

THE TRIAL OF DAVID BRADFORD

A play by William Cameron



A commission for the Whiskey Rebellion Festival
Washington County, Pennsylvania

The Trial of David Bradford

A courtroom in Philadelphia during the summer of 1795

Cast of Characters (8 men, 1 boy*)

David Bradford, mid-30's

The defendant

Daniel Redick, 50's

Bradford's attorney

William Raleigh, 50's

Federal Prosecutor

Judge Richard Peters, 60's

Judge for the United States District Court for the District of Pennsylvania

General John Neville, 50's

Witness for the Prosecution

John Mitchell, 40's

Witness for the Prosecution

Johnny Mitchell, 11

John Mitchell's son

Hugh Henry Brackenridge, 40's

Witness for the Prosecution

Bailiff

*Casting note: The three witnesses (Neville, Mitchell, Brackenridge) may all be played by the same actor, thus reducing the cast size to 6 men and 1 boy.

A courtroom. The actor portraying Daniel REDICK, in plain contemporary dress, addresses the audience.

REDICK

David Bradford got away. The Whiskey Rebellion's notorious leader escaped and never faced trial for his allegedly treasonous actions during the Insurrection of 1794. According to the tale that everyone tells but no one believes, David Bradford was enjoying the comforts of his palatial home, perhaps enjoying a whiskey, when word came that a cavalry unit with orders to arrest him was just outside the gate. Our intrepid protagonist leapt from a rear second-story window onto his faithful steed who, by some miracle, was not only saddled up and ready to go, but knew just where to stand. David then rode off into the autumn night, the cavalry hot on his trail but clearly no match for his superior horsemanship.

The actor begins to don his costume—suitable for a prominent attorney in 1795 America.

REDICK (cont'd)

It's nonsense, of course. In truth, Bradford left town in a most unhurried fashion and traveled in relative comfort on a coal barge down the Ohio River. I'm sure it was a most pleasant voyage.

The actor dons his wig, continues to prepare.

REDICK (cont'd)

I like to believe David Bradford made up that first story himself. It does allow him a mythical status that, perhaps, he deserves. Of course, he could've secured that status in another way, and that is what brings us here this evening. Let's imagine, shall we, that, oh...say, when David Bradford leapt from that rear window, his horse wasn't quite so accommodating, and the poor man ended up in the rose bushes on his seditious backside. Seized by the awaiting cavalry, he was then hauled off to Philadelphia to face trial for treason. Would that not have secured his legacy in grand fashion? Consider Sir Thomas More, that man for all seasons. Refusing to acknowledge Henry VIII as the Supreme Head of the Church of England, More was convicted of treason in a magnificently theatrical trial. He lost his life for his defiance of the crown, true, but secured for himself an immortal afterlife as a martyr—the most saintly of humanists, the most human of saints. Might David Bradford have imagined such a hereafter for himself? We'll never know. Still...just for tonight, let's...imagine.

He puts the finishing touches on his costume, and we notice a change in demeanor as he assumes his character.

REDICK (cont'd)

From here on in, know me as Daniel Redick, esquire. David Bradford's trusted friend, fellow insurrectionist, and on this summer's day in 1795, his defense attorney.

Lights shift and the BAILIFF appears carrying a staff. He makes three loud, ceremonial raps on the floor before intoning his greeting.

BAILIFF

Oyez! Oyez! Oyez! All persons having business before the United States District Court for the District of Pennsylvania, the honorable Richard Peters presiding, are admonished to draw near and give their attention. God save the United States of America and this Honorable Court.

The BAILIFF bangs the staff three more times as the JUDGE appears at his place at the bench.

JUDGE

Good morning, gentlemen. Calling the case of the People of the United States versus David Bradford. Are both sides ready?

RALEIGH

Federal Prosecutor William Raleigh, ready for the people, your honor.

REDICK

Daniel Redick, Esquire, ready for the defense, your honor.

JUDGE

Proceed, Mr. Raleigh.

RALEIGH

Your Honor, gentlemen of the jury—Be it known that whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death by hanging. The defendant in this case, one David Bradford of Washington County, Pennsylvania did, in protest of a rightfully established law of these United States, conspire to organize armed resistance against the federal government. Two, the defendant did incite others to commit illegal and violent actions resulting in the destruction of property, injury to body and soul, and the loss of human life. Three, the defendant did seek to establish a separate nation within the borders of these United States. Four—

REDICK steps forward and addresses the audience as RALEIGH mimes his address to the court.

