

The Presbytery

Some things must be here stated which will cast light upon the action of this body in the matter which Mr Horney was preparing to bring before them in order to make good his original charges against me before the public viz that was ——— what he published me to be. His own version of it will suffice: & that will come under notice presently — — and also and especially ^{upon} the former action of the Synod in setting aside the sentence of the Session & Presbytery against Mr Horney.

Of all the Courts known to the Presbyterian Church the Synod is most liable to err in judgment; for these reasons.

1. The Synod meets but once a year, & dispatches usually in a hurried manner the appeals which come before it; its members becoming uneasy if detained longer than four or five days.
2. The Synod feels not the same responsibility as does either the courts below in which causes originate, or the court above in which they are terminated.
3. The witnesses do not testify in person before the Synod as before the inferior courts, but only through written documents which are so imperfect often as to be almost unintelligible.
4. Much is known to the inferior courts respecting both persons & things involved in cases before them which is not & cannot be so well known to the Synod.
5. The Synod is especially liable to the bias of personal & party prejudice. The members are known before hand who are to sit in judgment: and a busy active son of mischief may thus take advantage of one whom he assails by poisoning the minds of the judges, especially if the person assailed be closely confined to business at home, or if he be exposed to envy, a passion from which all ministers of the gospel are not altogether free. In the General Assembly these sinister influences have little scope or operation.

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Unhappily for myself there existed in the Synod of Indiana a state of feeling, I know not exactly to what extent, which shewed itself against me in the case in which I was a party which I am compelled to say was not such as to dispose the minds of those who felt it to form an unbiassed judgment in a case in which I was concerned.

A certain Mr Russel, once high in office in connexion with the General Assembly's Board of Missions, took a very active part against me, while the Synod were forming their judgment, on an occasion which I shall more distinctly notice in the sequel.

At and even before the time to which our narrative has now conducted us, measures were beginning to be taken which being followed up & followed out have divided the original Assembly of the Presbyterian Church into two distinct bodies. This result I clearly foresaw in 1834. & I exerted whatever power I had to prevent it.

Some year or two before this while the Synod sat at Crawfordville the cause of Mr Wheelock was brought before it on an appeal from the Presbytery of Indianapolis by which he had been censured &, I think, suspended for heresy, or false doctrine. I knew something of what I conceived unfair treatment which Mr Bush had received from a leading member of that Presbytery an elder in the church & a very good & worthy man so far as I know:— but.— but in that matter, according to his own account of it given rather exultingly, to me, he had, at least not followed the golden rule, in his conduct towards Mr Bush — who in consequence left the State shortly before I came to it.

Supposing from the evidence in the case that Mr Wheelock was not guilty of having preached doctrine or of holding doctrine "essentially variant" from the Confession of Faith, & being chairman of the Committee who framed

the Report that, being adopted, terminated the case, I so so framed the Report as to express this opinion, and though I now write without any thing to aid my memory I am certain that the very words just quoted were in the Report. This act of mine was regarded ^{by some} as the act of one who was not true to his party. For I had acted & felt with the Old School party: my particular friends were of that party: I regarded them & still regard them with affection and esteem as honest men & conscientious: but I was in favor of a more liberal construction of the Confession of Faith as to doctrine than the most of them, & of a more strict application of it in matters of conduct & morality than the sternest & severest of these members. I did not conceal my position from either party, but declared openly in Synod on that occasion that should they persist to run the contemplated line of division it must "cut me in two."

The unity of the church, about this time, & then its Catholicity, were points which drew my attention & lead to enquiries which, at length, — thanks, to Whom, for all his goodness, all thanks & praise be given! — have conducted me to ~~her~~ bosom whose Catholic & Apostolic character I was not then prepared to appreciate. In the excitement of debate which on these occasions discussion produced I doubtless said some things which I ought not or in a manner calculated to give offense to such ^{grave personages} as, I own, I am not: for I have something of the — boy — or ^{as} (the reader may think —) fool, in me; & on occasion, in spite of me, it will out.

An occasion of this kind, I regret to say, produced a paroxysm which was remembered. If the worthy brother on whom it was passed, should ever read these lines, I here crave his pardon: & can only offer the fool's apology that

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of "non putavaram," it was not premeditated. In the ardor of debate I took in my hand A Confession of Faith and read from it as follows: "Chap III. Sec 7th" "The rest of mankind, God was pleased, according to the unsearchable counsel of his own will, whereby he extendeth or withholdeth mercy, as he pleaseth, for the glory of his sovereign power over his creatures, to pass by & ordain them to dishonor & wrath for their sin, to the praise of his glorious justice." "Now" said I, "here is a portion of the Confession, which I very much doubt whether any one in this house cordially & fully believes, taking it just as it is. Let us not then judge our brother Wheelock by a test of orthodoxy which, without some little modification, none of ourselves can abide. But, perhaps, I am mistaken. I will then throw down this Supralapsarian brick bat" and casting a glance at a clerical gentleman on the other side of the house whose name I did not mention though it was ludicrously associated in my mind with the metaphorical brick bat—" & if there is a bird ^{here} less than an ostrich who thinks he can swallow it, I should like to see him make the experiment." Mr Brow, however, did not make the experiment, but another younger brother who had not long before completed his theological studies did take up the challenge, & the brick bat, and, with considerable effort & twisting & distension of the muscles used in deglutition, swallowed the thing with less difficulty than I had imagined, but not without a manifest consciousness that he was doing something clever, which afforded a good ^{deal} of amusement to some who witnessed the scene.

It will be readily conceived how one whose zeal was bent upon preserving the unity of the Presbyterian church would be looked upon by such on both sides as seemed determined to divide it. Such was my zeal: & such appeared to me to be the determination of certain members of

Synod.

