

Enterprise and Common Sense

Living Legacy Performance Copy

Judge Roy Bean

The Character:

An irascible old scoundrel, eccentric old swindler and arrogant old reprobate given to authoritarian pronouncements, arbitrary rulings and creative lying - not bigger than life but definitely more colorful, of the stuff folk heroes are made of - white hair and beard and substantial paunch

Costuming:

White shirt, dark trousers, suspenders and too-small vest (all dirty), pocket watch and chain, black boots, small sombrero and six-gun in old, beat-up holster

Accent:

Texas crude

Mannerisms:

As a result of once having been hanged, Roy Bean's "neck was always stiff as a board and he had to turn his whole body when he wished to turn his head. Usually he looked out of the corner of his eye at anything approaching from the side...a mannerism which made him seem like a stealthier character than he really was."

The Stage Setting:

Front porch of the Jersey Lilly - with a make shift judicial bench of boards laid across barrels, functioning whiskey barrel with tap, crockery whiskey jug, old law book, assorted bags, barrels and crates

VOG Intro:

"Now ladies and gentlemen, to close our session this morning, we offer you words of wisdom from one of Texas' most legendary heroes. In the Old West, the line between lawlessness and law-and-order was often indistinctly drawn. But before the country could be civilized, *somebody* had to draw the line. And nobody drew it with more flair than the man known as the Law West of the Pecos, Judge Roy Bean."

Intro Visual:

Sepia-toned portrait of actor in costume with "The Living Legacy of" and character signature across bottom, flanked by Texas flags

The Scene Opens with the Judge banging his revolver (as a gavel) on the "bench" and calling court to order

(SFX: Bang! Bang! Bang!) Ya'll settle down now! This here court is now in session, the honorable Judge Roy Bean presidin'. You boys in the back there just sit on them beer boxes; this ain't gonna take long. By the powers vested in me by the state o' Texas, I hereby appoint One-Eyed Fred prosecutin' attorney and...George!...I'm appointin' you attorney for the de-fense. The rest o' you boys is jury. *(SFX: Bang!)*

Now, the de-fen-dant is charged with disorderly conduct and de-famin' an officer of the court, namely my own self. How do you plead? What's that? Innocent!!! Boy you better think again!! Ever-body in here heard you accuse me of waterin' down that whiskey in your hand. I hereby de-clare a recess in these proceedin's to give the A-cused time to come to his senses. The jury is re-manded to the bar. *(Bang!)* You boys belly up whilst I go say a few words to these folks in the gallery. *(Moves from behind the bench to downstage center)*

The first thing I want to tell you folks is not to believe ever-thing you hear about me here in San-an-tone. That's right. San-an-tone. You see, I sort o' got my start here, an' they's still folks here who's jealous o' my success. I can't say as I can blame 'em much, but you still ought not to believe ever-thing they say. You see, San-an-tone is where I first went into bi'ness for myself...and...it's also where I got, kind o' in-di-rectly, my first experience with the practice o' ju-ris-prudence.

And it's here that I learnt that they's two things a man needs to be a suc-cess, both in bi'ness and in the law -- and that's enterprise and common sense. Yes sir, that's what built this great nation. Enterprise and common sense. Lemme give ya'll an example:

(Support Visuals: Civil War-era SA, photos of Beanville if possible) I come to San-an-tone jest b'fore the start o' the Civil War and opened a saloon down by the railroad yard. Started a whole town, matter o' fact. Called it Beanville. I'm shore most anybody 'round here could tell ya'll where to find it. Ain't nobody in San-an-tone don't know Beanville.

(SV: photos of freight wagons) Then the Yankees started blockadin' the coast and the onliest way to get stuff into Texas was through Mexico. So I started a freight bi'ness. Did real well, too. Folks pay good money for freight when they's a blockade on. But then the war ended and times got tough.

(SV: period photos of cow being milked, and cow staring into camera) So I started a dairy, 'cause San-an-tone was a-growin' and they was lots o' young 'uns around. They was so many, in fact, that now and then they'd be more folks wantin' to buy my milk than I had milk to sell 'em. Well, whenever that would happen, I would just add a little water to the milk and then I'd have plenty to sell. Now *that's* enterprise, don't you see.