REDICK

Will Raleigh, my esteemed colleague and legal adversary, does like to prattle on. Allow me to briefly summarize. After his arrest, my client David Bradford was brought to Philadelphia and incarcerated in the stockade. Having pled not guilty to all charges, David endured imprisonment until the summer months of 1795 when his case finally came to trial before Federal Justice Richard Peters.

Lights shift and the JUDGE pounds his gavel. RALEIGH sits, as does REDICK. The BAILIFF retreats to his prescribed position.

JUDGE

Mr. Raleigh, call your first witness.

RALEIGH

Your honor, I call to the stand General John Neville.

NEVILLE enters and crosses to the witness chair, as does the BAILIFF, carrying a bible. NEVILLE places his hand on the bible and raises his right hand.

BAILIFF

Do you promise to tell the truth, the whole truth, and nothing but the truth, //so—

NEVILLE

//So help me God!

NEVILLE sits with dramatic flair as the BAILIFF moves to his post.

RALEIGH

Please state your name.

NEVILLE

General John Neville of the Continental Army, the United States of America.

RALEIGH

Did you serve in the war to win freedom from British tyranny?

NEVILLE

I did most proudly serve with my brothers-in-arms at Trenton, Princeton, Monmouth. I endured that harsh yet noble season at Valley Forge and would do so again to serve my country and His Excellency President Washington.

RALEIGH

You served under General Washington?

NEVILLE

Yes, my service to our nation's most esteemed commander-in-chief goes back nearly twenty years to the expedition against the Shawnee. As an officer in the Virginia militia—and I believe it is worth noting, your honor, that I was born of English stock and my mother was, in fact,

NEVILLE (cont'd)

cousin to Lord Fairfax. Lord Fairfax, as I'm sure your honor is aware, first came to Virginia sixty years ago and played a most significant role in settling that turbulent—

REDICK

(rising)

Your honor, we are all very impressed with the General's service and pedigree, but it's hot in here. We will stipulate that General Neville is a true hero of the Revolution and a most honorable gentleman. In return, we ask that Mr. Raleigh kindly get to the bloody point.

JUDGE

Mind your tone, Mr. Redick. I don't know how things are done in the western counties, but this is Philadelphia, sir, where dignity and decorum walk hand in hand with justice and mercy.

REDICK

No disrespect intended, your honor, I merely—

JUDGE

Your point is well taken, however. Mr. Raleigh, the court instructs you to limit your inquiry to the treasonous allegations against Mr. Bradford.

REDICK takes his seat.

RALEIGH

Yes, your honor. General Neville, in what capacity do you currently serve your government?

NEVILLE

In the spring of 1791, Secretary Hamilton—that's Alexander Hamilton, your honor—personally appointed me inspector of the revenue for the purpose of federal excise collection.

RALEIGH

You're a tax collector.

NEVILLE

Yes sir, in the counties of Allegheny, Fayette, Westmoreland, and...

(He clears his throat, then with some distaste and a menacing glance at
BRADFORD...)

Washington.

RALEIGH

So, it is your job to collect the much-maligned whiskey tax in the western region of Pennsylvania.

NEVILLE

Yes.

RALEIGH

What does that entail?

NEVILLE

My deputies locate stills in the area, ensure that each still is properly registered, then collect the duty, then issue a certificate stamped with the Treasury Department seal. That is how the process is supposed to work.

RALEIGH

Are you implying that the process does not work that way?

NEVILLE

West of the Alleghenies, no sir, it does not.

RALEIGH

And why is that?

NEVILLE

(Looking directly at BRADFORD)

Lawlessness. Blatant disrespect of authority. In Washington County expressly, there is a pernicious and persistent attempt to undermine the rule of law at every step.

(He points his finger at BRADFORD)

Mr. Bradford here is personally responsible for acts of violence and trea//chery—

REDICK

(as he quickly stands)

//Objection. Unfounded and //prejudicial.

NEVILLE

//—violence and treachery so //willful and—

REDICK

//Your honor, please instruct //the witness—

NEVILLE

//Of treason against //the very nation—

REDICK

//Your honor, I implore—

JUDGE loudly bangs his gavel and both men stop.
JUDGE points his gavel at REDICK.

JUDGE

Mr. Redick, I have warned you once to mind your tone.

(REDICK starts to speak again but the JUDGE raps the gavel.)