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Besides all this the position which I occupied exposed me to — I know not well how to describe it otherwise than by calling it a feeling of rivalship. The State College here was liable to suffer from any successful assaults upon its President: and the Colleges, one at Cranfordville & the other at South Hanover might hope to reap some advantage from such assaults. Now I do not believe that there was connected with either of these Institutions a single man who would have made such assaults yet, to put the most charitable construction which can be put on the conduct of some who were thus connected, and who as members of Synod sat in judgment on the case between Mr Harney & myself, I must say they seemed to be under the influence of something which exerted an influence over their minds which was not favorable to a clear discernment & an impartial decision. Their motives I leave untouched, unimpeached. Their judgment, I shall review in its proper place.

Mr Harney, it will be remembered, was at the time a Professor in the College at South Hanover of which Dr Bythe was President.

Such was my position ecclesiastically & morally & I may say politically when Mr Harney commenced his prosecution against me. — I say politically; for, at the time to which I refer there certainly were movements made in opposition to me which I can compare to nothing else than those ~~political~~ movements which are made in the heat of some great contest between political parties. This may be accounted for in part by the causes ~~just~~ suggested in the remarks just made; & in part from the disposition that there is in a portion of

man kind to join in with any chase & hue-&-cry that may attract their attention, and especially if the object to be hunted down is in any way raised in eminence above the ordinary level, if it be no more than sufficient to render him somewhat conspicuous. A single fact may be related here to show the truth of this remark. In Owen County, where W^m Harney & W^m Hall occasionally went to visit their friends residing there, rumor had it that I was preaching Atheism to the students:— nothing less would do; it must be Atheism.

W^m Harney's charges are contained in the following letter,

"To the Vincennes Presbytery
You will find in the minutes of the General Assembly the following resolution, viz "Resolved that the Assembly sustain the appeals of the Session of the Church of Bloomington and of Dr Wylie against a decision of the Synod of Indiana: & the judgments of the Presbytery & Session are hereby sustained, upon the ground that W^m Harney circulated evil reports against Dr Wylie without showing that he did it in the due performance of some indispensable duty. But it is the judgment of this Assembly that W^m Harney shall still have the privilege, if he desires it, of commencing a prosecution against Dr Wylie before the Presbytery of Vincennes and in such case said Presbytery are hereby authorized & directed to hear the whole cause & issue the same in a constitutional way.

It will be recollected that the substance of my declarations respecting Dr Wylie was that he was dishonest & deceitful & was not a man of truth; the truth of which I now pledge myself before the church to prove & moreover

that I was at least excusable for making such declarations when I did owing to the infamous slanders which the Rev^d A. Hyle D.D. had published against my moral character. The facts in support of these declarations in the testimony to the following specifications which are hereby presented against the Rev^d A. Hyle D.D.

1st That he did attempt to injure my character in a private and clandestine manner whilst I was professor in the Institution of which he was president. Witnesses G. & J. Porter. Wm M. Dunn John Orchard J. Nichols Rev^d J. Reed, L. Bolman

2 That he did in a public address to the students on the 24th of March 1832 attempt by falsehood and other shameful expedients to create a mobish excitement against myself and the Rev^d B. R. Hall. Witnesses W. M. Dunn W. M. Turnstate. J. Porter, L. Bolman. S. N. Evans

3^d That he did conduct himself at his own house on the 24th of March 1832 & afterwards before the Board of Trustees of Indiana College at their meeting in July 1832 & again at the house of Alexⁿ. Owens of Bloomington in a manner unworthy of a Christian & scandalous to the office of the Gospel ministry: Wit. Hon. J. Law, Hon. G. H. Dunn Hon. J. H. Blake, D. H. Maxwell, W. Blair, J. Denson L. Bolman Mrs Catherine Owens, Mrs D. Maxwell W. Graham: Records of the Board of Trustees.

4th That he did mistreat a student W. S. F. Givens & the consequent opposition of myself & the Rev^d B. R. Hall was the exciting cause of his hostility to us, & he did grossly misrepresent the conduct of myself & the Rev^d B. R. Hall towards W. Givens & did grossly prevaricate respecting his own. Wit. S. N. Evans, W. Dunn, T. A. Howard

- V. V. I. King & C. B. Arion, H. O. Neal, Rev. B. R. Hall
5. That his representations of these things have been a tissue of wilful misrepresentations: Wit. the testimony on the preceding charges together with the testimony of S. D. Smith, B. Champier, Dr. Watts, W. Alexander H. Dunn, W. Barnahan & Rev. James Crawford
6. That he has during this controversy made use of dishonest & unchristian expedients to sustain himself & injure others. Wit. W. Dunn, Williamson Dunn, G. & J. Porter, J. B. Maxwell & Lady, W. Allen, Princeton N. Jersey, Alex^r. Pettit

This charge with its specifications, let it be noted, is of the very highest grade & set forth in language of studied intensity. If found guilty even in the slightest degree I, the accused, deserved nothing less than the highest censure the church could inflict. Had I been found guilty by an unrighteous sentence & false witnesses, I should have thought it my duty, however innocent, to retire from the office of the ministry, lest it should be "damned."

The Presbytery in the first place refused to investigate the above charge, partly, it may be supposed, because the Accuser did not present himself in person before them. He came, however, before, & if my memory serves me, but a little before the close of the meeting, & took an appeal to Synod. The Synod ordered the Presbytery to take up the case. - These facts I state from memory.

The Records of the Presbytery which met at Bloomington Dec^r 11th 1834, a copy of which is before me will be our guide through the tedious trial which followed.

"Resolved that the Presbytery consider the prosecution already prepared at its last meeting.

The moderator admonished the Presbytery that it was about to enter upon judicial business & also admonished the prosecutor that if he failed to prove the charges preferred he would be censured as a slanderer of a gospel minister

December 12 The prosecutor obtained leave to object to members sitting in this case & objected to Dr D. H. Maxwell sitting as a member of Presbytery & assigned his reasons in writing, as follows: "Prosecutor objects to Dr Maxwell as a member of this court, 1st Because he is president of the Board of Trustees of Indiana College, & has once decided upon the controversy by sustaining Dr Hygin & dismissing the prosecutor from the Institution: from this fact, nothing else being known, the conclusion will be that Dr Hygin is comparatively at least innocent, or the Board acted corruptly: the former it is plainly Dr Maxwell's interest to make out. 2^d Dr Maxwell was a member of Session and decided on this matter once before or something connected with it, & from the nature of that decision is interested to sustain Dr Hygin. 3^d The prosecutor alleges that Dr Maxwell, in his private correspondence, with him, has shown a disposition which does not become a judge in this case. Signed J. H. Harney.

