a beautiful, moonlit night. Marion breaks the silence, speaking as much for himself as the others.

MARION

It's a good measure of a woman that she'll have her honeymoon under the stars.

REV. OLIVER

For richer, for poorer, in sickness and in health, 'til death do they part.

Marion nods. They ride on.

EXT. SOUTH CAROLINA SHORE - DAY

A British packet, a small, fast warship, lies anchored just offshore. A rowboat, manned by half-a-dozen sailors, carrying a Redcoat Lieutenant, beaches. Several Redcoats wait.

The Lieutenant, carrying a dispatch case, jumps out off the boat, mounts a waiting horse and rides off.

EXT. SMALL BRITISH FORT - DAY

Cornwallis, with his command staff clustered around him, sits on horseback reading the dispatch as the dispatch rider waits. They're on a hillside, looking over the burned-out remains of a small British fort as some Redcoats pull the Union Jack out of a trench latrine.

Cornwallis motions Tarleton and they ride a few yards from the other officers and speak, out of earshot.

CORNWALLIS

From General Clinton in New York...

(reading)

"... your request to move north is denied until you have properly dealt

with your militia problem."

(aside)

He underlined, 'militia'.

(reading)

"You have spent over six months dealing with a six-week problem. It is essential that you quell the militia..."

(aside)

Underlined again.

(reading)

"... insurgency, particularly because of the likely move south of Washington and the inevitable arrival of the French. Militia, as you have so often pointed out, is not worth the attention of a significant army, hence it is mystifying why militia has bedeviled you for so long..."

Tarleton smiles slightly, enjoying the show.

CORNWALLIS

(reading)

"... it is my fervent hope that the vigor of your campaign comes to match the vigor of your correspondence with your Parliamentary and Court patrons. Only then might you share in the victory, on the verge of which I now stand."

(beat)

"Your guardedly respectful
Commander, General Sir George
Clinton."

Cornwallis grows eerily calm and turns to Tarleton.

CORNWALLIS

If I fail, you fail.

TARLETON

Perhaps.

CORNWALLIS

And if I triumph, you triumph.

TARLETON

Probably.

CORNWALLIS

How can we end this madness?

TARLETON

Difficult, sir. This is, as you pointed out, a civil war.

Cornwallis takes a moment, then speaks simply.

CORNWALLIS

Civility is a secondary virtue. It is superseded by duty.

TARLETON

I understand, sir.

Tarleton salutes, yanks his reins, turning his horse, and rides off.

EXT. SMALL FARMHOUSE - SUNSET

Tarleton lounges in the grass on a slope in front of a farmhouse, looking out at a lovely sunset, absentmindedly picking at the petals of some wildflowers. A HIDEOUS SCREAM pierces the calm.

Tarleton analytically evaluates the tenor of the scream, then rises, passing several Green Dragoons who wait with their horses in front of the farmhouse.

TARLETON

I believe they are almost ready.

IN THE FARMHOUSE

Blood is smeared on one wall, where half-a-dozen corpses lie in a jumbles mass on the floor.

In the parlor, Tarleton walks past more bodies, including a dead woman who lies protectively but ineffectually over the bloody bodies of her two young children, both under eight-years-old.

In the kitchen, Tarleton finds Wilkins, some Green Dragoons, and Gaskins, the Loyalist Militia commander and some of his low-life men.

Rob Fielding, one of the craftsmen in Marion's force, is tied, spread-eagle to the table, showing the terrible effects of PROTRACTED TORTURE. Wilkins and Gaskins are

nervous and apologetic as Tarleton walks into the room.

GASKINS

I'm sorry, sir. He died.

Tarleton sighs, irritated.

TARLETON

Very well, get one of the others.

Gaskins and a couple of his men step into an attached woodshed where Billings sits, bound. They roughly grab him and drag him into the kitchen.

BILLINGS

Damn your eyes. Do your worst.

TARLETON

I intend to.

They tie Billings to the table.

INT. SMALL FARMHOUSE - DAY

Silence. A tiny rivulet of blood runs along a plank in the floor, disappearing into a gap between two floorboards.

Marion, Dalton, Rev. Oliver, and several other men walk slowly through the farmhouse, in stunned silence.

Marion sees the body of the mother, draped over her two young children. Marion turns to Rev. Oliver who can only stare, offering no solace.

They pass Fielding's body, then enter the kitchen and see BILLINGS, DEAD, still tied to the table. Marion reels.

EXT. SMALL FARMHOUSE - DAY

Marion's men dig graves. Marion watches. Dalton steps up next to him.

DALTON

You still want me to give wounded Redcoats quarter?

Marion doesn't answer. Gabriel GALLOPS up. He reins back his lathered horse and speaks to them without dismounting.

GABRIEL

Tarleton has a list of our men, most are on it. A regiment of dragoons is going to the homes on the list, burning them, killing whomever resists, women and children, as well.

MARION

Where?

GABRIEL

Seven homes along the Black River so far...

Rollins doesn't pause. He rushes to his horse, mounts up and rides off. Marion and the other men mount up and ride off fast after him.

EXT. BLACK RIVER ROAD - DAY

Marion his brigade catch up to Rollins and ride on with him.

EXT. ROLLINS' FARM - DAY

The small farm seen earlier, surrounded by hills, where the two boys, Rollins' sons ran down the hillside to catch a glimpse of the passing Marion and his brigade.

The house smolders. No sign of life. Gabriel, Abner and a few other men warily ride the perimeter of the cleared area around the house.

Marion, at the head of the rest of the brigade, waits next to an increasingly frantic, Rollins. They see Gabriel wave, signaling all clear.

MARION, ROLLINS AND THE OTHER MEN RIDE to the house. Rollins is the first to see THE BODIES. Horrified, he reins back and dismounts, almost falling.

His TWO SONS, WIFE, an OLDER MAN and WOMAN, lie dead in the dirt. Marion's men silently watch Rollins' agony. Weeping and confused, he moves in a mad, staccato manner, as if he were a marionette, whose strings were being jerked by a drunken puppeteer.

Marion and Rev. Oliver dismount and move toward him. Rollins sees them coming. He hardens and strides to his horse, pulling his FLINTLOCK PISTOL from his saddle holster.

Rev. Oliver reaches out to embrace Rollins.

REV. OLIVER

It's not time for vengeance, it's
time to mourn and...

ROLLINS PUTS THE PISTOL TO HIS HEAD AND PULLS THE TRIGGER,
BLOWING HIS BRAINS OUT.

Every man freezes in place. For a long moment no one
moves, no one speaks. Then Marion pulls himself together
and addresses the men:

MARION

Five day furlough for all men.
Abner, Dan, Reverend, spread the
word. We'll reform at Acworth. Any
man who doesn't come back won't be
thought a coward or uncommitted to
the cause. Attend to your families.

The men mount up. Marion and Gabriel ride off together.

EXT. PEMBROKE - NIGHT

Marion scans the night as Gabriel and Anne mount up. The
three of them ride off, pulling a line of horses, some
heavily loaded packhorses and some saddled but empty
mounts.

EXT. SHACK - SHANTY TOWN - NIGHT

Dark. Quiet. Gabriel and Anne wait in the shadows while
Marion cocks his musket, checks his pistols and walks
slowly toward the shack.