Now this enterprisin' situation went along fine until one day a customer comes to me and says, "Tomorrow, Roy, I'd like to get my milk and my water in separate containers." He says, "I don't mind payin' for both, I'd just like to have 'em in separate containers." So I says, "Why? What wrong?" And he says, "There was a minnow in my milk today." So I says, "Well, I reckon that's what comes o' waterin' them cows at the river!" Now *that's* common sense! (SV out)

But you know, not ever-body appreciates enterprise *or* common sense. In fact, the tougher times got, the more enterprisin' I had to become, and the more enterprisin' I became the more people was jealous of it. Finally, a few years after the war there, I got so enterprisin' that I found myself up to my eyeballs in lawsuits. That's when I become familiar with legal proceedin's...and it was also when I realized that there was such a thing as *too much* law. When the law starts to hobble a man's enterprise, why that's too much law. That's only common sense.

So when I heard that out west o' the Pecos there was no law at all, why that sounded like the place I ought to be. (SV: period railroad construction & railroad camp photos) Well, just about that time the railroad was buildin' a line through that part of the country and I knowed that was thirsty work. So when I got the chance, I sold my interests in Beanville, packed up my whiskey barrels and went on down to a railroad camp on the banks of the Pecos River called Vinagaroon to see could I get a little enterprise goin' sellin' whiskey to the railroad workers. Vinagaroon was named after the most re-pulsive insect in all Mexico, and the name fit. You see, all that railroad payroll money brought down every gambler, swindler, whore

and thief in Texas, and it was the fightinest, cheatinest, killinest place in the state. (SV out)

So I set up my tent right next to the river crossin' and went to sellin' whiskey and travel advice. Now I'm sure you good folks *understand* the value of good travel advice but, in them days, they was people who jes couldn' understand *why* they should pay for my advice. They didn't understand enterprise, you see. So I'd just tell 'em, "Well, ya'll be careful out there. They's lot o' thieves hereabouts."

Then, the next day, when those same folks would come tellin' me that their stock had been stolen, and I told 'em I might know where they could get that stock back, why, then they'd be *glad* to pay for my advice. That's just common sense.

(SV: animated maps showing two railroad lines coming together at Eagle's Nest) Well, after I built the only stone wall in Vinagaroon to protect my whiskey, things went along pretty good for a while. But then they finished buildin' the river crossin' and the railroad began to push west. And at the same time, another line was pushin' east from Las Angles. The two was gonna meet up at a place called Eagle's Nest, on the north bank of the Rio Grande, and before I knowed it *that* was the fightinest, cheatinest, killinest place in Texas. So that's where I went.

(SV: early Texas Rangers photos) The Texas Rangers went there too, on account of all the killin'. They set up a permanent camp there and commenced to catchin' criminals. But ever time they caughted one, they had to haul 'em all the way up to Fort Stockton for trial. (SV: map showing Vinagaroon, Eagle's nest and Ft. Stockton) That was 600 miles away and it took 12 days to get there. So the Rangers talked the boys back in Austin into authorizin' the appointment of a mag-is-trate for the place. (SV out)

Well sir, to be a mag-is-trate, a man had to post a thousand dollar bond, and, bein' as how I was just about the only man in Eagle's Nest who *had* a thousand dollars, I was their man. (SV: photos of The Jersey Lilly) Now I was not only the town's most prominent merchant and leadin' citizen, I was also the coroner, notary public, justice o' the peace and the only law they was west o' the Pecos! I felt that at long last my destiny had been fulfilled...and I sensed a great deal of enterprise in it, too.

Now, ad-ministratin' the law might seem like a complicated bi'ness, but really it were just a matter o' common sense. Fer example, the State o'

Texas had no provisions for supplyin' funds for the maintenance o' my court...so...I assumed that they intended for me to maintain myself...by keepin' all the fines. That's only common sense!

Another thing I learned early on was that it don't do no good to fine a man more than what he's got -- cause if a man can't pay his fine, you got to keep 'em im-prisoned and if you keep 'em im-prisoned you got to feed 'em. Don't make no sense a'tall! And I figgered that if I fined a man less than what he had, why, he would figger he was gettin' off easy and wouldn't have no respect for the law. So that made settin' fines real easy.

