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## Defending Eulalie

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Defending Eulalie

A Thesis

Submitted to the Graduate Faculty of the  
University of New Orleans  
in partial fulfillment of the  
requirements for the degree of

Master of Fine Arts  
in  
Creative Writing  
Playwriting

by

Mimi Ayers

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### Cast of Characters

EULALIE MANDEVILLE:	74 years old, free woman of color (f.w.c.), could also be played by a younger actor when she is 20-40 years old*
SOULÉ:	53 years old man, Eulalie's attorney
EUGÈNE MACARTY:	30-75 years old man in flashbacks, Eulalie's long-time partner
DUVIGNEAUD:	50 years old man, attorney for the plaintiffs
JUDGE CANON:	65 years old man, First District Court of New Orleans judge
BERNARD DE MARIGNY:	64 years old man, Eulalie's wealthy and courtly half-brother
VILLARCEAUX:	30 years old man, Eulalie and Eugène's youngest son
DURALDE:	30 years old man, businessman, Eugène's friend
VIZINIER:	50 years old man, bank clerk, witness for the plaintiffs
MADAM CHAVENET:	55 years old white woman, former neighbor of Eulalie
JUSTICE EUSTIS:	52 years old man, Louisiana Supreme Court Chief Justice
JUSTICE SLIDELL:	43 years old man, Louisiana Supreme Court Associate Justice
JUSTICE KING:	41 years old man, Louisiana Supreme Court Associate Justice
PETITIONERS:	Petitioners are multi-cast from the ensemble with justices, priest, and various witnesses in the life of Eugène Macarty and Eulalie Mandeville

\*Except for her half-white son Villarceaux, Eulalie is the only person of color in the play

**DEFENDING EULALIE** is based on the Louisiana District and Supreme Court records of Eulalie de Mandeville de Marigny, f. w. c.

Place

New Orleans

Time

Fall 1846 to Spring 1848 and flashbacks circa 1800s

Setting

The stage should be a flexible space to accommodate or represent the fluid changes in times and spaces: the rich furnishings of the parlor, bedroom and store in the home of Eulalie Mandeville; the stateliness of the district and Supreme courts; a forest; and a cozy back room where gentlemen play craps. Variations in lights and sounds will also enhance the changes in time and space.

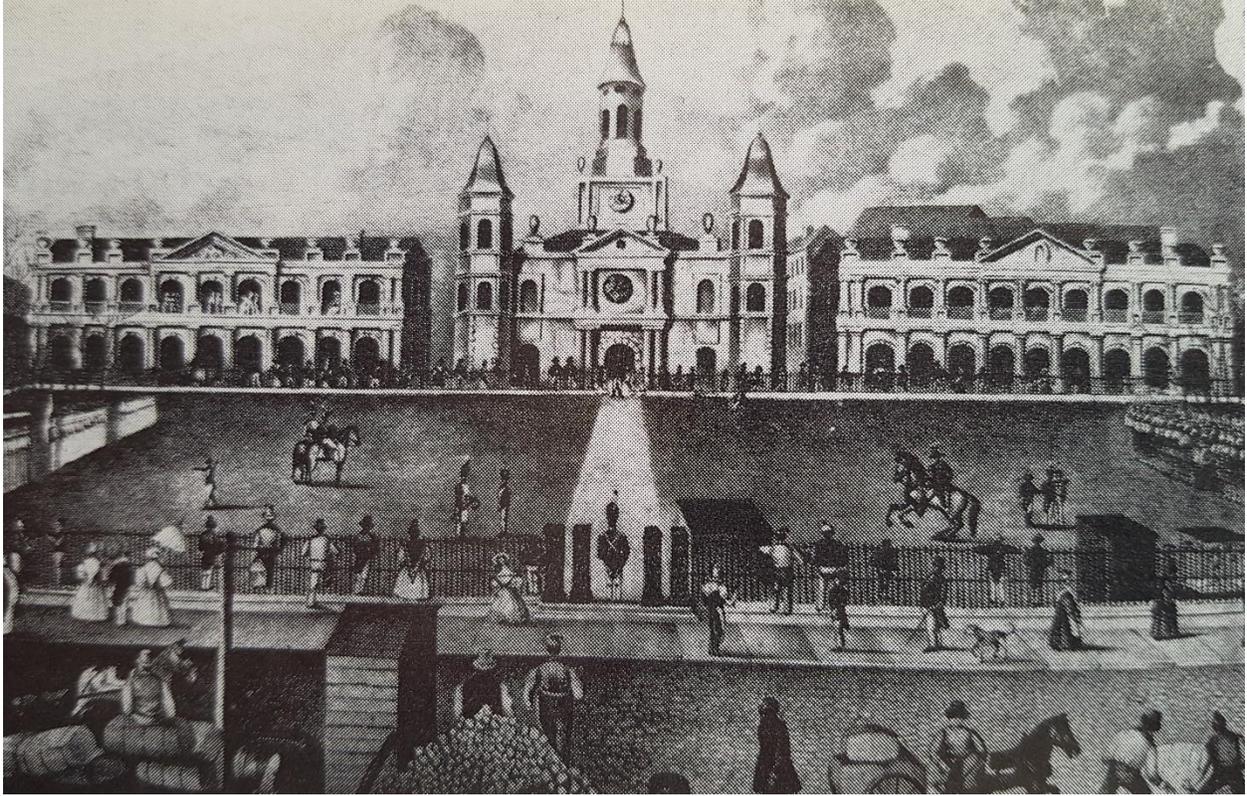
Notes

The play takes place during the course of the inheritance court case of *Nicolas Théodore Macarty et al. v. Eulalie Mandeville f. w. c.* from the first petition filed on the 19th of September 1846 in the First District Court of New Orleans to the final appeal and judgement by the Louisiana Supreme Court on the 12th of June 1848.

There are four main characters (1 woman and 3 men: Eulalie, Eugene and the two attorneys), an ensemble of 10-12 men to play multiple roles of judges, petitioners and witnesses in the life of Eugene Macarty and Eulalie Mandeville, and one other woman. If the supporting characters in the ensemble are not about to enter a scene, they will sit in the petitioners' row(s) in front of the audience.

Music from 1800s composers of color like Edmund Dede and the Caribbean influenced music of Louis Moreau Gottchalk is suggested.

Note to the actors: A slash ( / ) indicates a point in the dialogue where the following speaker interrupts and the lines overlap. A dash ( - ) indicates speech is cut off.



Place d'Armes in 1845 with the Cabildo (on the left) and Presbytère (on the right where the Louisiana Supreme Court was seated in 1848 during the *Macarty v. Mandeville* hearing) in the background. From a lithograph by Thomas Williams.

ACT I  
Scene 1

*Lights come up on the courtroom. There is a judge's bench with an ornate wooden chair. On a lower level a witness chair with steps is on the left. Attorneys' tables and chairs are on both sides. Wooden chairs for the petitioners (6-8) are placed in a contour just in front of the audience.*

*The melodious music of "Reverie" by 19th century composer Edmund Dédé plays as the Petitioners enter. They carry hand held stylized painted masks of European makeup and hair styles of the 1840s. Lights will dim as they take their seats.*

*The attorneys at times will face out over the audience to address the judges above them. Throughout the play, only EULALIE MANDEVILLE speaks directly to the audience.*

*Lights up on EULALIE dressed in a simple and elegantly tailored black peau de soie dress with a black jet mourning brooch. She wears small hanging black earrings.*

EULALIE

*(to the petitioners)*

Imposteurs! Héritiers légaux. Ha! Legal heirs. You did not even know him. In name only were you family to mon cher Eugène Macarty. Fifty years we lived together, made our way together. In the beginning we did not always sleep together, but my bed was always his and his alone. I gave him seven children which he claimed and acknowledged as his own. Their names, with his name, are written in the book at the cathedral. Some of you may bear the Macarty name but you are strangers to our five children who still live to honor their dear Papa. No *family* here would they know. Mais... no, they do know their uncle, the brother of their papa, Nicolas Théodore Macarty.

*(EULALIE looks for Nicolas among the petitioners.)*

Where are you dear brother? You lead this charge against me but dare not face me now? Nico came often to our home, one hand hidden behind his back, leaving with both stuffing his pockets.

EULALIE (CONT.)

No longer will he be called "Cher Oncle Nico." You are no longer dear to them. They know him now as I have long known him and as I know you. Legal heirs! Vous ne le connaissez. Non. You did not know mon cher Eugène. You did not even know him.

*Light fades on EULALIE. Lights up on stage as attorneys enter and take their seats at opposite tables.*

*A gavel bangs. JUDGE CANON enters, attorneys and petitioners rise. After judge sits, gavel bangs, they sit.*

JUDGE CANON

The State of Louisiana Second District Court of New Orleans case of Nicolas Théodore Macarty, et al. versus Eulalie Mandeville, free woman of color, is now in session. Attorneys for the plaintiffs and defendant are you ready to proceed?

*All solicitors rise.*

DUVIGNEAUD

May it please the court. On behalf of the plaintiffs, Nicolas Théodore Macarty, Charles Edouard Forstall, William Armory Nott, Catherine Estelle Forstall, / wife of Pierre...

JUDGE CANON

*(waving some papers.)*

I have the list Monsieur Duvigneaud.

DUVIGNEAUD

Excuse me your honor. Macarty and others. Yes, your honor, we are ready to proceed.

JUDGE CANON

Monsieur Soulé?

SOULÉ

Bonjour. May it please the court. Yes, your honor Pierre Soulé and Louis Janin on behalf of the defendant, Eulalie Mandeville.

JUDGE CANON

*(regarding papers before him.)*

Monsieur Duvigneaud, I see here the proportions of the estate designated between the 43 persons claiming inheritance range from the largest portion of one-seventh for Nicolas Théodore Macarty to the least... one...

*(reading for accuracy)*

Hmmm... One part of four hundred and twenty for... minors Julianne and Amalie Arnault.

DUVIGNEAUD

Yes, your honor. The plaintiffs respectfully represent that they are all the sole legitimate heirs left by Eugène Macarty, deceased in this city on the 25th of October 1845, of the property and that which have not been inventoried are now illegally in the possession of his concubine, Eulalie Mandeville, free woman of color.

JUDGE CANON

We will proceed.

*He bangs his gavel.*

*Lights out on courtroom.*

ACT I  
Scene 2

*Lights up on EULALIE's parlor. It is tastefully furnished with plush brocades, an armoire, tables and chairs of sturdy wood.*

*A colorful piece of percale fabric is draped across a settee.*

*EULALIE paces around a wing back chair. She wears a black lace veil that drapes over her head and falls over her shoulders. She pulls out a watch on a chain and checks the time.*

*SOULÉ, in a dark suit, enters.*

EULALIE  
(snapping the watch closed.)

Monsieur Soulé.

SOULÉ

Madame Mandeville -

EULALIE

Macarty.

