



# ***The Habeas Corpus Fracas:*** ***Pensacola, 1821***

a dramatic encounter with a defining moment in Florida's multicultural history  
for Theater with a Mission's New Flag for Florida initiative

speaking roles

residents of Spanish Pensacola

**José María Callava**, outgoing governor of Spanish West Florida  
**Domingo Sousa**, civil servant and assistant to Callava

**Mercedes Vidal**, free woman of color, heir to land grants  
**Eufrosina Hinard**, mother of Mercedes and Carolina

**La Fleur**, French widow, accomplished dancer, life of the party

new arrivals from the United-States

**Andrew Jackson**, incoming governor of Florida Territory, USA  
**Rachel Jackson**, Andrew's motherly, moral, countryfied wife

**Richard Keith Call**, soldier, aide-de-camp, and future territorial governor  
**Henry M. Brackenridge**, lawyer, diplomat, and future judge

**Eligius Fromentin**, incoming federal judge for West Florida

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### **a note about formatting**

This script does not look like plays you'll find printed in anthologies, rented by MTI, or sold by Samuel French.

That's because the actors who premiered this script asked for the variations in font and the poetry look of the layout that follows.

The cast who created these characters (pictured on the title page) requested this idiosyncratic formatting to facilitate their individual character work.

I think anything that helps speed the staging of vibrant voice from Florida's multicultural past is a great idea ... so the script you see here may look as well as sound unique.

Enjoy!

## Flag-Raiser

Jackson actor

Ladies and Gentlemen,

Callava actor

Damas y Caballeros,

Fromentin actor

Mesdames et Messieurs,

Eufrosina actor

Children and Senior Citizens,

Rachel actor

welcome to *The Habeas Corpus Fracas*

La Fleur actor

by Theater with a Mission.

Sousa actor

*The Habeas Corpus Fracas* is a true story,  
right out of Florida history  
202 years ago.

Mercedes actor

In 1821, Florida changed flags.

Callava actor

The Spanish saltire descended to half-mast.

Jackson actor

The stars and stripes rose to meet it.

Fromentin actor

Then Spain's flag  
gradually, gracefully, regretfully  
stepped down ...

Eufrosina actor

... while the US flag rose up  
and started dancing  
to a tangy Pensacola breeze.

La Fleur actor

1821 wasn't the first time that the  
US flag had flown over Pensacola.

Call actor

In 1814,  
to set the stage for the Battle of New Orleans,  
Andrew Jackson marched into Pensacola,  
lowered the Spanish saltire  
and raised the stars and stripes.

Brackenridge actor

In 1818, declaring war on  
'rogue Indians and runaway slaves,'  
Andrew Jackson marched into Pensacola again.  
The Spanish saltire came down  
while the stars and stripes went up.

Mercedes actor

In 1821, the US flag came to Pensacola to stay.  
The United States and Spain  
had finally ratified a treaty  
that changed the flag for both of the Floridas –

Call actor

for East Florida,  
where José María Coppinger  
was Governor in St. Augustine,

Brackenridge actor

and for West Florida,  
where José María Callava was Governor in Pensacola.

Sousa actor

Guess who President Monroe chose  
to bring the US flag to Pensacola  
for the third time?

All

John Quincy Adams? John C. Calhoun? James Gadsden? Andrew Jackson?

Rachel actor

Andrew Jackson!  
Governor Jackson even brought his wife  
Rachel to Pensacola.

La Fleur actor

There, the Jacksons met  
all kinds of colorful characters –  
characters we're about to bring to life for you.

I'll be playing Chérie La Fleur,  
a widow who danced so wondrously  
that Wiley Housewright wrote her into his  
*History of Music and Dance in Florida*.  
Voilà!

Brackenridge actor

I get to play Henry M. Brackenridge.

Call actor

(The M. stands for Marie!)

Brackenridge actor

Before coming to Florida,  
Brackenridge went undercover as a spy.

## Google Henry M. Brackenridge!

Call actor

(The M. stands for Marie!)

Call actor

I'll bring you face to face with  
Richard Keith Call,  
Jackson's personal aide  
during the Battle of New Orleans.  
Look up Richard Keith Call on Florida Memory!  
You'll find all kinds of good dirt  
digitized in the R.K. Call Papers.

Fromentin actor

I play Eligius Fromentin,  
an escapee from the French Revolution  
who became Senator from Louisiana  
and the first US judge for West Florida.

Mercedes actor

My character has French roots, too –  
Mercedes Vidal,  
born in New Orleans.  
If you think women,  
especially Black women,  
didn't do much that made history in Florida,  
my story is gonna surprise you.

Eufrosina

I play Mercedes's mama –  
Eufrosina Hinard,  
mulata libre.

Mercedes

(that means Free Black Woman ...)

Eufrosina

I've got a talent for business  
that I pass on to my children.

You can find a whole Wikipedia entry  
about Eufrosina Hinard.

Here's how to spell my last name:

Eufrosina and Mercedes

H-i-n-a-r-d.

Sousa actor

No French in my character:

Domingo Sousa,  
100% Spanish clerk.

I had a great job in Spanish Pensacola as  
Governor Callava's right-hand man.