Like the time, a bunch o' fellers came bringin' me the body of a railroad worker who had got drunk and fell off a tressel. That body was gonna have to be buried and I was either gonna have to do it or hire it done. Whilst figgerin' out how to handle the situation, I searched the body and found forty dollars and a pistol which he was carryin' in his pocket. So I found the corpse guilty of carryin' a concealed weapon and fined it forty dollars. It weren't so hard to figger out.

Now, you might not know it to look at me, but I am a man of taste and re-finement. That's why, as you may have noticed, I named my establishment "The Jersey Lily", after Ms. Lily Langtry, (*SV: Lily Langtry*) the British actress -- the most beautiful, most feminine, most perfect female on God's great earth. She was, you might say, an *ideal* of mine. In fact, I o-fficially named the whole town after her, called it "Langtry" and so it stands today, Langtry, Texas. Got a nice ring, don't it?

I was such an admirer of Ms. Langtry's e-normous talents that I wrote her a letter to let her know about her town and invitin' her to come and see it on the tour o' the country she was about to take. And she wrote back, too! Still got the letter. She said, couldn't come see us on account of all her obligations and schedules and all. But it pained her so much to have to say so that she offered to send us an or-ni-men-tal drinking fountain for the center o' town. That were mighty generous of her, but I jes couldn't let her waste her money. So I wrote back explainin' that as much I a-ppreciated the offer, "the only thing the citizens of Langtry do not drink -- is water." (*SV out*)

I didn't have no jail, but they was a big ol' tree stump out front o' my place and I just chained prisoners up to that. (*SV: period drawing or photo of bear on chain*) If the prisoner was a drunk, I 'd chain my bear, Bruno, to that

same stump with a little bit shorter piece of chain. That sobered them drunks up real fast. Makes sense, don't it? (*SV: Dual Justice of the Peace seals for Pecos County*) Course, they *was* times when some yea-hoo lawyer would come along and try to tangle me up by citin' sta-toots and habeas corpuses and all, but good common sense got me through them times, too. Like the time this green-horn shyster come out here from Eagle Pass. He jes didn' understand how the law works out west o' the Pecos. Ever time I would issue a rulin', he would object. I would overrule, o' course, but he kept fightin' me. Directly, he says he figgers his client ain't gonna get justice in my court and says he's gonna habeas corpus him.

So I made him explain what the hell he was talkin' about and when he did I told him he couldn't do it; 'said he was overruled. So then he tries to get a Ranger there to stop me from conductin' my court that a-way. So I just hollar out, "Sergeant! What are your orders here?" And the Sergeant hollars back, "To stand behind you in everything you say." So I says, "What would you do if I told you to take this feller out and hang him?" And the Sergeant says, "I'd take him out and hang him."

'Bout that time, the lawyer jumps up all agitated-like and says, "Oh! You couldn't do that!" And I jest looked 'em straight in the eye...and said, "Well, I will! And furthermore I won't even take you out into the hot sun to hang you. I'll hang you to the ridge pole right here in the saloon!" Well, he thought about that for a short spell and then says..."I think I'll drop the case." And he was on the next train out o' town.

Or there was the time this new Ranger from somewheres up north come bringin' me a young feller who was a friend o' mine. Said he was chargin' him with carryin' concealed weapons. I jes looked at 'em and said, "The charge won't stick." And the Ranger says, "Why not?" And I says, "Because if he was standin' still when he was arrested, he wasn't carryin' weapons because he wasn't goin' no place. And if he was not standin' still he was travelin', and it's legal for travelers to carry weapons. Case dismissed." Jes common sense, you see; that's all it takes.

Then there was this feller who had little enough sense to open another saloon. He was tryin' to steal my business away, don't you see. Brought in dancin' girls and mu-sicians and all and created a hell of a racket over there. Had all o' my customers goin' over there jes to see what was goin'

on. So I closed 'em down and had 'em arrested for creatin' a public disturbance.

Well, this feller figgers he'll be smart, see, and gets the local customs inspector to be his de-fense attorney, who bluntly proceeds to tell me that if I decide against his client, he's gonna appeal. So I told him just as bluntly that I didn't allow no appeals, and with that we went to trial.