Dr Maxwell at his own request was permitted to resign his seat because he was president of the Board of Trustees: and W.^m Alexander was elected in his place by Session. The prosecutor also objected to W. Alexander & assigned his reasons in writing which is as follows: "The prosecutor objects to W. Alexander for the second reason assigned against Dr Maxwell, viz that W. Alexander was a member of the Session who decided against me in a case connected with this prosecution.

Signed J. H. Harney

Dr Hylic presented the following: viz "The Rev Isaac Reed, the present moderator was moderator of the session on Mr Harney's first trial, & his dissent from a part of the decision of said Session condemning Mr Harney is on the Records of said Session. Mr Reed is also connected with Mr Harney by marriage, Mrs Reed's brother (Mr Young) & Mr Harney being married to two sisters: the subscriber might therefore with much more show of propriety object to Mr Reed's sitting in this case than there is in the cases of Dr Maxwell & Mr Alexander objected to by Mr Harney: but the subscriber does not avail himself of his right of objecting in this case

Signed A Hylic

Resolved that the objections to Mr Alexander's sitting in this case be not sustained."†

A resolution was offered with reasons annexed to it as follows, viz Resolved that it is the opinion of this Presbytery that it is their duty only to hear & determine the charges which John H. Harney made against the Rev A Hylic on the 21st of Sept. 1832 viz that he the said Hylic was "a dishonest & deceitful man & not a man of truth" & that this is the specific duty required of this Presbytery by a decision of the last General Assembly of the Presbyterian Church. The Presbytery give the following reasons for this opinion. 1st Because the Gen. Assembly had a transcript of the Records of the Church at Bloomington before them in which these charges were set forth as matters of complaint against Mr Harney by the Session of said Church & also that in the trial then had Mr Harney plead Justification & took an appeal from the decision of the Church Session to the Vincennes Presbytery alleging in his reasons therefor that he was not permitted to prove his charges to be true. 2nd Because that in the Minutes of the Gen.

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Assembly on the subject it is said that Mr Harney may "still" prosecute the Rev. A. Wylie before the Genueses Presbytery if he see cause so to do, evidently referring to some cause of prosecution then known to the General Assembly. 3. Because the transcript of the of the record above mentioned shewed that the church Session at Bloomington, through a committee of their own body had then urged Mr Harney to prosecute his charges against Dr Wylie & that he wholly refused to do so, & also because he would now be excluded by the discipline of the Presbyterian church from commencing a prosecution if it were not for the permission granted by the last General Assembly. 4. Because it evidently appears from the language of the Gen. Assembly that the object of the permission granted to Mr Harney to prosecute Dr Wylie was in self-justification or extenuation of the censure which the last Gen. Assembly confirmed against him the said Harney. 5.th Because the Assembly has only appellate power and can act only on subjects which have been brought before it in a constitutional way and therefore could not authorize the institution of an original cause before an inferior Judicial tribunal. 6. Because the Assembly cannot impose or enjoin any matter on the churches or inferior judicatories as constitutional other than those contained in the Confession of faith of the Presbyterian church, until a majority of the Presbyteries have sanctioned such proposed measure. 7.th Because if the Assembly were to grant a charte blanche to individuals to institute prosecutions in opposition to the discipline of our church it would lead to injustice disorder & disorganization of the churches. Which Resolution was adopted.

Mr Harney then gave notice to Presbytery that he excepted

to this decision & would carry it to a higher court. ¹²

Here I may remark the character of the man appears. He had published me for a dishonest deceitful man & not a man of truth or a knave a liar & an hypocrite. This was in the Spring of 1832. When the cause went up to the General Assembly he contended that such was my true character, but that the Session had not allowed him to justify the declarations then made. The Gen. Assembly granted him the liberty at my request and his own demand. And now in December 1834 he asks the right of proving the truth of what he had said in 1832, by sayings & doings of mine which, indeed, never took place, but which as he alledged took place after the declarations by him made. That is, his proof for the truth of what he said in 1832 was to be drawn from what he did not & could not have known at the time it being then in the future! The Presbytery extended his range to the 21st of September 1832 when the trial commenced. He wished to extend it to December 11th 1834 when in a legal way he was compelled to bring charges the very same charges he had uttered against me more than two years before in the streets & other public places. And now he wants to adduce ^{as reasons} ~~for~~ the delations then made facts which were then future! ~~for what they did not exist.~~ His object was plain enough, 13th by extending the range of his prosecution & bringing up irrelevant matter he hoped to weary out the patience of the Presbytery & hide in the confused mass of testimony the real merits of the cause. The Presbytery would not allow this: & he takes exception to their action, & will carry it up to Synod as matter of just complaint! The Synod, he thinks, will listen to it. We shall see.

"Resolved that the first general charge be taken up. The first & second specifications were ^{read} taken up. The third specification was read & taken up as amended by consent of Presbytery. The fifth specification was read—amended by consent of Presbytery. A motion was made to reject a part of this

specification, when a motion was made to reject the whole¹³ specification, which motion was withdrawn and the question to reject all that part which relates to Vincennes Presbytery & the last meeting of Synod which prevailed, on account of the transactions being after the 21st of September 1832.

The remainder of the Specification is ordered to be taken up. 6th Specification Presbytery rejected on account of the transactions referred to therein having transpired after the 21st of Sept. 1832 according to the statement of the prosecutor & also on account of its indefiniteness. The moderator then enquired of the accused whether in reference to these charges he plead guilty or not guilty, to which he plead not guilty.

Riv? Isaac Reed (the moderator) & Dr. H. Maxwell sworn as witnesses. Mr Reed testified as follows, viz

Question by Prosecutor: What was the first you knew of the difficulty between Dr. Hylie & myself in relation to Ind. College?

