



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

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

TRIAL OF THE REV. JACOB GRUBER.

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The following is the BILL OF INDICTMENT, found by the GRAND JURY of Washington county, and upon which the defendant was tried in the Frederick county court, March Term, 1819, and honourably acquitted, as the proceedings will show.

CHARGE I.

State of Maryland, Washington County, *to wit.*

The jurors for the state of Maryland, for the body of Washington county, upon their oath present, That Jacob Gruber, late of the said county, clerk, being a person of an evil, seditious, and turbulent disposition, and maliciously intending and endeavouring, to disturb the tranquillity, good order, and government of the state of Maryland, and to endanger the persons and the property of a great number of the quiet and peaceable citizens of the said state, on the sixteenth day of August, in the year of our Lord one thousand eight hundred and eighteen, at the county, aforesaid, unlawfully, wickedly, and maliciously, intended to instigate, and incite, divers negro slaves, the property of divers citizens of the said state, to mutiny and rebellion, for the disturbance of the peace of the said state, and to the great terror and peril of the

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peaceable citizens thereof. And that the said Jacob Gruber, in prosecution of his said wicked intention and purpose, and for the affecting, and accomplishment thereof, on the said sixteenth day of August, with force and arms, at the county aforesaid, *unlawfully, wickedly, maliciously, and advisedly, did endeavour to stir up, provoke, instigate, and incite, divers negro slaves*, whose names to the jurors aforesaid, are, as yet unknown, the property of divers citizens of the said state, and inhabiting in the county aforesaid, with force and arms, unlawfully, seditiously, and wickedly, to commit acts of *mutiny and rebellion*, in the said state, in contempt, and in open violation of the laws, good order, and government of this state, to the evil and pernicious example of all others, in like case offending, and against the peace, government, and dignity of the state.

CHARGE II.

And the jurors aforesaid, upon their oath, do further present, That the said Jacob Gruber, being such person as aforesaid, and unlawfully, maliciously, and wickedly, designing, intending, and endeavouring, again to disturb the peace, tranquillity, good order, and government of the said state, and further to endanger the persons and property of the quiet and peaceable citizens of the said state, and to incite a great number of other negro slaves, the property of divers citizens of the state of Maryland, to disobedience, insubordination, and rebellion, to and against their masters, and to break the peace of the said

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state upon their said masters, to the great peril, annoyance and disturbance, of the quiet and peaceable citizens of the said state, afterwards, to wit, on the day and year aforesaid, with force and arms, at Washington county, aforesaid, unlawfully, wickedly, maliciously, and advisedly, *did endeavour to stir up, provoke, instigate, and incite, a great number of the said last mentioned negro slaves, whose names to the jurors aforesaid, are, as yet unknown*, the property of divers citizens of the said state, and inhabiting in the said county, aforesaid, with force and arms, *unlawfully, seditiously, and wickedly, to resist the lawful authority of their said respective masters, and lawful owners*, whose names to the jurors aforesaid, are, as yet unknown, *and to break the peace of the said state upon their said respective masters, and lawful owners*, to the great damage of the said masters, in contempt, and in open violation of the laws, good order, and government of this state, to the evil and pernicious example of all others, in like case offending, and against the peace, government, and dignity of the state.

CHARGE III.

And the jurors aforesaid, upon their oath aforesaid, do further present, That the said Jacob Gruber, being such person as aforesaid, and maliciously, and wickedly, designing, intending, and endeavouring, again to disturb the peace, tranquillity, good order, and government of the said state, and further to endanger the persons and property of the quiet and

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peaceable citizens of the state of Maryland, afterwards, to wit, on the day and year aforesaid, at Washington county, aforesaid, unlawfully, wickedly, and maliciously, *intended*, and devised to stir up, provoke, instigate, and incite, divers other slaves, actually to raise insurrection and rebellion in this state, for the disturbance of the peace of the said state, and to the great terror, peril, and disturbance of the quiet and peaceable citizens thereof, and that the said Jacob Gruber, in prosecution of his said wicked intentions and purpose, and for the effecting and accomplishing thereof, on the said sixteenth day of August, in the year aforesaid, with force and arms, at the county aforesaid, unlawfully, wickedly, and maliciously, did endeavour to stir up, provoke, instigate, and incite, a great number of the said last mentioned slaves, whose names to the jurors aforesaid, are, as yet unknown, inhabiting in the county aforesaid, actually to raise *insurrection and rebellion in this state*, in contempt, and in open violation of the laws, good order, and government of the said state, to the evil and pernicious example of all others, in like case offending, and against the peace, government, and dignity of the state.

FRANKLIN ANDERSON,
District Attorney of the Fifth Judicial District.

True copy,
O. H. WILLIAMS, Cl'k.

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Mr. Anderson, in addressing the jury, in his opening of the case, observed, that it was well known that slaves was property according to our laws, and that masters were entitled to protection, and any attempt to incite slaves to insubordination and resistance to the lawful commands of their masters ought to be punished. But in the prosecution of our enquiry on this occasions, gentlemen, we must not forget that liberty of opinion and speech is the privilege of every citizen; and if Mr. Gruber had no criminal intent in his sermon, he has committed no offence. It is your duty and your province to judge of the intent from the facts that will be

disclosed.

Dr. Frederick Dorsey being sworn on the part of the prosecution, was examined by the Attorney General.

Question. Did you hear Mr. Gruber's sermon at the Camp-meeting, in Washington county? please to inform the jury what Mr. Gruber said, to the best of your memory.

Answer. I was at the Camp-meeting, and heard the sermon. Mr. Gruber spoke on many subjects. Of the tyranny of masters, and gave a dialogue of what was to pass in hell between masters and slaves upon hot grid-irons. Drew a comparison between Pennsylvania and Maryland. That the people in the former state were surprised to see in the Maryland newspapers, advertisements of negroes for sale, with stock and lands. Negroes sold for life, without fault, none need apply without cash, the price of a soul.

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He said, in looking further on in the same newspaper, we often find another advertisement--two hundred dollars reward--one hundred dollars reward-- fifty dollars reward, for a negro run away. A man gone to see his wife, or wife gone to see her husband. Fear of punishment on their return, perhaps, keep them from home. He said, he should not be surprised if they were to poison your children, and all go to damnation together; to which there was a general response of Amen! Amen! He said, it was true some slaves had good masters, but what security have fathers that children will use them well? May not the slaves you leave as property, rise against your children? And addressing the slaves, he said, what security have you that your children will not tyrannize over them, and the slaves poison your children? Masters had no right to punish. Negroes were free,--they were born free. He quoted the declaration of independence, by which which the people in this country had declared all men to be equal, and entitled to life, liberty, and the pursuit of happiness. He said, the husband had no right to punish his wife, neither has a master any right to punish his slave. I was disgusted and went off.*

[Note : * *This appears strange, but it is nearly verbatim with the testimony, as delivered.*]

Cross examined by Mr. Pigman.

Q. What part of the discourse was addressed to the negroes?

A. A considerable part of it.

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Q. What were the number of whites at the meeting?

A. About three thousand whites, and from three to five hundred blacks.

Q. What was the manner of Mr. Gruber?

A. He preached with energy and zeal.

Q. What was the text of Mr. Gruber?

A. I do not recollect the text, but he preached the necessity of repentance to the blacks as well as the whites.

David G. Yost, Esq. was next examined by the Attorney General, on the part of the state.

Q. Were you at the Camp-meeting in Washington county? Did you hear Mr. Gruber's sermon? How many persons were present, and what was the general scope of his sermon?

A. I was at the meeting and heard the sermon. His text was in Proverbs, "Righteousness exalteth a nation, but sin is a reproach to any people." He said in that part of his discourse relating to slavery, as a national sin, that he was opposed to slavery as a man, and much more as a christian. He said, it was a reproach to the people of America to boast of their liberty while they held thousands in bondage. That there was a great inconsistency in holding the declaration of independence in one hand and a bloody whip in the other, and the blood streaming from a negro's back, literally cut to pieces. He spoke of advertisements in the Maryland papers, mixing negroes for sale with stock, land, &c. and offering a reward for men, who, perhaps, from inhuman treatment had

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gone to see wife and children. He then addressed the blacks, and exhorted them to emancipate themselves from the service of the devil, and warned them if they and their masters lived and died in sin they would all go to hell together. Then he addressed the whites. You say you use them well. Granted. But how do you know your children, to whom you leave them, will use them well. They may tyrannize over them, and the slaves may rise up and poison, or cut the throats, of your children. In his address to the negroes, he particularly exhorted them to get religion and seek the pardon of God for their sins, and be happy.

Dr. Hammond, a witness for the state, was examined by the Attorney General.

Q. Did you hear the sermon in question, delivered by Mr. Gruber?

A. I did hear it. He spoke in part of it of advertisements in the Maryland newspapers, in which men were offered for sale with cattle. Negroes were offered for sale without any fault. None need apply without cash. He said, the cruelty of some masters were such, that he should not be surprised if the slaves would enter their bed-rooms in the dead of night and poison them, or cut their throats. He seemed to speak in a great passion. A person could hear him half a mile distinctly. He said, negroes were sometimes whipt for trifling faults. That they could not serve God and man. The part of his sermon addressed to the blacks occupied ten or fifteen minutes.

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Cross examined by Mr. Pigman.

Q. Do you remember that part of scripture where our Saviour told the Jews, and others who heard him, that they could not serve "God and Mammon?"

A. I do not remember any such scripture.

Mr. Claggett was next examined on the part of the state.

Attorney General. Mr. Claggett state to the court and jury what you know about this business.

Q: Were you at the Camp-meeting, and did you hear the sermon?

A. I was at the meeting. I do not remember the text. Mr. Gruber said, it was very inconsistent for people in this land, of boasting liberty, to hold the declaration of independence in one hand, and a whip, stained with

human blood, in the other. He said, it was a common thing to see human flesh offered for sale in Maryland, with cattle and other stock. Horrid it was, he said, to the people of Pennsylvania, to hear of these things. He said, he should not be surprised if these negroes poisoned, or cut the throats, of the children of their masters, and all go to destruction together. I think there was about four or five thousand persons present, and out of that number about four or five hundred blacks. I did not hear the address to the blacks. I left the ground before that part of the sermon, commenced.

Daniel Schnebly, was next examined on the part of the state.

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Attorney General. What do you know about this business?

A. I do not remember the text. It was, I think, in Proverbs. I got displeased with him early in his sermon, and left the ground; and returned again, and heard him in addressing the whites, say, he should not be surprised if they, (the negroes,) rose in the night and killed their masters, and entered their bedrooms and poisoned their children. There was from five to six thousand people present, and out of them about from three to five hundred negroes. He preached with a good deal of warmth.

Dr. Finley was next examined, on the part of the state.

Attorney General. Dr. Finley please to state to the jury, what knowledge you have of this business.

A. I heard Mr. Gruber preach the sermon for which he stands accused. The general scope of his sermon was to entreat the congregation to obtain religion. He preached with zeal and vehemence; but not more so on that occasion than usual. I have heard Mr. Gruber often, and he delivered his sermon on that occasion with his usual manner. When speaking on slavery as a national sin, he said, besides the immorality of slavery itself, many masters treated their slaves with great cruelty, denying them the comforts of life, and many engaged in the slave-trade, would, for a tempting price, rear asunder the tender ties of husband and wife, parents and children: under these cruelties the slaves might be faithful to one generation, but they might not be so to the descendants

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of the present generation; that it would not be surprising, if the children to whom they were left, treating them with cruelty, should cause rebellion, and end in mutual strife, the negroes should cut their throats, or kill them; be hung for it, and all go to destruction together. He said, some slaves were treated as if they had no souls. He said, though they were black they still had human feelings, and many of them possessed keen sensibility. He said, those who tyrannized over the negroes might be in hell, while the negro thus used, if faithful, might be in happiness. He said, it was degrading to humanity, to see human souls mixed with horses, cows and stock, and offered at public sale to the highest bidder; that it was inconsistent with the republican principles of this nation to hold the declaration of independence in one hand, while the bloody scourge was brandished over the trembling slave with the other.

Mr. Ingram was next examined.

Attorney General. What do you know about this business?

A. I remember that he said, he should not be surprised if the slaves of some masters entered their bed-rooms and cut their masters' throats. I did not pay much attention to his sermon. I do not remember the text.

Mr. Hogmire was next examined.

Attorney General. What do you know about this business?

A. Mr. Gruber, when speaking upon the subject of slavery, observed, that the Pennsylvanians thought
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it monstrous, to see Maryland newspapers filled with advertisements, offering for sale negroes with cattle and other goods. He should not be surprised, if they were to cut their masters' throats and poison their children.

Mr. Rench was next examined, on the part of the state.

Attorney General. What do you know about this business?

A. I do not remember the text. I got so mad with Mr. Gruber for his severity on other sects of Christians that I do not remember much about the sermon. Here the Attorney General gave notice to Mr. Gruber's counsel, that the proof on the part of the state was closed.