Look me up on pensapedia,  
the Pensacola encyclopedia!

S ... o ... u-s-a, spells Sousa!

Callava actor

Mi papel representa el último Gobernador español ...

Jackson actor

... translation please? ...

Callava actor

I play the part of José María Callava,  
last Spanish governor of West Florida.

My name crops up in 1821 Congressional hearings  
about the conduct of Andrew Jackson.

Rachel actor

I'll play Rachel Jackson,

the new Governor's wife.

Jackson actor

That leaves me with the role of Andrew Jackson,  
first Governor of Florida for the USA,  
highly controversial, hugely cantankerous.

La Fleur

Alors:

The time is 1821.

The place is Pensacola.

The story is a habeas corpus fracas involving  
incoming Governor Andrew Jackson  
outgoing Governor José María Callava  
federal judge for West Florida Eligius Fromentin  
and plaintiff Mercedes Vidal.

Jackson

Ready? Set? Let's go!

Oh ... How do we get the story started?

Mercedes

Ooo! Ooo!

Let's start with Mercedes!

I'll take my petition to Governor Jackson ...

Eufrosina

No child,

let's back the story up to Eufrosina!

I'll hire 2 lawyers:

Brackenridge

Henry M. Brackenridge

Call

Richard Keith Call.



Fromentin

Start the story with  
Judge Fromentin  
convening court!  
Order, order!

Callava

No, no, no: the point of attack  
should be Callava packing up  
the documents vital to the case of Miss Vidal!

Sousa

documents selected by Domingo Sousa –  
secured, with great commotion,  
for a trip across the ocean!

La Fleur

The dance! The dance!  
Let's kick off with La Fleur leading  
the Spanish Dance!

Rachel (*whistle*)

Here's an idea ...

ALL

Yes, Aunt Rachel?

Rachel

Let's start our story with the change of flags.  
That's where this habeas corpus fracas really begins.

ALL

Hear, hear!

Oye!

Well said, Aunt Rachel!

Qué lindo!

Le mot juste!

Jackson

Ladies and Gentlemen,

Callava

Damas y Caballeros,

Fromentin

Mesdames et Messieurs,

Eufrosina

Children and Senior Citizens,

La Fleur

*The Habeas Corpus Fracas*

by Theater with a Mission

begins with a new flag for Florida,

carried onstage to an anthem

that all of you are bound to know,

played by our guitarist, Charles Santiago!

### Salute

ALL

*“O say, does that star-spangled banner yet wave*

*O’er the land of the free ... and the home of the brave?”*

**Jackson** (with 23-star US flag)

23 stars

13 stripes:

a flag flies a country’s history –

13 stripes for 13 colonies,

whipping Britain’s imperial as...pirations

46 years ago,

during the American Revolution,

then again 6 years ago

during the Battle of New Orleans!

23 stars for 23 states,

setting the stage for expansion  
from sea to shining sea  
right now in 1821.

Old Glory, they call me Old Hickory.  
I'm Andrew Jackson,  
incoming Governor of Florida Territory,  
and I salute you!

*Callava enters singing, with Spanish saltire*

ALL

*“Tengo fé en el despertar de España:  
Por siglos y siglos, ante gente estraña,  
Siempre invicta fué ...”*

**Callava**

El Pendón militar del Rey Católico:  
Hail the Burgundian Cross of Spain!

This flag has led civilization's march  
from Castilla la Vieja to the New World,  
converting hearts to true religion  
and converting nations to friendships  
based on good faith.

Spanish saltire,  
José María Callava,  
outgoing Gobernador de la Florida del Oeste,  
pledges allegiance to you!

*Eufrosina & Mercedes enter singing, with the flag of West Florida*

ALL

*West Floriday, that lovely nation,  
Free from king and tyranny,*

*Thru' all the world shall be respected,  
For her true love of Liberty.*

**Eufrosina**

The Bonnie Blue Flag from the  
Republic of West Florida.  
Study it, children!

This flag's flutter over Florida was brief –  
just 2 ½ months in 1810.

But I, Eufrosina Hinard,  
I'm still waving this flag in 1821,  
because flags stake claim to territory, children.  
And there are pieces of Florida that belong to me.

**Mercedes**

Me, too, Mama!  
Isn't she pretty, our Bonny Blue Flag?  
Now we need us a standard-bearer  
to get our Spanish land-grant inheritance  
recognized as US property.  
But judges just won't listen...

*Eligius Fromentin enters with the French tricolor*

**Fromentin**

At your service, ladies:  
first federal judge for West Florida  
Eligius Fromentin.

In my judgement,  
a flag symbolizes  
what citizens believe in.

That's why I've brought  
le drapeau tricolore de la révolution française  
all the way from France to the United States.

ALL

*Allons enfants de la Patrie,  
Le jour de gloire est arrivé!*

This flag stands for  
«liberté, égalité, fraternité!»  
and I believe in all three.

So hear me, citizens of Florida Territory! –  
Do you know what your governor is doing?  
He's making your courts  
a rubberstamp for his own opinion!

He's packed the courts  
with handpicked hero-worshippers  
from his own inner circle of friends.

Is this Liberty? Non!  
Is this Equality? Non!  
Is this Community? Non!