SOULÉ

I am sorry. I have known you as Mandeville for so long.

EULALIE

Outside these walls, they call me all kinds of names that I must answer to, but in my home, you will address me as me Madame Macarty.

SOULÉ

As you wish, Madame Macarty.

EULALIE

Have a seat.

SOULÉ

We have much to discuss.

EULALIE

So, I am to testify in open court. What will you and their attorneys ask of me?

SOULÉ

They have petitioned you to provide a list of all your property not already listed in their petition.

EULALIE

They have not managed to ferret out more of our business? I must do it for them?

SOULÉ

Their request has been granted by the court.

EULALIE

More like a demand. They took no interest in us when Eugène was alive. They have no right to know all my business.

SOULÉ

It has been ordered that you give an accounting of all you have.

EULALIE

Do they think I will let them take away all we built together? To divide amongst themselves? His legal heirs! Ha!

SOULÉ

You must follow the orders of the court.

EULALIE

*(clutching the percale on the settee)*

We have always followed the rules of law.

*EULALIE goes to the armoire and takes out a stack of papers, lays them on the table. She gets a quill and inkwell. She puts them on the table and motions SOULÉ to join her at the table.*

*He pulls up a chair and sits beside her.*

SOULÉ

Madam Macarty, shall we begin with the assets?

EULALIE

*(breathing in deeply)*

Oui, je suis prêt.

*EULALIE reads and pushes over the papers to him.*

J'ai une terre dans la Paroisse Plaquemines...

SOULÉ

I have land in the parish of Plaquemines,

*SOULÉ translates her French to English as he writes. He speaks with only a slight beat after EULALIE begins to speak, like an echo.*

EULALIE

Trois, maisonettes dan la rue Moreau dan le faubourg Marigny, entre Marigny et Mandeville;

SOULÉ

Three, small houses on Moreau in the Faubourg Marigny, between Marigny and Mandeville;

*She continues to pass papers over to SOULÉ but with growing agitation.*

EULALIE

Une maison encignure Dauphine et Quartion

SOULÉ

A house on the corner of Dauphine and Barracks

EULALIE

*(to audience.)*

My house?! They wish they could put me out on the street!

EULALIE

Huit esclaves, vieux et jeunes. Nomme's William, age de 40 ans, Edouard de 28 ans.

SOULÉ

Eight slaves, old and young. Names, William, age 40, Edouard 28 years old.

EULALIE

Henry de 35 ans, Raymond de 60 ans - Carole de 26 ans - Rose de 35 et Nancy de 33 ans et Marie de 60 ans;

SOULÉ

Henry 35 years, Raymond 60 years, Carole of 26 years, Rose of 35 and Nancy 33 years and Marie 60 years;

*SOULÉ gets control of the fast-delivered papers and writes.*

EULALIE

Et les billets dont la note suit savoir.

SOULÉ

*(Not writing, rubbing his hand.)*

And the following notes ...

EULALIE

Doriocourt a mon ordre \$926  
D. E. Livaudais voire que

SOULÉ

*(fading out)*

Doriocourt has my order for \$926  
D. E. Livaudais ordre under ...

*He no longer translates as EULALIE speaks in English.*

EULALIE

... \$380. A mortgage bill for \$2000. Two bills I must pay ...

*Spotlight up on EULALIE as lights fade on SOULÉ.  
She takes off the veil.*

EULALIE

*(to audience)*

I had to give them an accounting of all my property, all my business affairs disclosed for all of New Orleans to hear.

*(to SOULÉ)*

Some of these transactions have nothing to do with Eugène.

SOULÉ

A full disclosure is ordered by the court.

EULALIE

And this \$2000 mortgage bill on my own property?

SOULÉ

That is so ordered.

EULALIE

And this \$400 to Celeste St. Marc?

*(out to audience)*

Now that had a lot to do with Eugène.

SOULÉ

That too. You must give a fair and honest accounting.

EULALIE

*(to audience)*

Fair and honest. I would be, but would the court?

SOULÉ

The court will make sure everything is in order.

EULALIE

Whose side are you on? You know judges cannot always be trusted.

SOULÉ

There are laws that must be followed.

EULALIE

The judges and the *legal heirs* have the laws of society on their side. Tell me Counselor Soulé... do I have a chance?

SOULÉ

We may have some legal precedents on our side.

EULALIE

What precedents?

SOULÉ

Legal precedents. Counselor Janin and I will do more research on similar cases.

*EULALIE paces not knowing which way to turn.*

SOULÉ

I ask you to remember who did Monsieur Macarty trust?

EULALIE

Moi.

SOULÉ

Who did he entrust to take care of his affairs?

EULALIE

*(pacing rapidly)*

You? No, me! You know more of his legal affairs but in the end, it was just me and our son, Eugénie, he trusted. Eugénie went back and forth to the banks, the notary...

EULALIE (CONT.)

He made sure they kept good records too. I stayed close by mon cher's bed side. I thought I could coax him back to good health. I failed.

SOULÉ

It was his time. You did not fail him then. And my partner and I will not fail him now, nor you.

*EULALIE is drawn to the percale and scrunches it up to her breasts. SOULÉ watches her as she stands in reverie for a moment. She stuffs the cloth in a pocket.*

SOULÉ

Monsieur Macarty told us that if not for you, he would be destitute.

EULALIE

Oh no. Even without me he would have found his way. He was frivolous in his youth, and even when not so young. He always knew how to grow money.

SOULÉ

I know. And you / have done...

EULALIE

I knew how to make a good profit in my trade.

*(absentmindedly patting her pocket.)*

I loved the feel of fabrics. He was content counting money. Perhaps he was not so different from his family in the love of money.

SOULÉ

He loved you more.

EULALIE

And our children. All his children... You should not have to persuade the court to do what is right.

SOULÉ

*(bowing out)*

Madam. I will do my best.

EULALIE

*(looking after him)*

I pray your best is good enough.

*Lights fade out.*

ACT I  
Scene 3

*Lights on DUVIGNEAUD. He faces front and looks up addressing the court.*

DUVIGNEAUD

... Petitioners further represent, that all the property above described, and the sum of one hundred eleven thousand two hundred eighty dollars and 37 cents deposited in the Louisiana Bank by Eugène Macarty, to the credit of Eulalie Mandeville, and withdrawn by her a few times before the death of said Eugène Macarty, and the sum of eleven thousand dollars paid by Eugène Macarty to Lamothe, for the erection of the building on Eulalie Mandeville's lot, were the lawful property of the deceased; earned by him, and had always been under his control during his life time, and was placed under the name of Eulalie Mandeville under the form of a donation *inter vivos* for the fraudulent purpose of violating the law and depriving his legitimate heirs of his estate.

The petitioners further represent, that when the said Eugène Macarty, some fifty years ago took Eulalie Mandeville as his concubine, she was entirely destitute of any means, except of a tract of land, situated in the parish St. Bernard in this state, bequeathed to her by her father's mother.

*Lights out on DUVIGNEAUD.*

ACT I  
Scene 4

*It is 1796, when EUGÈNE and EULALIE were in their twenties. Shadows and sounds of leaves rustling in the wind*

*A cowbell jingles. Cows moo in satisfaction.*

*EULALIE wears a light cotton wrap-around apron with pockets over her dress. She backs in carrying two milk pails, talking to the cows in French. She sets the pails down and takes out two pieces of thin white cloth.*

*In the distance, EUGÈNE talks to an older man, EULALIE's father. They both look her way. The father stops EUGÈNE in mid-salute, shakes his hand and walks off.*

*EUGÈNE approaches EULALIE but crouches down and watches her in amusement as she continues to cover the pails and talk to the cows. He has a noticeable scar on his forehead.*

EULALIE

Allez vous. Vous ettes une doit bien. S'amusez, mangez, mangez. Et reposez. Donnez moi beaucoup de lait. Oui. / Donnez moi ...

EUGÈNE

*(coming to help her)*

Bonjour!

EULALIE

Bonjour Eugène. I was not expecting you today. What brings you this way?

EUGÈNE

You.

*He reaches for the pails.*

EULALIE

I can manage.

EUGÈNE

I see that. I have a proposition for you.

EULALIE

To do with the cows?

EUGÈNE

Yes.

EULALIE

Oh.

EUGÈNE

Let me help you.

*He takes the pails from her.*

EULALIE

Grand-mère has a taste for sweet milk. Can we talk later?

EUGÈNE

How is she?

EULALIE

Not well, I fear.

EUGÈNE

*(putting the pails down)*

I am sorry. *(pause)* My cows are not faring so well down river. Too much mud. They need more land to graze. If we could rent your land for a / reasonable rate.

EULALIE

We?

EUGÈNE

Me and Misotiere, but I would do all the milking and cart the milk to market. You would get your fair share. I would make sure of that. You would have more time dealing with your cloths and notions.

EULALIE

Why do you concern yourself with my business?

EUGÈNE

I was only making a suggestion.

*(Pause.)*

EULALIE

What kind of arrangement would you have me make with your partner?

EUGÈNE

With me.

EULALIE

You?

EUGÈNE

I would be responsible for your interests.

EULALIE

Really?

EUGÈNE

I have another proposition I want to put to you.

EULALIE

Tell me.

EUGÈNE

I would also like to build a sawmill here.

EULALIE

Use my land for lumber?

EUGÈNE

Firewood mostly.

EULALIE

What did my father say about that?

EUGÈNE

He says it would be your decision.

EULALIE

I know.

EUGÈNE

He thought if the land was cleared, more could be done with it.

EULALIE

And what do you think?

EUGÈNE

When the river rises vegetables fare better on this side. I think you could turn a good profit at market.

EULALIE

And you.

EUGÈNE

For both of us. This would give you more time to do what you enjoy most.

EULALIE

And what makes you think I don't enjoy milking my own cows and walking in my woods?

EUGÈNE

Not as much pleasure as I have walking with you. But you would not have to walk so far to get to the market.

*EULALIE secures the cloth over the pails.*

EULALIE

I was thinking about building a house here.

EUGÈNE

You would leave your grandmother?

*EULALIE picks up the pails.*

EULALIE

She is very weak. I must plan for a life on my own.

*EUGÈNE takes hold of the handles.*

EUGÈNE

You do not have to be alone.

*Beat.*

EULALIE

Eugène! If you have nothing else to say I must go.

EUGÈNE

I have another proposition for you.

EULALIE

What?!

EUGÈNE

I... will you... Your father has given me his consent.

*(he puts the pails down)*

I wish the laws were not as they are... I would ask you a different question.

EULALIE

Go on.

EUGÈNE

Will you ...

*EULALIE puts her hand over his mouth.*

EULALIE

I will not be your common concubine.

*He gently removes her hand and holds it.*

EUGÈNE

Eulalie, there could never be anything common about you. You are an extraordinary woman. I am in awe of you every time I am near you.