He warily checks every shadow. No one anywhere. Then a
SOUND -- A SQUEAL OF LAUGHTER, immediately followed by:

MARGARET (O.S.)

It's him! I told you it was him!

MARION'S CHILDREN RACE OUT OF THE SHADOWS to Marion. He's
practically bowled over as Margaret, Nathan, Samuel and
William fling themselves into his arms.

NATHAN

Father!

WILLIAM

Papa...

CHARLOTTE STEPS OUT OF THE SHADOWS, watching the reunion as Marion covers the children with kisses, trying to hug all of them at once as they cling to him as if they'll never let go. MARION AND CHARLOTTE LOCK EYES over the heads of the children.

MARION

Thank you.

Charlotte smiles. Then Marion notices SUSAN peeking out from behind Charlotte's patched and mended skirt. He kneels down and opens his arms to her but she doesn't move.

He smiles to her and speaks softly:

MARION

Susan...

She looks coldly at Marion, tightens her grip on Charlotte's skirt and retreats further behind her. Marion looks to Charlotte who nods with guarded reassurance. Then his attention is drawn away by the demanding embraces of his other children.

EXT. CHERAW FALLS PATH - NIGHT

Marion rides, leading his children, Charlotte and Anne up a steep, narrow path that cuts through a heavily wooded hillside.

EXT. CHERAW FALLS - NIGHT

The remains of a tiny abandoned backcountry farm. The house is gone, leaving only an overgrown cellar hole.

Nearby is a barely-standing tobacco shed, one end of which has fallen to the ground. A SOFT WIND WHISTLES AND WHISPERS through the gaps in the rough-hewn boards of the structure.

Marion rides up to the edge of the clearing. A MOCKINGBIRD SCREECHES nearby, startling him. He looks back at the children, worried, anticipating a negative reaction. Margaret smiles and turns to the other children, speaking for Marion's benefit.

MARGARET

I told you, things would get better.

The children smile and dismount.

INT. TOBACCO SHED - NIGHT

POURING RAIN. The ceiling drips. Marion lies, awake, with his children huddled against him, sleeping in one of the few dry spots. They're covered with tattered quilts.

On the other side of the children, Charlotte is also awake. She and Marion exchange a long, silent look in the darkness, over the heads of the sleeping children.

EXT. WATERFALL OVERLOOK - DAY

Marion walks the perimeter of their encampment with Nathan and Samuel. They listen carefully.

MARION

The overlook, up there should be where you post the watch. Work out a schedule. Short watches, especially at night.

(pointing)

If you can catch some of those mockingbirds you can make cages and put them along there for alarms.

(motioning for them to follow)

Now let's find someplace to cache extra weapons...

They follow Marion like soldiers.

EXT. CHERAW FALLS - DAY

Marion sits on a rock while Margaret cuts his hair. She takes her time, touching him on the head and shoulders, extending the process. Marion, sits back, enjoying it. He notices Susan, nearby, watching silently. He smiles. She turns away.

EXT. TOBACCO SHED - CHERAW FALLS - DAY

Dark. Shafts of light shine in through the holes in the roof. Marion, standing in the shadows, senses someone coming. He freezes.

A figure rounds the corner. It's... William. MARION YELLS William SQUEALS IN DELIGHT, then chases his father around the corner, tagging him. They laugh. Marion

covers his eyes and William dashes off to hide.

EXT. CHERAW FALLS - RIVERSIDE - DAY

Marion sits on the side of the river with Susan who avoids looking at him. Using the knife we've seen him use in battle he cuts slices off an apple and eats them.

MARION

Good apple.

No response.

MARION

Very good. Sweet.

He cuts a slice and offers it to her. She doesn't take it. He puts the slice between them. After a long moment she picks it up but as she's about to eat it, she stops, seeing something on it. She puts it back.

Marion looks at the apple slice and sees a dark red splotch on it. He looks at his knife and realizes that it's dried blood.

Off-balance, he turns to Susan who stares straight ahead, a thousand miles from Marion.

EXT. CHERAW FALLS RIVER - DAY

Marion washes the knife carefully, almost obsessively. Anne steps up behind him.

ANNE

May I ask you a question?

Marion finishes with the knife and puts it away without explanation.

MARION

Yes, of course.

She speaks with a sly, withheld smile.

ANNE

Do you think Frances with an "e" is too manly a name for a girl?

MARION

No.

ANNE

Do you think Francis with an "i" is too womanly a name for a boy?

MARION

No.

ANNE

Good.

Anne smiles and walks away. Marion figures out what she just told him.

MARION

When?

ANNE

Late summer.

MARION

Congratulations.

ANNE

Thank you.

Marion laughs at the thought.

EXT. CHERAW FALLS - DAY

Marion's children swim and play with the two Great Danes in the pond at the base of the falls, along with Gabriel and Anne. Marion and Charlotte sit on the bank, watching them.

Charlotte turns and looks at Marion for a long moment. He's unaware. As Charlotte looks at him, her smile disappears, replaced by anger. She snaps at Marion.

CHARLOTTE

I'm not my sister.

Startled, Marion turns to Charlotte.

MARION

Excuse me?

CHARLOTTE

I said, I'm not my sister.

MARION

I know that.

CHARLOTTE

Do you?

MARION

Of course, I do.

CHARLOTTE

(irritated)

Very well, then.

She turns from him. Marion, tries to figure out what just happened. After a long moment he gets it. Stunned at first, his gears turn. After a very thoughtful moment he turns to Charlotte and offers a tentative smile. She rolls her eyes.

EXT. CHERAW FALLS - NIGHT

Dark. A full moon shines.

INT. TOBACCO SHED - NIGHT

Marion wakes. He looks across his sleeping children and sees that Charlotte isn't in her place on the other side of them. He rises and walks out into the night.

EXT. GLEN - CHERAW FALLS - NIGHT

Marion walks into the glen. He tenses, sensing someone in front of him. Then he sees CHARLOTTE AT THE EDGE OF THE WOODS. Neither one speaks...

They walk silently to each other. They stop, looking at each other closely, as if seeing one another for the first time...

Only then do they kiss. The kiss grows more passionate... then much more passionate...

EXT. CHERAW FALLS - DAY

Marion finishes tying his gear onto his horse. The children are silent. He stands beside his horse. One after another, the children walk to him and embrace him -- Nathan, Samuel, Margaret, William.

He sees Susan, standing next to Charlotte. He motions to her but she doesn't move. Then he kneels down and gently hugs her.

MARION

Just a little goodbye? One word?
That's all I want to hear.

Susan remains silent, standing with her arms at her sides,
not responding to the embrace.

Finally, Marion lets go of her. She just stares at him.

Marion stands and turns to Charlotte.

MARION

Goodbye, Charlotte.

CHARLOTTE

Goodbye.

They embrace. Though the hug is chaste, their eyes tell a
different story. Only Anne and Margaret notice, but to
them it's as clear as a bell. They exchange a knowing
look.

Marion and Charlotte break apart, self-consciously.

Marion and Gabriel mount up and start to ride away. As
they're about to round a curve and disappear, SUSAN CRIES
OUT:

SUSAN

Papa!

With halting steps, then faster and faster, she runs down
the path toward Marion.

SUSAN

Papa, don't go, I'll say anything.