Ans: In the Spring of 1832 I called at Dr. Hylie's to enquire if he designed to go to Presbytery at Vincennes: he said he did not well like to leave home at the time of Presbytery's meeting, owing to some things respecting the college - that it was rather squally times. I then asked him if the difficulties concerned the students or the Professors. He replied that it was respecting the Professors. I signified that I did not request him to communicate what it was, if he was not free to do it, but if he were, I was willing to hear it, & possibly expressed a wish to hear it. He then with myself walked out into the garden - He mentioned some recent interviews between himself & the Professors, & something respecting the commencement of his enquiries of Mr. Givins respecting the conduct of Mr. Givins in having failed to perform the part assigned him at the previous Commencement. There was something said as to Mr. Hall's having suspected him as the author of an anonymous letter, of which suspicion the Doctor said

he supposed I knew. There was also some information
 of Mr Harney having desired him to use his influence
 with the Board of Trustees to have Mr Hall reelected
 Professor of Languages— that he informed Mr Harney that he
 did not know that he could obtain his reappointment if he
 should use his influence that way & that he would not, if he
 could,— that from that time he considered the conduct of
 those gentlemen towards himself as having changed, im-
 plying dissatisfaction. He then briefly related several
 things respecting his calling Mr Givens to answer for
 his failure to speak at Commencement, & that in the
 progress of this Mr Harney & Mr Hall had been opposed to
 him & that he considered that Mr Harney had acted im-
 properly in some interviews which he had had with Mr.
 Givens & some communications he had made him
 Witness does not recollect about the number or fre-
 quency of these meetings upon this measure, but that he
 specified that they had recently had one by his request on
 the Monday after the Sabbath; that in that interview
 he had in a very kind spirit & manner spoken to the
 Professors, & witness thinks that he said Mr Hall appear-
 ed to be affected to tears; but Mr Harney either enquired
 or said something respecting some previous declaration of
 Dr Hylan saying that he would trample the Faculty un-
 der his feet— that he denied having made such declaration
 that Mr Harney said with vehemence You did say it Dr.
 Hylan, you did say it Dr Hylan— & of some other instance
 witness thinks a few days after that, that Mr Harney
 had followed him to the door or steps of the college build-
 ing & that he had told Mr Harney that he would not have an
 interview with him except in presence of witnesses, that
 Mr Harney had said as he passed away that he supposed
 he must then seek redress in another way & that Dr H.

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walked onwards up the street into town & that Mr^r Horney ^{followed} ~~walked~~ in the street after him & that he Dr^r W^r believed Mr^r Horney did so with the intent of personal violence. — In this conversation in the garden Dr^r W^r said to witness he knew not but that witness might have something in his power — that blessed are the peacemakers, intimating as witness understood him that probably witness might be a means of some favorable reconciliation. Witness then told him that he was then on his way to Mr^r Hall's & expected to see him soon — he further told witness that he had come to the conclusion in his own mind to have no further interviews with the Professors — witness thinks with the Professors & is certain with respect to Mr^r Horney — except before witnesses

2. by Pros. — Did not Dr^r Wylie represent my manner when I replied to him that he did say he would trample the Faculty under ~~his~~ foot, as menacing?

Ans: When Dr^r Wylie said that he used gestures which the witness supposed were in imitation of Mr^r Horney which were menacing — he Dr^r Wylie clenching both fists raising them above his head & bringing them down — thinks he said Mr^r Horney sprang to his feet which makes witness think he was sitting.*

2 by Pros: Will witness state whether Dr^r Wylie represented that a dispute about a paternal system of government in college was the cause of the difficulty with the Faculty? Ans: Witness thinks there was something said by Dr^r Wylie on that subject; but does not recollect what it was.

2. by Pros: Was not this previous to the 24th of March 1832 the day of the rupture in college? ~~Ans~~

Ans: Witness thinks it was Friday evening the 23^d of March.

2. by Pros: Had you ever heard me say any thing against Dr^r Wylie previous to that time? Ans: I had not.

* Here the witness is under a mistake, though very accurate as to other matters, stated in his testimony. It was I that sprang to my feet, when Mr Harney spoke & gestulated in the manner described. I was seated & perfectly calm till then. After seeing Mr Harney right in the matter, as I have elsewhere related, I stepped to the door, took the key, & opening the door — the Professor stepped out after me.

2. by Pros: Did you on the evening of the 23^d of March see any thing at Mr. Hall's house indicative of ill feeling on the part of Mr. Hall or myself towards Dr. Wylic or any one?
Ans: I did not.

2 by same: Had I not always spoken in the most favorable terms of Dr. Wylic? Ans: Witness thinks he had heard Mr. Harney speak in commendation of Dr. Wylic a number of times

2. by Accused: Did Mr. Hall ever say any thing to you about an anonymous letter. Ans: He never opened his lips to me of his having a suspicion that Dr. Wylic was its writer or instigator of it previous to the 24th of March 1832 nor for some time afterwards. 2. by same: How long afterwards? Ans: I suppose it must have been some time in the summer.

2 by same: Did I ever say any thing to you about the Professors or either of them except at the time mentioned in your testimony? Ans: The impression on my mind is that you have, but I am not able to recollect when or where; but on reflection I do state that you did on the pavement before Mr. Owens's house state that you intended to commence a prosecution against Mr. Hall before Presbytery & further you said that Mr. Hall could not commence his journey so soon as he expected to do.

2. by same: Do you recollect of calling at my house in company with Mr. Hall, when I lived where Mr. Robeson now lives, - on Sabbath evening, & for what object you called?

Ans: I do recollect: but I do not remember what conversation took place or what was the object.

2 by same: When I stated to you that I supposed you would have something in your power as a mediator, did you not understand me that you derived that power from your relationship to the Professors? Ans: I suppose you thought of my relationship to Mr. Hall & my possessing the good will of both the Professors

2 by same: Are not your wife & Mrs. Hall sisters? Ans: Yes.