Governor Jackson is trying to gut  
the Federal judiciary and  
hamstring democracy!

**Jackson** (to Fromentin)

Sir, that accusation is  
“unaccountable, indecorous, and unjustifiable.”  
You owe me a complete and immediate apology –

in the form of a pledge  
never again to interfere with my authority.

**Fromentin** (to Jackson)

“Never, sir, never.  
My blood recoils at such a statement.  
Its last drop will flow before I subscribe to”  
such craven capitulation!

**Eufrosina** (to Callava)

Colonel Callava!  
Your clerk, Domingo Sousa,  
has been delaying my day in court for years.

**Mercedes**

Hear me, orphaned plaintiff and daughter of La Florida.  
Stop favoring your rich friends at Forbes and Company,  
and clear my title to the lands my father left me!

**Callava** (to Eufrosina and Mercedes)

Señoras, lo siento mucho,  
pero los documentos en su proceso judicial  
pertenecen a la corona  
y están por traspasar a Cuba.

**Jackson**

Mr. Callava, did I hear you just  
deny this young lady her day in court?

**Callava**

With infinite regret, Mr. Governor,  
I informed her that my hands are tied.  
All the papers needed for deciding her father’s estate  
are packed for transport to Cuba.

**Jackson**

Unpack them papers, then,  
or you'll find your hands are more than tied –  
they'll be shackled!

**Callava**

I'll happily transfer her documents  
to your governance, sir –

the instant that my government  
approves your request for access to them.  
Changing flags peacefully  
demands a decent respect  
for other governments' ways, señor.

**Jackson**

Is that so?

**Fromentin**

A time-honored principle of diplomacy,  
Monsieur le Gouverneur.

**Jackson**

You've been a Jesuit, Judge Fromentin,  
so render me a verdict on this portentous question.  
Whose arguments weigh heavier in the scales:  
diplomatic folderol,  
or "the imperious rule of justice,  
to save the unprotected orphan  
from being ruined by the most cruel oppression"?

**Callava**

"Unprotected orphan?"

**Eufrosina**

The wisdom of Solomon lives again!

**Callava**

La familia Vidal has hired your  
personal aide-de-camp,  
Richard Keith Call,  
to represent them.

**Mercedes**

King Solomon comes to court!

**Callava**

Why should I surrender documents  
to a packed court?

**Jackson**

Guards! Arrest this man!  
Arrogant Spaniard!

**Eufrosina**

Alleluia!

**Mercedes**

Alabado sea Dios!

**Fromentin**

Order! Order!  
The court orders  
Monsieur Callava's  
immediate release!

**Callava** (taunting Jackson and Vidal with Quevedo's satiric poem)

*Nunca vi damas ingratas  
a su gusto y afición,  
que a las caras de un doblón  
hacen sus caras baratas;  
y, pues les hace bravatas  
desde una bolsa de cuero,  
poderoso caballero  
es don Dinero.*

Never meets he dames ungracious  
To his smiles or his attention,  
How they glow but at the mention  
Of his promises capacious!  
And how bare-faced they become  
To the coin beneath his thumb  
Over kings and Priests and scholars  
Rules the mighty Lord of Dollars.  
*(translated by Thomas Walsh, 1875-1928)*



**Jackson**

Guard, prime your weapons!  
Guard, load your weapons!  
Ready ... aim ...

**Rachel** (blowing a whistle to freeze the scene)

Freeze!

O my, what a fracas!  
Are you folks making any sense of this?  
Let me try to untangle the story for you.

I'm Rachel Jackson, the General's wife –  
but please, call me Aunt Rachel.  
Everybody does.

All the young officers  
who worship the General  
and bring their problems to me ...  
“Aunt Rachel”

All the Washington power brokers  
who wonder how to work with the General  
and bring their dreams for America to me ...  
“Aunt Rachel”

And now, even the amazing mix of people  
who make up Florida Territory  
some French,  
some Spanish,  
some African,  
some Native,  
some creole,  
some cracker –  
they're all learning to call me

“Aunt Rachel.”

You can, too.

Let’s hear you.

*(audience calls “Aunt Rachel!”)*

Music to my ears.

Now let’s get to work untangling this tale,  
and if something doesn’t make sense,

you just stand up and holler out

“Aunt Rachel!”

### Welcome to West Florida

**Mercedes**

¡Tía Raquel!

**Rachel**

O my!

That sounds like Aunt Rachel,  
but with a Florida inflection...

Is that Spanish, dear?

**Mercedes**

¿Prefieres francés, Tante Rachel?

I speak both.

**Rachel**

Such impressive fluency ...

Introduce yourself to everybody, dear ...

**Mercedes**

Merci beaucoup ...

**Rachel**

in English, won’t you? ...

then tell us how a sweet thing like you  
got tangled up in this rickety fracas.

**Mercedes**

Thank you, Aunt Rachel.  
My name is Mercedes Vidal.  
I was born in New Orleans in 1795.  
I was only 8 years old  
when the Louisiana Purchase  
changed my place in the world.

**Eufrosina**

You see, her father –  
Don Nicolás María Vidal y Madrigal –

**Rachel**

Oooh!