Marion stops, turning in his saddle to see Susan running
after him, her eyes filled with tears.

SUSAN

Please, Papa, I'll say anything you
want!

Marion yanks his reins, turning his horse.

SUSAN

Just tell me what to say! Tell me
what to say!

Marion spurs his horse straight toward her, GALLOPING

toward the running, crying child.

SUSAN

Please, Papa, please don't go.

MARION RIDES TOWARD HER...

Charlotte, Anne and Marion's children watch as:

MARION LEANS OVER IN THE SADDLE without slowing down...

SWOOPING HER INTO HIS LAP...

She sits astride the saddle, facing him, her arms wrapped around him, pleading, the words tumbling from her, as fast as she can get them out...

SUSAN

... I'll talk to you, I'll say
anything you want, just tell me what
you want me to say, I'll say
anything, I promise, please, Papa,
just stay...

Marion envelopes the sobbing wisp of a girl, holding her, letting her cry, fighting his own tears...

He reins back the horse, stopping in front of the others...

He pleadingly looks to Charlotte who steps up to the horse... to take Susan...

Marion gives Susan a final embrace, and covers her face with kisses...

MARION

I'll come back... I promise...

Marion hands the still crying Susan down to Charlotte...

Marion, in agony, averts his eyes, yanks his reins, and spurs his horse...

As he rides away the children take off after him, running.

Susan seeing the others running after Marion, struggles out of Charlotte's arms, and runs after them as well...

Marion rides, now joined by Gabriel, faster and faster, leaving a trail of dust...

The children slow, then stop, one after another, watching as they ride away.

EXT. PATRIOT ENCAMPMENT - ACWORTH - EVENING

Grim. The most rudimentary of the encampments we've seen. Rain pours. Some of Marion's men huddle under lean-to's and quickly rigged tents that offer only partial protection from the cold rain.

Abner and Scott do their best to keep a wet-wood fire going. Rev. Oliver tries to cook.

Marion and Gabriel ride up and dismount. Marion joins Rev. Oliver.

MARION

How many came back?

REV. OLIVER

About a hundred and twenty. Less than a third.

Marion nods. He and Gabriel join some of the men under one of the lean-to's.

EXT. RIVERSIDE - DAY

The rain has stopped. The ground is still wet. It's spring. The first buds are on the maple trees. A fox tentatively comes out of its winter den, followed by a pair of pups.

Marion stands on the side of a river, looking up at a chevron of Canadian geese flying north.

EXT. PEMBROKE - DAY

The Canadian Geese fly over Anne who is behind her father's store, tying food and provisions to a couple of packhorses. A mare and a foal cavort in a nearby paddock.

Suddenly Anne senses someone behind her and turns to see HALF-A DOZEN REDCOATS. She's initially frightened but the REDCOAT SERGEANT, speaks politely.

REDCOAT SERGEANT

Excuse me, Ma'am, everyone has been requested to gather at the church.

ANNE

Everyone?

REDCOAT SERGEANT

Colonel Tarleton wants to address,
the whole village.

The Redcoat Sergeant deferentially motions for Anne to follow him and his men. She sees several other townspeople, with Redcoat escorts, already heading down the street. She follows along.

EXT. PEMBROKE VILLAGE SQUARE - DAY

Tarleton and Wilkins, on horseback, watch as a large, mixed detachment of Green Dragoons and Redcoat Infantry directs the villagers into the church.

One of the Redcoats walks out of the general store with a bowl of gumdrops. As he starts giving them to a few of the children their parents waver, unsure of the gesture, but they reluctantly allow the children to take the candy.

The townspeople are uneasy but they follow the orders of the Redcoats who, though carry muskets, are polite and unthreatening.

REDCOAT

Into the church, please.

ANOTHER REDCOAT

Colonel Tarleton wishes to address
all of you.

Tarleton sees the last of the townspeople enter the church. He nods to the Redcoats near the door.

The Redcoats CLOSE THE DOORS, chaining them shut. The DOOR IS POUNDED ON from the inside.

VOICE

Open this door!

ANOTHER VOICE

By what right are we made prisoners?

TARLETON NODS TO GASKINS who, along with several rough-looking LOYALIST MILITIAMEN, disappear into the blacksmith shop. They reappear a moment later with FLAMING TORCHES and approach the church.

Several Redcoats see what's about to happen and are appalled. Even some of the Green Dragoons, including Wilkins, are troubled. Wilkins rides over to Tarleton.

WILKINS

Sir?

TARLETON

Yes, Major.

Gaskins and the Loyalist Militia stop around the church, torches ready, waiting for the final go-ahead from Tarleton. The POUNDING AND CALLING from inside the church grows louder.

WILKINS

Sir, there is no honor in this.

TARLETON

The honor is found in the end, not the means. This will be forgotten.

(to Gaskins)

Proceed.

The Redcoats turn to the Redcoat Officers. The Redcoat officers turn to Wilkins, who struggles with himself. Tarleton calmly watches Wilkins' distress.

Finally, Wilkins accepts it. Weakly steadying his horse, he takes his place next to Tarleton.

The Redcoats and Dragoons follow his lead and watch as Gaskins and the Loyalist Militiamen light the church on fire, heaving their torches onto the roof, through the windows and under the raised foundation.

SCREAMS are heard from inside. The DOOR THUDS with the shoulders of men trying to escape. The CHAINS HOLD.

As the FLAMES RISE, another group of Loyalist Militiamen and some Redcoats drag half-a-dozen young women out of a side-street...

Among the women, desperately pleading, kicking and screaming, is ANNE...

The men drag her and the other women into the livery stable...

Tarleton watches them carried off, stone-faced...

Then he turns and watches the church go up in FLAMES...

A WINDOW SHATTERS, with a chair heaved from inside...

SOME MEN TRY TO CLIMB OUT, but waiting Redcoats FIRE THEIR MUSKETS POINT BLANK...

KILLING THREE MEN, driving the others back...

The SCREAMS FROM INSIDE THE CHURCH grow louder...

The FLAMES AND SMOKE RISE...

EXT. WOODS - PEMBROKE OUTSKIRTS - DAY

SILENCE. A dark forest of old growth trees. No underbrush. Marion and a couple dozen of his men, including Gabriel, Rev. Oliver, and Dalton ride warily on a carpet of pine needles toward a thin column of smoke, visible over the treetops in the distance.

With hand signals, Marion directs his men to fan out. They do so, weaving through the dark forest, weapons ready.

EXT. PEMBROKE - DAY

Marion and his men slowly ride into Pembroke. The remains of the church smolder only slightly. The town is deserted, no one, dead or alive, is visible.

Unsure what they have found, Marion and his men spread out and dismount, warily checking out the buildings, looking for some sign of life.

Rev. Oliver and a few other men head for the charred remains of the church.

Side-stepping some still-hot, charred beams, Rev. Oliver looks through the rubble...

Then he sees the bodies...

THE CAMERA CATCHES ONLY A FLEETING GLIMPSE of...

Dozens of charred, blackened bodies, intertwined with the remains of the church...

Rev. Oliver staggers from the rubble...

The other men see what he has seen...

One-by-one Marion and his men walk over and look into the remains of the church...

Marion see several charred hands extended through a shattered window, as if grasping for escape... one of the hands is tiny, A CHILD'S HAND...