JUDGE (cont'd)

Enough, sir! You will be given ample opportunity to question the witness.

(BRADFORD grabs REDICK's arm and pulls him into his chair.)

Carry on, Mr. Raleigh.

RALEIGH

Thank you, your honor. General Neville, you had a gentleman by the name of John Connor in your employ. Am I correct?

NEVILLE

John Connor, yes. He was engaged to serve warrants against those rascals who refused to pay the whiskey tax.

RALEIGH

Was he successful?

NEVILLE

No, he was not. When word got out that Mr. Connor was engaged for such a purpose, he was abducted and horsewhipped like a common criminal. He was then stripped naked, covered with steaming tar, and stuck with feathers. Mr. Connor survived...I think. But the warrants in his possession were stolen, probably destroyed. Official government documents, mind you—destroyed! This alone stands as treason in my eyes.

RALEIGH

Yes, thank you, General. Now, were you a victim of violence in the insurrection?

NEVILLE

You refer, I presume, to the events of July 1794, one year ago?

RALEIGH

I do indeed, General. Now—

REDICK

(rising)

Your honor, I renew my earlier objection to this line of //questioning.

JUDGE

//Overruled.

REDICK

There is no evidence to suggest that Mr. Bradford was present at the attack—

JUDGE

Overruled! Sit down, Mr. Redick, or you will be escorted from this //courtroom!

REDICK

//But your honor, to recount these events at trial is unduly prejudicial //to my—

JUDGE

//Bailiff, remove this man from the courtroom.

The BAILIFF moves quickly towards REDICK as BRADFORD quickly rises to his feet.

BRADFORD

Your honor, that won't be necessary. I apologize for my attorney's behavior.

REDICK

But—

BRADFORD

Sit down, Daniel.

REDICK

Your honor—

BRADFORD pushes REDICK into his chair. The BAILIFF backs away, looks at the JUDGE, who glares at BRADFORD. The BAILIFF stands ready.

BRADFORD

Your honor, please understand that Mr. Redick's sin is not one of malice toward the court but of overzealous passion for the law. Mr. Redick's love of the law is exceeded only by his respect for those wise and benevolent judges, such as yourself, who dispense justice and wisdom with the courage of a lion. I humbly request that Mr. Redick be allowed to remain in the courtroom.

(Beat)

I would throw myself on the mercy of the court, but I don't think anyone wants to see that.

JUDGE

This is my final warning, Mr. Redick.

BRADFORD

Your honor is as merciful as he is wise.

JUDGE

Don't push it, Mr. Bradford. Mr. Raleigh, please carry on.

RALEIGH

Thank you, your honor. July, 1794. Bower Hill. General Neville, what can you recall?

NEVILLE

The events in question occurred over the course of two nights. On the day of the first attack, I was engaged in the disagreeable task of serving writs on distillers who had been delinquent in paying the tax. At each stop, I was greeted with profound hostility and contempt.

RALEIGH

For what reason, sir?

NEVILLE

For doing my duty, sir. In the pursuit of the rule of law, I was cursed at, spat upon, threatened with my very life by men whose freedom I had fought and nearly died for during the revolution.

RALEIGH

Well said, sir. Now, General—

NEVILLE

Ah, but it was at the William Miller farm, my last stop of the day, that I first spotted the posse of whiskey rebels, shadowing my every move. Shots were fired. To warn, to wound, or to kill—who could say? But realizing these scoundrels could shoot a flea off the nose of a hound a hundred yards away, I knew it best not to antagonize them further, so I made the short trip to my home at Bower Hill.

RALEIGH

Yes. Now, once at Bower //Hill—

NEVILLE

//Once at Bower Hill, I immediately prepared for a raid. My slaves set to barricading the estate, covering the windows with planking, generally doing what they could to secure the area. Yet, when the midnight hour came and went without incident, my wife and I took to our bed, our granddaughter and a houseguest having retired hours earlier. But I'll be damned if the insurgent rogues didn't wait until the wee hours of the morning.

RALEIGH

Were your slaves not capable of defending your home?

NEVILLE

My slaves had been vigorously drilled for defense, but alas, it was early morning and the slaves had already taken to the fields for work, leaving me in the house as its sole defender. I steeled myself for attack, and sure enough, the rebels opened fire, their bullets shredding the planking on the windows. Smoke and noise everywhere, my precious granddaughter lay terrified on the parlor floor. My wife and her friend began loading guns, passing them to me as I moved from window to window taking shots at the renegades, passing a gun back to my wife for reloading, taking a newly loaded one, returning fire—and, by God, we drove them off!