**Eufrosina**

– was one of the last Spanish Governors of Louisiana.  
Governor Vidal stayed in New Orleans till 1804  
working out all the kinks  
that came with changing the flags  
from Spanish back to French  
and finally to the USA.

**Mercedes**

Papá was an expert at working out kinks.  
He's the one who set up rules for  
vaccinating against smallpox.

**Eufrosina**

He's the one who wrote  
the fire-prevention regulations  
for all of New Orleans.

**Mercedes**

He even conducted hearings to quash slave rebellions.

**Rachel** (*embarrassing herself*)  
Quash slave rebellions?  
But, dear ...  
you're Black!

**Eufrosina** (*giving Rachel a primer in Pensacola society*)  
Mulata libre – Free Black!

**Mercedes**  
Free Black from way back, Aunt Rachel.  
My mother's mother was born free,  
so of course everybody knew Mamá was free  
when she was placéed to Papá.

**Rachel**  
“Placéed” – what a pretty word!  
Is that how the French say “married”?

**Eufrosina**  
No, no, no not married – placéed.  
“Placed.”  
It's what you say when a  
French or Spanish gentlemen in New Orleans  
forms a civil union with a free woman of African descent.  
Surely you've heard of *plaçage*.

**Rachel**  
No.  
I'm Presbyterian.  
And if I'm getting the picture, ladies,  
should you be sharing this family secret in public?  
Just think of the scandal ...

**Mercedes** (*big laugh*)  
Oh, Aunt Rachel – no scandal!  
Plaçage is completely respectable in Pensacola.

Everybody loves my mother Eufrosina Hinard  
and my big sister Carolina  
and me, little Mercedes.

**Rachel**

And your father, dear ...  
Mr. Nicholas Vidal?

**Eufrosina** (*dishing the dirt*)

Not everybody loved her Papá.

**Mercedes**

Too persnickety –

**Eufrosina**

too much a stickler for the rules.

**Mercedes**

One plaintiff who lost his case in court called Papá  
“a shameless roué ...

**Eufrosina**

... with a face like a monkey.”

(*laugh – sigh*)

**Mercedes**

Papá passed away in 1806.

**Eufrosina**

Fifteen years ago ...

**Rachel**

How have you made ends meet?

My mother took in boarders –  
in fact, that’s how I met the General.

**Mercedes**

My mother rents out slaves.

**Rachel**

She does what, dear?

**Eufrosina**

I rent out slaves.

Ask anyone in Pensacola.

They'll tell you

Eufrosina Hinard is an entrepreneur –  
one smart businesswoman.

**Rachel**

But Mrs. Vidal, you're Black!

**Eufrosina**

Free Black,

and my business is  
forging paths to freedom.

We see slaveholding as  
a "business practice,  
not a human condition,"

Aunt Rachel.

All the slaves we hold are  
earning their way toward freedom.

**Rachel**

This Florida!

So different from other Territories!

So what got y'all

all tangled up in this fracas, dears?

Didn't I hear you calling on Mr. Callava for justice?

**Mercedes**

Sí, señora.

Papá left everything to us when he passed.

To Mamá, sister Carolina, and me.

**Rachel**

A mother and two daughters ...  
hard to maintain on a small inheritance.

**Eufrosina**

Nothing small about Nicholas Vidal's inheritance,  
Aunt Rachel –  
He was one smart businessman,  
and very well connected.

**Mercedes**

Papá parlayed his Louisiana land purchases ...

**Eufrosina**

... and his royal land grants

**Mercedes**

into a massive plantation.  
He sold out at a big profit  
when the United States bought in.

**Eufrosina**

Then he went on to serve as a high-salary  
overseer for the army here in Spanish West Florida.

**Mercedes**

Papá died rich.  
Rich, rich, rich!

**Rachel**

But you seem to live so simply, ladies,  
judging by your turn-out:  
muslin, not silk.  
linen, not satin.

**Mercedes**

Because Papá's estate is stuck in probate!

**Eufrosina**

And we're saddled with a court-appointed administrator:  
Forbes and Company, those greedy land-hogs  
who've been swindling the Creek Nation for years.

**Mercedes**

Their resident manager in Pensacola,  
John Innerarity, is a bosom buddy of Gobernador Callava.

**Eufrosina**

So far, all they've given us is  
15 years of broken promises  
to wrap up the paperwork ...  
*mañana!*

**Rachel**

You poor people!  
What can you do?

**Mercedes & Eufrosina**

We can take our case to court  
under a new flag, Aunt Rachel!

**Fromentin**

Well said, mesdames.  
As architect of Louisiana's state constitution,  
former US Senator,  
and President Monroe's personal choice  
for first federal judge in West Florida,  
I have deep experience with land and the law.  
Eligius Fromentin, à votre service.  
Plead your case with me.



**Mercedes**

Merci beaucoup, monsieur le juge,  
but I have a better idea.  
I'm going to ask Aunt Rachel's husband  
to hear my case!

**Eufrosina**

We hear Governor Jackson has almost unlimited power  
in Florida Territory.  
Isn't that right, Judge Fromentin?