Mr. Taney opened the case to the jury, on the part of the Rev. Mr. Gruber.

The statement, he said, made by the District Attorney, had informed the jury, of the interesting principles involved in the trial then pending before them. It was, indeed, an important case, in which the community, as well as the accused, had a deep interest. The prosecution, said Mr. Taney, is without precedent in the judicial proceedings of Maryland, and as the jury are the judges of the law, as well as the fact; it becomes my duty, not only to state the evidence we are about to offer, but to shew you the grounds on which we mean to rest the defence.

I need not, continued Mr. Taney, tell you, that

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by the liberal and happy institutions of this state, the rights of conscience and the freedom of speech, are fully protected. No man can be prosecuted for preaching the articles of his religious creed; unless, indeed, his doctrine is immoral, and calculated to disturb the peace and order of society. And on subjects of national policy may, at all times, be freely and fully discussed in the pulpit, or elsewhere, without limitation or restraint. Therefore, the Reverend gentleman, whose cause I am now advocating, cannot be liable to prosecution in any form of proceeding, for the sermon mentioned by the District Attorney, unless his doctrines were immoral, and calculated to disturb the peace and order of society. The sermon, in itself, could in no other way be an offence against the laws. If his doctrines were not immoral, if the principles he maintained were not contrary to the peace and good order of society, he had an undoubted right to preach them, and to clothe them in such language, and to enforce them by such facts and arguments, as to him seemed proper. It would be nothing to the purpose, to say, that he offended or that he alarmed some, or all of his hearers. Their feelings, or their fears, would not alter the character of his doctrine, or take from him a right secured to him by the constitution and laws of the state.

But, in this case, he is not accused of preaching immoral, or dangerous doctrine. It is not the charge contained in the indictment. The preaching of such a sermon, is not laid as the offence. He is accused of

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an attempt to excite insubordination and insurrection among our slaves: and the intention of the preacher is the essence of the crime. On this indictment, no matter what doctrines he preached; no matter what language he used; yet his doctrines, or his language could not amount to the crime now charged against him. They would be evidence, I admit, to shew his intention; but they would be nothing more than evidence, and could not constitute the offence itself.

(Mr. Taney then read, and explained to the jury, the different counts contained in the indictment.) You will perceive, continued Mr. Taney, by the explanation I have given you, that the *intent* of the accused, is the great object of your enquiry. The charge is a grave and serious one. It is necessary, in order to support the prosecution, that the wicked intention, charged in the indictment, should be made out by proof. The guilty design is the crime imputed to him. You must be satisfied, before you can say he is guilty, that such was his intent; such the object he wished to accomplish; and that such were the purposes for which his sermon was preached. For it is upon this sermon alone that this prosecution is founded.

It is true, said Mr. Taney, that the words used by him, are evidence of his intentions. But they are not conclusive evidence: nor are they the only evidence, from which the intent is to be gathered. His language is a circumstance, from which you may infer

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his design. It is nothing more. And there are a variety of other circumstances, equally entitled to weight, and equally proper for the consideration of the jury. For, when it is alledged, on the part of the prosecution, that a clergyman of a Christian society, while professing to be engaged in the high and solemn duties of religion, was, in truth, seeking to produce insubordination and insurrection among the slaves, and a detached part of his sermon, is relied upon as the proof of his guilt; the party accused, has a right to refer you, in proof of his innocence, to the general scope and object of his sermon: to the other topics introduced and discussed: to the occasion on which it was preached: to the character of the congregation to whom it was addressed: to the opinions known to be held by the society to which he belongs: and above all, to the history of his own life, which, in this instance, would, of itself, be abundantly sufficient, to repel such a charge, bottomed on such evidence. Upon all of these circumstances Mr. Gruber relies for his defence; and I now proceed more particularly to state them, as you will by and by hear them in proof.

You have already been told, that Mr. Gruber is a minister of the Methodist Episcopal Church. And it is not necessary to tell you, that the religious society to which he belongs, is nearly as numerous as any other society of Christians in this state; and the equal of any other, in the general order and decorum of their behaviour, in their moral department, and in

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their habits of obedience to the laws. It was, at a very early period of his life, that Mr. Gruber became a member of this society, and took upon himself, the duties of a minister of the gospel. In this vocation, he has faithfully laboured, for more than twenty years; and he now fills a post of high rank, and great confidence, in his church; the reward of his fervent piety and unwearied zeal. We shall also prove to you by a most respectable witness, a minister of the same church, whose duty it has often been, according to the discipline of that society, to examine into the conduct and character of the accused, that during the whole course of his ministry, the Reverend gentleman who is now on his trial, has sustained a character of spotless integrity.

It is well known, that the gradual and peaceable abolition of slavery in these states, is one of the objects,

which the Methodist society have steadily in view. No slave-holder is allowed to be a minister of that church. Their preachers are accustomed, in their sermons, to speak of the injustice and oppressions of slavery. The opinion of Mr. Gruber on this subject, nobody could doubt. And if any slave-holder believed it dangerous to himself, his family, or the community, to suffer his slaves to learn, that all slavery is unjust and oppressive; and persuade himself, that they would not of themselves, be able to make the discovery: it was in his power to prevent them from attending the assemblies, where such doctrines were likely to be preached. Mr. Gruber

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did not go to the slaves: they came to him. They could not have come, if their masters had chosen to prevent them.

In August, 1818, a Camp-meeting of the Methodist society was held in Washington county. At this meeting, it was the duty of Mr. Gruber to attend. He did attend, and from his official station in the society, the general superintendance, and direction of the meeting, was in his hands. On one of the days of the meeting, when the usual hour of evening preaching had arrived, the gentleman who had been depended upon to fulfil that duty, was prevented by indisposition. It was the duty of Mr. Gruber, to provide for this unexpected emergency. He applied to several of his brethren, and requested them to address the congregation. But it so happened, that from different causes, not now material to be stated, he was unsuccessful in all his applications: and as nobody else could be found to supply the place of the sick brother, Mr. Gruber was compelled to do it himself. He undertook the task without preparation, without time for reflection, and upon the sudden and unexpected call of the moment. I state, said Mr. Taney, these facts, so much in detail, because this sermon, is the sole foundation of the charge against him. The language used on that occasion, is the only fact, relied upon to prove him guilty of the wicked intention of raising an insurrection among the slaves: and converting this peaceful and flourishing state into a horrible scene of rapine and murder.

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At the time this sermon was preached there were present about three thousand persons, of whom only about four hundred were people of colour, as they are now generally called. These were separated from the whites, according to the custom on such occasions, and placed together, behind the stand, from which the preacher addressed the congregation. Many of the most respectable gentlemen of Washington county, and many of the principal slave-holders were there, when the sermon in question was delivered. Yet it is at this meeting, thus constituted, that he is accused of conspiring against the peace of this state. It is, in his public address, to this assembly, that he is said to have developed his profligate designs. If he did mean to stir up the slaves to insurrection, it must, at least, be admitted, that he at the same time put the masters on their guard.

The address of Mr. Gruber, occupied rather more than one hour. His subject was national sin; and after enumerating and rebuking some offences which, he supposed, the people of this country to be but too prone to commit, he, in the conclusion of his discourse, spoke about fifteen minutes and no more, on slavery, and the treatment of slaves. It is not alledged, that he said any thing in the preceding part of his sermon, calculated, in any degree, to support the prosecution. During all that time, he made no allusion to the condition of master or slave. And in the latter part of his discourse, when he did speak of them, and used the language on which this prosecution

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is founded, he addressed himself particularly to the masters. His appeal to his hearers, on this subject, was directed exclusively to the whites. The impression was intended to be made on them. And when the language

used by him, shall be detailed to you by the witnesses, you will find, that he could not have designed, in that part of his discourse, to influence the conduct of the slaves, but was obviously, and clearly, seeking to reform the hearts of the masters.

There may, and probably will be, a difference among the witnesses, as to the words used on this occasion, by the Reverend preacher. There will always be this difference, where there are many hearers. For some will be negligent, while others are attentive: some hear only detached parts: others hear the whole: some are roused to attention, only when the angry passions are inflamed by an expected attack on some favourite opinion; and others, listen to the whole discourse, in the spirit of soberness and humility, for the purpose of receiving and profiting by the instruction. And in this case, a difference is more especially to be looked for, because the sermon produced a good deal of excitement, and much warm conversation among different persons, even on the ground: so that the remarks of irritated individuals, became intimately blended in the mind, with the language of the preacher, and make it difficult, after the lapse of some months, for those who had listened carelessly, to separate the one from the other. But

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we shall be able to fix, beyond doubt, the language actually used by him. For we shall produce a most respectable witness, who listened attentively to the whole discourse, who was near the preacher during the whole time, and who, on the day afterwards, while it was yet fresh in his mind, wrote down the heads of the discourse, and wrote out, in full, what may be termed the offensive part of it. His statement too, will be corroborated by the testimony of a multitude of other witnesses, concurring with him in all the material parts. We shall, therefore, confidently rely on it, as containing truly and accurately the words delivered. And from such a sermon, as the witness will detail, preached by such a man, on such an occasion, and under such circumstances, without any other act of his life, to aid the prosecution: I must be allowed to say, continued Mr. Taney, that no intelligent mind, free from the influence of passion and prejudice, can infer the guilty design charged in this indictment.

The learned District Attorney has said, that the language of Mr. Gruber was injudicious: that it was not calculated to do good: that it would necessarily irritate and offend the masters, and make the slaves more dissatisfied with their unhappy condition. And it may, in the progress of this trial, be argued on the part of the prosecution, that, his principles on the subject of slavery, were wrong; that the assertion of his opinions, to a congregation mixed, like the one to which he was speaking, was impolitic and dangerous,

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and likely to produce insubordination and disturbance among the slaves. Now, if all this could be truly said of this memorable sermon; if the Reverend preacher merited all these reproaches, yet, if you should believe that his motives were pure, if you think him innocent of any design to produce this mischief, he would, still, be entitled to a verdict of acquittal. For he is not now on trial, for preaching doctrines calculated to disturb the peace and order of society. That is not the offence charged in this indictment; and you are well aware, that a man indicted for one offence, cannot, on his trial, on that indictment, be convicted of another and a different offence. And if the learned attorney for the state, shall be able to satisfy you that the opinions of Mr. Gruber on slavery, and the treatment of slaves, are unsound: that his arguments were injudicious and impolitic: that his language was inflamatory, and calculated to produce evil: still he will not have advanced one step towards the accomplishment of his object, until he can prove to you, that these opinions were uttered, these arguments were used, and this language employed, with the criminal intention, and for the wicked purpose laid in this indictment. I might, therefore, safely rest the defence on this ground, and yield to the attorney for the state all the advantage, he can derive, from placing my client, in this respect, in the wrong. For the circumstances I

have before stated, will, in my humble judgment, put the integrity of his motives, beyond all question. And whatever may be thought, or said, of the intemperance of his zeal, no

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body, who listens to the proof, will be able to doubt the sincerity of his heart.

But the Reverend gentleman, continued Mr. Taney, merits a defence on very different principles. The counsel, to whom he has confided his cause, cannot content themselves with a cold and reluctant acquittal, and abandon Mr. Gruber, without defence, to all the obloquy and reproach, which his enemies have industriously, and most unjustly heaped upon him. We cannot consent to buy his safety by yielding to passion, prejudice, and avarice, the control of future discussions, on this great and important question. He must not surrender up the civil and religious rights, secured to him in common with others, by the constitution of this most favoured nation. Mr. Gruber feels, that it is due to his own character; to the station he fills; to the respectable society of Christians in which he is a minister of the gospel, not only to defend himself from this prosecution, but also to avow, and to vindicate here, the principles he maintained in his sermon. There is no law that forbids us to speak of slavery as we think of it. Any man has a right to publish his opinions on that subject whenever he pleases. It is a subject of national concern, and may at all times be freely discussed. Mr. Gruber did quote the language of our great act of national independence, and insisted on the principles contained in that venerated instrument. He did rebuke those masters, who, in the exercise of power, are deaf to the calls of humanity; and he warned them of

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the evils they might bring upon themselves. He did speak with abhorrence of those reptiles, who live by trading in human flesh, and enrich themselves by tearing the husband from the wife--the infant from the bosom of the mother: and this I am instructed was the head and front of his offending. Shall I content myself, continued Mr. Taney, with saying he had a right to say this? that there is no law to punish him? So far is he from being the object of punishment in any form of proceeding, that we are prepared to maintain the same principles, and to use, if necessary, the same language here in the temple of justice, and in the presence of those who are the ministers of the law. A hard necessity, indeed, compels us to endure the evil of slavery for a time. It was imposed upon us by another nation, while we were yet in a state of colonial vassalage. It cannot be easily, or suddenly removed. Yet while it continues, it is a blot on our national character, and every real lover of freedom, confidently hopes that it will be effectually, though it must be gradually, wiped away; and earnestly looks for the means, by which this necessary object may be best attained. And until it shall be accomplished: until the time shall come when we can point without a blush, to the language held in the declaration of independence, every friend of humanity will seek to lighten the galling chain of slavery, and better, to the utmost of his power, the wretched condition of the slave. Such was Mr. Gruber's object in that part of his sermon, of which I am now speaking. Those who have complained of him,

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and reproached him, will not find it easy to answer him: unless complaints, reproaches and persecution shall be considered an answer.