*(taking a deep breath)*

I don't have the right to ask you but...

*(kneeling)*

Will you be mine?

EULALIE

*(contemplating)*

I want to have a family I can call my own.

EUGÈNE

Start with me. Make me your own. I don't have much now, but I have a little capital. We could do well together. I promise I will do my best to make a good life for you... and the family we will have.

EULALIE

A family with the blood of a slave?

EUGÈNE

I know your mother was a slave and it does not matter.

EULALIE

I was born a slave.

EUGÈNE

You are free now.

EULALIE

I will always be labeled a free woman of color.

EUGÈNE

If that offends you, I am sorry. But I tell you, it does not matter to me.

*EULALIE pulls away.*

EULALIE

And what of your family?

*EUGÈNE goes to her.*

EUGÈNE

They matter less. I want to be with you.

EULALIE

*(still testing)*

Are you sure you are ready to make a life with a woman of color?

EUGÈNE

A *free* woman of color! Yes, Eulalie, yes, I am sure.

EULALIE

I am not so sure. But I accept all your propositions.

*He goes to kiss her but stops.*

EUGÈNE

I almost forgot. I have a present for you.

*He takes out the piece of colorful percale fabric.*

EULALIE

Merci. It is lovely.

*She starts to wrap her hair. He stops her.*

EUGÈNE

No.

*He pulls the cloth from her fingers and wraps it around her waist and pulls her to him. Their gentle kisses turn more passionate. She breaks the embrace and picks up one of the pails and leaves. He follows with the other.*

EUGÈNE

Yes!

BLACKOUT

ACT I  
Scene 5

*Lights on SOULÉ sitting at the table in EULALIE's parlor going through papers. She enters.*

EULALIE

Monsieur Soulé, here it is. I cannot think of anything else.

SOULÉ

Merci. That should be all that is required.

*EULALIE takes out the percale and smooths it back in place.*

EULALIE

How long do you think this trial will take?

SOULÉ

It is hard to tell. There are several witnesses. For both sides. Then there will be the usual cross examinations.

EULALIE

I will be questioned twice?

SOULÉ

Maybe more. Duvigneaud will want to test your answers on money, numbers, details. Just tell the truth and your answers will always be right, no matter how many times or ways he asks the same question.

EULALIE

Will you also challenge their witnesses?

SOULÉ

I will question them thoroughly.

EULALIE

Did you speak with Monsieur Duralde?

SOULÉ

Unfortunately, your friend plans to go to Paris on business soon.

EULALIE

He must testify. He will be my best witness. He was friends with Eugène long before I met him. He knows us both well.

SOULÉ

I will see what can be done.

EULALIE

You are losing my confidence monsieur.

SOULÉ

We will ask for a Commission.

EULALIE

A Commission?

SOULÉ

A committee of attorneys. Testimonies are notarized. They would order Duralde to give testimony.

EULALIE

An order? No. He must not be made to feel forced.

SOULÉ

He cannot refuse. His testimony would be put in writing for the court. If he knows you as well as you say, he should be happy to speak on your behalf.

EULALIE

And his testimony would count the same as if he appeared in court? In person?

SOULÉ

Yes, that is the role of the Commission, to make sure his testimony is in the record. Duralde will give his testimony under oath and the Commission will have it put in writing. It will then be delivered to the court under the Commission's seal.

EULALIE

The court where the trial will be held?

SOULÉ

It will be read in open court, the same as if he was there.

*(reviewing papers)*

The other witnesses you listed have all agreed to testify on your behalf.

EULALIE

My brother.

SOULÉ

*(nodding)*

Bernard Marigny. Charles Olivier.

EULALIE

Our cousin. We see little of each other now, but growing up, we spent much time together in our grandmother's house. Bernard was still just a baby.

SOULÉ

T. B. Blanchard, former clerk at the House of Lanus.

EULALIE

I bought most of my finer fabrics and notions from them. We worked well together.

SOULÉ

Casimir La Coste...

EULALIE

His family was very good to me in the early days, letting me buy on credit. I was able to return the favor to their son. Eugène thought I was being too generous lending at 1%. After repeated requests I did have to send him to Eugène. Lending out money was of no interest to me.

SOULÉ

Marie Louis Parris, Joseph Blache...

EULALIE

*(nodding her head)*

Fifty years.

SOULÉ

Jacques François Enoul de Livaudais...

EULALIE

Marie Celeste's husband. Marie Celeste was Eugène's favorite sister... an honorable woman. Neither she nor his cousin Augustin would have allowed Nicolas to put this suit against me.

*(She makes the sign of the cross and offers  
a short silent prayer.)*

May they both rest in peace.

*SOULÉ starts to put away papers.*

SOULÉ

Augustin Macarty was a good mayor for our city.

EULALIE

Yes. And my neighbor? You have her listed?

SOULÉ

Madam Chavenet?

EULALIE

Yes.

SOULÉ

She is in poor health.

EULALIE

If she is not well, could not the... Commission go to her as well? Many times I relied on her help.

*Lights down on EULALIE and SOULÉ nodding in agreement as lights come up.*

*Lights come up on MME. CHAVENET, middle aged and simply dressed, carrying a large bolt of silk to a long table on the shop side of the house. A large basket of fabrics is by the table.*

MME. CHAVENET

This should take no time.

*She takes out scissors from the basket.*

*EULALIE wearing a light apron over her dress, brings in a measuring rod.*

EULALIE

Silk is always easy to cut. That does not mean we cannot be too careful.

*Together they roll out and smooth out the fabric on the table.*

MME. CHAVENET

I know. You've taught me well. We'll have these ready for your girls in no time.

EULALIE

My vendors say demand is high. It is good of you to come on such short notice.

MME. CHAVENET

Oh, I am pleased to help.

*They start to measure, cut and fold. It's a familiar routine.*

*VILLARCEAUX enters with a flourish carrying a large bolt of fabric wrapped in canvas. He wears a slim cut long blue frock coat over a ruffled white shirt and light blue trousers splattered with mud.*

VILLARCEAUX

Maman!

EULALIE

Villarceaux, you're home!

VILLARCEAUX

Oui, Maman.

*He drops the canvas roll and embraces and kisses his mother. Remembering his manners he gives a slight bow to MME. CHAVENET.*

VILLARCEAUX

Madam Chavenet, bonjour.

EULALIE

*(peeling back the canvas)*

What have you brought me?

*VILLARCEAUX takes the roll from her and quickly unwraps it.*

VILLARCEAUX

*(with flourish)*

Voila!

EULALIE

Magnificent.

VILLARCEAUX

I have sent Henry to pick up the two trunks I left on the boat.

How long can you stay?

EULALIE

I'm home Mama.

VILLARCEAUX

Yes dear, for how long?

EULALIE

*He holds her at arm's length to get her full attention.*

Paris is not home.

VILLARCEAUX

I thought you were happy there. All the fashion. The theatre. Villarceaux, you cannot stay.

EULALIE

Mama, you don't want your baby boy here with you?

VILLARCEAUX

My thirty-year old baby! You don't know what it is like here now. New Orleans is more American every day.

EULALIE

I am American.

VILLARCEAUX

Louisa, will you get the basket with the notions from the back?

EULALIE  
*(to MME. CHAVENET)*

In the kitchen?

MDE CHAVENET

Yes, thank you.

EULALIE

She is your friend no?

VILLARCEAUX

She doesn't need to see me beg my son to leave.

EULALIE

VILLARCEAUX

Nor do I.

EULALIE

Villarceaux, I am truly happy to see you.

VILLARCEAUX

*(wiping tears away)*

These don't look like tears of joy.

EULALIE

They are not. You bear the Macarty name,  
*(bringing his face close to hers)*  
If only you were as fair as your brothers.

*VILLARCEAUX holds her hands.*

VILLARCEAUX

Mother, you worry too much.  
*(He uses her hands to caress his face.)*  
This is your gift to me. Remember?

EULALIE

My beautiful child. I wish I could always see you as free as your spirit.  
*(pushing him away)*  
No. You must go back to Paris. Look around you, see things as they are.

VILLARCEAUX

I have. The city prospers. I could help you grow your business. Look at the quality of this silk. The Paris mills are all competing with each other. And we, the buyers, are the winners. The prices are good. You could put the House of Lanus out of business. Look, they have improved the Jacquard technique. See the finish?

EULALIE

I'm sure the fabrics are fine.

VILLARCEAUX

Better than fine.

EULALIE

Pierre Villarceaux, you are more precious to me than / any piece of fabric.

VILLARCEAUX

Mama, we will speak of this later. I must get back to the dock.

EULALIE

Hurry back. I'll have Marie make something special for you.

VILLARCEAUX

Gumbo. Then I'll know I am home.

*She swipes at his pants.*

EULALIE

The mud should make you sure.

*EUGÈNE walking slow and looking down almost bumps into VILLARCEAUX crossing paths. The younger man catches the elder and they embrace.*

VILLARCEAUX

Papa! Cher Papa.

EUGÈNE

My son, how good to see you.

VILLARCEAUX

And you. I'll be back soon.

*EUGÈNE lets him go as MME. CHAVENET enters with a basket.*

VILLARCEAUX

*(to MME. CHAVENET as he exits)*

Au revoir.

MME. CHAVENET

Au revoir. Good day Monsieur Macarty.

*She sets the basket on the table and admires the different buttons and laces.*

EUGÈNE

Madam Chavenet. Madam Eulalie.

EULALIE

Hello! He says he's come home.

EUGÈNE

??

EULALIE

We will talk later.

EUGÈNE

I have an offer on a good mortgage transaction. Do you wish to make an investment?

EULALIE

*(without stopping, nods to the armoire.)*

Yes, if you think it's good.

EUGÈNE

Thank you.

*He takes out money from a drawer in the armoire.*

EULALIE

Will you be long? Mme. Chavenet is joining us for dinner.

EUGÈNE

Fine.

EULALIE

We're having gumbo filé and rice.

*He puts a pouch in his jacket and closes the armoire.*

EUGÈNE

Villorceaux will like that.

*He starts his slow walk out.*

EULALIE

And Crème Brûlée.

EUGÈNE

I will be home soon.

*He exits. The women start to fold and put away the fabrics.*

MME. CHAVENET

Do you ever say no to him?

EULALIE

When he asks, I always say yes. He has done very well for our family. I trust his judgment, especially with our investments.

*EULALIE takes away the baskets.*

*Lights begin to fade as MME. CHAVENET takes away the bolt of fabric. Lights back up on SOULÉ.*

SOULÉ

She says she is too old and may not remember things like she used to.

*EULALIE enters the parlor area with a piece of lace.*

EULALIE

Take this to her. She will remember well enough.

SOULÉ

I will talk to her and find out what she will tell the court.

*(putting away his papers)*

Madam, please excuse me. I have much work to do on your behalf. I want to file the affidavit for the Commission before the office closes.