2 by same: ^{Are} not Mr. Reid's brother (Mr. Young) & Mr. Harney

married to two sisters? Ans: Yes.

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Q. by same: Why did you not act as mediator according to my suggestion? Ans: Witness had not an opportunity till after he was informed there had been open & public manifestations of the difficulties from the transactions in the college hall on Saturday the 24th of March; & he did not suppose from the temper of mind which he supposed to exist between the parties that any such endeavor on his part would produce any useful result.

Q. by same: Did you not go to Mr Hall's immediately after our conversation & find Mr Hall & Mr Harney there?

Ans: I went immediately to Mr Hall's, & whilst there Mr Harney came.

Quest. by Pros. Did Dr Wylie tell you that he intended to attack the Professors publicly in the college Chapel before the students the next morning?

Ans: Dr Wylie did not tell witness any such thing.

Dr Maxwell testifies

Q. by Pros. Did not Dr Wylie say before the Board of Trustees in Mr Hall's presence that he Mr Hall was a little man & did he not tell a story about two persons drinking together in rather a ludicrous manner, & was not this story intended to convey Dr Wylie's idea of Mr Hall?†

Ans: Dr Wylie did tell the story referred to, & my understanding was that it was intended to convey his opinion that Mr Hall was a little man: I am not certain whether he called him directly a little man or not.

Q. Did he not say that he never esteemed Mr Hall; that he could perhaps say he was once fond of him, or some language to that amount? Ans: Possibly he did: there was some such remark made, but I can't be certain what it was precisely.

Q. Did he not state that he thought there was about the same relation between himself & Mr Hall that there was between Dr Johnson & Boswell.

7 This anecdote about the "little man" I had told on the 24th of March immediately after the rupture in college. In my statement before the Board I told them I would not put the professors to the trouble of proving any thing but would admit the truth in regard to every thing I had said or even thought about them: and, in this way, I repeated the story of the "little man". And this my candid confession, made with some hope that Mr. Harney might follow my example, which if he had done I was even then prepared to forgive all the past—this confession, Mr. Harney had the art to turn into an insult offered to Mr. Hall in presence of the Board of trustees. So also the reference to the piece in the Edinburgh Review which lay on the table & echoed some of the trustees had been reading. The reference was made jocularly: Mr. Harney wished on the trial to give it the air of great gravity & serious earnestness.

Ans: He told an anecdote of Boswell & Johnson from which it might be inferred that he supposed such distinction to exist." — Here it is proper to interrupt the order of the questioning for the purpose of introducing the correction in this part of his testimony afterwards made by the witness. — "Witness will here correct that part of his testimony which says that Dr H. related an anecdote of Boswell & Johnson, & he now recollects distinctly that it was read from the Edenbury Review or the North American Review. †

Q by Accused: Did I not say in reading the passage "Si licet parvis componere magna?" Ans: I am not able to say that these words were used — a Latin quotation was, however, used on the occasion.

Q by same: Did I not expressly disclaim the idea of being considered Johnson? Ans: You did but I considered the application of the anecdote as relating to the parties litigant. This however was my own inference. The order of the questions is here resumed —

Q by Pros: Did he (Dr H.) not represent a conversation between himself & me in which he had said that Mr Hall could not be retained in college because he was a fool, & did he not state my reply in this way, "What do you expect to get here but a fool?" Ans: I have no recollection of any such language being used by Dr H. &c.

Q. Did he not state to the Board that Mr Hall plagued him (Dr H.) by seeking his company too often & vexed him by talking about trifles to him? Ans: I think he did.

Q Did he not tell that he had borne his expenses in going to Indianapolis? Ans: Yes: & Mr Hall also charged Dr H. with having expended his own money in going to meet him at Louisville. I cannot state who mentioned their expenditures first. †

Q Did not Mr Hall state at one time in Dr H. &c.'s narrative that he would not bear certain statements which

† The witness does not say by whom it was "read": & I omitted to ask him. My recollection is that it was merely referred to by me, & read not aloud but silently by two or three of the members of the Board at the time.

Dr W. was introducing? & what were these statements? 19
were they not something in which the delicacy of females was concerned? Ans: Dr Wylie, in giving a history of some transactions was interrupted by Mr Hall stating that females would be called in question or their names in some way. Dr W. disavowed any intention of disrespect to any female; but alleged the necessity of referring to some to connect the transaction he was repeating. I do not think the name of any female was mentioned, nor do I recollect the subject he was speaking of. Mr Hall appeared to anticipate some difficulty, & the B. of Trustees suppressed any thing further on the subject.

2 - Did not Dr W. mention by way of shewing Mr Hall's littleness that he (Mr Hall) had invited a company to tea & had invited Dr Wylie to come after tea? Ans: I think not - he mentioned the fact of his not being invited as the first intimation of Mr Hall's ill will towards him.

2 - Was he not invited after tea? Ans: I have no recollection of any invitation after tea.

2 - Did he not state that I had talked to him impertinently about his family affairs? Ans: I remember nothing of the kind.

2 - Did he not state that I had spoken to him impertinently against the propriety of a remark he once made in the pulpit about Bloomington, the amount of which was that every other house was a grog-shop & every third man a drunkard? Ans: Something was said on the above subject, but I have no recollection of the word impertinently in the conversation: - my understanding was that they (Dr W's remarks) were objected to as calculated to injure the town of Bloomington as to its moral character & thereby the college. I recollect this further that Dr W. said it was his duty to preach against vice in Bloomington or any where else.

2 - Did not Dr W. state his suspicion that I was hostile to him

because he would not use his influence to retain Mr Hall
- and what were the grounds of this suspicion?

Ans: I am unable to say whether such language was used; &
as to the causes I remember nothing

Q - Did he not say that I would frequently speak of Mr Hall's
remaining in college, saying that he (Mr Hall) would re-
main yet, & do you not recollect Dr H. stating the case in
this way "If I (Harney) did not mean by such frequent men-
tion of Mr Hall's remaining that I wished him to use his influ-
ence to keep him, what did I mean? Ans: Dr Hylie said be-
fore the Board of Trustees that Mr Harney had frequently
spoken to him on the subject of Mr Hall's remaining as
Prof. of Col. & he supposed that he (Mr Harney) wished him
to use his influence for that object. He said he did not know
that he could have any influence in the case & that if he
could he would not exercise it.