Marion is stunned...

No one says a word...

Dalton and a few of the other men continue the search, weapons ready...

They step into the livery stable, then walk out a moment later, ashen faced...

Dalton speaks quietly to Marion, motioning toward an increasingly frantic Gabriel who has just found Anne's packhorses...

Gabriel notices the gesture, he watches Marion walk into the livery stable... Growing more nervous by the second, Gabriel hurries after his father...

GABRIEL

Anne...?

As Gabriel gets to the entrance of the livery stable, Marion walks out and intercepts him.

MARION

Don't go in there.

GABRIEL

Is it her? Is Anne in there?

MARION

She is. Don't go in there.

Gabriel understands... he reels... growing faint... Marion grabs him... keeping him from falling...

Marion holds Gabriel who begins to weep...

EXT. PEMBROKE - DAY

Marion's men, led by Rev. Oliver, tend to the dead. Some dig in the small graveyard adjacent to the remains of the church. Others carry out the grim task of pulling the

charred bodies out of the rubble.

ON THE EDGE OF TOWN

Marion sits alone. Gabriel walks up behind him.

GABRIEL

Father, tell me what happened at Fort Wilderness?

MARION

You know what happened.

GABRIEL

No, I don't.

MARION

Everyone knows. It's what made me a hero. Me, Harry Lee, all of us. I got a medal. Men bought me drinks. They still do sometimes. Everyone knows what happened.

GABRIEL

Tell me what everyone doesn't know.

MARION

And what do they know?

GABRIEL

That the French and Cherokees captured the fort and when you retook it, you took revenge on them for what they did during the occupation.

MARION

That's right.

GABRIEL

That's not enough. Tell me.

MARION

Your mother asked me the same question around the time you were born. I was drunk and I was foolish enough to answer her.

Marion shakes his head to himself.

MARION

That's why it was four years between you and Thomas. It took me that long to regain her respect.

GABRIEL

I'm not my mother. I can't have the respect without the knowing.

Marion's quiet for a moment. Then he speaks:

MARION

It was in '63. It was a bad time. The French and the Cherokee had raided along the Blue Ridge. All the English settlers took refuge at Fort Wilderness but the French captured it. We were sent in relief. Harry Lee, Billings, sixty of us. We already had something of a reputation for being... harsh. When we got there the fort was abandoned. Not a French soldier or Cherokee anywhere. They had left a week earlier. What we found was... bad.

Marion grows quieter with the memory of how bad.

MARION

They had left the settlers there. The men had been burned alive, the women were in pieces and the children were on stakes.

Marion's silent for a moment.

MARION

We buried them, then we went to track. It was a cold trail and they were moving fast. We went faster. We caught up to them at Kentucky Ford.

GABRIEL

Go on.

MARION

We took our time with them and gave every one of them worse than they had given at the fort. It was two weeks before they were all dead, all

except two. We put the heads on a pallet and had the two we let live take it to the French at Fort Ambercon.

(beat)

The eyes, fingers and tongues we put in a basket and sent that down the Asheulot to the Cherokee.

(beat)

The French stayed east of the Blue Ridge after that and the Cherokee broke their treaty with the French and stayed out of the fight.

(beat)

That seemed to make a difference. The war went another year, things went better... and men bought us drinks.

Gabriel is silent. Marion looks at him closely.

MARION

It was a different time, son. And you're a better man than that.

GABRIEL

I see, do as I say, not as I do.

MARION

Yes.

They hear HORSES HOOVES. Abner rides in from the opposite side of the village from the church, not having seen the results of the massacre. Excited, he dismounts.

ABNER

THEY'RE HERE! CONTINENTALS, THEY'RE HERE!

Marion and Gabriel just look at him. Abner is confused by their reaction. Then he sees the remains of the church and the laid out, charred bodies.

EXT. PATRIOT ENCAMPMENT - NIGHT

Mixed gatherings of Marion's militia and Continentals are clustered around the campfires, with more Continentals arriving all the time.

Some of the militiamen and regulars regale each other with tales of their exploits but most are grim and tired,

talking quietly.

A couple of Patriots play a MELANCHOLY TUNE ON FIFE AND VIOLIN.

Marion's tent is set up but he's nowhere to be seen. Gabriel walks to Marion's gear. Finding Marion's weapon's belt he opens one of the bullet pouches and finds the paint-flecked MUSKET BALLS MADE FROM THOMAS' LEAD SOLDIERS. As Gabriel takes one, Marion steps up behind him.

MARION

If this war is about more than Thomas, it's about more than Anne, as well. Stay the course.

GABRIEL

As you did at Fort Wilderness?

Before Marion can answer they see HARRY LEE RIDE UP TO THEM. He dismounts, excited, voluble. He strides over, pleased to see Marion, oblivious to his and Gabriel's mood.

LEE

Look at you! I knew you could do it!

Lee laughs, picks up a bottle and takes a big pull.

LEE

We have a chance! Better than a chance! Cornwallis is running to the Chesapeake, probably to meet his fleet at Yorktown. I wish I could see his face when he sees a dozen French ships floating there. And Washington should be a day or two behind him.

(beat)

And on top of everything, I have a son! Born last month in Alexandria.

Gabriel rises and walks away. Lee finally tunes into the pall hanging over Marion and the just departed Gabriel. He turns to Marion.

MARION

His wife was killed yesterday. She was with child.

LEE

I'm sorry, I didn't know.

Marion nods. They stand in silence. Lee hands Marion the bottle. He takes a drink.

EXT. ENCAMPMENT - NIGHT

Dark. Quiet. Sentries are on duty. Marion's tent glows from a single candle. He blows the candle out, then steps out of the tent into the night.

He begins his nightly walk of the perimeter.

Almost immediately, Marion notices something amiss. Dalton has discovered it at the same time and hurries over to Marion.

AT ONE OF THE CAMPSITES

Marion and Dalton and several of the other men look down at some empty bedrolls.

DALTON

Gabriel and at least a dozen others. They must have left right after the watch change.

MARION

That means they have two hours on us.

Marion strides to his horse. The other men follow him.

EXT. WOODED ROAD - NIGHT

Marion, Dalton and Rev. Oliver and two dozen other men ride.

EXT. WOODED ROAD - NIGHT

Dark. Very quiet. A moonless night. Marion and his men, on foot, make their way along the side of the river. Brother Joseph hurries out of the darkness and speaks to Marion.

BROTHER JOSEPH

Fifty Green Dragoons, camped about a quarter mile from here. Sentries at four points.

Suddenly they hear the SOUNDS OF MUSKETS FIRE ahead of them in the darkness. Marion takes off at a full run with his men right behind.

EXT. OUTSKIRTS OF GREEN DRAGOON ENCAMPMENT - NIGHT

Marion and his men BLAST THROUGH THE BRUSH. Running toward the SOUNDS OF THE BATTLE, which grows louder with every step...

Marion cocks his pistol and extracts his tomahawk on the run...

The LIGHTS OF THE BATTLE: The STROBES OF THE MUSKET SHOTS illuminate the woods ahead of them...

Moving fast, they PASS TWO DEAD BRITISH SENTRIES, without slowing down...

THEY BLAST OUT OF THE WOODS into...