**Fromentin**

Indeed, his commission is wide-ranging ...  
the constitutional opposite of  
"Liberty, Equality, Community"!  
Congress has made Andrew Jackson  
(and I quote)  
"Governor of the Floridas,  
exercising all the powers and authorities  
heretofore exercised by the governor,  
and captain-general, and intendant of the island of Cuba,

**Jackson** (joining in)

and by the governors of East and West Florida  
within the said provinces, respectively."

**Fromentin**

Sir, you are "clothed with powers  
that no one under a republic ought to possess,  
and which I trust will never be given to any man again."

**Jackson**

I agree.  
But while those powers are mine to exercise,  
I'll use them "to save the unprotected orphan

from being ruined by the most cruel oppression.”

Miss Vidal, I'll hear your case.

In fact,

let's convene the court right here.

All rise ... !

**Call** (*from the audience*)

Aunt Rachel!

**Rachel** (*trying to locate the caller*)

Yes, dear?

**Call** (*trying to catch Rachel's eye*)

Aunt Rachel!

**Rachel** (*to the audience*)

Did y'all hear the call

of some poor soul

who's in a stew

about what to do?

**Call**

Aunt Rachel!

**Rachel**

O, Lieutenant Call ...!

How can I help?

**Call**

You think you could get

these kind people

to chime in while we

re-enact the arrest of Colonel Callava?

**Rachel**

I'm sure of it, Lieutenant Call.

Tell us how we can help.

**Call**

Well, to condense two days of real-life history  
into two minutes onstage,  
we're going to fast-forward  
through this section of the story  
in a kind of rapid-fire rhyme.

**Rachel**

What fun!  
Let's call that "rap."

**Call**

Good idea, Aunt Rachel!  
Now this rap has a hook:  
9 little words  
that stirred up the whole  
*habeas corpus* fracas.  
Here they are:  
"the documents vital to the case of Miss Vidal."

**Rachel**

"the documents vital to the case of Miss Vidal."

**Call**

Every time you hear that hook,  
get everybody to shout it back!

**Rachel**

I think we can manage that.  
Let's rehearse ...

**Call**

"the documents vital to the case of Miss Vidal."

**Rachel** (*signal audience to repeat*)

“the documents vital to the case of Miss Vidal.”

**Call**

Magnificent!

Let’s re-enact the arrest of Colonel Callava,  
double-time!

### **The Fracas Rap**

**Call**

General Jackson, could we pick it up  
with your line to Miss Vidal?

**Jackson**

My pleasure, Lieutenant Call.  
Ready? Set? Take it away!

*The scene moves into musical theater fast-forward.*

Miss Vidal, with no delay  
I’ll hear your case, right now, today.

**Mercedes**

This unprotected orphan gives thanks and  
praise to God for Governor Jackson.

**Eufrosina**

My attorneys, sir – you know them all:  
Henry Brackenridge, Richard Keith Call.

*Brackenridge and Call greet Jackson.*

**Call**

General Jackson!

**Jackson**

Lieutenant Call!

**Call / Brackenridge**

We petition the documents the courts have stalled:  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*

**Jackson**

I rule in favor of your petition  
and I ask you gents, what son of perdition  
has grabbed those documents and hidden them all?  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*

**Call**

Scuttlebutt says a Spanish court clerk ...

**Jackson**

Oh yeah – I remember: what’s the name of that jerk?

**Brackenridge**

... a likeable hombre Domingo Sousa,  
cultured, lives by the calaboose, sir.  
clerk to Callava, quiet and tall – he’s got  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*

**Jackson**

Fetch those documents! Tell Callava  
to send ’em toot-sweet, no fuss and no bother!

*focus shifts from US stars and stripes to the Spanish saltire*

**Callava**

*Callava calls Sousa to him.*

**Sousa!**

**Sousa**

Sí, mi Gober- na- dor?

**Callava**

You hear this stir –  
this loco locomotion?

**Sousa**

And assure you, sir,  
the documents in question  
are all exempt from Florida's cession,  
so they're packed and locked and loaded  
for a trip across the ocean.

*high 5's*

You can safely look those lawyers in the eye and drawl  
“Nice to see you, boys, but ain't no way we're handing y'all  
the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*  
*US flag crosses to Callava's Spanish saltire*

**Brackenridge** (*crossing to Callava and Sousa*)

Mr. Callava, we like you, sir,

**Call**

but we come with orders for you to surrender  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*

**Callava**

Estimados Señores, I must retain  
documents that clearly belong to Spain.  
To your petition ... I claim impunity  
thanks, my friends, to diplomatic immunity.

**Call**

Is that your final answer?

**Brackenridge**

Don't put yourself in danger!

**Callava**

Hombres, amigos – you know me.

I mean “hell yes” when I just tell you “sí.”

I'm approachable, reasonable, hugely sociable,  
but on this point I'm non-negotiable!

*US flag departs from Spanish saltire, as Call and Brackenridge return to Jackson*

**Jackson**

The documents, delegates? Disgorge them one and all:  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat “the documents vital to the case of Miss Vidal.”*

**Call**

Empty-handed we return.

**Brackenridge**

Our request for surrender, Callava spurned.

**Jackson**

Refused?

Point blank?

An order signed by me?