Q Did not Dr H. in this same narrative tell that part of
his religious experience which he so often tells & shed
abundance of tears? * Ans: The Board of Trustees were
in session some 3 or 4 days, & witness is unable to say
whether the experience mentioned was on the same day
on which this narrative was given or not.

Q Did not Dr H. mention my threats or what he called
my threats, to the Board, & did it not produce a laugh?
Ans: I do not recollect.

Q What did he state respecting the vote of the Faculty in
the case of Mr Givens. Ans: Mr Hall & Mr Harney gave
their statements on that subject - one or more students also
made statements as witnesses - but I do not think any
was made by Dr Hylie.

Q What did he say about the knife? Ans: There was so
much said that I have no recollection of what any indi-
vidual did say.

2. Had I not been a witness before the Board summoned by Dr. Hylie against Prof. Hall previous to Dr. Hylie's making this statement? Ans: What statement? 2. His own statement before the Board respecting the difficulties in the Faculty. Ans: Mr. Harney was at the request of Dr. Hylie a witness, but not summoned. Mr. Harney had given testimony previous to Dr. Hylie's making the statement before the Board. — Question. Did I not object at the beginning of this investigation before the Board to bringing up private affairs before that body? Ans: As a witness Mr. Harney may have objected to giving testimony on private subjects; but as no charges were exhibited against him & he was not a member of the Board, he could not officially make such objections. The prosecutor may have made a communication to the Board requesting that no private concern should be brought before them.

2. Did I not state in a voluntary account which I gave near the close of the meeting of the Board that the private affairs which had been brought up had nothing to do with the difficulty in my mind? * Ans: Such statement might have been made; but witness has no recollection of it.

2. Is not the whole of this testimony in which Dr. Hylie was Prosecutor sealed up by order of the Board? Ans: The testimony of Mr. Harney & possibly one other witness was directed by the Board to be sealed up.

2. Has it never been opened? Ans: Never; the same injunction of the Board still remains in relation to that testimony.

2. Did I not apply for that document to be unsealed at the last meeting of the Board? Ans: You did not. You requested a copy of the records of the special session held in July 1832 to which records the Board consented you should have access at any time. The sealed testimony is no part of the record of the Board of trustees.

2. Who first proposed Dr. W's name as President of Ia college

* Was not the anonymous letter a private matter? And Mr. Harney's statement about Mr. Hall viz that his neglect of his duties in college was owing to his want of moral honesty, was not this a private matter? His indecent violence and gross & brutal conduct by which in self defence I was compelled to lock my door against him - his assaulting me on the 17th of May, were not these private matters? What a front of brass did it require to put such questions to the President of the Board who by this time had become pretty well acquainted with the truth in relation to these once private matters and consequently ~~of~~ the falsity of the statements which Mr. Harney had made about some of them and his friend Hall about the rest.

Ans: The first that I as president of the Board of trustees of Ia college ever heard of Dr H. so as to enable me to propose him to the Board as President of Ia col. was from Mr. Hall or Mr. Harney, I am not certain which.

Q Did you not receive several letters from different persons written to me highly recommending Dr Hylee; & were they not procured, as appears from their face, for the sake of recommending Dr Hylee? Ans: Mr Harney showed me several letters of that character.

Q Was not Dr H. frequently in a passion before the Board and did he not show a most determined malignity toward Mr Hall, so much so as to be particularly remarked by the members of the Board? Ans: The language in this question is entirely too strong. Dr H. Mr Harney & Mr Hall (but the last the least so) were all frequently excited & discovered symptoms of anger which were unjustifiable. They were however evanescent, nor did I see any which I could construe into malignity.

Q Next by the Accused: Was not the anecdote about the little man preceded by an observation from me to this amount That I had no disposition to conceal from the gentlemen any thing I had ever said or thought concerning them? Ans: Witness has no recollection of such statement though it might have been made.

Q As to prosecutor's question respecting the delivery of females was not the following the order of things, 1st my statement 2^d Mr Hall's interruption & caution. 3^d my disclaimer, 4th an allocation arising therefrom & then 5th putting an end to the whole by the Board? Witness is not certain as to the order. The Board had requested Dr Hylee to make his statement in relation to the grounds of the difficulty in college & in this statement he was interrupted as I before testified.

Q Before my interruption by Mr Hall had I said any thing about females? Ans: Not that I recollect. *

then at liberty to communicate to me whom he suspected but that he would do so in a short time. — Witness told Mr Hall he should not act precipitately in giving his notice of his resignation; but Mr Hall insisted that he could not remain with honor in the Institution & he therefore determined to resign.

2 Did you not soon after publish said notice agreeably to Mr H's request? Ans: I did, in the Newspaper of this place & possibly at Indianapolis.

2 Did not Mr Hall some time after said publication express to witness his regret that the notice had been given or published?

Ans: Mr Hall, within some 8 or 10 days, called upon me to know if I had published his Notification; Witness told him he had. Mr Hall appeared to regret ^{its publication.} ~~that the notice had been given or published~~ & then told Witness that he had suspected Dr Hylee for being the author of said letter; but that he was now convinced he was not, & if he had known this previously he would not have given the aforesaid Notification.

2 Did he not from time to time afterwards express the same regret up to the meeting of the Board the ensuing fall? Ans: From frequent conversations had afterwards with Mr Hall witness understood from him that he wished to continue his connexion

2 — with the college.

2 — Does not Witness, being Pres. of the Board know that Mr Hall's connexion with the Institution would have ceased the ensuing fall had I intimated to the Board such a wish?