I have now done, continued Mr. Taney, with stating the testimony we are about to offer, and marking out the grounds on which our defence will be taken. But there is one other topic, on which it may be proper to remark, before I conclude the opening of the case.

The sermon in question, was preached in Washington county, and this indictment was found by the Grand Jury for that county. The cause has been removed to Frederick, upon the application of the accused. This circumstance, sometimes creates suspicions unfavourable to the character and standing of the party who applies for the removal. If he has been long an inhabitant of the county in which he is indicted, there may be some ground for these suspicions: but even then, they cannot be allowed, in the least degree, to affect the verdict. In this case, however, Mr. Gruber was as much a stranger in Washington, as he is in Frederick. He never resided in that county, and therefore, has not shunned the decision of the men who knew him. He has removed his cause from one body of strangers, to be decided, indeed, by another body of men, who are equally unacquainted with him. His motive for doing so, I will briefly explain to you.

Mr. Gruber, as I have already told you, was a

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stranger in Washington, and consequently incapable of deciding how far, a fair and impartial trial, could be there expected. He, of course, submitted himself on this point, to the decision of his counsel, and formed his own opinion upon the advice and information derived from them. I am by no means prepared to say, that if he had gone to trial in Washington, his cause would not have been patiently heard, and impartially decided, by a jury of that county. But it was well known that great pains had been taken to inflame the public mind against him. The Grand Jury of that county had found this indictment to be true: and on that jury were men of high standing and great influence in the county. Many of the members of that body, I know personally, and respect highly. They are incapable, I am sure, of wilfully doing wrong. Yet they are like the rest of us, but men! frail men! and liable to be influenced by the impulse of passion or prejudice without being aware of it. Knowing, as I did, all the circumstances of this case and being firmly convinced that there was no just cause for instituting this prosecution, the finding of this indictment, by a body of men so respectable as the Grand Jury, was of itself sufficient evidence to my mind, that the liberty and reputation of Mr. Gruber, ought not to be hazarded on a trial there. I so advised him, said Mr. Taney, in the strongest terms; and if blame is to rest upon any one, for the removal of the cause, I acknowledge that to me, and not to Mr. Gruber it ought to be imputed. Yet, I cannot think, that the exercise of a constitutional right can be

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matter of censure against the client or his counsel: nor can it be a reproach to any one, that he is willing to abide the verdict of a jury of Frederick county.

The Rev. Mr. Sneathen was first examined on the part of the defendant, by Mr. Pigman.

Q. Will you state to the court and jury what you know of the sermon, delivered by Mr. Gruber, at the Camp-meeting in Washington county?

A. In his introductory prayer, he devoutly prayed for the safety, conversion and happiness of the whole assembly. When upon the point of slavery, he gave the good and bad masters their meat in due season. Kept up the distinction between good and bad masters. He admitted, in his argument, that many masters used their slaves well, but then, he said, what security have they that their children will use them well? It is possible that their children may be tyrants,--the slaves may rise and kill their children. When he spoke of killing, it exclusively related to the next generation. He endeavoured, in his argument, to convince the good master that slaves were dangerous property to leave to children; that tyranny in the children might produce rebellion in the slaves, and mutual destruction might ensue. Mr. Gruber preached that day by accident. He did not appoint the meeting; and before he began, he laboured very much with one of his brethren in the ministry, to preach in his place. He possesses a good general character; is very zealous and devout in the ministry. He is next in

office to the Bishop, and of an unimpeachable

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moral character. In his address, in conclusion, to the blacks, he enforced on them repentance; exhorted them to religion, to obedience, and patience in the service of their masters. He told them, without religion they were slaves to their own lusts, slaves to their masters, and if they died in their sins they would be damned forever. When he adverted to the declaration of independence, he spoke of it as a national thing, and not to slaveholders particularly, and said, it had been justly thrown upon this nation as a reproach, to hold the declaration of independence in one hand, and the bloody whip in the other.

Court. How did you like the sermon?

A. From prudent considerations I would not have preached in the same way, because, from his very frank manner persons might misrepresent him. My taste also differed from his, and should have advised a different manner and composition; but nothing escaped him that could induce me to believe for a moment, that he had a criminal intent. When Mr. Gruber spoke of the danger of mutual destruction between the children and slaves in the next generation, he offered up a prayer for them all; "the Lord have mercy on them;" and it was then the general response of AMEN took place, alluded to by Dr. Dorsey.

Rev. Jeremiah Mason was next sworn by the clerk, and examined on the part of the defendant, by Mr. Pigman.

Q. Were you at the Camp-meeting when the

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sermon in question was delivered by the defendant? If you were, state all you remember about it.

A. I was at the Camp-meeting, and heard the sermon. His text was in Proverbs, "Righteousness exalteth a nation, but sin is a reproach to any people." Righteousness, was the first head of the discourse. Sin is a reproach to any people, was the next head. He dwelt considerably on the sin of infidelity, and with great labour on the sin of oppression, under which he considered, he said, the whole of involuntary negro slavery. He contended that involuntary negro slavery was a violation of the moral and natural law, and a gross abuse of christianity; that it was in violation of the sentiments expressed by the American sages, in the declaration of independence; that it was reproachful to this nation to hold that sacred instrument in one hand, and a rod stained with blood in the other. He spoke of the cruelty of advertising and selling human beings, mixed with cattle. He said, it was usual to find in the advertisements on this subject, the owners stating to the public, that they (the negroes,) were sold without fault. In that part of his address directed to the negroes, he was very severe on them, and told them, unless they repented and obtained conversion, they would be damned forever. He recommended to them obedience and entire and patient resignation to their condition. I being a justice of the peace, and hearing an accusation was to be stated against Mr. Gruber, I made immediate notes, after the delivery of the sermon of its principal heads. When he spoke of the danger of

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killing, he referred to the posterity of the present generation of masters. He said, in the mutual strife that might ensue between the negroes and the children of the present masters, there might be mutual death, and all be sent to destruction together. Then he made a pause, and said, the Lord have mercy on them. Then the response spoken of by Dr. Dorsey, took place of AMEN! AMEN! Mr. Gruber then said,

*Is there not some chosen curse,
Some secret thunder in the stores of heaven,
Red with uncommon wrath, to blast the wretch
That makes his fortune from the blood of souls.*
or words to that effect. At this time he was speaking of the slave trade.

Court. Have you ever said, that you did not approve of the matter and manner of the sermon delivered by Mr. Gruber?

A. I have said, from the temper of the congregation, I was fearful the sermon might give offence to some persons present, but I never intimated or thought there was any thing criminal in it.

Rev. Jonathan Forrest was next examined, by Mr. Pigman, on the part of the defendant.

Q. Were you at the Camp-meeting where Mr. Gruber delivered the sermon for which he is now accused? Did you hear the sermon? State all you remember on the subject.

A. I was at the Camp-meeting, and I heard the sermon. He took his text in Proverbs, "Righteousness exalteth a nation, but sin is a reproach to any

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people." He spoke considerably on the beauty of righteousness, and the horror of sin in a national point of view. In his prayer, previous to preaching, he offered a fervent petition at a throne of grace, for the happiness, peace, conversion and quiet of the whole congregation. He discussed negro slavery as a national sin, as being contrary to the natural and moral law, contrary to the christian religion, and expressly against that command of God, which directs us to do to all men, as we would they should do to us. He said, slaves were dangerous property for fathers to leave to their children. Children might tyrannize over them, mutual destruction might ensue, and all go to destruction together. When he spoke of the danger of killing it was in reference to the next generation of men. In that part of the address directed to the negroes he exhorted them with great zeal to get religion, to seek pardon of God, to obey their masters and mistresses, to let their light shine before men, and perhaps, it might be a means of their getting their freedom, through some kind turn of Providence. He told the slaves, if they lived and died in their sins they would be damned forever. I was near Mr. Gruber the whole time he was preaching. I am confident he did not in any part of his sermon say, the negroes present were free born.

H. G. O'Neal was next examined on the part of the defendant, by Mr. Pigman.

Q. Were you at the Camp-meeting where Mr. Gruber preached the sermon, for which he is now on

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his trial? Did you hear the sermon? please to state all you know on the subject.

A. I was at the Camp-meeting, and heard the sermon. In his first prayer he fervently prayed, as usual, for the peace, conversion and happiness of the whole congregation. In the general scope of his sermon, he preached repentance towards God and faith in a Saviour. He said, slaves were dangerous property to leave to children; that present good masters had no security that their children would make good masters;--children might become tyrants, slaves might rebel, kill each other, and all go to destruction together. I do not remember his saying any thing about poison. When he spoke of killing, he referred to the next generation of men. He said, it was monstrous to see human souls put up at auction, for sale with cattle and stock; that it was horrid to a

republican and a christian. In his address to the negroes, he was severe on them for their own sins. I remember he preached to them the necessity of their own conversion. Exhorted them to be obedient submissive to their masters, and begged those who had pious masters to join them in devotion. I think there was about five thousand white persons present and perhaps from two to three hundred blacks.

Mr. Long was next examined, by *Mr. Pigman*, on the part of the defendant.

Q. Were you at the Camp-meeting where *Mr. Gruber* preached? Did you hear the sermon? state all you remember about it.

A. I was at the Camp-meeting, and heard the
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sermon. I remember *Mr. Gruber* said, Pennsylvanians thought it strange, that human beings were sold in Maryland at auction, with cattle and beasts. He said, negroes were dangerous property for fathers to leave to their children, that children might prove to be tyrants, negroes might rebel, mutual destruction take place, and all go to destruction together.

Court. Did he tell the negroes they were a degraded people?

A. No.--He advised them to be obedient. He preached a mighty good sermon. It was the truth from the scriptures.

Rev. Lawrence Everhart was next examined on the part of the defendant, by *Mr. Pigman*.

Q. Were you at the Camp-meeting where *Mr. Gruber* preached the sermon, for which he is now accused? Did you hear the sermon?

A. Yes, I heard the sermon. In preaching from his text, he spoke of the beauty of righteousness first. Then he spoke of various national sins until he came to the sin of negro slavery. He said, the Americans had, in their declaration of independence, proclaimed to the world, that they hold it self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are, life, liberty, and the pursuit of happiness; that it was inconsistent for this nation to be holding this scroll of liberty in one hand, and in the other a bloody cow-hide; that human beings were often mixed with cattle, and sold at public auction for no fault; that it would be awful to account for this in the

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day of judgment. He said, admit some masters use their slaves well, what security have they when they leave this sort of property to descend to their children, that their children will be equally kind? The children may become tyrants, and slaves rise against them, produce mutual resistance, and mutual destruction, and all go to hell together. The Lord have mercy on them. There was then a general response of AMEN! AMEN! After addressing the whites, he particularly addressed the negroes. He exhorted them to obey their masters, and be resigned to their condition. He preached to them the terrors of hell that hung over them while they remained in an unconverted state; that they were slaves to their lust, slaves to the devil, and if they died in their sins they would be damned forever.

Rev. Samuel L. Davis was next examined on the part of the defendant.

Q. Where you at the Camp-meeting in Washington county? and did you hear Mr. Gruber's sermon?

A. I was at the Camp-meeting, and heard the sermon. The text he took opened the way to speak of national virtues, and national sins. Among other national sins he spoke of negro slavery, as tolerated in this nation. He was very severe upon bad masters, and particularly those engaged in the slave trade. In part of his sermon he made use of a quotation to this effect, I think--

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*Is there not some chosen curse,
Some secret thunder in the stores of heaven,
Red with uncommon wrath, to blast the wretch
That makes his fortune from the blood of souls.*

When he made this quotation he was speaking of the slave trade. The address on this sin was principally directed to cruel masters, and traffickers in human flesh. After preaching to the whites he addressed the blacks; warned them faithfully of their own sins, preached to them the terrors of the law, exhorted them to obedience to their masters, resignation to their state. I considered the address to the slaves a complete antidote for any thing that had gone before.

Court. What do you mean by an antidote? Was there poison to be expelled?

A. I supposed it probable many masters present would be offended at the plain manner in which the preacher delivered the greatest truths; and I thought their wrath would be turned away when the accused warned the slaves so faithfully of their own sins, and exhorted them to obedience to their masters. That is what I mean by antidote. I never supposed there was any thing criminal in his sermon. I remember Mr. Gruber said, many persons would contribute their money to support Bible Societies, to carry the scriptures to the heathens in foreign countries, who neglected to teach religion to the heathens in their, own kitchens.

Court. Remember you must state the truth.

A. Sirs, I am on my oath, that is warning enough for me.

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Mr. Yo was next examined on the part of the defendant.