THE CLEARING, seeing a tableau of TOTAL CHAOS:

Half-dressed GREEN DRAGOONS in formation FIRE IN VOLLEYS...

Running men. Scattered MUSKET FIRE.

The strobes of the muskets illuminate RUNNING MEN and other men in HAND-TO-HAND COMBAT.

WILKINS IS IN COMMAND. Tarleton is nowhere to be seen.

Gabriel and Abner, both slightly wounded, fight a desperate holding action...

On the other side of the clearing, a square of Dragoons forms near Wilkins.

WILKINS
FIRE!

The DRAGOONS FIRE A MASSED VOLLEY, hitting Gabriel, Abner and several other Patriots.

GABRIEL, BADLY WOUNDED, falls to his knees...

The Dragoons pull their pistols about to fire again.

Marion and his men OPEN FIRE...

Staggering them...

Marion sees Wilkins about to fire at Gabriel...

Marion runs...

Sees another Redcoat about to fire at Gabriel...

MARION KILLS HIM with a pistol shot.

Wilkins cocks his flintlock pistol, aims at Gabriel...

MARION'S ABOUT TO THROW HIS TOMAHAWK... TOO LATE...

WILKINS FIRES... HITTING GABRIEL WHO FLIES BACKWARD...

Marion THROWS THE TOMAHAWK, sinking it into Wilkins' chest...

The rest of Marion's men thunder into the Dragoons...

Overpowering them...

Marion races to Gabriel...

Throws himself onto the ground next to him...

Cradling him...

Gabriel is stunned, confused by the wounds.

GABRIEL

I'm alright, I...

He tries to stand...

MARION

Let me help you...

Gabriel weakens in Marion's arms... falters... Marion watches the life drain from Gabriel... He tries to hold the blood in, to no avail...

Dalton plants himself next to Marion, defending him and Gabriel...

Marion caresses Gabriel and watches as...

GABRIEL DIES.

The life drains from Marion. No anger. Only pain. He looks at Gabriel, lost in a dream, an incomprehensible nightmare of loss and overwhelming emptiness.

EXT. CLEARING - DAWN

Marion's men finish laying out the bodies of their dead. The Dragoons are still where they fell. The Patriots are laid out in a row, their faces covered by their coats.

Marion sits on the battlefield, next to Gabriel's body. Dalton gingerly approaches him.

DALTON
Colonel...

Marion slowly stands and picks up Gabriel's body, cradling him like a child. They head off into the brush.

EXT. PATRIOT ENCAMPMENT - NIGHT

More Continentals have arrived, now outnumbering Marion's men three-to-one. The encampment is active. A few of the men drink and TALK LOUDLY. The two men playing the fife and violin PLAY A MORE VIBRANT TUNE.

INT. MARION'S TENT - NIGHT

Dark. Shadowed. The sounds of celebration can be heard outside the tent.

Marion sits on his camp chair. Gabriel lies on the ground carefully covered up to his chin with a blanket. A single candle burns.

Rev. Oliver enters the tent.

REV. OLIVER
May I help you try to find solace
with the word of God?

No response.

REV. OLIVER
Colonel, let us help his soul find
it's place with the Almighty and...

MARION
He looks as if he's sleeping,
doesn't he?

REV. OLIVER

Yes, he does.

Rev. Oliver pulls up a camp stool. He and Marion sit in silence.

EXT. MARION'S ENCAMPMENT - MORNING

The Patriots, Continentals and Militia, are moving out. Most of the tents have been taken down. Wagons are rolling out. Companies of Continentals march off in good order.

MARION'S TENT still stands. His men finish packing up, storing their heavy gear in wagons, tying their field gear onto their horses.

IN THE TENT

Marion still sits. A FLY BUZZES. Gabriel's face has taken on a deathly, ashen look.

Lee enters the tent. He's silent for a moment, then speaks softly to Marion.

LEE

You have to bury him.

No response.

LEE

I'll help you bury him.

Lee moves toward Gabriel's body.

MARION

Don't touch him.

LEE

How many men have we seen die?

MARION

Two. Gabriel and Thomas.

LEE

They're gone. And there is nothing you or I can do to bring them back. But there is something you can do to help end all this.

MARION

It is ended.

LEE

No. It's not over yet. Two days ride, Yorktown, Virginia. Washington, the French, Cornwallis and Tarleton. It will end, one way or another.

(beat)

Francis, nothing will replace your sons but helping us will justify their sacrifice.

Marion doesn't respond. Lee waits for a long moment, then he hears the SOUND OF THE DEPARTING TROOPS OUTSIDE THE TENT.

He looks at Marion, touches him on the shoulder and walks out.

EXT. PATRIOT ENCAMPMENT - DAY

The last of the soldiers move out, leaving their smoldering campfires and refuse. The only tent that remains is Marion's.

EXT. MARION'S TENT - DAY

Marion sits in his tent, gazing obliquely at Gabriel's body which has grown even more ashen. A SOLITARY BIRD CRIES in the distance.

EXT. WOODED ENCAMPMENT - NIGHT

A dark, moonless night. The sky is filled with stars. A SOFT WIND BLOWS dead leaves along the ground. A few of the leaves are blown through the opening of Marion's tent.

INSIDE THE TENT

Marion looks down, noticing the leaves, HEARING THE WIND. He listens for a moment. Then he stands and walks out of the tent.

OUTSIDE THE TENT

Marion watches the leaves skittering along the ground. He listens to the wind.

The HE LOOKS UP AT THE NIGHT SKY. The stars are bright. His eyes are drawn to the Big Dipper and from there to the

Little Dipper and the...

NORTH STAR.

Holding his eyes on the faint, but steady star, he gradually reorients himself. He looks around at the abandoned encampment. Then he looks into the tent and sees Gabriel's body. The SOFT WIND BLOWS AROUND HIM. Marion nods in response.

EXT. BURIAL GROUND - WOODED ENCAMPMENT - MORNING

Marion finishes burying Gabriel, putting the last shovelfuls of dirt on the freshly turned earth. He stands next to the grave, looking down, and says a silent prayer.

EXT. YORKTOWN ROAD - DAY

The AMERICAN FORCES are on the move, all heading in the same direction. Continentals and militiamen fill the road. Some on horseback, others in wagons, most on foot.

Among them, a mixed unit of Continentals and Marion's brigade, at the head of which ride Lee, Dalton, Abner and Rev. Oliver.

Behind them, a single horseman rides up. It's MARION. Without speaking, Marion rides up alongside Lee. They exchange nods.

Marion rides between Dalton on one side and Rev. Oliver on the other. They pass a sign that reads, "Yorktown. 20 miles."

EXT. YORKTOWN OVERLOOK - DAY

The road to Yorktown skirts an OVERLOOK with a view of the town and the harbor. A few dozen arriving Patriots have stopped to look out at the view. Marion, Lee, Rev. Oliver and Dalton join them.

The French Fleet is visible in the harbor. The British encampments are on a pair of peninsulas, one jutting out from land, the other jutting toward the land from a large island. In a semi-circle around the landward peninsula, the beginnings of the Patriot encirclement are visible. It's a grand and impressive sight.

Marion and the others turn their horses and head down the road toward the American lines.

