



## [Slaves and the Courts, 1740-1860](#)

### Trial of the Rev. Jacob Gruber, minister in the Methodist Episcopal church

#### PREFACE.

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Beyond question, the circumstance that produced the following accusation and trial, involving, as it does, an interference with the rights of conscience in the charge made against the individual indicted is of the very greatest moment in point of principle, and the whole proceeding growing out of it the reader will find of more novelty and interest than any other case determined in the Maryland courts of law since the revolution. On the sixteenth day of August, in the year of our Lord one thousand eight hundred and eighteen, a Camp-meeting was held in Washington county, Maryland, under the management of the clergy and laity of the Methodist Episcopal Church. The meeting was not appointed by the accused, and the discourse preached by him, which contained the supposed *crime*, was delivered on sunday evening of the meeting wholly by accident, without the least premeditation or concert with any individual, black or white, and after he had laboured with great solicitude, but without success, with one of his brethren to preach in his place. He being Presiding Elder of the District, it became his duty to preach, as no substitute could be procured. "Righteousness exalteth a nation, but sin is a reproach to any people" was his text; and in his commentary he was, of course, led to remarks upon national as well as individual sins: and

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in the course of his address discussed the subject of negro slavery as being, according to his judgment, and the direction of his conscience, as a national sin, detrimental to the true interest of the nation and individuals, and awfully offensive in the sight of Almighty God. As well as the numbers can be computed from the evidence, his address was delivered to from three to five thousand whites, and to from two to three or four hundred blacks. His introductory prayer at the throne of grace was fraught with petitions for the happiness, the security, protection and conversion of his congregation. The general scope of his sermon was a call to all to repent and seek the pardon of their sins; and to prevent all possible misunderstanding among the whites, as to his motives, and to suppress the least thought of insubordination among the blacks, the close of his address on that subject was particularly directed to the latter, in which he enforced the necessity of obedience to their masters, resignation to their condition, of conversion, of religion, of joining their pious masters in prayers, that by getting an interest in the merits of the Redeemer they would be happy in this world and happy in that day when the Lord should judge the quick and the dead: and yet a Grand Jury in this enlightened age of the Christian Church, with a full understanding of this matter, thought it was right to find the following indictment a true bill, and put the preacher upon his trial for the monstrous offence of maliciously and wickedly endeavouring to incite the slaves of Maryland to insurrection and rebellion in the state. The accused thought

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it his duty to embrace his legal privilege of removing the indictment to Frederick county, where he has been

acquitted, and where the Jury who tried him were convinced of his innocence, even before his counsel commenced their arguments.

[The arguments of the counsel are taken from their notes.]

State of Maryland, Washington county, ss.

To *Daniel Schnebly, Esq.* Sheriff of Washington county.

Whereas Doctor Frederick Dorsey, Doctor William Hammond, and David G. Yost, of said county, this day made oath before us Christopher Burckhartt and Jacob Schnebly, two of the justices of the peace in and for said county, that on the sixteenth day of this present month, at the Camp-meeting on the plantation of Colonel Jonas Hogmire, of this county, a certain Jacob Gruber, a Methodist preacher from Pennsylvania, did feloniously consult, conspire, and attempt with certain free negroes, mulattoes, and slaves, unknown to the said Frederick Dorsey, William Hammond, and David G. Yost, to raise an insurrection and rebellion in the state aforesaid, contrary to the act of Assembly in such case made and provided, and against the peace and dignity of the state of Maryland.

These are therefore to authorise and require

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you, that you forthwith bring the said Reverend Jacob Gruber, before us, or some other justice of the peace for said county, to find sufficient sureties for his personal appearance at the next court, to be held for said county, on the third Monday of November next, to be dealt with agreeably to law. Given under our hands and seals this nineteenth day of August, one thousand eight hundred and eighteen.

- CHRISTOPHER BURCKHARTT, [SEAL.]
- JACOB SCHNEBLY, [SEAL.]

State of Maryland, Washington county, ss.