Q. What knowledge have you of the sermon preached by Mr. Gruber, in Washington county, at the Camp-meeting?

A. I heard the defendant preach the sermon, I remember, he endeavoured to prove that slaves were dangerous property to leave to children; that although fathers might be good, the children might be tyrants, slaves might rise against the children, mutual destruction might ensue, and all go to destruction together. He said, slavery was horrid to him as a man and a Christian; that it was a violation of the moral law, the law of christianity, and was, in fact, contrary to the sentiments of the American sages, as expressed in the declaration of independence. He said, it was monstrous to see a people holding a scroll of liberty in one hand, and a bloody whip in the other. After he addressed the whites, he turned to the negroes, and warned them faithfully of their own sins; exhorted them to repentance, to obedience to their masters, and patient submission to their condition.

Jacob Bowlus was next examined on the part of the defendant.

Q. Were you at the Camp-meeting in Washington county when Mr. Gruber preached the sermon, for which he is now on trial? state to the court and jury what knowledge you have of it.

A. I was at the Camp-meeting, and heard Mr. Gruber preach the sermon for which he is now indicted. He preached with great animation and zeal,
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and in the general scope of his sermon, endeavoured to convince the whole congregation, of the great necessity of repentance, of piety and love to God. When speaking of the sins of masters, he brought into view the sin of negro slavery in this country, and said, the Americans are very inconsistent, when they hold the scroll of liberty in one hand, declaring that all men possess equal rights, and the bloody whip in the other, over a poor trembling negro, sometimes by cruel masters literally cut to pieces. He said, some masters say, we use our negroes well. Granted. But what security have you, that your children, to whom you leave them, will do the same? Your children may be tyrants over them; mutual strife and mutual destruction may ensue, and all go to hell together. The Lord have mercy on them. Then the general response of AMEN! took place, which has been mentioned by Dr. Dorsey. What he said about the danger of killing, or poisoning, referred to the next generation.

John Bowlus, (of Nicholas,) was next examined on the part of the defendant.

Q. Did you hear the sermon which Mr. Gruber preached at Washington county Camp-meeting, on which this indictment is founded?

A. I heard Mr. Gruber preach the sermon in question. When he come to speak of the national sin of negro slavery, he observed, that it was a monstrous inconsistency for a people to hold our declaration of independence in one hand, and the bloody whip, stained with the gore of a fellow creature, in

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the other. He was very severe upon bad masters, and all persons concerned in that sort of commerce called the slave trade. He said, there was an awful responsibility resting on them for the day of judgment. He enforced Christian duties on the masters and slaves. He applauded the good master and the good slave. He said, good masters make good slaves, and good slaves make good masters. He endeavoured to show, by various arguments, that it was impolitic to encourage it; that slaves were dangerous property to leave to children, that though fathers might be good, the children might be tyrants, slaves might rebel against the children, might kill them, and all go to destruction together. After addressing the whites he turned to the negroes. He warned them to serve their masters true and faithfully, that it was their great duty to be obedient and resigned to their condition.

Mr. Brazier, Mr. Hunt, Mr. Bealer, Mr. Blake, Mr. Middlekauff, Mr. White, and Mr. Reynolds, were next examined on the part of the defendant, and severally stated, that they were at the Camp-meeting, and heard Mr. Gruber deliver the sermon in question. His text was, "Righteousness exalteth a nation, but sin is a reproach to any people." In his introductory prayer he prayed for the happiness, conversion, peace, and quiet of the whole congregation; and in the general scope of his sermon, he, with great zeal, enforced the necessity of repentance towards God and faith in a Saviour. He endeavoured to show how impolitic it was to encourage slavery. He said.

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good masters have no security that their children will be equally good. The children may turn tyrants, slaves may rebel, and kill the children, and all go to destruction together. As a nation, the Americans were very inconsistent. The sentiments of our forefathers, contained in the declaration of independence, are violated every day. The scroll of liberty was held in one hand, and a whip, stained with the gore of a human being, in the other. Whenever he spoke of the danger of killing, it was in reference to the next generation of men. After he addressed the whites, he turned to the negroes, and preached to them with great zeal and animation, the terrors of the law of God hanging over them, while they continued unconverted. He told them they had no chance of happiness, but by leading pious lives, in all humility to their condition. Exhorted them to be obedient to their masters, and to show them by an upright walk and godly conversation, that they deserved their lenity and kindness. He told, them, by an orderly, good behaviour, they might gain the good will of their masters, and in time and in the course of Providence, might obtain emancipation. Exhorted all of them who had pious masters, to join them morning and evening in devotion.

Rev. Frederick Stier was next examined on the part of the defendant.

Q. What knowledge have you of the sermon in question?

A. Mr. Gruber, when speaking of national sins, brought into view negro slavery in this country. He

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argued to show it was a national sin of the greatest magnitude. In reasoning with masters, he observed, some of you say, we use our negroes well. Granted. But what security have you, that your children, to whom you leave that sort of property will use them well. Your children may turn tyrants, the slaves may rebel, and all go to destruction together. He said, it was a monstrous inconsistency in the Americans to hold the declaration of independence in one hand, and the bloody scourge in the other. I do not remember that he said any thing about poisoning, or killing, except what related to the next generation, as before mentioned. In his address to the negroes, he warned them faithfully of their own sins, and preached to them the necessity of repentance. Exhorted those who had religious masters to join them in devotion to God. I know Mr. Gruber preached by mere accident. He called on me to preach with very pressing and anxious solicitation several times. I refused. He preached on that occasion with great reluctance.

Rev. Geo. Roszle was next examined on the part of the defendant.

Q. Are you acquainted with Mr. Gruber? what is his general character?

A. I have known Mr. Gruber for eight or nine years. He holds an office second in rank to the Bishop. He possesses a character unblemished. He is pious zealous, and very laborious in the ministry. I have been one of a committee in the annual conference for many years, for the annual examination of the

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characters of our preachers, and Mr. Gruber's has been before me every year, in that way, for several years past. Nothing that could lead to immortality has ever been imputed to him in his ministerial character.

Rev. Abner Neal was next examined on the part of the defendant.

Q. Are you acquainted with the Rev. Mr. Gruber? When, and where, have you had any acquaintance with him?

A. I have been acquainted with him for many years, but I was more particularly acquainted with him in the year 1814. In that year he was stationed by the Church in the City of Baltimore, where I reside; and while the British were at North Point, threatening Baltimore, Mr. Gruber had under his charge from fifteen hundred to two thousand negroes, and kept them under the very best discipline. I have heard him frequently preach to them; and he warned them faithfully of their duty to their masters, and patient submission to their condition. Here the counsel for Mr. Gruber gave notice to the Attorney General that they had now closed the examination of the witnesses.

Mr. Anderson rose and addressed the jury for a few minutes. He said, he felt the peace and good order of the state as much at heart as any man, and would be as willing as any man, to see, a person guilty of crimes, brought to condign punishment, but he said, he never could consent, contrary to his conscience,

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and the best light of his own judgment, to use any effort to convict any man of any offence charged against him, when he thought, from the evidence, there was no crime committed. He said, he should address the jury no further on the subject, except to state to them, that he did not wish his own convictions, or opinions, to have any weight with them. He should leave them free to pass their own unbiassed judgment on the case before them, which, he hoped they would do with an eye to the public good.

The Attorney General having closed the argument on the part of the state, Mr. Martin^{*} rose and addressed the jury, as follows:

[Note : * *This was Mr. Martin's first speech in a court of justice.*]

*May it please your honours,
And you, gentlemen of the jury.*

I appear before you as one of the counsel for the accused; and if the subject upon which we deliberate involved no other interest than that connected with right of property, I should be well pleased, after the very just and candid prosecution, to spare the time of the Court, and submit the cause of my client, without comment or remark, to the deliberation and decision of the jury.

But in a trial, which wears an aspect different from, and more alarming than any other, known in

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the history of the Court: when a citizen, eminent for piety and christianity, is arraigned, for *doing nothing* but what benevolence, piety and christianity required; when the feelings and principles of a vastly numerous church, have been, through the accusation of a member, sensibly wounded; and, when the right of sentiment and of speech is doubted and attacked, silence on our part would be criminal. As for myself, though young and unexperienced, shrinking from the gaze of public scrutiny, and trembling under consciousness of incapacity: I cannot, under those disadvantages, forbear at least the *exertion*, of defending a client so injured, a cause so just, and principles so important to every American, as to be the very soul of his national independence.

It is, however, a consideration of pleasure to know, that much time will be saved, and much trouble in this investigation unexpectedly relieved: and I am happy to say, relieved by the firm and highly honourable part the state's advocate has acted. Highly honourable! for, however meritorious it may be, actively to pursue and strenuously to prosecute the man, who would meditate, to unhinge the government, and inundate with blood,

the land; it is surely equally meritorious, fearlessly to avow him innocent, whose innocence has been proved. The District Attorney stands upon the high ground of protecting, not abusing, the law--to shield from violation, not pervert it to oppression--ready to exert his power against the wretch who wilfully profanes it, and ready to

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shelter under the mantle of authority, the prisoner who is wrongfully accused;--whether such accusation arises from the zeal of the misguided, the prejudice of the misinformed, or the uncontradicted information a Grand Jury gleans from the examination of *ex parte* witnesses.

Gentlemen, you are empannelled to determine a case of no ordinary kind. You are called upon to discharge a trust, the highest that can be discharged by enlightened men, endowed with the powers of reason, and empowered with right of decision. Patriots who have suffered for the liberties of our country, look to your verdict with an agonising care; the Methodist Church bleeds at every pore, for the fate of a minister transferred from the pulpit to the prison box: posterity to succeed, may have reason either to bless or curse the result of this day. The busy crowd that throngs the Court, though disposed to immolate at the shrine of opinion the man who differs, and condemn him, because they condemn his sentiments, will learn to affirm your acquittal. When that film which now obscures the vision, alike of the humane and the wise, shall have fallen; when those fumes which float from the heated prejudices of the time, shall have passed away, they will learn that the blow levelled at the traverser must fall upon themselves; that the freeman who condemns a man for uttering the dictates of his heart, commits suicide upon his liberties: and by sacrificing this reverend gentleman, they sacrifice those noble attributes of
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their constitution, the right of free sentiment and the right of free discussion.

Who is the accused? What has he spoken? How were his sentiments dangerous? and with what intention did he speak those sentiments? These, gentlemen, are matters for your consideration, and while, in pursuing them, I hope duly to regard the duty to my client, I shall not forget that the Court, the Jury, and the Counsel, are already much fatigued with the investigation of this subject.

Who is the accused? He is a gentleman of the clerical ministry, and after labouring with zeal and fidelity many years in the cause of religion, has been appointed Presiding Elder of the District. Nursed in the cradle of the Church, and confirmed in its tenets, he has "grown with its growth, and strengthened with its strength." Aloof from those cares which incite the ambition, deprave the passions, and multiply the misfortunes of the temporal world, his life has been devoted to the service of his God, and his time to the instruction of his fellows. Unconfined to any particular situation, he has travelled from circuit to circuit, shedding in his course, the light of the gospel, and disseminating the principles of morals, philanthropy and religion. The duties of his office carried him to the place where the supposed crime was committed, for which supposed crime, he has been called from the altar of grace, to answer charges preferred by his country.

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What has he spoken? At a Camp-meeting held last August, in Washington county, the traverser, according to the will of the ministry, and in opposition to his own inclination, preached a sermon from Proverbs, "Righteousness exalteth a nation but sin is a reproach to any people." From that text his deductions

were many, and after discanting upon the different divisions, addressed the congregation upon the subject of slavery. He spoke of it, as a "national sin," and condemned the practice, as being contrary to natural law, national policy, and the principles of humanity and religion.

Thus gentlemen, a religious discourse, embracing the principle of slavery, has given rise to this criminal prosecution. The indictment accuses the traverser of an *attempt* to excite "rebellion;" and is it necessary to ask, whether a *minister* can be thus criminated, for advancing to his *own congregation*, sentiments upon a subject, so often the topic of general remark, and so often the theme of public reprobation. The right of slavery is a question of abstract morals, of natural law, and human policy, a subject upon which the judgment ponders and the intellect suspends: discussed in the councils of the nation, it has called forth the efforts of the benevolent and learned; and the matter of that memorable sermon, which now arraigns this reverend gentleman, has been long since proclaimed by elevated statesmen. We will convince you, that sentiments upon slavery, stronger in matter and bolder in expression than any

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portion of the traverser's discourse, have rolled from the lips and flowed from the pen of the most distinguished Americans. Men, high in office, eminent in science, fair in character, and exalted in the confidence of their fellow-citizens, have arrayed themselves the champions of emancipation, and condemned a system, they conceived, unwise and unnatural; dangerous to the morals and strength of the people, poisoning the springs of social felicity, and repugnant to the principles of free constitution.