EXT. YORKTOWN ENCAMPMENT - DAY

AN INTERMITTENT EXCHANGE OF CANNON FIRE. Not a battle, but pre-battle pot shots. Behind the American embattlements, hundreds of American and French soldiers drill, make camp and build secondary fortifications.

MARION, stands behind a barricade, trying to get a view of the British defenses. A RUNNER, a boy about fifteen, dashes up to Marion.

RUNNER

You called for me, sir?

Marion reaches into his pocket and pulls out a single WALNUT which he hands to the boy.

MARION

Take this to General Washington.

The boy looks at the walnut and then looks at Marion as if he's joking or crazy. He's neither. The boy shrugs and runs off with the walnut.

EXT. WASHINGTON'S HEADQUARTERS - YORKTOWN

Staff officers. Flags. Tents. French and American officers look over maps and sort out dispatches. Messengers, runners and dispatch riders come and go hurriedly.

The flap of the central HQ tent opens and GEORGE WASHINGTON steps out, followed by a pair of AIDES. Washington is tall and powerfully-built, an imposing man, worthy of respect.

He looks around and sees the awe-struck, slightly confused messenger boy, waiting nearby.

Washington, holding the walnut in his hand, motions him over.

WASHINGTON

Did you bring me this?

RUNNER

Yes, sir.

Washington scribbles something on a piece of paper and hands it to the boy.

WASHINGTON

Take this to Colonel Marion.

RUNNER

Yes, sir.

The boy runs off. Washington smiles.

EXT. PATRIOT ENCAMPMENT - DAY

CAMERA FOLLOWS Marion walking through the chaos of the encampment. He walks to the cluster of tents around Washington's HQ. He nods to the officer in charge.

MARION

Colonel Francis Marion.

Washington, leaning over the maps on his campaign table, hears the voice and turns around. The officers nearby stop and watch, curious.

MARION AND WASHINGTON

Step up to one another, looking each other in the eye.

To the astonishment of Washington's officers, Marion reaches up and lifts off Washington's wig, looking at his hair underneath. Marion shakes his head.

MARION

Gray.

WASHINGTON

Earned.

Washington holds out a small bag to Marion who reaches in and pulls out a walnut.

WASHINGTON

Come. I have something I want to show you.

Washington turns to his staff officers.

WASHINGTON

Gentlemen.

Washington and Marion walk off with Washington's officers and aides. As Washington and Marion walk, they both CRUSH THE WALNUTS SHELLS BETWEEN THEIR THUMBS AND FOREFINGERS, a prodigious display of strength that both men take for

granted. They eat walnuts as they walk.

EXT. YORKTOWN HILLTOP - DAY

Washington's officers who include HARRY LEE, COLONEL ALEXANDER HAMILTON, LAFAYETTE, GENERAL PINKNEY, and various other aides and junior officers reach the crest of the hill and wait for Washington and Marion who trail a bit behind them, talking privately, eating walnuts as they go.

While they wait, the officers look out at the view, seeing the PUFFS OF SMOKE OF INTERMITTENT CANNON FIRE.

WASHINGTON AND MARION

Finish the walnuts. They stop for a moment to catch their breath.

WASHINGTON

I was sorry to hear about your son.

MARION

I lost another a year ago, Thomas.
He was only fifteen.

WASHINGTON

I've had no sons to lose, nor
daughters.

(beat)

I lose the sons of other men.

They look out at the vista, knowing that they're looking at the sons of thousands and thousands of other men.

WASHINGTON

Life was easier when we only had
ourselves to get killed.

They walk on, joining the others on the crest of the hill. The officers are looking out, some with spyglasses, at the British emplacements.

WASHINGTON

Gentlemen, what do we see?

HAMILTON

Mortars, center, with two lines of
enfilading trenches.

PINKNEY

More along the right flank and
behind the forward redoubts.

LAFAYETTE

A formidable defensive position.
Very formidable.

HAMILTON

They could hold out for weeks.

Washington nods and turns to Marion.

WASHINGTON

Francis, tell me about General
Cornwallis.

MARION

Remember Braddock?

WASHINGTON

That bad?

MARION

Worse.

WASHINGTON

Proud, priggish and competent. A
very bad combination in an
adversary.

Washington sighs.

WASHINGTON

For those of you who don't know, we
intercepted a British dispatch this
morning. General Clinton has sailed
from New York to relieve Cornwallis.

That hits Washington's officers hard.

HAMILTON

How long before they arrive?

WASHINGTON

Less than a week. Sixteen ships and
over nine thousand Redcoats.

LAFAYETTE

Sooner or later that message will
get through to Cornwallis.

PINKNEY

And when it does, he'll just wait us out.

WASHINGTON

And when the British ships arrive, the French ships will flee. And when the French ships flee, General Rochambeau and the French troops will flee as well.

Marion speaks up.

MARION

Then you must let the message go through.

They all turn to Marion, most of them looking at him as if he's insane.

WASHINGTON

If Cornwallis receives news that Clinton is coming, he'll simply hold tight and wait. He'll fight a purely defensive battle and he'll win that.

MARION

No, he won't. There are two things you need to know about Cornwallis. First, he is a very proud man, He would rather risk defeat than share a victory.

(beat)

If you give him what he thinks is an out, he'll take it.

WASHINGTON

And what is the second thing?

Marion pulls Cornwallis' journal out of his haversack and leafs through it.

MARION

I'll let him tell you himself...

(reading)

"... but it is this colonial militia that is the most irksome. Not worthy of my attention, but demanding it; not worthy of British blood, but taking it; and not worthy

of a soldier's honor, but sully-
ing it. Those nights of mine that are
not sleepless, are filled with
dreams of a cavalry charge on the
heels of fleeing farmers..."

Marion closes the journal.

MARION

He has no respect for citizen
soldiers. That's your bait...
militia.

Washington nods, considering it.

EXT. CORNWALLIS' HEADQUARTERS - YORKTOWN - EVENING

Under fire. Cornwallis and his staff. Major Halbert
strides in and gives Cornwallis a dispatch.

MAJOR HALBERT

Sir, a dispatch from General Clinton
made it through the rebel lines.

Cornwallis takes the dispatch and reads it. It staggers
him. He sits down.

WILKINS

Sir?

Cornwallis fumes. His jaw sets with anger. He slowly
crumples the dispatch and speaks with quiet fury.

CORNWALLIS

Call a general staff meeting.

AIDE

Yes, sir.

EXT. YORKTOWN - PRE-DAWN

Marion stands at the American battlements, looking out at
the British defensive works. Above him, stars are
visible, but they're fading in the light of the pre-dawn
glow from the horizon.

Marion scans the disappearing stars, searching out the
NORTH STAR, but in the increasingly harsh light of this
day, he can't find it. He turns his eyes back to the
battlefield.

EXT. YORKTOWN BATTLEFIELD - DAY

The sun has risen but a heavy ground fog limits visibility to a few dozen yards. Men move like ghosts.

THE CAMERA finds waiting squadrons of men but in the mist. There is no overview, just separate detachments:

An orderly regiment of CONTINENTAL CAVALRY, mounted, waiting, steadying their horses.

Two long lines of CONTINENTAL INFANTRY RESERVES...

An American Command, including Washington, LaFayette and two dozen staff officers, attended by riders and runners...

And, finally, MARION AND HIS MEN, who stand in the middle of a long line of Patriot militia in the center of a long, valley-line depression.