Be it remembered, That on this thirty-first day of October, one thousand eight hundred and eighteen, Jacob Gruber, a travelling preacher, and Robert Wilson, of the county aforesaid, and Jeremiah Mason, of the same place, came before me the subscriber a justice of the peace in and for the county aforesaid, and acknowledged themselves to owe to the state of Maryland, TO WIT: The said Jacob Gruber *one hundred dollars*--and the said Robert Wilson the sum of *fifty dollars*--and the said Jeremiah Mason the sum of *fifty dollars*, good and lawful money; to be respectively made and levied of their several goods and chattels, lands and tenements, to the use of said state of Maryland, if the said Jacob Gruber shall fail in performing the condition under written.

*Acknowledged before me,*  
ROBERT M'CULLOH.

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THE CONDITION of this recognizance is such, That if the above bounden Jacob Gruber, shall personally appear at the next court in Hagers-Town, for the aforesaid county, on the third Monday in November next, to do and receive what shall then and there be enjoined on him by the court, then this recognizance shall be void, or else remain in its full force.

State of Maryland, Washington county, ss.

I hereby certify that the foregoing warrant and recognizance are truly taken from the originals, filed in my office. IN TESTIMONY whereof I have hereto subscribed my name [SEAL.] and affixed the seal of Washington county court, of the state aforesaid, this twenty-seventh day of November, in the year of our Lord, eighteen hundred and eighteen.

O. H. WILLIAMS, *Cl'k W. C. C.*  
*Maryland.*

LETTER TO THE PUBLISHER.

Rev. Mr. Martin,

AS you are about to publish my trial, which has been considered a new thing under the sun, I think it my duty to state a few things to you, which you may publish if you think proper, for the information of those who are anxious to see and hear old and new things.

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I am a native of Pennsylvania. My father and mother were both born in that state. I received my education there. I experienced religion there, &c. I learned to read the *HOLY SCRIPTURES* when I was a little boy. It was then a custom to read them in schools, which is not now the fashion in some parts. I will put down a few passages which I read, and they are still in the Bible; but you and the public may determine how far many of our great and little people conform unto them.

The law of God says, Exodus xxi. 16. *He that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death.* Again, Deut. xxiv. 7. *If a man be found stealing any of his brethren of the children of Israel, and maketh merchandize of him, or selleth him, then that thief shall die. Thou shalt not kill--thou shalt not steal.* This law, in the comprehension of the Israelites, solely prohibits *man-theft*--detaining persons in perpetual bondage. *Thou shalt not bear false witness against thy neighbour.* No man can claim and possess a slave as property, until he has virtually sworn, that men, women and children, are brutes. *Thou shalt not covet thy neighbour's house. Thou shalt not covet thy neighbour's wife, &c.* Exodus xx. 13. Again, it is written, *Thou shalt not defraud thy neighbour, nor rob him,* Leviticus xix. 13. *Thou shalt not oppress him who is poor and needy, lest he cry against*

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*thee unto the Lord, and it be a sin unto thee,* Deut. xxiv. 14, 15.

I will give you a few more passages out of the New Testament: some may read your publication who do not read the Scripture with much attention. *Blessed are the merciful, for they shall obtain mercy.* Mat. v. 7. *Therefore, all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets,* Mat. vii. 12. *Thou shalt love thy neighbour, (that is all men,) as thyself,* Mat. xxii. 39. *Seeing he (GOD) giveth to all, life and breath, and all things; and hath made of one blood all nations of men for to dwell on all the face of the earth, &c.* Acts xvii. 25, 26. *Be kindly affectioned one to another, with brotherly love,* Rom. xii. 10. *Love worketh no ill to his neighbour; therefore love is the fulfilling of the law,* Rom. xiii. 10. *Ye are bought with a price, 1 Cor. vii. 23. And ye masters do the same things unto them, forbearing threatening: knowing that your master also is in heaven; neither is there respect of persons with him,* Eph. vi. 9. *Masters give unto your servants that which is just and equal: knowing that ye also have a master in heaven,* Col. iv. 1. *Behold, the hire of the labourers which have reaped down your fields, which is*

*of you kept back by fraud, crieth; and the cries of them which have reaped are entered into the ears of the Lord of Saboath, James v. 4. The merchants* (of beasts and sheep, and horses and chariots,

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and slaves and souls of men,) *shall stand afar off, weeping and wailing*, Rev. xviii. 13, &c. &c.