What says Mr. Jefferson? In his notes upon Virginia, he thus writes,--"There must, doubtless, be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degraded submission on the other." Again, "With what, execration should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies; destroys the morals of the one part and the *amor patriae* of the other. For, if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another; in which he must lock up the faculties of his nature, contribute as far as depends on his individual exertions to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him:" continuing,

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he asks, "can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that their liberties are the gift of God? That they are not to be violated but with his wrath? I tremble for the honour of my country, when I reflect that God is just; that his justice cannot sleep forever; that considering number, nature and means only a revolution in the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural influence! the Almighty has no attribute which can take side with us *in such a contest*."

Such gentlemen, are the remarks of Mr. Jefferson: and I read them for the purpose of proving, that the subject has been, before this sermon, examined with great animation, and without any suspicion of crime. That philosopher and statesman called the attention of his state to an evil, corroding, as he thought, every day, the morals, inflaming the passions, weakening the energies and endangering, perhaps, the liberties of a free and manly people. These sentiments were free and unconcealed, circulated in Virginia, *so numerous in slaves*, and open to general observation, private discussion, or public scrutiny.

Yet is Mr. Jefferson infamous? Has he been branded with the epithet of hypocrite and felon? Has he been

subjected to the ceremony of a criminal prosecution, and threatened with the chains and calamities of disgraceful imprisonment? No! since the publication

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of his notes, he has been elected to the presidential chair; directed for eight years the affairs of the nation, and now reposes, unaccused and unsuspected of any thing like treason, in the lap of literature and science.

But gentlemen, Mr. Jefferson is not the only citizen who has freely spoken upon this subject, and who ranks high in the councils of his country. The remarks of Mr. Talmadge upon the floor of Congress, at its last session, on the question of the Missouri bill, were much, in substance, as those preached by the traverser. Discussing the policy of admitting slavery into Missouri, he says, "You boast of the freedom of your constitution and your laws; you have proclaimed in your declaration of rights that all men are created equal; that they are endowed with certain unalienable rights; among these, life, liberty, and the pursuit of happiness: and yet you have slaves in your country." In another part he continues, "this is a subject, (alluding to slavery) upon which I have great feeling, for the honour of my country. In a former debate upon the Illinois territory, I mentioned, that our enemies had drawn a picture of our country, as holding in one hand our declaration of rights, and with the other brandishing a whip over our affrighted slaves."

Thus you learn, that arguments upon the evils of slavery, not less powerful than those of the traverser, have been rung by a president of the United States, and a representative in Congress, in the ears

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of the whole nation. They have been exalted, not disgraced; they have received the benedictions, not the curses of their country: and I ask by what principle of fairness, can you accord honour to the one, and infamy to the other? They are argued from the right of free discussion: the same right is delegated to the traverser. The golden rule of dealing alike to all, is just, and the same franchise of speech and of conscience, that supported Mr. Jefferson, Mr. Talmadge, and others, when bearing their weapons in the cause of freedom, justifies Mr. Gruber.

As an American citizen, he was authorised to discuss the policy of a system, interwoven with the well-being of his government: as a man, moved by the feelings of benevolence, and glowing with enthusiasm of philanthropy, he was privileged in condemning a practice, *he thought* inconsistent with both: as a minister of the gospel, directed by the laws of his church, and instigated by conscience and belief, he was bound to tender his advice. Had he not, the sin of "leaving undone those things he ought to do," would have recoiled upon him; he would have broken a much more sacred law, than he is said to have violated; he would have sinned against a much higher tribunal, (however exalted by learning and virtue,) than I have the honour to address: he would have sinned against that God, before whom you, and he, and we must appear.

Gentlemen, before a man can be subject to the

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sanction of law, law must be proved to exist. He cannot violate that which is not in being. Has any law been adduced to you to-day? Have the prosecution exhibited any statute of the state, as broken and abused? None has, none can be offered.

It has been remarked, that the Laws of Maryland allow slavery. Granted. But it does not command it. The

distinction is evident. Did the law positively command, then any arguments in opposition, might be criminal. Where it merely permits, it becomes a subject of private opinion, policy and conscience; and any citizen has the privilege, by all the abilities of his mind, to remove that opinion or alter that belief. Besides, the traverser addressed his own congregation, confined his remarks to the pale of his Church; and surely if any can be authorised, it is the Pastor who teaches the doctrines of his Church, to those who compose it. The Quakers are principled against bearing arms, and it is unnecessary for me to tell this well-informed jury, that the right of advocating those principles, in their houses of worship, never was denied them. There the Quaker opposes what, in fact is declared by law; and he draws his right from that freedom of opinion, and prerogative of speech, every man living under the sun of America, has exercised, since the memorable period of seven-six.

Gentlemen, having endeavoured to establish, that the traverser, thus far, has neither violated law nor

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reason, let us dissect the sermon, and before we proceed to the *intention*, enquire, *how his sentiments were dangerous*; and whether, upon fair construction, they can be thought calculated to excite either "rebellion, disobedience, or insurrection." You learn, from the testimony, that the sermon consisted of two distinct parts--one addressed to the white congregation, and the other to the slaves. And so different from an attempt to create insubordination, we will prove, that the clear and ostensive purpose was, first, by discussing the principles of slavery (which we have already considered) to effect universal emancipation: secondly, by exposing the cruelty of selling and torturing slaves, to ameliorate and soften the discipline of masters; and thirdly, by instilling the policy religion of obeying those, entitled to govern, to fasten upon the slaves good conduct and obedience.

The internal slave trade of this country, formed a consideration of part of his discourse; and he displayed in the severest terms, (as the witnesses deposed,) the sin and wickedness of such atrocious commerce. As to the particular expressions, the testimony differs, but in substance is the same: and where is the crime? Is there any man on that jury, or in this court, who would not respond to such sentiments, who would not raise his voice and power in suppressing a traffic opposite to the laws of God, and repugnant to the rights of man?

Gentlemen of the jury, interest, policy, necessity, may compel us to retain an evil, which seems to be entailed. It

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is not for me to say, until the efforts of philanthropy shall establish for these people a suitable receptacle, how far emancipation would be prudent. But nothing can justify so flagrant and cruel an abuse of it. No motive can authorise a trade, that separates the husband from the wife, the parent from the child, and the relation from the friend; that tears asunder all the ties of social connection and breaks apart all the ligaments of natural union. Steeping yet deeper in misery this unfortunate population, and forcing from their embrace, the last relic of human happiness. It "would draw iron tears down Pluto's cheek."

The African slave trade has engaged the attention, and attracted the notice of almost every part of christendom. Your own government have taken laudable and effective measures to suppress it. So proud is England of her exertions that she contends for the right of example; and Napoleon of France, amidst his mad career of war and carnage, when every call of mercy seemed drowned in the din of battle and every fibre of humanity eradicated by the power of ambition, forbid the slave trade. And is that more to be deprecated than this? The same cruelties are practised, the same ties are broken, the same agents employed. Traffickers in blood and panders of avarice, are engaged in both; and the Vultures who hover over the coast of Africa, and the Vultures that crowd from the sugar farms of America, are equally destructive; alike, they feed upon the vitals and fatten upon the miseries of an unfortunate and degraded people.

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Gentlemen, I forbear to press or continue the subject. We have proved, I hope, that the traveler has not in *this* violated the law. In this country, enlightened as we are, by rays of christianity, and illumined with light of liberty, no law, can be produced to credit a practice, unwise, inhuman, and unjust.

I will next call your attention to a passage, in which he exhibits the inconsistency of our theory and practice. "Is it not a reproach to a man to hold in one hand the declaration of independence, and with the other brandish a whip over the bleeding slave." This description, though hedious, is true. The same was drawn by Mr. Talmadge, and with the same foreigners have reproached us. The picture of American independence, though glowing with the tints of liberty and virtue, cannot but be darkened and discoloured by such cruelty and oppression. The traverser did not apply the remark generally, but made it conditional; he did not say that such practices existed; yet if they did exist, they were inconsistent. He threw his sentiments to the congregation; "*qui capit, ille facit*;" and the man who so far misuses power which chance has given, well merits the lash of invective. Does any *attempt* appear to cause "rebellion or insurrection." The object was to do no more than expose those cruelties, which, *when practised*, degrade the man and stigmatize the nation.

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This concluded his address to the whites; and as the alleged attempt was to infect the slaves with rebellious principles, observations to them become more interesting, because more important. Several witnesses on the part of the prosecution, and all for the accused, testify, that the whole tenour of that discourse, went, to impress upon their minds the value of religion. "Of all people in the world you ought to have religion," he says, "for when converted, you will disregard the hardships of your life." It is said he spoke of poison and thereby impliedly recommended the use of it to the slave. In that sentence, where he remarks, "that although you, (addressing the negroes) use them well, there is no security, but what your children will tyrannize over them, the slaves abused, rise up, and kill or poison your children and *all be hung and go to destruction together*." Admitting this, can any man, without perverting common sense and common language, see an attempt to induce the use of poison? Does he not stamp such conduct with the dreadful doom of death and destruction? With equal propriety you might say, to encourage sin was to describe futurity; and to instigate murder, it would only be necessary to relate the appalling ceremony of criminal prosecutions.

In another passage, "Some of you, (addressing the slaves,) have good masters; you ought to attend to religion, and discharge your duty to your masters; that it may make your time better here, and hereafter:"

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"Some of you have cruel masters--you are slaves to them, slaves to sin, and if you die *without religion*, you will be slaves to the devil." What then does he declare *that religion* to consist in? Rebellion? No--for that, he has affirmed, is repugnant to religion. Disobedience? Mr. Sneathen tells you, upon oath, that he fully discharged the doctrines of his Church, and those doctrines command the slave to obedience. Insurrection? Certainly not, for then he threatens them with the dreadful reversion of future woe. A witness thinks, that he said, "if you die slaves to your masters, you will be damned." The witness from inelegible situation must be mistaken; it is too absurd to be believed. Could the traverser, say, that a man should be punished for an evil he could not avert: and suffer for that which was his misfortune, not his fault? It is contradicted by every witness on the part of the accused, who, we may suppose, from situation and attention, better understood and more correctly remembered the expressions of the sermon.

We have now, gentlemen, examined each passage of the sermon, and contend that it has been viewed through

a false and mistaken medium; that the observations of the traverser were not, in *themselves*, calculated to inspire "rebellion or disobedience," and therefore hope, that the intelligent jury, to whom he appeals, will wipe that charge from the indictment. But if I should be too sanguine in this hope, should we fail to convince you that his sentiments were useful, not dangerous; much more is necessary

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to be established--the *intention* is the life and essence of every crime;--and before you can convict the accused upon the charge of high misdemeanor, an *intention* to commit the different offences in the indictment, must be proved wicked, designed and felonous.

Here let us reflect upon the testimony. In all cases of high capital nature, every man is presumed innocent until proved guilty. Such is the benignity of our laws; such the language of Justice Buller, and such is the voice of all English authorities. The case at bar is an accusation of high criminal character, and it is much stronger to prove by conduct than presume from inference. Where then is the evidence to establish such guilt? Can it be found in the testimony of any witness? Can a single fact or circumstance be adduced, which even savours of such *intention*.

All the gentlemen of the Methodist clergy state, that the traverser strongly objected to preaching on the day named in the indictment; that he expressed every wish to decline, and used every means to avoid the service; and did not consent, until his duty, as Presiding Elder, compelled him to perform, what others refused. The congregation of whites, he addressed, was four times more numerous than the slaves. The witness from Baltimore, Mr. Neal, informs you, what his conduct was in the year 1814. Stationed by his Church in Baltimore, he presided

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over his congregation during the memorable battle of North Point; and at that anxious moment, when every eye watched the destiny and every heart beat for the danger of our gallant troops, the traverser held in harmless subjection, a body of fifteen hundred men. And does this look like an *attempt* to bring ruin upon the country; to whet the sword of civil war, or light the fires of desparate rebellion? Can you suppose premeditation to preach on that day, when he so often refused the invitation of the ministry? Would he have, by declaiming before the masters, strong in number and power, provoked the very sword of justice: and would he have failed at a former period in the commotion of Baltimore, when all its nerves were braced against foreign attack, to strike a dreadful, and perhaps, a fatal blow? No!--it is inconsistent with common reason to think it; and, however the policy of his doctrines may be questioned, none, unless they have drank to the dregs the cup of prejudice or folly, can doubt the purity of his heart. His *object* was to effect universal emancipation; his *intention* to teach the law of religion, and to pour into the afflictions of an ill-fated people the comforts and consolations of the gospel.

Gentlemen of the jury, this trial is new in America: it is novel in the jurisprudence of our country. You must, for examples, unfold the blood-stained page of the fifteenth century. Go back to that season of religious fury; recur to that black and disgraceful period of intemperate opinion, when bigoted belief,

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was supported by the jibbet and the stake, and the very temples of justice "smoked with bloody execution."