Behold it, boys,

the apogee

of what I'm calling “Spanish treachery!”

But don't you worry

'Tain't over yet:

possession of those papers I'm sure to get,

'cause he's “a coward full of duplicity”

and life in Pensacola's turned him into a sissy.

Men in Spanish Florida got too many balls  
where all they do is dance and social folderol.  
Real spunk? No! He won't have the gall to keep  
"the documents vital to the case of Miss Vidal."

*signal audience to repeat "the documents vital to the case of Miss Vidal."*

Take arms, men!  
Go seize me those papers!

**Brackenridge**

But, sir,

it's nearly midnight.

**Jackson**

Less trouble with the neighbors.

March! To Callava's House: left, right, left, right ...

*US flag crosses again to Spanish saltire, as Brackenridge and Call return to Callava*

**Callava**

Señores,                    bienvenidos!

Why look so ...        doloridos –

so unhappy ...        y afligidos?

Come, drink a nightcap, amigos!

**Call**

We don't want to be here!

**Brackenridge**

But, sir, we're under orders:

We have to seize those documents

before they leave our borders!

**Call**

Our guns are loaded, our backs against the wall, for  
"the documents vital to the case of Miss Vidal."



*signal audience to repeat* “the documents vital to the case of Miss Vidal.”

**Callava**

You’ll seize that Spanish property  
over my ... dead ... body!

**Jackson**

If you so desire:  
Ready... aim ...

**Sousa**

Take the damn docs –  
just please don’t fire!

*Sousa takes the documents from Callava and hands them to Call*

**Callava** *(to Sousa)*

¿Traspaso, Domingo – o traición?

**Sousa**

Intervention, sir, to assure your safe survival.  
We need you alive to start the recall of  
“the documents vital to the case of Miss Vidal.”

*signal audience to repeat* “the documents vital to the case of Miss Vidal.”

**Brackenridge**

Please come with us, Señor Callava.  
The Governor wants a quick palaver.

*Spanish saltire and US flag march together as they come to Jackson*

**Call**

Documents seized – but not a smooth road:  
Look! Callava’s primed to explode.

**Jackson**

“He caved pretty quick  
when the guards were primed to load.”

Congratulations, men, you've done a miracle:  
You got quick action from a Spanish official!  
At ease, troops – no need to hover.  
I'll sweet-talk him down now the documents recovered.  
Got 'em one and got 'em all:  
the documents vital to the case of Miss Vidal!

*signal audience to repeat* “the documents vital to the case of Miss Vidal.”

### **Midnight Shouting Match**

*In this exchange, Jackson and Callava overlap and build – both are hot, fed up, and completely convinced that Justice and Reason are on their side.  
Cast chants “fight, fight, fight” under the dialog.*

**Jackson**

Proud Spaniard!

What possessed you to disregard my delegation –  
to commit this “violation of that decency and respect  
which is due me”?

**Callava**

“a mutual misconception ...

**Jackson** (*interrupting*)

“Bad faith!”

**Callava** (*continuing*)

“... is the cause of the unpleasant feelings  
of Your Excellency as well as my own ...

**Jackson** (*finding a new grievance*)

“a willful breach of the agreement!”

**Callava** (*continuing*)

“for what I might have done as José Callava  
as often as I pleased,”

**Jackson** (*inflammatory accusation*)  
a “dreaded evil!”

**Callava** (*concluding*)  
“the pretensions of my Nation  
would not permit me to think of;  
because according to the Etiquette  
necessarily observed amongst nations ...”

**Jackson** (*denouncing Callava*)  
yet another instance of “Spanish treachery!”

**Callava** (*shifting to direct put-downs*)  
To quote the poet Quirós, señor,  
you show yourself  
“rústico, zafio, y sin discurso alguno,  
y ha dado ahora en necio e importuno!”

**Jackson**  
Translation, please.  
What did this snake-bellied Spaniard just call me?

**Callava**  
“countrified, crude, and in-  
capable of civilized conversa –”

**Call**  
We’re still working out a translation, sir.

**Brackenridge**  
Impenetrably idiomatic ...!

**Jackson**  
To quote the poet Shakespeare, sir,  
you’re a “bloody, bawdy villain!  
A remorseless, treacherous,

lecherous, kindless villain!”

And villain, I’ll have me something better  
than Hamlet’s halting vengeance!  
I’ll have me some judgement – swift and sure!  
Miss Vidal!

**Mercedes**

Yes, Governor Jackson?

**Jackson**

Court rules in your favor!  
Take your documents  
and take possession of your inheritance!

**Eufrosina**

Mil gracias, Mr. Governor!

**Jackson**

Former Governor Callava!

**Callava**

Formidable Gobernador Jackson?

**Jackson**

For flagrant obstruction of justice  
I remand you to Pensacola prison.  
To the hoosegow with this hidalgo!

**Sousa**

No!  
Against this judgement I appeal.  
Señor Fromentin, judge federal –  
to put an end to this tangled *fracas*,  
I request a writ of *habeas corpus*!

**ALL**

A writ of habeas corpus???

**Mercedes**

Aunt Rachel!

**Rachel**

Yes, dear?

**Mercedes**

What's a writ of habeas corpus?