EULALIE

Adieu. I hope my trust in you is not misplaced.

SOULÉ

*(bowing out)*

Adieu.

*SOULÉ exits. Lights fade out on EULALIE.*

ACT I  
Scene 6

*Lights up on courtroom. Judge Canon sits on the bench. Dim lights up on petitioner's row in audience.*

*PETITIONER 1 and PETITIONER 2 holding up their stylized masks enter from different directions.*

PETITIONER 1

She's rich!

*He sits.*

PETITIONER 2

There's even more money. One hundred eleven thousand two hundred eighty dollars and 37 cents!

*The gavel bangs. They both scramble to take their seats. Lights out on petitioners. Lights up on JUDGE CANON.*

JUDGE CANON

Monsieur Duvigneaud, are there any close relatives of the deceased among this long list of petitioners?

DUVIGNEAUD

His brother /

JUDGE CANON

Yes, his brother. Why has he not been to court?

DUVIGNEAUD

He is not well your honor.

JUDGE CANON

Monsieur Duvigneaud, I just want a little clarification as to who... these other petitioners are in relation to Eugène Macarty, the deceased.

DUVIGNEAUD

Yes, your honor.

JUDGE CANON (*sternly*)

No individual names at this time please, just the familial relationships.

DUVIGNEAUD

Yes, your honor.

(*referring to documents*)

One brother, two nieces, and... two godsons / and

JUDGE CANON

How many of these "legitimate heirs" are related by blood?

DUVIGNEAUD

There are some nieces and by marriage there are /

JUDGE CANON

Three direct blood relatives. And the other forty by marriage. Is that right?

PETITIONER 1

We're still the legal heirs.

JUDGE CANON

(*banging gavel*)

Monsieur Duvigneaud, caution your clients. If I hear another word from any of them, the courtroom will be cleared.

*DUVIGNEAUD clears his throat sternly looking at petitioners.*

*The stage is dimmed.*

*Lights come up on EULALIE sitting in the witness chair.*

EULALIE

Monsieur, I have told you, that is all.

*DUVIGNEAUD comes in closer.*

DAVIGNEAUD

These promissory notes are in your name only.

EULALIE

Oui, Monsieur.

DAVIGNEAUD

And you have given us a list of all the property?

EULALIE

Oui.

DAVIGNEAUD

Including all the immovables?

*EULALIE stares at DUVIGNEAUD.*

SOULÉ (*rising*)

Your honor. Monsieur Duvigneaud has asked these questions now more than once.

*Lights dim as EULALIE steps down from the witness chair and walks over to her observation spot and speaks to the audience.*

EULALIE

I had no more to say. I would not repeat myself. I had disclosed everything. No. There was one exception. I did not declare my furniture. Quite valuable. I was glad to be done with it. Their attorney was more concerned about my money in the bank.

*Lights down on EULALIE as she looks on.*

*DUVIGNEAUD approaches VIZINIER sitting in the witness chair.*

DUVIGNEAUD

Will the witness please state your name and business?

VIZINIER

Victor Vizinier cashier with the Bank of Louisiana.

DUVIGNEAUD

Monsieur Vizinier, in your deposition you stated there was a discrepancy in a check presented to the Bank of Louisiana by Eugène Macarty Jr. Please explain how that discrepancy came about?

VIZINIER

A check was made out to Eulalie Mandeville the 2nd of October in the sum of \$112,000 but it was refused and only \$111, 200 was credited to her account. Eugène Macarty Jr. immediately made up the difference with his own \$800 check which made the check good.

DUVIGNEAUD

So, the checks were from Eulalie Mandeville's son?

VIZINIER

Yes, checks were written by Eugène Macarty Jr. and signed by Eulalie Mandeville. She signed her checks herself.

DUVIGNEAUD

Did Eugene Macarty ever make deposits for his cohabiter under his own name?

VIZINIER

The elder Eugène Macarty had no transactions with the bank himself. Eugène Macarty Jr. deposited the checks there on behalf of Eulalie Mandeville.

EULALIE

*(aside to audience.)*

My son took care of my banking just as his father instructed.

VIZINIER

Eugène Macarty Jr. would insist on us writing the full balance on the bank books. Whenever checks were rendered, with each transaction between Eulalie Mandeville and the Bank.

DUVIGNEAUD

How often did Monsieur Eugène Macarty come in to the bank to handle his own transactions?

VIZINIER

I don't think I ever saw Eugène Macarty Sr. more than once or twice at the bank.

DUVIGNEAUD

There were several checks and transactions during those last months, especially in October, the month Monsieur Eugène Macarty died. What reason did the young Eugène give for handling Monsieur Macarty's affairs?

VIZINIER

He said his father was sick.

DUVIGNEAUD

Is that all?

VIZINIER

Yes, except I remember him leaving the bank with a wry smile.

DUVIGNEAUD

His father was sick and he was smiling. Thank you Monsieur Vizinier.

*DUVIGNEAUD returns to his seat.*

JUDGE CANON

Monsieur Soulé?

SOULÉ (*rising*)

Thank you, your honor. Monsieur Vizinier, is it your testimony since the opening of the bank, you have never seen Monsieur Eugène Macarty, the father, more than two or three times?

VIZINIER

Yes, sir.

SOULÉ

And you have often seen the son Eugène Macarty Jr. at the bank?

VIZINIER

Yes.

SOULÉ

And the account was in whose name?

VIZINIER

Eulalie Mandeville.

*Lights fade on courtroom up on EULALIE.*

EULALIE

*(to the audience)*

With Eugène's health failing, our son took over our business affairs. He was meticulous at keeping records. Eugène did not lend money at such high rates as his father. Macarty green greed was not in his blood. He did well by us... by our children and the children's children. But what now?

*She turns and walks off.*

BLACKOUT

ACT I  
Scene 7

*Lights on EULALIE'S parlor. She's arranging the percale over the back of the settee.*

*SOULÉ enters with a heavy stride.*

SOULÉ

The court has found in your favor.

EULALIE

We won!? This is good, yes?

*Pause.*

SOULÉ

Yes.

EULALIE

Why do you look as if we lost?

SOULÉ

They have already filed a petition to appeal.

EULALIE

They must be offering something different. Will I have to testify again?

SOULÉ

No, the judges in the court of appeals only read the transcriptions of the district court trials. They look for legal points of error in the documents.

*SOULÉ watches as EULALIE sits and taps her fingers on the armrest.*

EULALIE

Do you think you made some mistake? Can you fix it?

SOULÉ

I think the plaintiffs have made mistakes. I will review the trial documents thoroughly when I prepare my brief.

EULALIE

I knew Eugène's brother would expect more.

SOULÉ

His attorneys legal maneuver allows him to continue with the suit.

EULALIE

I don't understand.

SOULÉ

Nicolas has turned over his \$2000 inheritance to Forstall.

EULALIE

His nephew, *by marriage*, Charles Forstall? Humph. So now he leads this assault against me?

SOULÉ

It is still Nicolas, as if he has received nothing. As a matter of record, he has not legally claimed the \$2000 inheritance.

EULALIE

So Forstall gets Nicolas's money and they both can continue with this suit for more money. My money and my property.

SOULÉ

This trick may be just the thing to show the judges their lack of integrity.

EULALIE

They will continue to fight for what they have had no part. They are determined to take all that Eugène and I worked for ...

SOULÉ

We will fight harder, and win.

EULALIE

I have won before and lost in the end.

SOULÉ

That was long ago.

EULALIE

Are the judges so different now?

SOULÉ

They are and perhaps more expert in the law.

EULALIE

We will see. You will call on me tomorrow?

SOULÉ

I will or Janin will call to brief you on any new developments.

EULALIE

You come. I have grown use to you.

SOULÉ

Janin is a good man. A formidable advocate. But as you wish.

*He bows and exits. She plops down on the settee.*

EULALIE

This cannot all be about money.

BLACKOUT

END ACT I

ACT II  
Scene 1

*A small corner is lit in a murky haze.*

*Lively music and laughter is heard behind the walls of the small back-room filled with well-dressed gentlemen gathered in a circle playing a fast paced game of Crapaud (craps). The dice are in continual motion during a boisterous interchange as the men move about shaking the dice in the cup, throwing and picking them up and laying down paper money bets.*

*They yell out bets and taunts in French, overlapping each other.*

DUPONT

Sept!

BERMUDEZ

Vous gagnez. Encore Sept.

ST. AVID

Roll the dice.

*Dupont shakes, rolls, picks up the dice; while he shakes and goes through the routine, the men lay down notes to bet.*

BERMUDEZ

Three.

ALL

*(Overlapping moans, groans, and expletives.)*

Non, trois. Merde! Mon dieu! Trois. Prendre Moi. Vous n'a pas de couer. Merde.

DUPONT

La vache!

*BERMUDEZ picks up the dice and blows on them for good luck.*

AMERICAN  
(abrasive)

Throw the dice.

*A young EUGÈNE (he has the recognizable scar) walks in with his partner, MISOTIERE. ST. AVID pulls EUGÈNE over and pats him on the back.*

ST. AVID  
Eugène, my friend. You have the best luck. Come join us.

BERMUDEZ  
Six.

*While the group draws in closer, MISOTIERE, spots the AMERICAN and draws him aside. He slips him a small purse. BERMUDEZ shakes, throws, and shakes and throws again.*

AMERICAN  
Twelve. You lose!

*The American picks up the dice. The young better dressed aristocrat, BERNARD MARIGNY looks in over the group. The men try to get him to come in, "Bienvenue / Welcome."*

BERMUDEZ  
Bonjour Monsieur Marigny... Come join us.

DUPONT  
(to BERNARD)  
Oui, Monsieur Marigny. Show this American how you play the game.

*The others make way for him, but he shakes his head and walks around the room.*

AMERICAN  
He don't need to show me nothing. Five.

*Under the clatter of the crap game BERNARD spends a brief minute with EUGÈNE then leaves.*

*The AMERICAN throws amidst hollers and call-outs.*

ST. AVID

Cinq.

*Again and again the AMERICAN calls out, throws, and makes his point several times and wins.*

BERMUDEZ

Again? Are you cheating?

AMERICAN

Don't be a bad loser.

DUPONT

I'm with you. I will take that note.

*EUGÈNE enters the circle with a little push from ST. AVID.*

ST. AVID

Misotiere, move aside. Pass him the dice.

MISOTIERE

Macarty, you're in?

*EUGÈNE puts a paper note down.*

EUGÈNE

Yes, partner. I feel lucky.

*EUGÈNE throws the dice. He continues to throw the dice, rattling and throwing and winning. There are cheers and groans depending on players bet. BERMUDEZ bows out. EUGÈNE is on a high. He can't lose.*

MISOTIERE

I will wager my share of last weeks' profits. What will you wager?

EUGÈNE

The sawmill.

MISOTIERE

That belongs to your brother, no?