I pretend not to say, that this prosecution has originated from such influence; the fair characters of the gentlemen who composed the Grand Jury, (tho' personally unknown to me,) defy the suspicion; but it matters not, from whom, or from what. You view the case with all its lights and solemnly decide upon the principles. Shall this nation, so long gloried in, as the home of the oppressed, the retreat of the persecuted, the asylum of those, who, in the dreadful massacre of individual privilege, have flown from their "altars and their gods," be at this day, reduced to the disgraceful level of infuriated despotism, I trust not. The streams of jurisprudence, drawn from the foundations of liberty and virtue, will continue to play through the land, free and unpolluted. But it is unnecessary to invoke such sentiments in the bosom of this impartial tribunal. The firmness, the intelligence and integrity of juries, must ever prove a safeguard and barrier against the encroachments of prejudice. The traverser has been introduced to you, with the imposing name of a Grand Jury--a host of testimony has rallied round, and ventured to support it. Yet gentlemen, you have seen, not the ingenuous examination of the learned District Attorney, not all the exertions of professional ability, have been enabled to extract one fact, or illicit one circumstance, to uphold an indictment, baseless and unfounded.

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Sir, I have done; not however, without offering my thanks to the honourable Court, for the indulgent attention they have been pleased to extend; on my part undeserved, and except in my gratitude, unrequited. Considering the stage of this trial, and the gentlemen who follow me, I have trespassed, perhaps, too long upon their time, if so, my apology must be sought in the deep interest and importance of the case.

In defending the honour and liberty of a gentleman, whose life, through a series of twenty years, has passed unspotted and unrepached: correct, I am justified in saying, not merely beyond censure; but irreproachable until this day, beyond suspicion. Dedicated to the holiest offices of religion, and employed in relieving those miseries and softening those sorrows, which should have awakened the sympathies of a colder heart.

Confiding in your virtue, the traverser awaits the verdict with calmness and security. If acquitted, glorying in the principles of his country, he will return to his duties with zeal and faithfulness; if convicted, supported by the consciousness of innocence will bear whatever punishment the law may inflict, with the resignation of a christian and the firmness of a man.

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MR. PIGMAN'S ARGUMENT TO THE JURY

Gentlemen of the Jury,

You perceive from the case before you, that it did not originate in Frederick county, and I trust, you also perceive, that the accused was bound in duty to his own character, and the still greater duty he owed to the sacred cause of religion, to embrace his legal privilege of changing the venue, to shield himself from an overwhelming and dangerous influence, which, from some strange and unaccountable infatuation seemed to be seeking his destruction. In this prosecution we have new proof, if any was wanting, that none need to look for angels in the form of men, and that men, however respectable they may be, are involved in the same general condition of mortality, and liable to be urged on, to give pain and uneasiness to perfect innocence itself, by erroneous judgment; and the still greater delusion of prejudice and inflated anger. Folly itself, give it time to cool and review what it has done, will shrink, abashed, from this prosecution, and be constrained, by the stings of a disturbed sensibility, to own, with silent anguish, if not public acknowledgment, that there is no *criminal fault* in the preacher. The intent with which any act is done, is to give it a criminal or innocent complexion. It is lawful to preach or debate against negro slavery in the pulpit as well as in the senate, if the

orators have no criminal intent in their arguments; and stronger proof of an innocent

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intent never was produced by any person accused of a crime, than that brought into court by the Reverend gentleman I now defend. It is in proof that the Camp-meeting where the discourse, containing the supposed crime was delivered, was not appointed by him, that the sermon preached was wholly accidental and unpremeditated, 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 was his duty to preach, as no substitute could be procured. His introductory prayer ushering in the discourse, possessed no signs of a treasonable or rebellious disposition. In this close converse with Almighty God he offered up pious petitions at a throne of grace for the peace, quiet, happiness and conversion of his congregation; and by the general scope of his whole discourse, it is proved, he enforced upon his audience the divine doctrines of repentance, faith in Christ, love of God and their neighbour. It is in proof, both by the witnesses for --NOTE.

During the reign of Charles II. in England, one Rosewell, a presbyterian preacher was accused by three women, of having spoken treasonable words in a sermon. Upon the prisoner's proving, that he prayed constantly for the king in his family, and that in his sermons he often inculcated the obligations of loyalty, it was received as evidence, that there was no criminal intent; and even in the time of Jefferies, it was no farther noticed than by some general declamations against conventicles and presbyterians--Humes Hist. Eng. vol. vii p. 169.

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the state, and the accused, that in his particular address to the negroes, he inculcated the necessity of their seeking the pardon of their sins at a throne of grace; told them that the love of God, (which, of course, would carry with it love for their masters,) would ameliorate their condition, would procure their happiness in this life, and the approbation of the Lord in that day when he would come to judge the quick and the dead. That those of them who were yet in their sins, unrenewed by divine grace, were not only slaves to their masters, but slaves to their lust, slaves to the devil, and if they died without repentance towards God, they would be sentenced forever, by the righteous Judge, to damnation. It is in proof by a great mass of evidence, on the part of the accused, from a great many respectable witnesses, that to prevent all misunderstanding of his motives among the whites, and to suppress the least rising of a thought that would lead to insubordination among the blacks, he preached to the latter, obedience to their masters, resignation to their present condition, and urged those who had pious masters, to join them in their devotion; that by a strict, religious and moral deportment in the order of Providence, they might eventually obtain emancipation. The American sages who formed the constitution of Maryland, have, with caution and sagacity highly honourable to their integrity and wisdom, preserved a declaration of rights on record, in which it is declared, "That it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons professing the

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Christian religion are equally entitled to protection in their religious liberty, wherefore, no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under colour of religion any man shall disturb the good order, peace or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights." These sages were informed by the history of the old world, particularly that of England, that the secular authority had often assumed unreasonable and unlawful powers against the rights of conscience, and that a dominant and powerful sect sometimes exercising its power and influence to destroy a sect more weak and defenceless, had created frequently, strife and dissention in the Christian Church, and greatly annoyed the peace and

security of civil society. They had learned in the book of Martyrs that good men had bled and burnt at the stake for adhering to the testimony of a good conscience, and had skill enough in political economy to know, that civil liberty could not long exist in any state where religious liberty was not freely enjoyed. The clause of the bill of rights just quoted, was therefore made, and is a precious jewel among the rights of the citizen. The legislature though possessing more power than any other tribunal in the state, has no authority to take this jewel from the citizen; and however bold and frank a preacher may be in a discourse against the vice of slavery, permitted by law, to a mixed assembly of slaves and masters, yet as long

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as he intends to commit no crime but eradicate the vice, he is innocent and inoffensive, and worthy of being protected by the laws of God and man. Negro slavery, as it exists in this country, is evidently a violation of natural law, and is contrary to the fundamental principles of the Christian religion. When we speak undisguised truth from an honest heart we pronounce it an absolute despotism, at which we should all shrink with horror, if it was fixed upon our white populations and to prevent it from involving the whites, and drawing into its vortex our own posterity, even in a much milder form, we would readily consent to rise en masse, and pledge the last drop of our blood, and the last cent of our treasure. This though known to every man of serious reflection and sound philosophy, is a secret to many of the slaves, and although the relating this great secret to the whites in their hearing, might by some remote possibility, start a thought of insubordination, which might by another possibility, still more remote, lead to some *overt* act of rebellion, yet it is not unlawful to do it, so long as it is done with an innocent *intent*. There is not only no law existing in Maryland to prevent it, but the legislature of the state does not possess power to pass any such law, it being prohibited by the bill of rights. Consider gentlemen, the American is rocked in the very cradle of liberty, and is habituated in thinking and speaking, to more freedom and independence, and less restraint, than the men of any other country. He is disposed to enjoy his privilege to the fullest extent, and neither fears or

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suspects any evil while he moves within the limits of the constitution. The preacher is commissioned, and sent forth by God, to declare his counsel and will to a fallen world, with the whole of revelation for his instructions and guide. In those instructions he finds the great Head of the Church hath declared in his inimitable sermon on the mount, "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. And again, "For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all," James ii. 10. By the quotation from St. Matthew it is manifest that slavery is prohibited by the comprehensive meaning of our Saviour, and by the declaration of the apostle James it is clear, that however excellent any man may be in all other respects, yet, if he offend in this "one" essential point he is a transgressor of the whole law. Now if a preacher in perusing his instructions contained in the holy word of truth, believes to the best of his judgment and understanding, that it is a vice to hold slaves, and that it is his duty as a faithful messenger, to declaim against vice in every shape, in his worship of Almighty God it becomes his right to do so, and it is a privilege of conscience, as completely secured to him by our bill of rights as the privilege of believing that Jesus is the Saviour of the world. The same rule that would prohibit the one might prohibit the other, until the civil or secular power might be permitted, by piece-meal, to assume an authority that would greatly vex and disturb every order and

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sect of the Christian Church. The Methodist and Quaker ministry both consider slavery as a great vice, and if it could be said that the act of preaching, itself, under circumstances, which do not show a criminal *intent*, would justify the arrest and indictment of a preacher, these two Sects of christians must be silenced, and

submit to be deprived of that very liberty of conscience evidently secured to them by the "bill of rights." There are no signs of a treasonable or rebellious disposition to be found in the accused. He did not appoint the meeting. The sermon was delivered with reluctance, without premeditation, and not until after he had solicited another gentleman to preach for him. It is admitted by his accusers, that he made no attempt at any other time or place, to incite the slaves to rebellion. Then they would have you believe, that a man in his senses, would publicly in the presence of five thousand whites, persuade from three to five hundred blacks, to rise in instant and open rebellion. All his severity was directed to those who used their slaves with cruelty, keeping up the distinction between good and bad masters; and in his arguments was endeavouring to prove that slaves were dangerous property for fathers to leave to their children, and that although fathers might treat their slaves with humanity, they had no security that their posterity might not act the part of tyrants--the slaves rise against the children, kill them and be hung for their crime, and all go to destruction together. The reference to the next generation is conclusive proof that he had no criminal *intent*. For he must be a

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most singular offender indeed, to invent a treasonable plot to be executed upon the next generation of men, when he himself would not live to see it. But the peroration of his sermon is still more conclusive, that he contemplated no crime. In the last part of his address he preached the awful terrors of the law of God, to the negroes expressly; warned them faithfully of their own sins; advised them to resignation to their present condition, obedience to their masters; urged them to obtain and keep religion, to secure them happiness in this world, and peace with God in heaven. But it is said by some, that it was improper to preach even the truth, when the negroes were present, because it might, by some remote possibility, lead to mischief. This surely cannot make it a crime, nor can the plain style in which he spoke. If Mr. Gruber was indicted for an impropriety, or for an indiscretion in the arrangement and composition of his discourse, or for awkwardness of gesture and unpolished delivery, it might be necessary to reply to such an insinuation. But you are not a jury of criticks to try the composition of Mr. Gruber, to condemn him because his tropes and figures were not braided and festooned with all that polish of eloquence, that might be found in a more accomplished orator. But you are trying him for a crime said to have been committed against the laws of his country. But it is said, the allusion of the accused to the declaration of independence, and the reproach thrown upon our national character, by him, for the inconsistency of declaring in that instrument, "that we hold

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these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are *life, liberty, and the pursuit of happiness;*" and still encourage slavery and hold a bloody whip over a trembling negro, ought to be received as evidence of a criminal intent. It is evident that the traverser in this part of his sermon, was discussing a principle of natural law, which he found in the declaration of independence, admitted in all parts of the Union, as the sound and proper basis of republican government. Finding that the colonies, in their Struggle for liberty, had, in the declaration of independence, avowed the sentiment without reserve, that all men have equal rights: he argued as a corollary, that if all *men* have *equal rights*, it was at once destroying the very principles of a *free* government, to exclude *men* from the enjoyment of liberty and the pursuit of happiness, on account of the darkness of their skin, or fleecy locks; and that it would no more comport with the principles of republicanism to do so, than it would to exclude all *men* from the enjoyment of liberty, who had not attained a certain portion of wealth, or stature of body: this was the meaning and object of the accused, and the sermon, among rational men, will admit of no other succedaneum. Now, who would have supposed, that principles so fraught with truth, and which cost this nation so many years of blood, carnage, peril, and anxiety, to maintain, would so early in the history of the republick, lay the foundation of

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a prosecution against a preacher, because he maintained them in the pulpit.

In all probability, this case will make a part of the future history of this nation, both in the civil and ecclesiastical department, and how astonished will the republican reader be, that truths proclaimed to the world and left upon record by Jefferson, Adams, Hancock, and other worthy sages, and which deserve to be written in letters of gold, should be brought against the preacher as evidence of a crime. The philosopher and statesman is permitted to speak and write, but the man of God upon these great and incontrovertible truths, cannot open his mouth without danger of fine and imprisonment. In the sermon supposed to be criminal, the accused seemed to be arguing the question of slavery as a national thing, addressed to the present audience, as a part of the nation. But you can no more infer, that he had malice against those who heard, merely from the freedom with which he discussed the subject, than you can infer he had malice against the whole people of the United States. You cannot, with propriety, infer the former or the latter, unless you say that malice ought to be presumed in every man, in church or state, that will publicly, in a speech, censure or condemn the practical policy of any nation. This would be absurd, for it would effectually destroy every privilege of enquiry. Wretched indeed, would be the liberty of the citizen, if he could not discuss plain, or even doubtful questions in metaphysics, philosophy, natural

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law or in theology, without danger of being condemned. It would be introducing, in miniature at least, some of the horrors of the inquisition. But it has been said, that the pulpit is not a proper place to discuss the slave question, because it is usual for slaves to be present, more or less, to hear these discourses, and it might possibly lead to insubordination. If the possibility of negroes getting to know what may be written or spoken upon this subject, constitutes a crime, no man could write or speak upon it without making himself liable to a prosecution. Many eminent tracts have been written against slavery, by some of our most distinguished philosophers, and have been perused and fully understood by negroes. Many distinguished statesmen have spoke against it, and have been heard by negroes.