Well, we got to goin' at it and this customs inspector keeps quotin' laws at me that didn't make no sense. I told him it didn't make no sense and to quit doin' it, but he kept right on, quotin' this and quotin' that and making things look bad for the State o' Texas, until I had enough and said, "Look. If what you say is the law, and is in the book, and ain't a good law, then I'll tear it out o' the book!" And so his client seen the light, pled guilty and paid his fine. It's jes common sense. *(SV out)*

Now, you might not think so, and I don't like to brag, but I can tell you from personal experience that there's times when common sense can lead a person into enterprises so great that the whole world takes notice. That's what I done in 1896. *(SV: Newspaper headlines about the fight)* That's when Peter Maher finally agreed to fight Bob Fitzsimmons for the heavy weight cham--peen-ship o' the world! Only problem was, they wasn't anyplace to hold the fight.

You see, at that time the whole country was havin' a spell o' moral outrage and righteous in-dig-nation. *(SV: Newspaper headlines about moral outrages of the day)* Ever thing from women ridin' bicycles to drinkin' on Sunday was bein' outlawed and, in most states, that included prize fightin'. So the fight was gonna be in Dallas, 'cause prize fightin' was still legal in Texas. *(SV: Headline of the event)* But then the governor jumps up and calls a special session of the legislature and in two days, before you know it, prize fightin' is illegal in Texas.

(SV: Headlines) So then the fight promoters got cagey. Without sayin' jes where exactly the fight was gonna be, they announced a date and told all the fight fans to come on down to El Paso. From there, they could go into Mexico, New Mexico or even Arizona at the last minute don't you see. So that's what they done, and before long El Paso was fillin' up with people from all over the world.

(SV: Headlines) But then, with less than a week to go before the fight, a bunch o' ministers who was dedicated to stoppin' the fight, got the U.S.

Congress to pass a law makin' prize fightin' illegal anywhere in these United States. *(SV: Headlines)* Then, two days later, word come in that the Mexicans had sent a hundred and fifty cavalrymen to Juarez to keep the fight out o' Mexico. Well, sir, I could see what kind of a fix those fight promoters was in and so I sent them fellers a little telegram. I told 'em I knowed a way they could still have their fight -- legal -- right on schedule...and I might do a little enterprisin' on the side.

(SV: Headlines) What we done was this: On the day of the fight, the promoters posted notices in El Paso that said anybody wantin' to see the fight should go to the train depot and get on the next train to Langtry.

(SV: walkway and ring photos) What folks found when they got there was plenty of cold beer, strong whiskey and a wooden causeway leadin' down the bank and onto a sandbar smack dab in the middle of the Rio Grande!

That fight took place in-between Mexico and the USA and they weren't nobody could do a thing about it. The Rangers was plumb befoozled. All they could do was sit up on the bank and watch, where the freeloaders got to see most of the fight in spite of the canvas we put up around it. It were a glorious moment and my finest hour.

The fight only lasted two minutes before Fitzsimmons knocked Maher out cold and, within a couple of hours, everybody was gone. *(SV: fade out)* But after that folks from all over the world knowed my name. They started comin' from far and wide to see the place the great fight happened and meet the man who figgered out how to make it happen. So I shake a few hands, tell a few stories and make a few dollars. A little enterprise and a little common sense. All in all, it ain't a bad life. *(SV: fade up Texas flags)* But even now, ever now and then, some jack-leg yea-hoo comes in here who just don't understand how things is out here west o' the Pecos, like this fresh-mouthed city boy up before the court right now. I believe he's probably ready to listen to reason now, so I gotta get back to 'em. I hope ya'll enjoyed the stories and you can jes leave your money on that barrel head by the door there. Thank ye kindly. *(moves back behind bench)*

(SFX: Bang! Bang! Bang!) Order in the court! You boys 'bout finished with them drinks? All right then, let's get on with it. Now then, the question before the court is: does the defendant want to plead guilty to the charges and pay a fine of...how much does he have on him, Fred?...Forty-two dollars?...a fine of forty two dollars -- or -- does he

want to plead not guilty, stand trial, be found guilty and spend the night chained to the stump with Bruno? How do you plead?

I thought so. I hereby set your fine at forty-two dollars. The case closed and the jury is remanded to the bar. Court's adjourned. (*SFX: Bang!*) (*SFX: Old West musical sting*) (*SV: opening visual*)