I built it ...  
EUGÈNE

With the wood ...  
MISOTIERE

DUPONT  
*(whispering)*  
They're betting against each other?

EUGÈNE  
Will you take the bet or not?

MISOTIERE  
Throw the dice.

*EUGÈNE puts the dice in the cup and shakes.*

EUGÈNE  
Seven!

*EUGÈNE throws down the dice.*

ALL  
*(cheering)*  
Seven! Sept.

MISOTIERE  
Your luck is strong. I will wager my entire share for the land and the mill.

*EUGÈNE starts to pick up his winnings but hesitates.*

MISOTIERE  
Afraid it won't last?

EUGÈNE  
My land?

DUPONT  
Is that his land?

BERMUDEZ  
His woman or her family. / I think.

Of course it's his. / Roll the dice.

ST. AVID

Maybe.

DUPONT

*EUGÈNE shakes the dice.*

Call it.

MISOTIERE

High!

EUGÈNE

*EUGÈNE rolls the dice.*

Eight.

AMERICAN

*EUGÈNE passes the dice over to MISOTIERE who shakes and rolls the dice.*

Four.

MISOTIERE

*EUGÈNE snatches up the dice and rolls. Dice fall under notes.*

What was it?

DUPONT

*The American rushes to retrieve the dice and hands them over to EUGÈNE.*

Nine.

AMERICAN

*EUGÈNE shakes the dice.*

For Eulalie.

EUGÈNE  
(softly)

Make your point.

BERMUDEZ

*EUGÈNE throws, prays the dice will fall in his favor then hangs his head.*

ALL (overlapping)  
Deux! / You lose. / Two! / You crapped out. / You lose.

MISOTIERE  
(picking up notes)

I win.

*Some men pat MISOTIERE's back as they pick up their winnings, others grumble and shuffle away if they lost. The AMERICAN nods to MISOTIERE before joining the winners.*

*EUGÈNE and MISOTIERE stand facing each other then shake hands. MISOTIERE walks off while EUGÈNE stares after him.*

*EUGÈNE, dazed, picks up a bottle of liquor and meanders until the area is cleared and the lights go dim.*

ACT II  
Scene 2

*There is a rush of wind and the shadows of leaves in a pasture. Mooing from many cows is heard nearby. The whistle of a steamboat is heard in the distance.*

*EUGÈNE leans on a tree trunk in the light of a setting sun. He's obviously been drinking for a while. His words are slurred.*

*DURALDE enters and watches his friend drinking from a bottle. EUGÈNE sings an old French-Canadian folk song as if he's actually plucking out the feathers of the lark.*

EUGÈNE

ALOUETTE, GENTILLE ALOUETTE,  
ALOUETTE, JE TE PLUMERAI.  
JE TE PLUMERAI LE BEC,

DURALDE

*(joining in)*

JE TE PLUMERAI LE BEC.

EUGÈNE

*(surprised but welcoming)*

ET LE BEC,

DURALDE

ET LE BEC,

EUGÈNE AND DURALDE

ALOUETTE, ALOUETTE!  
AH! AH! AH! AH!

DURALDE

Bonsoir my friend. Drinking alone?

EUGÈNE

*(Passing the bottle)*

Here. It is good to see you.

DURALDE

I needed to get out of the city.

*(breathes in deeply)*

Fresh air.

*(looking at the low level of liquid)*

You have been out here long?

EUGÈNE

I don't look forward to returning home. I can't face her.

DURALDE

Who? Eulalie? What did you do?

EUGÈNE

I was winning.

DURALDE

I thought you gave up gambling.

EUGÈNE

Not with money. If I had won. I was winning. I wanted to have more.

DURALDE

You have so much.

EUGÈNE

For her.

DURALDE

So... what happened?

EUGÈNE

*(taking a big swill)*

The mill is no longer mine.

DURALDE

What?! Your brother's mill?

EUGÈNE

No, the one I built on Eulalie's land... Her timber. I built it. With... his workers.

DURALDE

Misotiere? Now he owns the mill?

EUGÈNE

And the land. Her land.

DURALDE

Misotiere.

*(disgusted, takes a swig)*

Why were you ever partners with such a man? He was never your friend.

EUGÈNE

He had more capital. Who was I?

DURALDE

A hard worker. An honorable soldier.

*They continue passing the bottle.*

EUGÈNE

In the service of another country.

DURALDE

Against the British.

*EUGÈNE nods begrudging the point.*

DURALDE

You served in her father's regiment... You became friends?

EUGÈNE

I chose to follow him home. I missed New Orleans. He brought me to her. Ma chere Eulalie. So refined and refreshing. Unspoiled despite her riches.

DURALDE

Her mother was a slave from Haiti, right?

EUGÈNE

Not Haiti then, long before their revolution. Cuba maybe? The count sold her mother, but his mother, *Madame de Marigny de Mandeville* freed and adopted Eulalie. The baroness treated her like her own daughter. I wanted her to have just as fine a life.

DURALDE

Eulalie could never be happy living the life of the elite. Have you ever watched her at the Spanish Fort? Selling her fabrics and notions to the ladies? She may have one of her girls with her, but she does most of the work. And has most of the fun.

EUGÈNE

*(smiling)*

She is a something to behold. Nothing like the women in my family. Anyway, I have little to do with them. They keep their distance since I took up with Eulalie.

DURALDE

Except Nicolas.

EUGÈNE

Yes, my young brother visits us often... When he needs something. She always gives. That is one thing Eulalie and I have in common, our younger brothers. They get on in life with so little effort. One big difference, mine always has his hands out and Bernard keeps giving. Like her. I wanted to show her I could do more for her than the Mandevilles.

DURALDE

You were trying to outdo her family?

EUGÈNE

Misotiere came up with the idea to rent her land and cut down her timber. I was already helping her with the dairy and farming. Our vegetable garden did well.

DURALDE

And so you became a gentleman farmer.

EUGÈNE

I'm nothing now.

DURALDE

What will you do?

EUGÈNE

What can I do? I have nothing I tell you.

DURALDE

You have to tell Eulalie.

EUGÈNE

How can I face her?

DURALDE

Her dry goods business is doing well. Ask her for help.

EUGÈNE

No. I must figure out another way.

DURALDE

You'll find a way to start over again.

*EUGÈNE tosses the empty bottle in the woods.*

DURALDE

Come, my friend. This kind of talk needs more drink.

EUGÈNE

*(a bit wobbly)*

I think maybe I have had enough.

DURALDE

Come. We can figure this out.

*(coaxing with song)*

ALOUETTE, GENTILLE ALOUETTE,

EUGÈNE

Maybe just one.

DURALDE AND EUGÈNE

ALOUETTE, JE TE PLUMERAI.

*They exit as lights dim.*

ACT II  
Scene 3

*It is several hours later. The warm light of early morning floods a space where the young EULALIE facing front, looks into her bedroom mirror. She begins to wrap her hair with the colorful percale into a tignon.*

*EUGÈNE trips in.*

Bonsoir ma cher Eulalie.

Bonjour.

*He stumbles toward her.*

Where are you going? So early.

The shipment from the Irish mills comes in today.

You will not kiss me?

You reek of alcohol and ...  
*(turning away)*  
...the sweat of someone else. We will talk when I return.

I want your lips for more than talking.

Eugène, I must go now.

You are always going, going. Take that off.

*She gently but firmly pushes him aside.*

EULALIE

I must go. My merchants will be waiting.

EUGÈNE

I wonder who has more rules, you or...

EULALIE

I wonder if it was wise to move into the city?

EUGÈNE

You are the one with all the wisdom. You tell me.

*(Taking off her tignon and wrapping the cloth  
around her waist.)*

The law no longer demands you wear this.

EULALIE

I choose to wear it.

*She tries to take it back.*

EUGÈNE

I want to see your hair flow like the river. The mighty Mississippi...

*She resists his attempts to embrace her.*

EULALIE

I do not care for your leftover affections. Not now. You go off and take care of your business and leave me to take care of mine. I go to market early and come home early... To be with my family. I do not question where you go but you are gone too much these days and nights. Do you still call this your home? Our children wait to greet you. You're like a stranger come to visit.

EUGÈNE

I know where my home is. I come home.

*She maneuvers out of his grasp.*

EULALIE

Suzanne will draw you a bath.

EUGÈNE

I don't want a bath. / I want...

EULALIE

Then go to bed, sleep.

EUGÈNE

Do you want me to leave?

EULALIE

You are not making it easy to be with you.

*She turns back to the mirror to rewrap her Tignon.*

EUGÈNE

I must tell you something.

*They talk to each other via their reflections in the mirror.*

EUGÈNE

I did not want to come home... to tell you this.

*(taking a deep breath)*

I lost it.

EULALIE

*(attempting patience)*

Lost what?

EUGÈNE

The land.

*She turns abruptly to face him.*

EULALIE

You wagered the land!? The land my family gave to me. The land you and your partner rent from me?

EUGÈNE

Yes, Misotiere...

EULALIE

That land was yours in trust, not yours alone to wager.

EUGÈNE

I know. / I know.

EULALIE

And you are still partners with your... Misotiere?

EUGÈNE

No. Luck has put us on opposite sides.

EULALIE

Luck does not make sides, only losers.

*He finds a place to slump down.*

EUGÈNE

I am nothing without you. Destitute.

*She turns away again and busies herself preparing to leave. She talks quickly.*

EULALIE

I must get more fabrics.

EUGÈNE

Eulalie...

EULALIE

I can put some of the others out with my merchants.

EUGÈNE

Eulalie...

EULALIE

Henry will need to get the wagon.

EUGÈNE

Eulalie! Tell me I have not lost you. You're the only partner I need.

*EULALIE sticks the finishing touch of a pencil in her tignon. She forces herself to turn away from the mirror and face EUGÈNE.*

EULALIE

*(gathering her resources)*

We are not destitute.

EUGÈNE

Will you still have me?

*She grips and shakes his arms.*

EULALIE

I will have the man you promised to be.

*(relaxing)*

We must find a way to work together. For the children.

*Lights fade out on EUGÈNE and EULALIE.*

ACT II  
Scene 3

*Lights on DUVIGNEAUD standing center. He faces out looking over the audience to address the court.*

DUVIGNEAUD

...We have shown that the defendant, Eulalie Mandeville, free woman of color, and concubine to the deceased, Eugène Macarty did willfully and knowingly lay claim to the property and slaves rightfully belonging to the legal heirs. And money in the amount of eleven thousand one hundred and eight dollars and 37 cents deposited in the Louisiana Bank in the city to the credit of Eulalie Mandeville. Eleven thousand one hundred and eight dollars and 37 cents was fraudulently withdrawn by her only twenty three days before the death of Eugène / Macarty. Her...

*Lights out on DUVIGNEAUD, up on EULALIE.*

EULALIE

*(to the audience)*

There should be a limit on how long an attorney should be allowed to speak. He repeated eleven thousand one hundred and eight dollars and 37 cents like a litany.