During the late debates in Congress upon the Missouri question, involving the policy of negro slavery, many distinguished members, in opposition to that policy, to maintain their ground, have adverted to the declaration of independence, and have admitted that it was reproachful to this country, to hold the declaration of independence in one hand, and the lash of despotism in the other, though at the time it was supposed slaves were in the gallery, listening to the debate. Yet no one, before this, has attempted to?ndict and arraign the writers or speakers for their *disinterested kindness*. The pulpit, surely, more than any other place of public exhibition, ought to have a commanding influence on our moral and religious

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character. When a great moral evil is spreading like a leprosy through the whole body politic, the tocsin of alarm ought to be sounded by holy men with a divine pathos and energy becoming a station given to them by Almighty God, who is justly styled in his own word, "the Father of lights," and the "author of truth," and all good morals, "in whom there is no variableness nor shadow of turning." Through this influence, in a great measure, this nation has already been awakened to the great evil of slavery, and measures are now in preparation by a Colonizing Society, aided by the government, to send the free people of colour to the land of their fathers, as fast as they may be set free, by a gradual and voluntary system of emancipation. For the purpose of showing you the duties of the accused as a minister in the church to which he belongs, I will, with your permission, read some extracts from the canons of his church, in section ix. p. 215.

"*Question.* What shall be done for the extirpation of the evil of slavery?"

"*Answer 1.* We declare that we are as much as ever convinced of the great evil of slavery; and do most earnestly recommend to the yearly conferences, quarterly meeting conferences, and to those who have the oversight of the Districts, Circuits and Stations, to be exceedingly cautious what persons they admit to official stations in our church; and in the case of future admissions to official stations, to require such security of those who hold slaves, for the emancipation

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of them, immediately, or gradually, as the laws of the states respectively, and the circumstances of the case will admit; and we do fully authorise all the yearly conferences to make whatever regulations they judge proper, in the present case, respecting the admissions of persons to official stations in our church.

"2. When any travelling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the state in which he lives.

"3. No slave-holder shall be received into full membership in our society, till the preacher who has the oversight of the circuit, has spoken to him freely and faithfully on the subject of slavery.

"4. Every member of the society who sells a slave, except at the request of the slave, in cases of mercy and humanity, agreeably to the judgment of a committee of the male members of the society appointed by the preacher who has the charge of the Circuit, shall immediately, after full proof, be expelled the society. And if any member of our society purchase a slave, the ensuing quarterly meeting conference shall determine on the number of years, which the slave, so purchased shall serve, to work out the price of his purchase. And the person so purchasing, shall immediately after such determination, execute a legal instrument for the manumission of such slave, at the expiration of the term determined by the quarterly meeting conference. And in default of his

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executing such instrument, of manumission, or on his refusal to submit his case to the judgment of the quarterly meeting conference, such member shall be excluded the society. *Provided*, That in the case of a female slave, it shall be inserted in the aforesaid instrument of manumission, that all her children who shall be born during the years of her servitude, shall be free, at the following times, namely: every female child at the age of twenty-one, and every male child at the age of twenty-five. *Provided also*, That if a member of our society shall buy a slave with a certificate of future emancipation, the terms of emancipation shall notwithstanding, be subject to the decision of the quarterly meeting conference.

"5. Let our preachers from time to time, as occasion serves, admonish and exhort all slaves to render due respect and obedience to the commands and interests of their respective masters."

In this section it is made his duty to admonish the people against the vice of slavery; and it is also made his duty to exhort and admonish all slaves to render due respect and obedience to the commands and interest of their respective masters, and in discharge of his duty in making known the doctrine of his sect to the world; he is completely protected by the bill of rights, and we cannot believe that he intended, in his address, to invite the negroes to disobedience to the commands of their masters, when he knew it was in violation of the government and rules of his church, that would lead to disgrace and ex-communication.

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The whole section shows, that the influence of the ministry was only to be exerted in promoting voluntary and gradual emancipation of slaves, while the latter were to be encouraged in nothing that would lead to hostilities with their owners. With your permission, I will now examine, with some minuteness, the charges in the several counts contained in this indictment. In the first count the accused is indicted for endeavouring to stir up, provoke, instigate and incite, the negro slaves in Maryland, to commit acts of mutiny and rebellion in the state, which, if true, would be a misdemeanor, and would make the traverser liable to punishment. Let us see what is necessary in point of law, to constitute acts of mutiny and rebellion, which, it is said, the traverser was endeavouring to incite the slaves to commit, and when you have correct information on this subject, you will, doubtless, from the facts disclosed pronounce the charge fraught with too much folly to require a serious argument to refute it. The word "mutiny," does not often come under discussion in expounding the civil law of a state, but as it has been mixed with the word "rebellion," in this count, it shall receive some notice. It means then to rise against authority, to make insurrection. Rebels or rebellion, is explained to us by Vattel as follows: "All subjects unjustly taking up arms against the head of a society are termed *rebels*, whether their view be to deprive him of the supreme authority, or whether they intend to resist his commands, in some particular affair, in order to impose conditions on

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him." From the same authority we learn what constitutes *sedition* or *insurrection*, which would be included in the meaning of the words 'mutiny' and 'rebellion' in the first count. He says, "if the rage of the malcontents be particularly levelled at the magistrates, or others, vested with the public authority, and they proceed to a formal disobedience or violent proceedings, it is called a *sedition*. When the evil spreads, infecting great numbers in the city, or provinces, and subsists in such a manner that the sovereign is no longer obeyed, such a disorder custom has more particularly distinguished by the name of insurrection," Vattel, Book III. ch. xviii. p. 487. The accusation is, that the traverse? being a man of a wicked and malicious disposition, endeavoured in his sermon, delivered at the Camp-meeting, to incite the slaves of the state to seize the executive authority, to resist the commands thereof in order to impose conditions on it dictated by the slaves. In short, that he was endeavouring in his sermon, to produce a sudden revolution in political affairs in the state, for the benefit of the negroes, on such condition as they (the negro rebels) might think proper to dictate. Need I reason with you to show the man had no such views or design. He was preaching to near five thousand whites, and to from three to five hundred blacks. Could any person but a mad man endeavour, under such circumstances, to incite the negroes to seize the government of the state. Such a persuasion would instantly have ended in his own destruction, the destruction of the miserable fugitives that would have

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yielded to his crime, and obtained nothing for the slaves concerned in it, but still greater agonies of distress for adding a crime to enhance the misery, from which the traverser seemed anxious to relieve them. The whole of it is too preposterous for a moment's serious consideration.

In the second count of the indictment the traverser is charged with endeavouring to stir up, provoke, instigate and incite, a great number of slaves, seditiously and wickedly to resist the lawful authority of their masters, and to break the peace of the state upon their masters. This count shows how difficult the prosecutors have found it to make out an offence against the laws. The word "seditiously," has been put in this count to give the charge some appearance of a crime, which count, it is believed, even with the word "seditiously" in it, if found true, would not, in point of law, be sufficient to enable the court to pass judgment against the traverser. To constitute sedition the rage of the malcontents must be *particularly* levelled at *magistrates*, or others

"vested with the *public authority*," Vattel, p. 487. If we were disposed to use hypercriticism on this count, we would say as there is no charge against the traverser for endeavouring to provoke the slaves to acts of hostility against "magistrates" or others vested with the "public authority," but only against masters who are not magistrates, and who do not share any part of the "public authority," there is no sedition charged, and perhaps not even a misdemeanor of the lowest class.

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But we do not wish to screen an honest man by technical distinctions, and quibbles, we therefore admit, if it was true that the traverser did endeavour to incite the slaves to break the peace upon their masters, it was highly reprehensible in him, when he was professing to be the harbinger of concord on an errand of mercy, and the bearer of the heavenly news of peace on earth, and good will to men. Here we are brought again to the intent with which he delivered his sermon, and if we take the usual criterion of judging of a man's intent from what he says and does, it must be manifest to you that he is innocent of the charge against him. In his introductory prayer he displayed christian charity for the entire assembly. He preached to all the divine doctrines of repentance towards God, and faith in the Lord Jesus Christ, and although pointed in his discourse against the evil of slavery, and sometimes severe upon bad masters, in the peroration of his address, when addressing the negroes, he not only gave them the terrors of hell and the whole law, if they lived and died in sin; but he admonished them, as directed in the canons of his Church, "to render due respect and obedience to the commands and interests of their respective masters." This is proved by so many respectable witnesses that no one will attempt to deny it. Now, how can any rational human being who has not his judgment perverted by prejudice, infer from this that the traverser was seditiously endeavouring to provoke the negroes to break the peace of the state upon their respective masters, and resist their lawful commands.

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In the third count of this indictment, the prosecution throwing off all reserve, charges the traverser with endeavouring in the sermon he preached, to stir up the negroes "actually to raise insurrection and rebellion in this state, in contempt and in open violation of the laws." There is rather more turpitude in the charge in this count, than there is in the charge in the first one, but in both they are absurd enough to secure their own refutation. And I am satisfied that no gentleman on this jury will believe for one moment, from the facts disclosed, that the traverser was endeavouring in his sermon, to incite the slaves to seize the government of the state. Such stuff may be palatable to men, who, from the frailty of human nature, are, in truth, persecuting a man, who, they think, deserves punishment; but to you, who are faithful and impartial triers of the traverser, no argument can be necessary from me to refute it, and I shall therefore offer none.

Let us, for a moment, examine the origin of negro slavery, and the mighty range of mischief in a moral and political point of view, continually resulting from it, and we shall find much to justify and applaud the zeal of a philanthropist in his endeavours to remove it from our national character. In the fifteenth century, the boldness of enterprize, and improving skill in navigation amongst the Portuguese, led by accident, to the discovery of the vast continent of Africa, washed by the Atlantic, and stretching apparently to them without limits, to the south. Gonzales

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Zarco and Tristan Vaz, two gentlemen of the household of Henry the IVth. were sent out and instructed by him, 'to endeavour by all means' to double Cape Bojador, and advance farther towards the south. They pursued the timid mode of coasting, which then prevailed, until a sudden squall of wind drove them, by accident, to sea, where they discovered an unknown island, and afterwards returned to Portugal with the

news, which seemed to enlarge the field of discovery; and the next year another expedition was fitted out, which discovered the vast continent of Africa.' The improvement in navigation, and the polish and blessings it has been the instrument in dispensing, by means of commerce, with the rest of the world, has carried nothing but trouble and vexation of spirit to Africa. Instead of extending to the people of that continent, the blessings of improved politics, and the comfortable and cheering light of the Christian religion, it has given them a monopoly of all the misery of the world; and there still remains an "indelible reproach on the name of Europeans, that for more than three centuries their intercourse with the people has tended only to destroy their happiness and debase their character." Towards the end of the fifteenth century, the Spaniards having taken possession of the West Indies, encouraged Portuguese traders to bring them slaves from Africa. "The same policy was afterwards pursued by the English and here began the accursed slave trade. The arts of the slave merchant inflames the hostility of the various tribes, heightens their ferocity and increases

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the frequency of their wars with each other, that he may buy the captives of the victors, like oxen in the market. Many of them are stolen and carried into slavery, and otherwise obtained by the most fraudulent and indirect methods, and when taken to a foreign market the buyer seems to think, from habit, without further enquiry, that they being black and imported from Africa, are alone sufficient to fix them in slavery for life, and to entail the same ruin upon their offspring." The only credible account extant, of the origin of mankind is that which we have in scripture. And if we acquiesce in it we must believe that God hath made of one blood all nations of men, for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation, Acts xvii. 26. We cannot reject this upon "rational grounds till we have first proved, either from more authentic records, or from the nature of the thing, that it is not true." It will not be pretended that we have any records more authentic; and we have no table of genealogy "whereby it can be made appear that negroes are not descended from Adam and Eve." We must argue, therefore, from the nature of the thing, if we argue at all on the subject: and I think there is nothing in the nature of the negro, in his soul or in his body, which may not easily be accounted for, on the supposition that he and the whites are of the same family, Elements of Mor. Science, p. 222. The negro then is not indigenous to Africa, for the man of learning and observation perceives, the affinity of nations, in the whole family

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of men. The negro and the white man have grown from the same stock; have lost the same favour of God in Paradise by the crime of the first offender, and may be restored to his favour again thro' the merits of the same common Saviour. Viewing this subject through a gospel medium, what a scene do we behold, one part of a family enslaved by another part, entailing upon innocent children a thralldom for no offence which can only end with life, and at which the whites would shrink with horror, if it was inflicted upon them or their children, even for a crime.