Ans: Mr Hall had for one or two sessions previous to the meeting of the Board, intimated that his connexion with the Institution must cease if the Board did not raise his salary. At the annual meeting in September 1831 Mr Hall had urged his demand for an increase of salary. A committee of the Board were deputed to wait upon Dr Hylee to know of him whether in his opinion the college would suffer injury if the Board would discontinue Mr Hall as one of the professors at that time. The committee reported that Dr Hylee gave it as his opinion that Mr Hall had better be continued if he could only be rendered satisfied, & that he thought this

Board had better make him an additional allowance than to dispense with his services at that time. The Board accordingly allowed Mr Hall 150 dollars or thereabouts for that years service additional salary. This however was by way of special contract for the year, the Board having previously accepted Mr Hall's resignation which he had handed in upon the refusal of the Board to increase his salary permanently. At the annual meeting of the Board of Trustees the previous year 1830, Dr Wylie appeared personally before the Board & urged them to comply with Mr Hall's request by granting him a larger salary which the Board refused to do."

It is proper here to interrupt the testimony of Dr Maxwell for the purpose of introducing that of the Committee who conferred with me on the occasion. It was composed of S. M. Levenworth Esq & Williamson Dunn Esq.

The former says: "I hereby certify that the Committee called upon Dr Wylie and asked his advice respecting the propriety of employing the professor another year. He advised the Board to do so, remarking that Professor Hall had a helpless family, was in debt to a considerable amount, & his embarrassment might be great if not employed. But should the Board think proper to employ him another year, it would enable him to leave in more easy circumstances; which, he thought, was best for all parties. He regretted the difficulties that had taken place, but said he was innocent of all matters relating to it; & said that perhaps at the end of the year all difficulties would be at an end."

An objection was made to the addition required by professor Hall to his salary, that it could not be done without raising the salaries of all the officers. Dr Wylie remarked that if the Board employed Mr Hall another year & gave him the addition required he (Dr W) would never complain, but consid-

or it an exception to the general rule in favor of professor Hall —

And further saith not

S. M. Loomanworth."

Mr. Dixon, the other member of the committee whose memory of the matter does not serve him as to the particulars of the transaction concludes a letter ^{to me} of the 24th of August 1843 in these words: "There is an impression on my mind that we consulted with you on the subject & that you expressed a willingness that he (Mr. Hall) should be reinstated in his professorship." To return to the testimony of Dr. Maxwell

Q Had not charges been called for by the Board at the instance of G. H. Bush & was it not in consequence of such call that charges were exhibited in the first instance by me against Mr. Hall & at the same time by Mr. Harney against me?

Ans: It was so.

Q It was under the first of these charges that Mr. Harney's examination as a witness took place, was it not. Ans: Yes.

Q Did not the record of the testimony of Mr. Harney occupy the principal space in those sealed documents to which he has made in this prosecution & on his previous trial before the Session such frequent reference? Ans: Witness thinks that nine tenths of the document in question consists of Mr. Harney's testimony. The balance was of one or two students who gave testimony on the same subjects on which Mr. Harney had been examined.

Q Were not these students, or this student (for I do not remember any other but Mr. Alexander) called in by Mr. Hall?

Ans: I think he was Mr. Hall's witness

Q Were not those vouchers for my character when proposed to the Board for election as President of the College the vouchers of others & not of Mr. Harney. Ans: They were letters from Prof. M^cGuffey of Miami University, Judge Mills of Kentucky & the

G. Gates a Baptist minister of Ky who had been a pupil of Dr Wylie. These vouchers spoke in the highest possible terms of Dr H's qualifications for president of a college: they were laid before the Board of Trustees & in consequence he was elected without a dissenting voice

2. Did not Mr Hall exhibit before the Board at their called meeting a blank sheet of ^{letter} paper which he alleged he had received, enclosing ten dollars, through the medium of the Post office in this place? Ans: He did

2. For what purpose was it exhibited? Ans: Witness understood from what Mr Hall said that the letter contained the amount of what he had expended of his own money when he went to meet Dr H. at Louisville as he Dr Wylie was on his journey to this place.

2 Did not Mr Harney come forward to prove that the blank sheet had probably been from me in as much as I had previously intimated to him ^(Harney) that I would send him (Hall) the money in that way? Ans: Witness has no recollection of what Mr Harney said on the subject but Mr Hall appeared to take it for granted that the blank letter & the money was from Mr Harney Dr Wylie.

2 Did not Mr Hall endeavor to erect on the circumstance of his having received the blank letter a presumption that I had written the anonymous letter? Ans: I think he did."

Here let us interrupt the witness for the purpose of showing the connexion in which mention was made by Mr Hall of the expenses he had incurred in his journey to Louisville which he said he had performed for the purpose of escorting me & my family on our way from that place to our destined home in Bloomington. This explanation is due to Mr Hall, who would not surely have condescended to so mean a thing as to complain of expenses voluntarily incurred, unless

in an incidental way. — The mention of it was in this way: — Mr Hall, as Dr Maxwell testifies, alledged the blank letter as proof that I might have also written the anonymous letter. But he did not call the former a blank letter, but simply a letter. I called for the letter itself. It was shown: & seen to be not indeed a letter, but a blank sheet of paper folded as a letter & addressed to Mr Hall. What could that mean? I asked if it did not contain a ten-dollar bank-note. It was admitted: and Mr Harney stated that I had told him beforehand that I would send Mr Hall the money in that way: Mr Hall having complained to Mr Harney on the subject. I admitted that I had so sent it. Why? To refund the expenses which I thought Mr Hall had a right to have refunded; for, though he had on that occasion acted the Boswell to Johnson, as stated in the "Journal of a Tour to the Hebrides," (to an Article on which in the Ed. Review then lying on the table I referred,) yet he had not received, as Boswell did, an equivalent for his trouble and expense in the honor of attending upon a great man. Understand me gentlemen: I am no Johnson, yet, "*licet parvis componere magna*." — I intended no insult to Mr Hall. Nor do I think he considered it an insult, else he might have resented the insult by sending back the money.