**Rachel**

Sounds like legalese to me, dear –  
another language I don't speak.  
Can anybody tell us what a  
writ of habeas corpus is?

*(time for audience to Google)*

*Anybody? Nobody?*

**Eufrosina**

Let's ask my lawyers.

**Call / Brackenridge**

According to the US Marshals Service,  
“A writ of habeas corpus  
orders the custodian of an individual in custody  
to produce the individual before the court  
to make an inquiry  
concerning his or her detention...”

**Mercedes**

Oh!

So Sousa is trying to get  
Callava out of jail  
before they've even locked him up?

Smooth move!  
Does it work?

**Rachel**

I don't know, dear.  
Let's find out.  
Judge Fromentin,  
could you pick up the story from ...  
“a writ of *habeas corpus*  
to end this fracas”?

**Fromentin's hearing**

**Fromentin**

With pleasure, Aunt Rachel!

*(to Sousa)*

A writ of *habeas corpus*  
to end this fracas?  
A formal petition,  
to the federal court?  
You request, en résumé,  
Judicial review?

Granted!

I'll hear the case of Callava versus Jackson immediately.  
The court calls clerk Domingo Sousa  
to question the detention of José Callava.

**Sousa**

Do the United States imprison diplomats?  
Señor Callava is the authorized representative  
of His Catholic Majesty  
Fernando el séptimo, Rey de España.

Do your laws punish people who obey your laws?  
Governor Jackson demands  
revenue documents from Spanish Florida –  
but United States law decrees  
that revenue documents  
remain the property of Spain.

Does your nation disregard the law of nations?  
Your own Secretary of State mandates  
‘that the “utmost delicacy” should be observed  
to avoid any friction between  
Spaniards and Americans,’  
yet Governor Jackson seizes documents  
at gunpoint.

I rest my case.

**Fromentin**

The court calls Andrew Jackson  
to show just cause for the imprisonment  
of José Callava.

**Jackson**

Why should Callava be confined to the calaboose?

Because “the poor and humble  
require the arm and shield of the law,”  
but Mr. Callava’s court  
left Miss Vidal defenseless.

Because liberty gives legitimacy to law,  
and liberty governs Florida now!

Because I have the power, Mr. Federal Judge,

to overrule your rulings,  
since Congress restricts your jurisdiction  
to regulating the importation of slaves,  
and Congress has vested in me  
“all the powers and authorities heretofore exercised  
by the captain general of Cuba,  
and by the governors of East and West Florida.”

Your writ, sir, is sh— (*ripping the writ*)

**Fromentin**

“I should not be surprised, sir,  
if to all the pompous titles you’ve enumerated ...  
you should add the title of Grand Inquisitor,  
and send me to the stake.”

**Jackson** (*hugely amused*)

I’ll settle for sending Callava to the clink!  
This court stands adjourned!  
All rise ...

*exits*

Mrs. Jackson, kindly join me!

**Rachel**

Oh, dear – please excuse us.  
The General gets so prickly  
when he sees something he wants to put right  
and he can’t make that happen right away.  
Such a good heart!  
Such a hot temper!

*(to Vidals)*

The first time we got married?  
3 years before my divorce was final ... !



**Eufrosina and Mercedes**

Aunt Rachel got divorced?!!!

After she married the General?!!!!

The scandal!!!!!!!!!!

**Jackson** (*offstage*)

To the calaboose with Mr. Callava!

**Callava**

Compañeros, a la cárcel, cantando!

To jail, singing Callava's March!

**ALL**

Come, let us climb up the path that leads to tri-umph  
& join the line-up that will fin'ly land in glory.

Vict'ry is our goal & it is vict'ry calls us sun-ward.

Blest by our past – forward, Florida!

*(arriving at the prison, company meets La Fleur)*

**La Fleur**

Monsieur Callava, bienvenue à

Pensacola Penitentiary!

Je m'appelle Chérie La Fleur ...

and I'm here

to turn your prison sentence

into a party!

**ALL:**

A party! Hurrah! Huzzah! Viva!

**Mercedes**

We got a big pot full of ropa vieja –

Mama's way with that beef

just melts in your mouth.

Faisons une fête!

**Eufrosina**

I'll cut us some baby okra.  
Festoyons!

**Fromentin**

I'll supply the wine: champagne!

**Sousa**

I'll perform impressions of  
Governor Jackson pitching a fit:  
“liberty governs Florida now!”  
¡Fiesta!

**Call / Brackenridge**

And we'll bring gingerbread –  
Martha Washington's recipe ...  
Party! Party! Party! Party!

**Callava**

Amigos, favor de divertirse!  
I've hired a band ...  
Músicos – ayúdame!

**La Fleur**

I'll kick off the festivities with a dance  
from Pensacola's famous Bouquet Ball.  
Mesdames et Messieurs,  
... violá, the Spanish Dance!

**Callava**

La Fleur, lead the way!

*(La Fleur guides the company into demonstrating The Spanish Dance,  
then involving members of the audience.*

*This elegant circle dance moves to the historic tune transcribed by Ethan Allen  
Hitchcock in Housewright's History of Music and Dance in Florida, page 96.)*

**La Fleur**

*(thanking participants from the audience)*

Well danced, mesdames et monsieurs!