The traverser, like his Master once was, is now humbled in the furnace of affliction, to rise presently in a splendid glory and triumph he little anticipated. In the former part of his life he hath been content to labour in the vineyard of Christ, in obedience to his call to the ministry. But this prosecution will bring him before the world as a distinguished philanthropist, declaring no other thing on this subject, than other eminent philosophers have declared before him, whose declarations and sentiments, with your permission, I will read to you; beginning first with the sentiments of Dr. Beatty.

"Slavery is inconsistent with the dearest and most essential rights of man's nature; it is detrimental to virtue and industry; it hardens the heart to those tender sympathies which form the most lovely part of the human character; it involves the innocent'n hopeless misery, in order to procure wealth and

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pleasure for the authors of that misery; that it seeks to degrade into brutes beings whom the Lord of heaven and earth endowed with rational souls; and created for immortality; in short, it is utterly repugnant to every principle of reason, religion, humanity and conscience; and one eminent author hath explicitly declares, that he who can seriously argue in vindication of slavery, deserves no other answer than the stab of a poniard. To my shame and sorrow, and to the *disgrace of human nature* I must confess, that slavery is of ancient date. Among savages it probably took its rise, or among men half civilized. Every man worthy of the honour of being a Britton, holds it in utter abomination. The ingenious or the dull, the learned or the ignorant, the clownish or polite, every innocent man, without exception, has as good a right to liberty as to life." Again the same author--"Every generous mind considers slavery as worse than death; and so in fact it is. Death affects the person only who dies, and who must soon die at any rate; but slavery may extend its baleful influence to the innocent children of the enslaved person, and even to their descendants." Again the same author:--"It is impossible for a considerate and unprejudiced mind to think of slavery without horror: that a man, a rational and immortal being, should be treated on the same footing with a beast, or piece of wood, and bought and sold, and entirely subjected to the will of another man whose equal he is by nature, and whose superior he may be in virtue and understanding; and all for no crime, but merely because he differs from

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as in the shape of his nose, the colour of his skin, or the size of his lips; if this be equitable, or excusable, or pardonable, it is in vain to talk any longer of the eternal distinctions of right and wrong, truth and falsehood, good and evil." Again the same author:--"This, (meaning the practice of slavery) therefore, is a most infamous business; and, though slavery cannot all at once be abolished, it ought to be, and may be, and probably will be, discontinued gradually." Again the same author:--"Who are they who tempt those unhappy people, by every sort of bribery that can be supposed to have influence on them, to plunder and betray every man his neighbour, in order to get together a multitude of human victims to answer the yearly demand? Are not Europeans and European planters the first movers in this dreadful, business? Does it then become them to charge Africa with the whole guilt of a commerce, which, but for their cunning cruelty and avarice, would not now exist, and would never have existed? This sort of casuistry may justly be termed diabolical: for it is thus that the most malevolent of all beings is said first to tempt and corrupt, and then to accuse." Again the same author:--"He who buys a human being, with a view to reduce him to the condition of a wretched negro slave, does every thing in his power to destroy the soul and body of that human being, in order to get money for himself." Again the same author:--"What then shall we say of the condition of a negro slave? Let us make his case our own, and ask-ourselves, whether death or it be the more desirable.

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To be stolen, or decoyed, or forced from our native country for no crime of ours, and by those we never injured, to be stowed, like lumber, amidst darkness and death perhaps, and putrefaction, in the lower decks of a ship, sailing, we know not whither, to be stripped naked and sold like beasts in a market; to be driven away by the scourge of the overseer into hopeless slavery, in a strange land, where we find thousands of our own countrymen in the same circumstances, to be compelled to labour, with little intermission or shelter, under the burning sun of a tropical climate; to be ourselves punished, and see our friends and innocent children punished, with unrelenting severity, for a slight offence, or merely to gratify the unmeaning rage of a merciless oppressor; to be subjected to laws by which we are declared to be brutish slaves; to know that the same destiny awaits our posterity, and that death alone will deliver us and them from the horrors of this condition; to see our companions dying round us every day, in consequence of the miseries they undergo, and

what is worst of all, to be obliged to spend our lives in the service of our tyrants; are these desirable circumstances? are they likely to make any rational being happy? are they not worse than a thousand deaths?" Again the same author:--"It is well observed by Homer, whose knowledge of the human heart no person who understands him, will ever call in question, that "when a man is made a slave, he loses from that day, the half of his virtue." And Longinus, quoting the same passage, affirms, that "slavery, however mild,

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may still be called the prison of the soul and a public dungeon." And Tacitus remarks, "that even wild, animals lose their spirit when deprived of their freedom." "Slavery says Montesquieu, makes the master insensibly neglect every moral virtue, and become proud, passionate, hard-hearted, violent and cruel." Again the same author:--"With all the advantages we have derived from philosophy, religion, and the manners of civilized life, if we were to suppose our country invaded, and our rights violated by African negroes, as cruelly as their rights are violated by some European slave merchants and planters, we should say of them with truth, that they were such barbarians, as to deserve at our hands no other return than final extermination. And if our power were equal to our wishes and privileges, and if our deliverance could be effected by no other means, we should arm ourselves with the rights of nature, and sweep our destroyers from the face of the earth. And if we did so who would blame us?"

I will next introduce the opinions of Mr. Paley. Writing on the African slave trade he observes, "But defect of right in the first purchase is the least crime, with which the traffick is chargeable. The natives are excited to war and mutual depredation, for the sake of supplying their contracts, or furnishing the market with slaves. With this the wickedness begins. The slaves, torn away from parents, wives, children from their friends and companions, their fields and flocks, their home and country; are

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transported to the European settlements in America, with no other accommodation on ship-board, than what is provided for brutes."

I will now, gentlemen, with your permission, introduce to you, the sentiments of Judge Tucker, of Virginia, upon the subject of slavery, in which you will find this distinguished Judge mourning over his native land for this national sin, still more pathetic, and with a point more severe, than can be found in the discourse of the traverser. The Judge begins, "Among the blessings which the Almighty hath showered down on these states, there is a large portion of the bitterest draught that ever flowed from the cup of affliction. Whilst America hath been the land of promise to Europeans, and their descendants, it hath been the vale of death to millions of the wretched sons of Africa. The genial light of liberty, which hath here shown with unrivalled lustre on the former, hath yielded no comfort to the latter; but to them hath proved a pillar of darkness, whilst it hath conducted the former to the most enviable state of human existence. Whilst we were offering up vows at the shrine of liberty, and sacrificing hecatombs upon her altars; whilst we swore irreconcilable hostility to her enemies, and hurled defiance in their faces; whilst we adjured the God of Hosts to witness our resolution to live free, or die, and imprecated curses on their heads who refused to unite with us in establishing the empire of freedom, we were imposing upon our fellow men, who differ in complexion from

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us, a slavery, ten thousand times more cruel than the utmost extremity of those grievances and oppressions of which we complained. Had we turned our eyes inwardly when we supplicated the Father of Mercies to aid the injured and oppressed; when we invoked the author of righteousness to attest the purity of our motives, and

the justice of our cause, and implored the God of battles to aid our exertions in its defence, should we not have stood more self-convicted than the contrite publican! Should we not have left our gift upon the altar, that we might be first reconciled to our brethren whom we held in bondage? Should we not have loosed their chains and broken their fetters, or if the difficulties and dangers of such an experiment prohibited the attempt during the convulsions of a revolution, is it not our duty to embrace the first moment of constitutional health and vigour, to effectuate so desirable an object, and to remove from us a stigma with which our enemies will never fail to upbraid us, nor our consciences to reproach us. Our forefathers hath sown the seeds of an evil which, like a leprosy, hath descended upon their posterity with accumulated rancour, visiting the sins of the fathers upon succeeding generations. It is a tyrannical and iniquitous policy which holds so many human creatures in a state of grievous bondage." And again the same Judge:--"But if the voice of reason, justice and humanity, be not stifled by sordid avarice, or unfeeling tyranny, it would be easy to convince even those who have entertained erroneous notions that the right of one man over another is neither

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founded in nature nor sound policy. Will not our posterity curse the days of their nativity with all the anguish of Job? Will they not execrate the memory of those ancestors, who, having it in their power to avert evil, have, like their first parents, entailed a curse upon all future generations? What a blood-stained code must that be, which is calculated for the restraint of millions held in bondage! Such must our unhappy country exhibit within a century, unless we are both wise and just enough to avert from posterity the calamity and reproach, which are otherwise unavoidable."

Before I closed with the opinions of eminent men I will give you those of Mr. Jefferson on the subject of slavery. For correct sentiments and opinions in political philosophy, it is believed, the witnesses for the prosecution consider this distinguished American unrivalled; and when you are informed of the freedom with which he discussed the subject of negro slavery, you will at least, be surprised that an example so high could not afford excuse enough for the preacher to save him from the ignominy of a felon. This distinguished patriot observes, "It is a problem which I give to the master to solve, whether the religious precepts against the violation of property, were not framed for him as well as his slave? and whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him." The above observation, with a little transposition of words gives you the following

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sentiment, "That a negro slave has as much right, according to the law of nature, to steal a little from his master, as his master has to take all his liberty from him." Again the same author remarking on the liberty of the negroes observes, "That they are not to be violated but with the wrath of God. Indeed, (he says,) I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that, considering numbers, nature, and natural means only a revolution of the wheel of fortune and exchange of situation is among possible events: that it may become probable, by supernatural interference! The Almighty has no attribute that take side with us in such a contest." Jefferson and Tucker reside in the state of Virginia, one of the principal negro states, and although they have declared their sentiments on the subject with more freedom than the traverser; and these sentiments may, by reading, be made known to the negroes of that state, and may in some remote possible degree, possess seeds of mischief, yet, as they were written with innocent views to maintain an argument, they have lost no popularity by it, but on the contrary they have, with the good will of their fellow-citizens, filled some very high posts of honour and profit. Suppose a speaker in a political or religious harrangue against slavery, should, to effect his purpose of convincing his audience, read the extracts just quoted and comment on them in the hearing of slaves, ought the bare circumstance of slaves listening to him, though he knew it to be received as evidence of a criminal intent.

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You will, doubtless, gentlemen, at once say, it ought not. Good men might differ in opinion as to the propriety of discussing such a subject, in plain language in the presence of slaves, but no good and wise man could hesitate in declaring that any attempt to arraign the speaker as a criminal for such an exercise of the liberty of speech to punish him as for a crime because his prosecutors did not like his matter or his manner, would be unauthorised by law, and if sanctioned by judicial authority would introduce among us a despotism greatly to be deplored.

The prosecutors seem to think that the criminal intent is to be found because the preacher was vehement in his manner. Dr. Finley, one of the witnesses for the state, informs you that he has heard the traverser preach often, that he is usually animated, and was not more so than common when the sermon in question was delivered. I confess to you, sirs, that my sensibility is greatly awakened on this occasion. The traverser holds a rank in his church second to the Bishop. He is my pastor and friend with whom I have had an acquaintance for several years. He is a blunt, plain, honest-hearted man, in whom there is no disposition to use guile enough to evade the intrigues of his enemies. In his accusation Zion is wounded and a whole church in tears: and he waits with his surrounding friends, to be delivered by you from the furnace of affliction.

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After, Mr. Pigman concluded, Mr. Taney, in a speech of about an hour's continuance, with his usual eloquence and zeal made a most effectual and conclusive argument to the jury, on the part of Mr. Gruber. It is deeply regretted that his continued ill health the last spring and summer has rendered him unable to arrange the notes of his argument so as to enable the editor to report it. After Mr. Taney concluded, the jury wishing to have some conversation on the subject in private, retired from the box, but immediately returned again, and answering to the usual call of the clerk, pronounced, through their foreman, a verdict of NOT GUILTY.

P. S. In page 54, of this work the reader will find it stated, that the court told the Rev. *Samuel L. Davis*, that he must state the truth, and Mr. Davis's reply, to the court, "that his oath was warning enough for him." The editor desiring to publish the trial of Mr. Gruber with the strictest impartiality, so far as he possesses information, deems it his duty to state, that the court without hesitancy, apologized to Mr. Davis, by observing, "*that nothing was intended against his integrity, but that the court supposing he was a stranger to such examinations considered it their duty to inform him, that he was bound to state the whole truth although the interrogatives put to him, might omit something?*" With this explanation, the warning of the court was as beneficial to the accused as it was to the prosecution. The explanation was highly honourable to the court. The Hon. *John Buchanan*, Chief Judge--and the Hon. *Abraham Shriver*, and the Hon. *Thomas Buchanan*, associate Judges--composed the court.

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