*(bitterly)*

Eleven thousand one hundred and eight dollars and 37 cents! Every cent was put in my name because I earned it.

*Lights down on EULALIE.*

ACT II  
Scene 4

*Lights on EULALIE'S parlor. BERNARD MARIGNY, EULALIE's half-brother sits in the biggest parlor chair. EULALIE in her black mourning dress enters with outstretched arms.*

EULALIE

Bonjour, mon frère!

*They kiss each other's cheeks.*

BERNARD

Bonjour.

EULALIE

Have you been waiting long? Suzanne has just told me you were here.

BERNARD

Where are all your other slaves? I only saw the one. Suzanne?

EULALIE

Oui. It is only me and Suzanne here now. Eugène freed his old friend and his negress before he died. I was afraid the others would be taken away. They were on the list of property I had to give the court. I gave them the choice to stay under my protection or leave with free papers.

BERNARD

And only Suzanne stayed?

EULALIE

I must have someone here. Besides, she's old and has nowhere else to go. How I would protect her, I do not know. Let us not speak of the trial.

*He takes a seat on the settee and she eventually joins him.*

BERNARD

How are Emeriste and the children?

EULALIE

Ah. My darling daughter... They are still in Cuba.

BERNARD

I heard Barthelmy's plantation survived the hurricane.

EULALIE

Barely, '45 was not a good year for us.

*(almost lost in reverie she rouses)*

With the hurricanes and the competition, sugar has not been a reliable enterprise.

BERNARD

And your other children?

EULALIE

Villarceaux is back in Paris for now. He brings back some beautiful fabrics. Isi teaches in Québec. I wish they would both stay away and not return in these uncertain times.

BERNARD

You must miss them. Perhaps you're right. The Americans refuse to speak our French.

EULALIE

Isi writes the most delightful letters. Has he not written to you?

BERNARD

Maybe he has. I will check my correspondence.

*They relax, content in each other's company in  
silence.*

EULALIE

Eugènie has been a great help to me.

BERNARD

His father trained him well.

EULALIE

*(nods in agreement)*

He has his own ways though. He should be home soon. Will you stay for supper?

BERNARD

Kind of you to offer Sister, but I have another engagement.

EULALIE

Not a duel, I hope.

BERNARD

Not today.

EULALIE

Why any day? It's unworthy of you.

BERNARD

You no longer need to worry about me in duels. They have been outlawed.

EULALIE

As if that would stop you from doing anything you had a mind to do.

*(rising suddenly)*

Pardon my manners. Do you have time for some coffee or tea?

BERNARD

Something a little stronger? I take more pleasure in writing these days.

EULALIE

I think Eugène left some Absinthe in the armoire. What are you writing about now?

BERNARD

My general.

EULALIE

Don't praise your "Old Hickory" too much. Remember the Creek and the Choctaws!

BERNARD

I will give him his due. Will you join me?

EULALIE

*(going off)*

It is too strong for me. I will have some tea. It is already made.

*Bernard goes to the armoire and takes out the Absinthe.*

BERNARD

*(calling after her)*

You always drank café au lait.

EULALIE (O.S.)

I am older now.

*BERNARD checks his watch. He puts it back in his vest. He opens the bottle and looks for a glass. EULALIE returns with a small tray loaded with a cup of tea and a crystal glass with a cube of sugar on an absinthe spoon.*

BERNARD  
*(taking the tray)*

Allow me.

EULALIE

Merci. Sit.

*She takes the bottle and pours the drink over the  
cube followed by a couple drips of water.*

BERNARD  
*(raising his glass in a toast)*

To Eugène.

EULALIE  
*(lifting her cup)*

To Eugène.

BERNARD  
I used to see him sometimes out and about.

EULALIE  
As he got older, it was more about business.  
*(sips her tea)*

You know our grand-père liked to drink that. Grand-mère would say, "Regardez... Take a good look at him now. He'll be someone different after a glass or two."

BERNARD  
I remember he was more fun to be with then. Our cousin testified well on your behalf?

EULALIE  
He was unable to come. Soulé arranged for him and Eugène's friend, Duralde to give testimony on my behalf to a Commission.

BERNARD *(nodding)*  
Soulé and Janin? They are still pleading your case?

EULALIE  
They are still bleeding my purse.

BERNARD  
I was surprised Nicolas made an appeal. I thought he was fond of you.

EULALIE

He used to call me his "chere soeur." Money is obviously dearer.

BERNARD

And now it must go to the state Supreme Court?

EULALIE

Enough of trials.

*(sips her tea)*

I wonder who Nicolas borrows from now. His brother gone. And his sister, Madame Miro, long gone. / She would never ...

BERNARD

The governor's wife.

EULALIE

Ex-wife.

BERNARD

Ex-governor.

EULALIE

You should have been governor.

BERNARD

Too much opposition to universal suffrage.

EULALIE

*(folding her arms)*

It would have been a great dream for all *men of property* able to vote. Will a colored man ever be allowed to hold any office ... other than hangman?

*(sighing)*

Still, I am proud of you for standing up for your principles and for our langue Française. I would hate it if I had to speak English all the time.

*(raising her cup to him)*

You would have made a fine governor!

BERNARD

Under different circumstances, you would make a fine governor. You are the most principled person I know. I have learned much from you.

EULALIE

Little brothers are easy to sway.

BERNARD

Not just me.

EULALIE

Years of hawking my goods and training others was good practice.

BERNARD

*(theatrical)*

Industrious and wise, especially when it comes to money. Yes, I told the court of your virtues.

EULALIE

Virtues! Since this trial, most would simply call me an obstinate old woman.

BERNARD

Just because you want to keep what's yours?

EULALIE

Because they think I don't have the right to have what they want. Because they are bound by money and my family is of no concern to them. Because they expect to be given what I have worked hard to get for my children. Because in their eyes I am not a person, I'm a thing. They don't need anything I have. They just don't want me to have it.

BERNARD

I see.

*EULALIE pours some Absinthe in her tea and takes a healthy gulp.*

BERNARD

Can you believe Delphine LaLaurie is back in the city? She came to court.

EULALIE

She was his niece. He left an inheritance to another niece. Not her. *(pause)* Do you really think the stories are true? Shackled slaves in the attic? Tortured! The fire!

BERNARD

If she were not guilty, she would not have fled to Paris. She would have stood her ground, like you.

EULALIE

Or challenged her accuser to a duel, like you.

BERNARD

Carbonniere accused her.

EULALIE

Judge Carbonniere! Then I wager she did do it.

BERNARD

You're not a gambling person.

EULALIE

I hate to lose.

*Beat.*

BERNARD

Ma soeur...

EULALIE

Oui, mon frère?

BERNARD

Next time you go to court... maybe you should... try not to ...

EULALIE

What?

BERNARD

Don't act so... so damned high and mighty!

EULALIE

Were you listening to me? This new society would prefer I didn't even exist. I know what I am.

BERNARD

Even the Americans know *who* you are.

*EULALIE abruptly pushes herself up from the table rattling tea cup and saucer.*

EULALIE

Tell me Bernard... Who am I?

BERNARD

Besides being the natural daughter of our father...

*EULALIE starts to move away but he catches her hand and stands beside her.*

BERNARD (*cont.*)

You are a successful independent woman. A woman who has made a fortune in a trade by her own wit, industry and will. You are Eulalie Mandeville, the free woman of color who has defied color, class, gender and conventions to forge your own path. A path that has led to great prosperity. Envidable prosperity!

EULALIE

You think they envy my prosperity?

BERNARD

Envy and resent it too. The Macarty's and those who want to be a part of this new society will side with the Americans and forget what it means to be a Creole. This may not have been our land first...

EULALIE

Humph.

BERNARD

But we made New Orleans a special place. We turned Mississippi swamp land into a beautiful port city. The Americans want to control it all.

EULALIE

You sold most of your land. I'm trying to hold on to the little property I have.

BERNARD

*(smiling)*

It is not so "little."

*(toasting)*

For the children!

EULALIE

Yes. Strangers must not inherit what belongs to my children.

*(holding his face)*

My dear brother, thank you. Your visit has done much to lift my spirits.

BERNARD

*(finishing drink)*

Merci pour l'apéritif. Sister, you can only be you. It will be enough. Au revoir.

*They embrace and kiss each other on both cheeks.*

EULALIE

Au revoir.

*BERNARD exits. EULALIE watches him leave. She takes in a deep breath and lets it out slowly.*

EULALIE

High and mighty. Humph. But oh my God, let them not triumph over me.

BLACK OUT

ACT II  
Scene 5

*Witnesses for both sides enter with a guitar playing musical interlude, something like the bullfighting Paso Doble or the music of the Tarantella by L.M. Gottchalk. Their movements are perhaps choreographed like a battle scene or a duel. Witnesses for the plaintiffs are on one side led by DUVIGNEAUD and St. Avid, the others are Dupont, Bermudez and LaCoste who speaks sometimes for and sometimes against EULALIE. On the other side, witnesses in defense of EULALIE, led by SOULÉ include BERNARD, DURALDE, OLIVIER and MME. CHAVENET. The opposing sides alternate shouting/calling out excerpts from their testimonies.*

*Their movements will build to thrusting threats.*

ST. AVID

She had nothing when he took up with her.

OLIVIER

Her father gave her small pieces of land and money.

ST. AVID

Eulalie Mandeville did not have a fortune. She received some trifles from her relatives.

BERNARD

She has always been enterprising / industrious / economical and very intelligent.

DUVIGNEAUD

The donations were illegal.

SOULÉ

Eulalie Mandeville was a laborious and active person.

ST. AVID

Pierre Mandeville's daughter by a slave!

LACOSTE

Macarty did considerable business with the brokers.

DURALDE

He told me he used her money.

ST. AVID

His sister loaned him \$2000 to start his fortune.

OLIVIER

Her brothers gave her land and money.

DAVIGNEAUD

Cohabiting with a woman of color / it is not moral.

DURALDE

He was fond of women.

DAVIGNEAUD

It is unlawful to give to his concubine.

ST. AVID

I've heard it said, she was placéed.

BERNARD

Nonsense. Our father gave her \$3000. Eulalie had her own capital.

DURALDE

Eugène Macarty was not very rich but was hardworking.

DUPONT

Her business was not as extensive.

OLIVIER

Retailing since 1799. She peddled in the city and sometime in the country.

BERMUDEZ

I don't think she did much business.

CHAVENET

She had Negro women who sold her dry goods in the street.

ST. AVID

Before I left for France in 1822, he was always doing good business. / We were very close.

LACOSTE

Buying in bulk. There were others who made their fortunes that way.

OLIVIER

She has been retailing dry goods for as long as I can remember.

ST. AVID

It is my opinion that the fortune was made by Macarty.

SOULÉ

He helped her invest her profits.