These passages need little or no comment to any who wish to see what is right; and that traffic in slaves is totally irreconcilable with the principles of justice and humanity--not to say christianity.

As a believer in the Holy Scriptures, and minister of the gospel, I attended the Camp-meeting in Washington county, in August last, and on the sabbath, after two sermons were preached, and a short intermission (not succeeding in getting a preacher to preach the third,) I preached the sermon of which you have the substance, or the leading ideas; in which I strove to give a portion to every one, either in season or out of season; so I drew the gospel bow at a venture, quite willing that every shot that missed. should go for nothing. I desired to do good, to gather up the fragments that nothing should be lost, but to my grief, I found some did not like the manner in which I served out the different portions, some went away grumbling and talking; others, when they found their portion so honestly allowed them, even by their neighbours, looked rather cross; not well pleased: resolved not to hear or pay any more attention. Some heard, or recollect, nothing of the sermon except some words which I never said. Many, who intended to prove all, and hold fast what was good, heard me out, and have not forgot the text, nor a considerable part of the sermon;

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yet I laboured rather under a disadvantage, being a stranger in the place. I knew that I was in a free country, (free to all that were not slaves,) but I did not know that I was in the very county where liberty and independence were in bloom, so that even the state was to be blessed with a Governor that grew in it. As for politics, you know, I never meddle with them in my administrations or discourses; for, to be candid, I dont understand some of their phrases. I have heard of Republican slave-holders, but I understand no more what it means than Sober Drunkards.

It happened so, that I dropt a few hints about slavery or oppression: some of the *great* men went and got a state-warrant for me; (a copy of which you have to publish,) about two months after the warrant was issued, I was arrested at a Quarterly-meeting, in Williamsport. I gave security for my appearance at court, to be held in November, as the recognizance will show. I was arrested for felony, and had to give security for one hundred dollars. With serious inconvenience, trouble and expence, I had to leave, or give up, my regular course of appointments, and attend the court in Hagers-Town. I appeared the first day, heard *the charge given to the Grand Jury, which was short but full of meaning; I suppose much better understood by the Jurors than by me, who was not accustomed to hear such charges.* I waited from day to day, and you may be surprised to hear, that I had to wait more than two weeks before they found a

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bill against me. In this time they surely had time to get *Slave-holders, Overseers, Churchmen, Methodists, Free-thinkers, Half-thinkers, and No-thinkers*, to bear witness against me, about the rebellion and insurrection. So abundant and so clear was the evidence in this dark business, before the Grand Jury, that after two weeks sitting twelve or thirteen could find a true bill without suffering any statement to be made by some of their body--for, you must know there was near a half dozen of men on the Grand Jury who had heard my sermon, but they were not allowed to say what they saw and heard themselves. The indictment came out

for *Misdemeanor, Mutiny, Inciting rebellion, Disobedience, &c. &c.* as you will find in the copy of the indictment, which you have. I think it rather a fortunate circumstance that the indictment did not include or mention an intention to effect or bring about a resurrection among the slaves who had been dead for years; for this might have been put in with as much truth as either of the other counts.

As soon as they brought in the TRUE-BILL, I resolved to remove it out of the county, for which I had a sufficient reason. In removing my trial, I had the privilege granted, to take it to Frederick county. I gave security for \$400 for my appearance on the first Monday of March. I appeared, and on the second day had about twenty evidences ready, but the state's evidences did not get ready, at least the trial did not come on, till the tenth day; from which time

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you have all the proceedings, which you may publish as full and clear as you can, so that my friends and enemies may see this new thing under the sun and under the moon, and learn to understand a matter before they pass sentence; for, I am sorry to say, I have heard of some in your county, who were very free in speaking, and liberal in their way of blessing me--some wished me hung--some sent to the penitentiary--others would have been almost satisfied if I had got thirty-nine lashes, perhaps altogether, if they had had the honour of laying them on. What a pity that such dont move to Washington county to get into office.