NEVILLE sits back, taking a breath, and theatrically mopping his brow with a handkerchief.

RALEIGH takes his time, letting NEVILLE's dramatic testimony have its effect.

RALEIGH

And the following night?

NEVILLE

(back in the saddle)

The following night. Knowing they'd be back, I brought in reinforcements. My brother-in-law Major Abraham Kirkpatrick, a proud veteran of the revolution, commanded a garrison of federal troops. They arrived at Bower Hill well ahead of the rebels; but when the rebels arrived, they did so in full force, over 500 strong.

RALEIGH

Did the rebels make any attempts at diplomacy, General?

NEVILLE

At first, but it was clearly a ruse, for even during this display, rebels began setting outbuildings on fire without the slightest provocation. Thank God, my wife and grandchild had been removed from the premises, for shortly thereafter, gunfire erupted once again.

RALEIGH

The troops commanded by Major Kirkpatrick, were they able to put up a defense?

NEVILLE

Yes, but they were clearly outnumbered and, ultimately, poor Abraham had no choice but to surrender. I had been strategically positioned in a ravine just below the house. Looking back from my vantage point, I watched as the rebels marched into my home, drank my whiskey, piled my furniture high like so much kindling and set it ablaze. They burned my barns and my stables, shot my pigs and horses, held my slaves at gunpoint. Displaying their deviant character, the rebels took pity on the wretched slaves and, when it was all over, the only buildings left standing were the slave quarters. It was a dark night of the soul, indeed.

RALEIGH

Yes. Thank you, General. Thank you for your service to this country, and for your brave and forthright testimony here today.

(NEVILLE nods solemnly.)

I presently have no further questions, your honor.

JUDGE

Mr. Redick, you may question the witness.

REDICK

Thank you, your honor. General Neville, you are a distiller of whiskey yourself, is that correct?

NEVILLE

I keep a still, yes.

REDICK

More than one as I understand it. Might I describe you as a large-scale distiller?

NEVILLE

If it gratifies you to do so.

REDICK

I assume you did not hesitate to pay the federal excise tax on whiskey.

NEVILLE

I paid the tax without complaint, proud to serve my government and my president.

REDICK

Is it fair to say that you benefitted from the whiskey tax?

NEVILLE

All citizens of this nation benefit when the law is observed.

REDICK

Let me ask it this way. Did your whiskey sales increase with the passage of the federal excise tax?

(NEVILLE looks to RALEIGH, confused by the question.)

It's a simple question, General. Did your sales increase with the passage of the federal excise tax on whiskey? Yes or—

NEVILLE

I do not know, sir. I would have to examine my books, which, unfortunately, I neglected to bring to Philadelphia with me.

NEVILLE chuckles and shares his bemusement with the JUDGE.

REDICK

But once the tax was in place, you added several stills to your operation, did you not? Federal tax records indicate that three additional stills were registered in the spring of 1792—

NEVILLE

And the taxes paid!

REDICK

Yes, and two more later in the fall of that same year.

RALEIGH

Your honor, might I inquire what point Mr. Redick is trying to make?

REDICK

Merely to observe, your honor, that while the whiskey tax drove a great many smaller distillers out of business, large-scale operators, like General Neville here, benefitted from their //failure.

RALEIGH

//Objection! Irrelevant to the matter of Mr. Bradford's treasonous activities and therefore—

JUDGE

Sustained. Mr. Redick, you will cease with this line of //questioning—

BRADFORD stands.

BRADFORD

//Neville made money by shutting down good, honest //men!

JUDGE

//Mr. Bradford!

REDICK

//David, sit down!

BRADFORD

And the government, they gave this man even more power by making him a tax collector!

JUDGE

(erupting)

Mr. Bradford, sit down and be quiet!!!

The BAILIFF moves toward BRADFORD but REDICK, moving swiftly, gets to him first and sits BRADFORD roughly into his chair.

REDICK

I apologize, your honor, it will not happen again. I promise you!

JUDGE

Mr. Redick, I don't know how they do things in the western counties, but this is Philadelphia, the very cradle of liberty and the birthplace of our newfound nation. We do things properly here, do you understand me, sir?

REDICK

Yes, your honor—

JUDGE

You will keep your client in hand.

