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The Background of Gabriel's Insurrection

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Recent scholarly interest in American slave revolts has led to the re-examination of the best-known cases, among them Gabriel's Insurrection in Virginia, in which hundreds of slaves planned to join in a revolt which was to begin with an attack on Richmond on the night of August 30, 1800. This conspiracy, which was betrayed and suppressed on its very eve, has been analyzed afresh in Gerald W. Mullin's *Flight And Rebellion: Slave Resistance in Eighteenth-Century Virginia*.¹ Neither Mullin nor any earlier student of this event, however, have mentioned an earlier incident in which Gabriel and his brother Solomon were involved. County records show that about a year before their trial and execution for conspiracy and insurrection, the two were tried in connection with a fight with a neighboring planter, Absalom Johnson.

The records of these earlier trials are to be found in the court "order books" of Henrico County, and show that on September 23, 1799, Solomon was tried and acquitted of threatening Johnson with bodily harm. Two weeks later Gabriel was convicted of maiming Johnson. In the Virginia law of 1799 the usual punishment for slaves convicted of felonies, including maiming, was death. But because he had never previously been convicted of this felony, Virginia law permitted Gabriel to claim "benefit of clergy." In 1796, in a modernization of its penal code, Virginia had abolished benefit of clergy for free persons, but the privilege was still available to slaves. By the eighteenth century one did not have to be a member of the clergy to qualify for the privilege, as had been true in England centuries earlier, nor did one have to be able to read. Ironically, by claiming benefit of clergy Gabriel received a lighter punishment than a free person would have. Under the 1796 revision of Virginia's legal code a free person would have been sentenced to two to five years imprisonment. If Gabriel had, however, already received benefit of clergy for an earlier crime of the same nature, the death penalty would have been carried out. Instead, he was branded with a "T" on the base of the left thumb and released to his owner.² The minutes of Solomon's trial, September 23, 1799, are as follows:

On the complaint of Absalom Johnson against Solomon a Negro man slave the property of Thomas Henry Prosser of this County under apprehension that the said Solomon will destroy him or his property by Fire or other ways. The said Solomon was set to the Bar in Custody Whereupon

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sundry Witnesses were sworn and Examined touching the said matter of Complaint. On Consideration whereof It is the Opinion of the Court that the said Complaint be dismissed and the said Negro man Slave Solomon discharged out of Custody.

Two weeks later, when the court sat again, Gabriel was tried:

At a Court of Oyer and Terminer Called and held for the County of Henrico at the Court House on Monday the seventh day of October [1799] . . . for a trial of Gabriel a negro Slave the property of Thomas Henry Prosser of the said County charged with Maiming Absalom Johnson of the aforesaid County by biting off a considerable part of his left Ear.

* * * * *

The said Negro man Slave Gabriel was set to the Bar in Custody and being Arraigned of the premises pleaded not guilty. Whereupon sundry Witnesses were sworn and examined and the prisoner fully heard in his defense by Charles Copland Gent[leman] Counsel assigned him by the Court. On Consideration whereof It is the unanimous Opinion of the Court that the said Gabriel is guilty of the Crime with which he stands accused but that he is entitled to the benefit of Clergy. Therefore It is Considered by the Court that the said negro man Slave Gabriel be burnt in the left hand agreeable to the statute in that case made and provided which being done by the Jailor in Open Court It is Ordered that the said negro man slave Gabriel be remanded to Jail.

Gabriel probably remained in jail only until Prosser formally claimed him, but on November 4, 1799, Gabriel and his owner were again before the court. Absalom Johnson, still fearing for his safety, demanded that Prosser be required to post bond to guarantee his slave's good behavior.

Thomas Henry Prosser appeared here in open Court and produced Gabriel a negro man Slave the property of the said Prosser in discharge of a recognizance entered into by him for that purpose before Pleasant Younghusband and George Williamson Gent Justices of this County to answer a complaint of Absalom Johnson of this said County exhibited against the said Gabriel under an apprehension that the said Gabriel will injure him either in his person or property. Whereupon the said Johnson and sundry other Witnesses were sworn and examined and the said matter of Complaint fully heard by the Court. It is ordered that the said Thomas Henry Prosser be bound to find security for the good behavior of the said Gabriel and his keeping the peace towards all the good people of this Commonwealth for the space of twelve months from this time and the said Thomas Henry Prosser neglecting to Comply with the said Order It is further Ordered that the said Gabriel be committed to the Jail of this County there to remain until such security be given.