Merci beaucoup ... to all of you!

**Finale**

**Rachel**

Well that's our story, folks –

**Callava**

a night in jail that ended up ...

**La Fleur**

... an all-night party.

**Mercedes**

a judgement ...

**Eufrosina**

... about inheritance

**Jackson**

a gentlemanly gesture  
to right a wronged woman

**Call**

an instructive clash of cultures ...

**Brackenridge**

... complicated by mistranslations

**Sousa**

armed robbery of state documents

**Fromentin**

a governor grabbing power from the courts

**Rachel**

a fracas about *habeas corpus*.

**La Fleur**

Our fracas changed the course of history –  
for all of America,  
for all of our characters,  
and for all of us.

La Fleur ended up the undisputed Queen  
of Territorial Pensacola's social-dance scene.

**Fromentin**

Eligius Fromentin ended up  
moving back to New Orleans,  
where he wrote scathing letters  
about Andrew Jackson.

**Mercedes**

Mercedes Vidal ended up getting her inheritance ...  
... then finding out the probate court  
had already spent it all.

**Eufrosina**

Eufrosina Hinard ended up  
teaching her daughters how to cook.  
My descendants still run  
5-star restaurants in New Orleans.

**Sousa**

Domingo Sousa ended up in Cuba,  
after Andrew Jackson expelled all of  
Governor Callava's staff from Florida.

**Callava**

José María Callava ended up in Washington, DC,  
invited to lots of parties  
by Andrew Jackson's political enemies.

**Brackenridge**

Henry M. Brackenridge ...

**Call**

(the M. still stands for “Marie”)

**Brackenridge**

... ended up writing the official report on the habeas corpus fracas.

He stayed in Florida Territory for another 11 years, becoming a US judge and the nation’s first federal forester.

**Call**

Richard Keith Call ended up becoming a permanent resident of Florida.

He built a stately home in Tallahassee (the Call-Collins House, now The Grove Museum).

He got appointed Territorial governor twice, and he moved the Territory toward statehood.

**Rachel**

Rachel Jackson ended up moving back to Tennessee with the General after 9 memorable months in Pensacola.

People still quote Aunt Rachel’s letters about Florida having

“a greater diversity of character, color, and physiognomy than any place since the ancient days of Babylon.”

**Jackson**

Andrew Jackson ended up getting elected President in 1828, just before the death of

Rachel Donelson Robards Jackson,  
the wronged woman he loved  
with all his hot temper and with all his warm heart.  
People are still debating Jackson's actions in Florida.  
The court of public opinion?  
It's still in session.

**Rachel**

Tell us what you think as soon as we end this show.

**Jackson**

So ... how do we end this show?

**La Fleur**

Ooo! Ooo!

Let's end with everybody dancing  
the Spanish Dance!

**Sousa**

What about everybody toasting?  
"To Florida Territory!"

**Callava**

No, no:  
a flag parade!  
Everybody saluting!

**Rachel (*whistle*)**

Here's an idea ...

ALL

Yes, Aunt Rachel?

**Rachel**

Let's end with that lovely song you all sang  
marching Governor Callava  
to the Pensacola penitentiary.

ALL

Hear, hear! Oye!

Well said, Aunt Rachel! Qué lindo!

Le mot juste!

**Rachel**

**Charles Santiago, cue us in!**

*process flags around stage, with the US flag leading*

ALL

Come, let us climb up the path that leads to triumph  
& join the line-up that will finally land in glory.

Vict'ry is our goal & it is vict'ry calls us sun-ward.

Blest by our past,           Blest by our past,

Blest by our past,           forward Florida!

*Notes from the playwright:*

- Quotation marks denote lines lifted from the historical record.
- Primary source par excellence for this script is *Andrew Jackson in Florida, 1814-1821: Forging His Legacy*, edited by Sherry Johnson and James G. Cusick and published by the Florida Historical Society in 2016 (ISBN 978-1-886104-88-4).
- Primary source for music is *A History of Music & Dance in Florida, 1565-1865* by Wiley L. Housewright, published by University of Alabama Press in 1991. Housewright's *Anthology of Music in Early Florida* (University Press of Florida, 1999) is also useful.
- Since we found only the lyrics for Republic of West Florida's national anthem, we made up a tune. We'll keep looking.
- Eufrosina and Mercedes started as one character. Rearticulating the role as a mother-daughter pair enriches the script onstage. We plan to field-test including a sister Carolina, to put the Vidal family onstage as a trio.
- Brackenridge and Call could be conflated into one character – thus some line assignments read “Brackenridge/Call.”
- In our field-test cast, Call heard his own name in “Call-ava.” Foregrounding this mispronunciation of Spanish led to a running gag, with the entertainment effectively promoting cross-cultural education.
- Framing the performance in discrete units that differ in tone, pace, and flavor facilitated rehearsal for the actors and reception for the audience. In our next field-test, we'll try having a character announce each scene by name.
- Options we want to try out for the ending include reviving a historic song about saying farewell to Territorial Florida (featured in Housewright) and having actors deliver contrasting evaluations of Jackson's governorship by published historians.