They stand silently, unable to see anything other than each other and the gently slope of the dew-covered grass in front of them.

They're all grim. They know what's coming.

Then, the SOUND OF A SINGLE DRUM, heard but unseen, coming from over the slope...

Then, MORE DRUMS, more and more, A COMPETITION OF DRUM BEATS...

Marion's men listen, turning their heads, trying to imagine what is happening on the other side of the rise in front of them.

MARION MOTIONS FOR HIS OFFICERS, Dalton, Scott, Rev. Oliver and several other Patriot militia officers from other units. They quickly gather around.

MARION

The British army believes in officers. I believe in soldiers. After we engage, there will be no more orders. Every man here must know what I'm about to tell you.

They listen closely.

MARION

We are the bait in a trap. We're militia. Cornwallis thinks we're rabble, nothing more than a bunch of undisciplined farmers. And if he thinks that's what we are, that's what we're going to give him. Listen up.

They gather around closer.

EXT. BRITISH LINES - DAY

Cornwallis, surrounded by his staff officers, including Tarleton, stands on a low hill, trying, with the aid of a spyglass to catch the first view of the battlefield as the morning mist begins to burn off.

Through the fog, he just makes out the American lines. He turns to Tarleton who also peers through a spyglass.

CORNWALLIS

Do you see that, Colonel?

TARLETON

Unless I'm dreaming, I think I see irregulars at their center.

Cornwallis and Tarleton exchange a pleased look.

EXT. LOW MEADOW - YORKTOWN - MORNING

Marion and his men wait.

A STRANGE SOUND. Soft, muted. The men turn their heads, listening, their eyes shifting.

They hear the SOUND OF THOUSANDS OF BOOTS ON WET GRASS, advancing...

THE CAMERA WATCHES THE FACES OF MARION AND HIS MEN as they listen to an unseen army approaching.

ON MARION'S FACE we see him hearing every sound and we see FLASH CUTS of what he knows he's hearing:

The BOOTS OF THE UNSEEN SOLDIERS...

Shouldered muskets CLICKING against pack buckles...

SILENCE at a stop...

MORE DRUMS...

The men around Marion wait.

THEN, THEY SEE IT...

A MASSIVE WALL OF RED appears over the rise in front of them...

Thousands of Redcoats, in perfect formation, marching in lockstep, straight for them.

Marion sees the fear on his men's faces, but none of them move...

The BRITISH DRUMS GROW LOUDER AND LOUDER... it's almost enough to drive a man to flight... almost.

The CAMERA explores the faces of Marion's men, faces that we know, Rev. Oliver, Scott, Abner, Marion. All are frightened but all are motionless.

Closer and closer, the British line approaches...

The American's don't move...

Then, the BRITISH LINE STOPS...

At a flurry of commands, the Redcoats ready their muskets, then aim...

Still, Marion and the Americans don't move...

DEAD SILENCE...

Then, a single, thin voice calls out from the British lines...

IN A THUNDEROUS, MASSIVE VOLLEY, three thousand British muskets fire simultaneously... just as the entire line of AMERICAN MILITIAMEN DIVE TO THE GROUND...

Many Americans are saved by the move but many, many others are torn apart by the British musketballs...

THE AMOUNT OF SMOKE IS INCREDIBLE... it obscures everything. Each musket spits out a billow of thick white smoke a dozen feet in front of it and three thousand of them just fired. The massive, opaque white cloud quickly spreads over the entire battlefield.

The astonished Redcoats instantly reload...

And watch as the Americans rise in DISORDERLY PANIC and FLEE...

Some Redcoats laugh...

ON A RISE BEHIND THE BATTLEFIELD, CORNWALLIS, watches through his spyglass, trying to get a sense of what's happening before the spreading cloud of musket smoke obscures everything.

He barks to his SIGNALMAN...

CORNWALLIS

Fix bayonets... dispatch the Green
Dragoons.

The Signalman raises his semaphore flags and snaps the message.

MARION AND HIS MEN are caught in the middle of the chaotic retreat...

THE BRITISH LINE advances at a quickstep, bayonets fixed...

From behind them, THE GREEN DRAGOONS appear, at a full gallop, Tarleton at their head...

THE BATTLEFIELD

It's an astonishing sight... total madness... hell... a painting by Hieronymous Bosch...

The mass of the British infantry charges after the fleeing Patriot militiamen...

The Redcoat infantry grows disorderly as it runs...

TARLETON AND THE BRITISH CAVALRY THUNDERS to the head of the Redcoats, closing in on the fleeing Patriots. The cavalry swords are drawn and raised for a slaughter...

THEN SUDDENLY

Stepping into view from behind a low, grass covered rise, a SOLID LINE OF BLUE APPEARS, rock solid...

It open up, allowing the fleeing Patriots to pass through it like water...

then it closes again, becoming a solid blue wall...

MARION, HIS MEN AND THE ENTIRE MASS OF FLEEING MILITIA STOPS DEAD, turns and joins the blue American line...

A flurry of orders, then the BLUE WALL ERUPTS WITH A VOLLEY of musket fire that stops the disorderly British advance in its tracks...

Hundreds of Redcoats fall instantly...

Hundreds of Green Dragoons and their horses fall with them...

The effect of the volley is devastating...'

The American timing is perfect...

Again, the amount of SMOKE is astonishing... visibility drops to less than twenty feet in most places...

Drifting smoke opens up glimpses of the battle here and there but it is primarily a battle of sound...

Men simply follow the men in front of them...

The Blue Continentals advance in an orderly manner from both flanks onto the Redcoats, trapping them...

The Redcoats try to flee...

Fighting small, gathered holding actions...

MARION FIRES one of his pistols...

Draws his sword...

Slashes downward... killing one Redcoat after another...

No remorse, no hesitation, no pity...

A relentless, simple battle...

Slashing through the Redcoat infantry...

His sword sinks into the stock of an upraised British musket and is pulled from his hands...

Marion quickly kills the Redcoat with his pistol...

THEN, THROUGH THE SMOKE, MARION CATCHES A GLIMPSE OF TARLETON...

Marion freezes... his eyes locked on Tarleton who is fighting a pitched battle, making his way toward the perimeter of the field, trying to escape back to the British lines...

Seeing nothing but Tarleton, Marion hurriedly tears open his weapons pouch and pulls out one of the bullets made from Thomas' lead soldiers...

As he loads the pistol, his eyes still trained on Tarleton, Dalton runs up in the chaos...

DALTON
COLONEL! OUR LINE!

Marion finishes reloading... distracted he turns to Dalton for an instant...

DALTON
OUR LINE IS FALTERING...

Marion takes a quick glance at the Continental line, seeing...

Scott, Rev. Oliver, Abner and a dozen more of his men, in the middle of a confused battle, with a larger mass of Redcoats who are advancing through the broken Continental line...

MARION IS TORN...

He looks to Tarleton, seeing him distracted, vulnerable but too distant a target for the pistol...

Then Marion looks to Rev. Oliver and the others... Dalton can't wait... he runs off...

Marion wavers...

Then he takes a last look at Tarleton and heads off to help the faltering Patriots...

TARLETON sees the movement of Marion and his men and sees Marion himself, his back exposed...