I have only one remark more to make and I am done. Some have been in hopes that I had learned a useful lesson in my trial. But whatever I have learned, I can assure you, I have not yet learned to call *good evil*, or *evil good*. I hope, while I keep my senses, I shall consider *involuntary perpetual slavery* miserable injustice; a system of *robbery and theft*. I hope I never shall rank men, women and children, with horses, and cows, and property, and countenance or justify such sales and merchandize. May our merciful God save us from this sin and reproach--and let every honest man say, AMEN.

JACOB GRUBER.

June, 1819.

SKETCH OF THE SERMON.

Proverbs xiv. 34. Righteousness exalteth a nation, but sin is a reproach to any people.

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I. *What kind of righteousness exalts a nation or a person.*

- 1st. Right principles, true sound doctrine, sentimental righteousness and leading truths. The fall of man, original depravity, redemption by Christ through his blood, quickened by the spirit, repentance, faith, obedience, holiness, rewards and punishments after the resurrection. These truths believed is what makes the head right, or distinguishes a nation or person from the ignorant, superstitious and infidel, or heathen.
- 2d. A right spirit. Experimental righteousness. The spirit of the Lord shall come upon thee--a spirit of grace, of peace, of adoption, of love, of liberty: a right spirit, not of fear, but of power and of a sound mind--more excellent than the spirit of this world. This makes the heart right--the inside clean--the nation or person a Christian. If any man has not the spirit of Christ he is none of his. Ye are not in the flesh if so be that the spirit of God dwell in you.
- 3d. A right conduct. Practical righteousness. This makes the life right--without which all our sentiments, notions, experience and professions of righteousness will profit us little in a dying hour or at the bar of

God. According to these scriptures, in every nation he that feareth God and worketh righteousness, is accepted with him. He that doeth righteousness is righteous, even as He is righteous. If ye know that he is righteous, ye know that every one that doeth righteousness is born of him. The

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righteous shall eat the fruit of their doings. Be thou faithful unto death, and I will give thee a crown of life. They that have done good shall arise to the resurrection of life. The Lord will give unto every one as his works shall be.

In these three particulars are comprised, all I think necessary to say about national and personal righteousness. Whoever lacks in either of these particulars is not scripturally, experimentally, and practically righteous.

## II. *Sin is a reproach to any people, nation, or person.*

Sin is the transgression of the law. The way of transgressors is hard. He that committeth sin is the servant of sin. He that committeth sin is of the devil. Sin is a reproach to any person, no matter what his rank is. If they are law-makers, it is a reproach to them to break the laws they make at a great expence. Rulers--magistrates who are to execute the laws, and ought to be a terror to evil-doers; it is a reproach to them to be sinners. What! a drunken magistrate administer solemn oaths to others and be a profane swearer: shame on him, even if he was a Judge. Sin is a reproach to the rich; they have many advantages and ought to be thankful and religious good stewards, so as to be able to give a good account of their stewardship. A reproach to the poor; they have but little in this world, and ought to lay up treasure in heaven and be rich in faith. A reproach to parents and mothers; they ought to set a

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good example in their families--they and their house should serve the Lord. Sin is a reproach to the aged; they are on the brink of the grave, and ought to be ready to die. A reproach to the young; they ought to remember their Creator, and seek the Lord early--not contract evil habits and lay a foundation for misery and destruction. Sin is a great reproach to professors of religion. What! name the name of Christ and not depart from iniquity; profess in words that they know God but in works deny him; plead for sin, and advocate the cause of Satan. The Lord says, shew *my people* their sins. All the righteousness or religion that some have is contained in their Prayer-Book, in a form or ceremony--their devotion carried on by machines or mechanically. The organ sings praise, and if a machine could be invented to pray with, it would be an accommodation; it would save the labour and trouble of reading prayers.

But there are what might be called national sins which are a reproach.

- 1st. The sin of infidelity. Denying revelation. Christ and religion. The power of godliness.
  - 2nd. The sin of intemperance. Tipling too common, which leads to drunkenness. If the free and common use of spirituous liquors is encouraged and continued, we may calculate on a nation of drunkards. Notice many of our young men or boys; they smoke and drink, sport, revel and gamble, get drunk, and run fast to excess of riot. It would be an honour to them to learn to be sober.
  - 3rd. The sin of profaneness. Because of swearing
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the land mourns. A reproach to profane the name of the Lord--the sabbaths and ordinances of the Lord and his church. Can much dependence be put in the oath of a person who swears profanely in his common conversation oaths to the amount of dozens and scores in a day? Is such a being a friend to his country, while he breaks the law of God and man; or an honest man before he goes and pays the lawful fine for every profane oath.