ST. AVID

I've heard it said that she was stingier and ruthless. When I returned to the city in 1842, we never spoke of her.

LACOSTE

The dry goods business was very lucrative at that time, selling on so large a scale.

DAVIGNEAUD

Discounting notes was lucrative.

CHAVENET

He was a good manager.

SOULÉ

He managed her money well.

DAVIGNEAUD

His interest rates were usurious. He was shaving notes at twenty percent.

LACOSTE

I got a loan once from her for only one percent.

BERMUDEZ

He liked to shave but he was honest.

ST. AVID

He was a rich man. Everyone said so.

DURALDE

Macarty himself told me he put her money out at interest.

CHAVENET

She was more economical, steady, industrious.

LACOSTE

She had unlimited credit.

BERNARD

He was a money lender till the year he died.

DUVIGNEAUD

It was his money.

SOULÉ

It was her money.

*The opposing sides face each other, then back away  
simultaneously in different directions. Music ends.*

BLACKOUT

END ACT II

ACT III  
Scene 1

*Some kind of tempestuous music plays.*

*Candles and wall sconces dimly light  
EULALIE's parlor.*

*EULALIE paces around the furniture. SOULÉ  
watches until she finally sits.*

EULALIE

Merde! Je suis très fatigué. Tired, tired, tired of it all do you hear me?!

SOULÉ

You should take some satisfaction in knowing the Appellate Court judgement was also in your favor.

EULALIE

My life is still in jeopardy.

*(She jumps again.)*

Do they think I will give up? Will they present the same evidence as before?

SOULÉ

The same and nothing more.

EULALIE

They will not be satisfied till they take everything away from me. As if Eugène and I had lived a lie. I cannot join him with nothing for our children to inherit. No land. No property. No money. No assets. They want to see me humiliated and disgraced.

SOULÉ

Madam Macarty -

EULALIE

My legacy to be known as a common...

SOULÉ

Madam, calm yourself.

EULALIE

*(flops down on the settee)*

... colored woman.

SOULÉ

It's the appellant's attorney's last chance to persuade the judges to change the judgement in their favor. The Supreme Court is the court of last resort.

EULALIE

Will they be there? The "legal heirs!"

SOULÉ

It's an open court, but only the attorneys are allowed to speak.

EULALIE

They behaved shamelessly in the district court.

SOULÉ

No matter how they behave, the court is sure to see their claim is unjust.

EULALIE

You are always so sure.

SOULÉ

We have prevailed so far. And now -

EULALIE

What kind of justice is it when what is just is challenged over and over again? It is hard to trust such a fickle system of justice.

SOULÉ

We have already won our case... twice. Now it comes down to the final oral arguments.

EULALIE

Will you tell them again how we, Eugène and I, worked and invested our money? I know I didn't do it all on my own. Neither did he.

SOULÉ

Yes. I will make sure the justices see that it is clearly in the testimonies. Despite Duvigneaud's new focus on the claim of fraud.

EULALIE

Fraud?! How dare they. Now it is not just me they accuse. They accuse Eugène. No one ever accused him of being dishonest. High rates, yes, but *dishonest*, no, never.

SOULÉ

There was never any testimony -

EULALIE

The Louisiana Supreme Court has not been my friend. I wonder if Alonzo was still on the court how he would rule?

SOULÉ

Do you consider him a friend?

EULALIE

Before he was a judge, he was our attorney for many years.

*Beat.*

SOULÉ

It would not be ethical for me to approach him.

*(pause)*

But I'm sure he has heard of your case.

*EULALIE looks at him.*

EULALIE

Continue to do your best. I must win. Not just for the children, for Eugène.

*SOULÉ bows and takes his leave.*

BLACK OUT

ACT III  
Scene 2

*In the dark, a clerk calls out, "Oyez, Oyez, Oyez."*

*Lights come up on DUVIGNEAUD standing in the center. He looks up over the audience, to the judges above. He is completing his argument.*

DUVIGNEAUD

Honorable Justices of the Supreme Court of the State of Louisiana, this case, to use the language of the judge of the lower court, offers for the moralist the sad example of an outrageous violation of all social laws and all legal connections.

In effect, it offers not just for the moralist a sad example of a flagrant violation of all social laws and all legal connections, it also offers for a magistrate a sadder example of a flagrant violation of a specific clause of the law that governs us.

In all the civilized countries where the Gospel has planted its standard, the legislators have considered that the maintenance of good morals is the firmest base on which to build the social construct. Marriage was therefore instituted under the protection of religious law, and concubinage was prohibited. All legislation protects the one and prohibits the other...

*Lights down on DUVIGNEAUD as lights come up on EULALIE.*

EULALIE

And on and on. Nothing of the life we shared. Our family grew and prospered in spite of the legal and morality claims against us.

*(walking towards center)*

Soulé, do not fail me.

*SOULÉ enters as the light dims on EULALIE. He stands before her at the podium.*

SOULÉ

May it please the court. Good afternoon. Nicolas Théodore Macarty and the forty-two other plaintiffs, have made their final appeal. On behalf of the defendant, Eulalie Mandeville, I represent that their case has proven without merit. The defense is, that all the property claimed is truly, honestly and legally the property of the defendant.

*(pause)*

When she and Eugène Macarty began to cohabit in 1796, he had nothing. He borrowed \$2000 from his sister to start his business of selling vegetables, wood and milk. Milk at least in part from the defendant's cows. And the firewood he sold was also made, at lease

SOULÉ (*CONT.*)

in part, from her land. Her grandmother had given her land at Terre aux Boeufs, Her father had given her \$3000 and her brothers also gave her money. All these donations were made before 1800, the year her father died.

EULALIE

Remind them again how I earned my money?

SOULÉ

She was already carrying on a trade in dry goods with the women of the Spanish settlements at Terre aux Boeufs. A trade she continued for a great number of years.

JUSTICE KING (*OFF*)

Monsieur Soulé, I notice that no acts are in her name before 1810, only a few purchases and sales of slaves. Where did the money go?

EULALIE

Tell them how we made our fortune *together*.

SOULÉ

Your honor, I would like to point out in the testimonies that Macarty told his friend Duralde and other witnesses he was doing business with the defendant's money. He treated her fortune as his own. It is probable that Macarty treated and considered the defendant as his wife and she had the confidence in him to never call him to account. The code of 1825 now prohibits their fortunes tied together, not before, not when their fortune was steadily growing.

JUSTICE EUSTIS

We are trying to make some determination a to the plaintiff's claim to legitimacy.

SOULÉ

Justice Eustis, may we draw the court's attention to the last will of the deceased Eugène Macarty, filed in the late probate court on the 27 of October 1845, wherein he bequeaths a sum of \$2000 to his brother Nicolas Théodore Macarty, the lead plaintiff in this case,

EULALIE

I warned him.

SOULÉ

his godson Auguste Montreuil, \$2000 and to his niece Marie Favre Dauvnoy \$500. He gives \$300 to the natural children he had with Eulalie Mandeville. The only living child not bequeathed lives in Cuba and will not likely return to this country to collect an inheritance. These are the heirs named in his will acknowledged by the deceased. We believe all the others, all the plaintiffs down to the minors, Julienne and Amalie Arnault at one part of 420 each have no just claim to the fortune, which Eugène Macarty and the defendant, Eulalie Mandeville built together. Not money, property or slaves.

*Dim spotlight up on EULALIE. Her focus is on SOULÉ when not addressing the audience.*

EULALIE

*(to audience)*

There will be no slaves left to claim.

SOULÉ

On the matter of fraud. Their own witnesses have testified to the openness of the financial affairs of this longstanding couple.

EULALIE

*(to audience)*

Almost 53 years.

SOULÉ

Business associates, city leaders, neighbors have all testified approvingly on my client's behalf. Even witnesses for the appellants have, unwittingly or not, testified to her integrity and industry. There is no fraud.

EULALIE

*(to audience)*

What would have become of us if we had stayed in the country milking our cows and selling our own wood and vegetables? La Nouvelle Orleans held such promise.

SOULÉ

Eulalie Mandeville was far from destitute when Eugène Macarty took up with her. Concubine or not, it was her largesse that was the foundation for their fortune. The gifts of money and land and slaves from her father and brothers far outweigh the loan from his sister. There is no fraud.

*EULALIE points to the petitioners.*

EULALIE

*(to audience)*

They would have you think our life together was a fraud.

SOULÉ

One final point, your honors. Most of the so called "legitimate heirs" of Eugène Macarty had only a distant acquaintance with him.

EULALIE

*(to petitioners)*

You did not even know him.

BLACKOUT

ACT III  
Scene 3

*Lights come up on EULALIE'S and EUGÈNE'S bed room. EUGÈNE, looking pale and weak, cowers beneath the bedcover.*

*EULALIE stomps back and forth in front of the bed.*

EULALIE

How could you? After all we've been through. After all these years. 50 years!

EUGÈNE

Fifty-two.

EULALIE

Two too many.

EUGÈNE

But all the other assets are in your name.

EULALIE

But to make a last will and not tell me?! You know your brother always wants more. Your Macarty family...

EUGÈNE

You are my family. You and our children.

EULALIE

Were you thinking of our children? Your brother... (*shaking her head*) and some of the other Macarty relatives will surely think I tricked you into something against your will.

EUGÈNE

I did what I thought best.

EULALIE

Two thousand dollars! You left Nico twenty-five hundred when you thought you were dying 40 years ago.

EUGÈNE

Depreciation.

EULALIE

That is not funny. He has borrowed that much in a year.

EUGÈNE

Has he paid it back?

EULALIE

You know he hasn't.

EUGÈNE

I would have made him sign a promissory note to make sure he knew it was a loan.

EULALIE

That's why he comes to me and not you.

EUGÈNE

You don't even charge him interest.

EULALIE

And you charge too much!

*EUGÈNE starts to cough, holding the sheet tightly under his chin. EULALIE goes to him and fluffs the pillow up behind him. She strokes his cheek.*

EULALIE

Mon cher, I did not mean to upset you.

EUGÈNE (*weakly*)

Have Henry get the priest.

EULALIE (*alarmed*)

Why must you call a priest? Are you ready to take your last rites?

EUGÈNE

Père Etienne. Tell Henry to go to the church and return immediately with him.

*EULALIE runs out.*

EULALIE (*O.S.*)

Mon Dieu! Henry! Mon Dieu!

*EUGÈNE smiles and removes the sheet. He wears a dress shirt and a pair of trousers. He goes to the chair and puts on his jacket with effort. He sits and strains to reach his shoes.*

*EULALIE returns to find him struggling to put on his shoes.*

EULALIE

What are you doing? Why are putting on your shoes? Père Etienne should be here any moment. Get back in bed. You should rest.

EUGÈNE

I want to look presentable.

EULALIE (*resigned*)

Let me help you.

*(feels his forehead)*

You are warm. Take off this jacket.

