

# Sheriff Sutter, Reed, Keseberg

much in his manly prime. From his outward appearance it's evident he's something of an aristocrat. Back in Illinois he was the owner of a company that manufactured furniture. Self-made. Proud and independent, with a fiery disposition. A natural leader of men. In the recent tragedy he was not only a heroic survivor but a fearless rescuer of others. At present Reed is preparing to act as counselor for two male defendants.

William Eddy, one defendant, is a hero of the classic mold, about whom sagas and legends are commonly created. He is an honest, forthright fellow, a carriage-maker by trade, his character and endurance already tested by the greatest hardship. A man of great moral conviction and courage, he has the persistence and deadliness of an appointed executioner.

Bill Foster, the other defendant, showed great determination and fortitude during the hard times. But he was pushed beyond his own powers of endurance and the tragedy has left him tortured by guilt and self-doubt.

At lights up, with the solemn tolling of a Spanish mission bell, we hear the voice of Sheriff McKinstry as we see the entrance of Captain John Sutter.

Sutter was born in Austria of Swiss parents and later educated in Switzerland, so he may speak with a slight accent. This warm-hearted, generous man has already established himself far and wide as the noble benefactor of the Donner Party. He is regarded by the local inhabitants as the indisputable ruler of his own domain, New Helvetia. He is dressed in the quasi-military style of the period and carries his own personal diary.

Sheriff George McKinstry, the one speaking, is a sturdy fellow of many talents. Somewhat venal. Most loyal and devoted to his friend and employer Sutter.

SHERIFF. (Reading from a prepared statement.) "On this day, May 5th, 1847, the court at Fort Sutter, acting under the legal power of two great authorities—the Mexican government and the U.S. of A.—is now in session! Presiding as judge will be the Commander of the Fort . . . Governor of New Helvetia . . . Alcalde by official appointment . . . the Honorable John Augustus Sutter!" (Sutter acknowledges Reed and Keseberg before going to his judicial seat.)

SUTTER. Well-spoken, Sheriff.

SHERIFF. It oughta be—I practiced it enough.

SUTTER. Mr. Reed, though you are no attorney, I understand you will act as counsel for those accused.

REED. So far as I am able, Alcalde.

SUTTER. Mr. Keseberg, have you still found no one to be your Counsel?

KESEBERG. Alcalde . . . I must counsel myself.

SUTTER. It may put you at a sizeable disadvantage, sir. Surely there is someone at the Fort . . .

KESEBERG. There is no one.

SUTTER. It's folly to go into this business alone.

KESEBERG. After being alone in Hell, I have become well acquainted with the climate of that region. I look on this as a summer holiday.

SUTTER. We advise against it. However, since you will have it no other way, you may prosecute your own case.

KESEBERG. Danke.

EDDY. (To Reed.) Good. It favors us.

SUTTER. Gentlemen, as magistrate of this trial—lacking a jury—my judgment will have to be final. Mr. Keseberg?

KESEBERG. Ja.

SUTTER. Mr. Reed?

REED. Agreed.

SUTTER. Gentlemen, we are here this morning to try a slander case. Sheriff, describe the complaint.

SHERIFF. Will the parties mentioned please rise! In this trial of Keseberg vs. Eddy and Foster . . . the injured party Lewis Keseberg charges the following persons with defamation of character: William Eddy and Bill Foster. (Those men named are now standing.)

SUTTER. Sheriff, put these men to the oath.

SHERIFF. Swear, in the presence of Everlasting God, that the evidence you shall give in this issue shall be the truth, the whole truth, and nothing but the truth, so help you God! (The men respond: "I do" and "I so swear.")

SUTTER. Let me remind you gentlemen that the oath, once taken, is binding throughout the trial. Proceed.

SHERIFF. The Plaintiff, Mr. Lewis Keseberg, is seeking restitution—(Some difficulty in pronouncing it.)

SUTTER. Try "damages."

SHERIFF. Is seeking damages and restitution of . . . (Whistles in amazement.) one thousand dollars!

FOSTER. Christ almighty! That's a fortune!

EDDY. We don't make that in a year.