By the next day, November 5th, Prosser had arranged suitable security and returned to court to retrieve Gabriel.

Thomas Henry Prosser this day came into Court and acknowledged himself indebted to . . . the Commonwealth of Virginia in the sum of one thousand Dollars of his goods and chattels Lands and Tenements. . . . Yet upon this Condition that if Gabriel a Negro man slave the property of the said Thomas Henry Prosser shall be of good behavior and keep the peace towards all the good people of this Commonwealth but more particularly towards Absalom Johnson of this County for the space of twelve months from the fourth day of this Instant month November agreeable to an order of this court of that date then this Recognizance to be void or otherwise to remain in full force power and Virtue.⁸

Absalom Johnson had taken a lease earlier that year on a 1,300 acre plantation adjoining Prosser's place in Henrico County and on the twenty-one slaves belonging to it. Testimony in the 1800 insurrection trials showed that Johnson, along with

Prosser and some other neighbors, were intended to be the first to be killed, before the band moved out to attack Richmond.⁴ But aside from these details we know little about the man and nothing about his quarrel with Gabriel and Solomon. The trial records from this period preserved in the order books of Virginia courts present only the barest outline of each case. While the minutes frequently record that "sundry witnesses" were examined, the actual testimony is almost invariably omitted. In the trials resulting from the 1800 insurrection only the extreme gravity of the situation led to the preservation of some of the testimony, not in the official court records but in notes forwarded to the governor.⁵

NOTES

¹ (Oxford University Press, 1972), 140-63, 197-204. The most notable among the earlier treatments of Gabriel's Revolt are Joseph C. Carroll, *Slave Insurrections In The United States, 1800-1865* (Boston, 1938), 47-66; Herbert Aptheker, *American Negro Slave Revolts* (Columbia University Press, 1943), 219-26; and Arna Bontemps's 1936 novel, *Black Thunder*. For a list of studies of slave revolts see James M. McPherson *et al.*, *Blacks in America: Bibliographical Essays* (Garden City, N.Y., 1971), 60-64.

² The minutes of Solomon's trial are found in Henrico County Order Book No. 9, 1799-1801, p. 94, and those of Gabriel's trial on p. 95, consulted on microfilm at the Virginia State Library, Richmond. A Virginia statute of 1792 provided that slaves charged with felonies would be provided defense counsel by the courts. Slaves were tried by at least five justices of the county court. Unanimous decisions were required for conviction, but there were no juries and no appeals. For benefit of clergy, which dated from 1748 for Virginia slaves, see Arthur P. Scott, *The Criminal Law in Colonial Virginia* (University of Chicago Press, 1930), 355-56; *Revised Code of the Laws of Virginia . . .* (Richmond, 1819), 428-29; Samuel Shepherd, ed., *The Statutes at Large of Virginia . . . Being a Continuation of Hening* (3 vols., Richmond, 1835. AMS reprint ed., 1970), II, 7-8. The various changes in the laws are explained in the successive editions of William W. Hening's handbook, *The New Virginia Justice, Comprising the Office and Authority of a Justice of the Peace in Virginia* (Richmond, 1795), 121-26, and *ibid.* (second ed., Richmond, 1810), 178-79. Today Gabriel is often referred to a Gabriel Prosser, giving him his owner's surname. But documents of 1799-1800 do not refer to him in this way. Although surnames are used in connection with a number of the slaves tried in the revolt, none is used for Gabriel and his brothers. We have no way of knowing whether they considered Prosser to be their surname. See William P. Palmer, ed., *Calendar of Virginia State Papers and Other Manuscripts Preserved in the Capital at Richmond* (11 vols., Richmond, 1875-93), IX, 134-74. This is the most extensive collection of rebel trial records and related documents.

³ Henrico County Order Book No. 9, 1799-1801, pp. 102, 105.

⁴ Henrico County Deed Book No. 5, 1796-1800, pp. 556-58; Henrico County Assessor's Books, 1803-1813 (fragmentary), consulted on microfilm at the Virginia State Library; Palmer, *Calendar of Virginia State Papers*, IX, 160-169; Carroll, *Slave Insurrections*, 49.

⁵ Compare the official minutes of the rebels' trials in Henrico County Order Book No. 9, 1799-1801, pp. 372-401, with the testimony printed in *Calendar of Virginia State Papers*, IX, 134-74. Mullin, *Flight and Rebellion*, 198, estimates that the latter collection contains about two-thirds of the items in a file on the rebellion in the Executive Papers at the Virginia State Library.