EUGÈNE

No. I want to keep it on.

EULALIE

Mon Dieu, Eugène. Do you plan to refuse the Lord himself on your deathbed?

EUGÈNE

I am not getting back in bed. And I'm not dying. Not today.

*Beat.*

EULALIE

Promise me.

*EULALIE sits him down and helps him put on his shoes. She stands before him not knowing what else to do.*

EUGÈNE

Eulalie, take my hand.

EULALIE

Oui, mon cher.

EUGÈNE

Will you marry me?

*She snatches her hand away but feels his forehead again.*

EULALIE

You do have a fever!

EUGÈNE

*(taking her hand again)*

You have put up with me in sickness and in health.

EULALIE

We are married in our way.

*He kneels before her.*

EUGÈNE

Not in the eyes of the law.

*She clasps her hands around his and half-falling  
kneels before him.*

EULALIE

In the eyes of God you are my husband.

EUGÈNE

You have been more a wife to me than I deserved. In meagre times and times of plenty.  
When I needed you, you were there / for me.

EULALIE

You have always been here...

*(choking up, patting her heart)*

... my heart.

EUGÈNE

And you, my backbone when I was weak.

*(struggling to get up)*

I think you'll have to help me up.

EULALIE

Who is going to help me? My knees are no better. We are too old for this.

*They help each other up.*

EUGÈNE

You have taught me so much. What it means to be diligent in business.

EULALIE

You have excelled at lending money.

*EUGÈNE gently touches her lips.*

EUGÈNE

How to be a strong and loving father.

EULALIE

I think our children did that for you.

EUGÈNE

I know it took me longer than you would have wished, but you taught me how to be a good husband.

EULALIE

When you first called on me, I knew I would be yours.

EUGÈNE

We will make it legal.

EULALIE

Eugène, I wish it were possible.

EUGÈNE

I say it is.

EULALIE

I wish it were so!

*The priest rushes in with his sacramental cloth and Bible in hand trying to catch his breath.*

EUGÈNE

Who are you?

EULALIE

Who are you?

PRIEST

Père Moulard from St. Augustine. Père Etienne sent me.

EUGÈNE

Are you authorized to perform a lawful marriage?

PRIEST

I am.

EULALIE

By the church? The Roman Catholic Church?

PRIEST

I am.

EUGÈNE

Then marry us!

*Lights fade as the priest opens his Bible. EULALIE  
and EUGÈNE face each other to take their vows.  
The bells of St. Augustine peal out.*

BLACKOUT

ACT III  
Scene 4

*Lights up on EULALIE'S parlor.*

*SOULÉ stands alone, somewhat uncomfortable, next to EULALIE's chair. She enters and offers her hand in greeting. He takes it and helps her to her chair.*

EULALIE

How long before they make a decision?

SOULÉ

The justices may take some time to deliberate the legalities of the case. We want them to take their time.

EULALIE

These trials have wearied me.

SOULÉ

You have withstood much. Just awhile longer.

EULALIE

I am no longer young. My children should not have to wait to have what is theirs by rights now.

SOULÉ

You and Eugène have done well by them. The court justices will see that.

EULALIE

We will see if the justices can be just.

SOULÉ

No "ifs." Just awhile longer. I'm sure they will affirm Judge Canon's decision. They can't deny you are a woman of great character, deserving of respect and all that is your due.

EULALIE

You cannot be sure of anything in these times. Free persons of color are losing their place here.

SOULÉ

You still have rights.

*She looks at him with a sad smile.*

EULALIE

We have never had any real rights. We cannot vote, marry outside our race... We made a space for ourselves. Now that space is closing in. Free people of color are regarded no different than slaves.

*SOULÉ watches EULALIE walk away.*

BLACKOUT

ACT III  
Scene 5

*Outside the justices' chambers two men in dark suits are talking; JUSTICE EUSTIS and former justice, MORPHY.*

JUSTICE EUSTIS

Morphy, I know you and Eugène Macarty were friends.

MORPHY

That was many years ago.

JUSTICE EUSTIS

You were not called as a witness.

MORPHY

It would not have been proper for me to testify on her behalf.

JUSTICE EUSTIS

Enough. The case has been presented.

MORPHY

*(taking his leave)*

I have no doubt you will rule according to the law and precedents.

JUSTICE EUSTIS

*(calling after him)*

Without any undue influence.

*An area lights up on the justices' chambers. Black robes are draped over pedestals and chairs. JUSTICE EUSTIS walks in on the other two JUSTICES in a heated argument.*

JUSTICE KING

That was not my interpretation!

JUSTICE SLIDELL

Justice Eustis! We should have recused you.

JUSTICE KING

Is it too late?

JUSTICE EUSTIS

On what grounds would you recuse me.

JUSTICE SLIDELL

You know her.

JUSTICE EUSTIS

Everyone knows her.

JUSTICE KING

And her brother, Bernard Marigny. / The name alone...

JUSTICE SLIDELL

Half-brother. You stood with him at the '45 Convention.

JUSTICE EUSTIS

I spoke for the causes I believed in. As did Monsieur Marigny. That is no reason to recuse myself.

JUSTICE KING

Has she been in your court before? How did you find?

JUSTICE EUSTIS

That has no bearing on this case. Which of you have not sat in judgement of some wrong Madam Mandeville has been accused of?

JUSTICE KING

Not me. Never in my parish.

*JUSTICE EUSTIS takes off his jacket and settles in.*

JUSTICE SLIDELL

We have a shortage of justices.

JUSTICE EUSTIS

Do either of you claim to be more impartial? Or fair?

JUSTICE KING

Will you be fair to the family?

JUSTICE SLIDELL

Which family?

JUSTICE EUSTIS

Whose family?

JUSTICE SLIDELL

It is our duty to adhere to the law.

JUSTICE EUSTIS

The legalities of this particular case is all we need to concern ourselves.

JUSTICE KING

The two of you were on opposite sides in the senate debates.

JUSTICE EUSTIS

Now we must come together. We must show the city, the state of Louisiana, this court is just, beyond reproach.

JUSTICE KING

True. Justice Slidell, your knowledge of common law principles on questions of commercial and partnership law are invaluable in this case. Justice Eustis, the state owes you a debt in expediting these cases since you became Chief Justice. Let us proceed.

JUSTICE EUSTIS

Thank you, Justice King.

JUSTICE KING

As presiding justice give us your opinion first.

JUSTICE EUSTIS

I believe we should uphold the judgement of Judge Canon. The plaintiffs have not proven their case. There is no basis to support fraud.

JUSTICE SLIDELL

Their partnership has been in accordance with the laws at the time of occurrence. Before 1825, the law was not so stringent as it is now.

JUSTICE KING

But what of the unlawful donations to defraud his heirs?

JUSTICE EUSTIS

This is not like *Cole v Lucas*. Fraud in our jurisprudence requires the strictest proof. *Metayer v. Metayer*. Neither party can prove when their fortune began to increase.

JUSTICE SLIDELL

Or when one became greater than the other.

JUSTICE KING

What of the fact that she was his concubine?

*JUDGES EUSTIS and SLIDELL both look at KING  
in exasperation.*

JUSTICE SLIDELL

We must follow the dictates of the law.

JUSTICE EUSTIS

We are sworn to uphold the existing codes of law.

JUSTICE SLIDELL

In due respect to the laws of the past as it applies to the actions of the past.

JUSTICE KING

But what of *inter vivos*?

JUSTICE SLIDELL

I am of the opinion there was no gift. What say you Eustis?

*JUSTICE EUSTIS nods his head in contemplation.*

*Lights fade out on the justices as they continue to deliberate.*

ACT III  
Scene 6

*Lights come up on the courtroom of the Louisiana Supreme Court. The dais is at its highest level. The three stately chairs behind the bench are empty. The attorneys are seated on either side and EULALIE sits in a chair in her spectator spot. Witnesses, plaintiffs (some holding up their stylized masks) scramble to take their seats before the court crier calls out.*

VOICE (O.S.)

Oyez, oyez, oyez. Tous se lèvent!

*The petitioners quietly rise and the attorneys stand with gravitas as the three judges march in and take their seats.*

*JUSTICE EUSTIS bangs the gavel.*

JUSTICE EUSTIS

Tous être assis.

*All sit.*

*There is quiet.*

JUSTICE EUSTIS

This Supreme Court of the State of Louisiana has weighed the testimonies, briefs and other documents as well as the oral arguments regarding the very large fortune of the deceased, Eugène Macarty.

*Light slowly coming up on EULALIE sitting on the side.*

EULALIE

Our fortune.

JUSTICE EUSTIS

The district court and court of appeals found in favor of the defendant, Eulalie Mandeville. We see no basis to disagree with the lower court's ruling.

*EULALIE gasps.*

JUSTICE EUSTIS

We concur with Judge Canon of the district court as he noted: (*reading*) "no doubt parental love, the strongest tie on earth suggested to both of them that their own children were, perhaps, better entitled to inherit the proceeds of their labor, than the collateral heirs for whom they felt little or no regard."

*Low mumbles from the petitioners. JUSTICE EUSTIS looks up and bangs the gavel three times.*

*Silence.*

JUSTICE EUSTIS (*cont.*)

From what is before us, we do not feel ourselves at liberty to declare that the last twenty years of" Eugène Marcarty's long life has been a continued cheat, and that he closed it with a falsehood on his lips.

EULALIE

What he did said more than any words.

JUSTICE EUSTIS

We are not insensible to the appeal made to us in this case, in the interest of morals, religion and social order; and we have on a recent occasion, reversed the verdict of a jury... and restored a large estate, which a party had attempted to deprive them of by an indirect donation to a concubine ...Cole v. Lucas. At the same time that we are bound to give effect to our laws made in the interest of families, it would be an abuse to bring them in conflict with the right of property, under which the defendant claims the subject of the present suit. She bases her defense on that right, and we find no warrant in the law or evidence for disturbing her in the enjoyment of the fruits of the labor and thrift of a long life."

*JUSTICE EUSTIS looks over to SOULÉ, SOULÉ looks over to EULALIE and finally smiles.*

JUSTICE EUSTIS (*cont.*)

Judgement affirmed.

*JUSTICE EUSTIS bangs the gavel one final time.*

BLACKOUT

ACT III  
Scene 7

*Lights come up full on EULALIE. She pushes herself up from the chair facing the audience.*

EULALIE

Je m'appelle Eulalie de Marigny de Mandeville

*(pulling herself up even taller)*

Macarty!

*The triumphant orchestration of Edmond Dédé's "Grande valse à l'Américaine" plays as she walks out into the world.*

BLACKOUT

END OF PLAY

## **VITA**

The author was born in Chicago, Illinois. She obtained her Bachelor of Art's degree in Speech and Drama from Valparaiso University in 1969. She joined the University of New Orleans Creative Writing graduate program to pursue an MFA in Playwriting.