AT THE PATRIOT LINE...

Marion, Dalton and two dozen other militia cavalrymen

arrive at the same time, beating back the Redcoats...

As blue-uniformed Continentals reform the line, FIRING AT THE FALTERING REDCOATS...

TARLETON sees Marion and fights his way toward him...

Marion is oblivious, concentrating on holding the American line...

Tarleton mounts a terrified, riderless horse, draws his sword and gallops back toward the British lines, on a path that takes him directly past Marion...

Tarleton gets closer... raises his sword... slashes...

Marion catches the flash of the blade out of the corner of his eye...

Diverts the blow, knocking Tarleton from the mount...

Tarleton hits the ground... Marion draws his pistol, about to fire at Tarleton...

Tarleton KICKS OUT, knocking the pistol from Marion's hand...

Tarleton GRABS HIS SWORD, SLASHES AT MARION who dodges the blow...

Tarleton advances... Marion scrambles back, then rises...

Marion grabs a BROKEN CAVALRY LANCE and FENDS OFF REPEATED BLOWS from Tarleton's SWORD...

Then Marion sees his pistol, loaded with a bullet from Thomas' lead soldiers, lying on the ground...

Marion makes his way toward the weapon... still BLOCKING BLOWS from Tarleton's sword...

Marion focuses on the pistol... leaving himself exposed...

Tarleton sees the OPENING... MOVES ON MARION... TARLETON RAISES HIS SWORD, about to deliver the killing blow...

Marion dives... GRABS HIS PISTOL... FIRES... KILLING TARLETON WITH A SHOT TO THE CHEST...

Marion, stunned, exhausted and surprised to be alive, watches Tarleton fall...

Marion stands over Tarleton's body and gives himself a moment of bitter triumph, then he turns back to the battle at hand...

Marion picks up Tarleton's sword and runs to the AMERICAN LINE which stiffens as Dalton and Rev. Oliver are joined by Marion and a dozen other Patriots...

The blue-uniformed Continentals reform their line...

Marion looks back toward Tarleton but finds that his body, along with the place and the moment of his death, has disappeared into the smoke of the battle...

Marion and his men fight on... then, Redcoats start fleeing the field...

First one Redcoat at a time... then more and more...

EXT. YORKTOWN - DAWN

The next day. Silence. The battlefield, as far as the eye can see, is covered with the debris of war, dead men and scattered weapons.

The British have retreated back behind their defenses but have left many of their men on the field.

The Patriots, regulars and militia, wait behind their barricades.

Then, a single figure appears on one of the British parapets. A DRUMMER BOY, no more than ten-years-old. Behind him, a single British officer.

The boy begins to beat the drum. The officer raises a white flag.

In the American lines, the men see the flag. Some call out, some cheer, some laugh, most, among them MARION, simply take a deep breath. It's finally over.

EXT. YORKTOWN FIELD - DAY

A massive ceremony, carefully orchestrated, laid out on the cleaned up battlefield.

Thousands of men, everyone in his place, as if well-directed actors in a grand theatrical performance.

The French and American armies, fifteen thousand men between them, stand in perfect formation on either side of the field, forming an avenue for the British army which marches out of it's fortification.

At the head of the avenue, WASHINGTON AND HIS STAFF stand waiting.

A musical band of Continentals, thirty men strong, loudly plays a tune, "The World Turned Upside Down," a jaunty British air with a melancholy undercurrent.

CORNWALLIS marches with his officers, eyes straight ahead, covering his agony as best he can.

As he walks along the avenue he passes the remnants of the South Carolina militia.

MARION, standing with Dalton, Rev. Oliver, Abner, Scott and the rest of his surviving men sees Cornwallis pass...

CORNWALLIS glances over, noting what unit they are by a tattered battle standard that flies over them. It's only a glance and he DOESN'T PICK OUT MARION, who is just one man among the many...

AT THE HEAD OF THE AVENUE

Cornwallis reaches Washington. They exchange unheard formal greetings.

Cornwallis, DRAWS HIS SWORD AND HANDS IT TO WASHINGTON...

FIFTEEN THOUSAND MEN, American and French, RAISE THEIR VOICES in a CHEER OF ASTONISHING VOLUME...

With every other pair of eyes directed toward the ceremony between Washington and Cornwallis, MARION quietly and unnoticed, slips out the back of the formation and walks away.

EXT. YORKTOWN - DAY

The surrender ceremony continues. Marion, on the fringe of the field, finishes saddling his horses and prepares to leave. LEE walks out of the crowd and joins him. They lock eyes for a moment, then Marion mounts up.

LEE

Goodbye, Francis.

MARION

Goodbye, Harry.

Marion reaches down. They shake hands.

MARION

And congratulations on the birth of your son.

LEE

Thank you. Maybe all of this will buy him some peace.

MARION

I hope so.

As Marion starts to ride off, he reins back and stops, speaking back to Lee over his shoulder.

MARION

Your son, what did you name him?

LEE

Robert. Robert E. Lee.

Marion smiles.

MARION

A good name for a farmer.

Lee nods. Marion rides off.

EXT. CHERAW FALLS - DAY

Marion's children and Charlotte sit by the river. Samuel sits on the lookout ledge with his musket. Suddenly he stands, looking out, seeing something.

Charlotte and the others notice. They're worried. Then they see Samuel throw down his musket and tear down the path, running as fast as he can, tumbling, then regaining his feet...

Charlotte and the others know who's coming...

The children take off running after Samuel...

Racing toward the road...

Charlotte hurries after them...

AND THEN THEY SEE HIM...

MARION, riding at a full gallop...

The children cry out with tears of joy...

MARION see Susan...

He gallops toward her...

LEANS OVER...

Without slowing, he SWOOPS HER UP into the saddle...

She wraps herself around him...

He reins back, stops and dismounts, just as the other children reach him...

They throw themselves into his arms... embracing him...

Charlotte hurries up behind them...

She and Marion lock eyes and he is enveloped by the hugs of his children.

EXT. POND BLUFF - EVENING

Summer. The apple tree at the top of the hill is covered with apples.

Marion's house is partially rebuilt and habitable. The workshop is already completed.

MARION'S CHILDREN, Nathan, Samuel, Margaret and William, play in the tall grass in front of the house with the two GREAT DANES.

CHARLOTTE sits on the front porch, NURSING AN INFANT.

MARION walks out of his workshop, trailed by Susan. He carries a just-completed rocking chair.

The chair is a work of art, thin and light, a spider-web of perfectly turned wood, no nails, no glue.

He steps onto the porch next to Charlotte and places the rocking chair next to her.

MARION

Two pounds, fourteen ounces.

CHARLOTTE

Lovely.

He smiles and make a minute adjustment in the chair's position. Then he sits down, settles back and begins rocking. Not a creak.

Marion and Charlotte watch Susan run out of the yard, calling as she joins the other children.

SUSAN

Wait for me...

As the CAMERA CRANES UP, Marion and Charlotte disappear beneath the overhang of the porch roof. Suddenly, the SOUND OF A CRASH.

MARION (O.S.)

Damnation!

The CAMERA CONTINUES TO CRANE UP as Marion walks off the porch, crosses the yard and enters his workshop. A moment later, the SOUND OF MARION'S LATHE RISES.

FADE OUT.

THE END