- 4th. And last, National Sin, I shall mention is slavery and oppression. This in particular, is a reproach to our nation. We pity other nations who are under the yoke of Emperors and Kings, who tyrannize over, and make slaves of their subjects. We are happily delivered from such bondage; we live in a free country; we hold self-evident truths, that all men are created equal, and have unalienable rights, such as life liberty, and the pursuit of happiness. But are there no slaves in our country? does not sweat, and blood, and tears, say there are? The voice of thy brother's blood crieth. Is it not a reproach to a man to hold articles of liberty and independence in one hand and a bloody whip in the other, while a negro stands and trembles before him, with his back cut and bleeding? There is a laudable zeal manifested in our country to form Bible and Missionary Societies to send the Scriptures and the gospel to heathen nations. Would it not be well for some to be consistent? instruct the heathens at home in their kitchens, and let them hear the gospel likewise. What would heathen

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nations at a distance think, if they were told that persons who gave money liberally to send them the Bible and the gospel did not read, believe, or obey it themselves, nor teach their own families to read that book; nor allow them time to hear the gospel of their salvation preached?

There is some difference even in this country. We Pennsylvanians think strange, and it seems curious to read the public prints or papers from some states and find--*For sale, a plantation, a house and lot, horses, cows, sheep and hogs--also, a number of negroes; men, women and children--some very valuable ones--also, a new in such and such a church.-- For sale, for life, a likely young negro, who is an excellent waiter, sold for no fault--or else for want of employment.* \* Look further and see--*Fifty dollars reward--One hundred dollars reward--Two hundred dollars reward.* What for? has an apprentice run away from his master? no--perhaps a reward for him would be six cents. A man that ran off has, probably, gone to see his wife, or child, or relations who have been sold and torn from him; or, to enjoy the blessings of a free country, and to get clear of tyranny. In this inhuman traffic and cruel trade the most tender ties are torn asunder, the nearest connexions broken. That which God has joined together let not man put asunder. This solemn injunction is not regarded.

[Note : \* *These are sold for cash--for four, five, six, seven or eight hundred dollars a head; soul and body together--ranked with horses, &c. &c.*]

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Will not God be avenged on such a nation as this.

But some say, we use our slaves well; better than they could use themselves if they were free. Granted. But what assurance have you, or what security have they that your children, or those you will them to will use them as you do. May they not tyrannize over them after you are dead and gone, and may they not (the slaves thus abused,) rise up and kill your children, their oppressors, and be hung for it, and all go to destruction together? the Lord have mercy on their souls. Such alarming and dreadful consequences may attend and follow this reproachful sin in our land and nation.

*Is there not some chosen curse,*

*Some secret thunder in the stores of heaven,  
Red with uncommon wrath, to blast the wretch  
That traffics in the blood of souls.--Or,  
Makes his fortune from the blood of souls.*

#### THE ADDRESS TO THE NEGROES.

Of all people in the world you ought to have religion. You have most need of it in order to enjoy some happiness or peace. Sin is a reproach to you. There is no peace to the wicked. Some of you have good masters; you ought to attend to religious duties; never be absent from family prayer when it is in your power to attend; discharge your duty and it may make your situation more agreeable, even here, and certainly hereafter. Some of you have cruel masters; are slaves to them, slaves to sin, and slaves to the

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Devil, and if you die without religion you will be slaves in hell for ever; miserable, wretched, poor and lost to all eternity. But if you repent, and get converted; be made free from sin; serve the Lord faithful unto death, (however hard your situation may be in this world,) your sufferings will soon be over; and you may have crowns and kingdoms in glory, where the wicked cease from troubling; where every tear is dry,  
*And not a wave of trouble rolls  
Across the peaceful breast,*  
be happy in heaven forever; while wicked masters are turned into hell and damned forever.

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