Nor was I ungrateful to Mr Hall in this matter: for not very long after when I had occasion to go to Indianapolis to get printed my Inaugural Address & Mr Hall signified his readiness to go with me except in the matter of expenses, I told him I would bear his expenses. And I did so: but for this I was well repaid in the amusement I had received from the gentleman's conversation: so that I considered myself still in his debt to the amount of ten dollars, which I had discharged as an honest man & in the most delicate manner I could think of. — And so ended that matter: the members of the Board having kept their gravity, the meanwhile, remarkably well. — consider

ing—

We will now hear the further statements of the witness
 Q. From whom was the first information derived that you received respecting the differences among the Faculty? Ans: From Messrs Hall & Harney about the time of the College Commencement in Sept.^r previous to the difficulties in March.

Q. What did they state? They objected to the arrangement made by Dr Wylic at the Commencement, especially in relation to the bill showing the order of exercises. They said the bill was badly printed and badly arranged; that Dr W. might do very well in "big matters," or words to that effect, but that he was wholly deficient in those arrangements about public exhibitions which were necessary to gain the applause of the audience. Mr Hall urged that previous exhibitions under his own & Harney's direction had been much better managed and concluded by saying "I fear we have been mistaken in our man." * This was the substance of the impression ^{of witness} is that Mr Harney concurred in the remarks.

Q. Will Witness proceed to state what objections they made to him against me from time to time afterward? Ans: Witness has no distinct recollection of any thing said by either Mr. Hall or Harney, until some short time, Witness thinks before the first difficulty in College in relation to Givers. Mr Hall again expressed his suspicions that Dr Wylic was the author of the anonymous letter. Mr Hall then remarked that Dr Wylic knew nothing about the management of a college — that he had had nothing but little boys under his care at Washington Col. & that he was sorry he had ever come here. He proposed a plan of having a college without a president; that such was frequently the arrangement in some parts of the world; & in the new arrangement proposed that I as President of the Board should meet at college every morning and perform the duties generally performed by a Priest of a Col. — my understanding was, to have prayers. — The next dissatisfaction I think was immediately

after the difficulty with Mr. Hivens, previous to the 24th of March. Mr. Hall and Mr. Harney called on me & expressed great dissatisfaction in relation to Mr. Hivens & against Dr. Wylie's qualifications to manage the concerns of a college. They spoke in bitter terms of reproach of some of his conduct, especially in relation to some apology he had offered (I think on Monday morning) for a previous transaction on Saturday. The apology was respecting him drinking tea, which he (Dr. W.) said had prevented him from sleeping the previous night & thereby operated to sour his disposition. This apology Mr. Harney ridiculed & intimated that the strong "tea" was wine or brandy & that Dr. Wylie had acted under the influence of the latter. Witness in this conversation with Mr. Harney gave it as his opinion that when Dr. Wylie's mind became excited to a certain pitch it might from his constitution get off ~~the~~ ^{its} proper pivot, & that in his ebullitions of feeling sometimes discovered, & which he appeared not to have the power to control, he was more to be pitied than censured, that therefore I thought it wrong to throw subjects in the way, so as to excite the Doctor.*

Q. What further complaints did they or either of them make to Witness against me? Ans. Witness cannot particularize. But after the rupture in college on the 24th of March both Mr. Harney & Mr. Hall spoke of Dr. Wylie in the most unguarded & reproachful terms.

Q. Name the terms. Ans. Such as the general terms now charged by the prosecutor.

Q. Did not Mr. Harney persist in this course until he was called to an account by the Session of the Bloomington Church on a charge of common fame? Ans. I think he did so long as he remained in Bloomington. [Here the Prosecutor added, " & ever since." Note by Clerk of Presbytery]

Q. What does Witness remember that Mr. Harney said before the Board of Trustees at their meeting in July

about the "coaxing look" which he said I cast upon him on the day of the rupture in college? Ans. Witness can only recollect that the words coaxing look were mentioned.

2- What did he say about the same time respecting some soothing compliments made by me in a private conversation that took place before the rupture in college? Ans. Witness has no recollection on that subject.

2 What did Mr Harney alledge in this house as the reason why he did not get out of my way at the meeting on the log?

— This question was objected to as having a reference to something which took place before Presbytery.

2 Did not Mr Hall tell witness that he had voted to censure Givens? Ans. Mr Hall repeatedly told me that at a private meeting of the Faculty he had consented to vote a small censure upon Mr Givens for the purpose of saving Dr Wylic's feelings.

2 Was Mr Harney present when these declarations were made?

Ans. Witness cannot be positive; but thinks it probable that Mr Harney might have been present on some occasion when the subject was mentioned.

2 Does Witness adopt as his testimony now in this case the same testimony that stands recorded as having been given in by Witness in the trial of the present prosecutor before the Session of the Bloomington Church? Ans. I do.

The Prosecutor objects to the Testimony of Dr Maxwell on two points. 1st In relation to his (the Prosecutor's) answer to a question before the Board of Trustees respecting Mr Hall. 2^d In relation to his (the prosecutor's) representations of the Apparatus before the Board of Trustees, because it is testimony respecting recorded testimony which the prosecutor cannot obtain at present, it being sealed up by order of the Board of Trustees, & the prosecutor does not admit this representation of his testimony to be correct.

The following Resolution was unanimously adopted by Presbytery: Resolved that the exceptions of the Prosecutor against a part of the testimony of Dr Maxwell, (alleging that there was written evidence on this point & he therefore objected to taking testimony where reference is made to a written document as the document itself is the only proper evidence) be not sustained for the following reasons. 1st Because the witness whose testimony is objected to, is his own witness, & the objection arose on the Cross examination by the accused who had a right to cross-examine such witness. 2^d Because it was the Prosecutor's place to have furnished the written document referred to as he refers to the same as evidence in the specifications; and where written documents are referred to as evidence and are not produced, then the best evidence in relation to that subject is to be, & should be received; which we believe is the universal practice of all judicial tribunals whether civil or ecclesiastical, & without the operation of such principle few cases of judicial process could be justly or fairly issued. —

2. by Prosecutor: At what time did the conversation take place in which I stated my suspicions about wine & brandy?

Ans: Witness recollects distinctly of a conversation to that effect at the north west end of main street, whilst sitting on a log.

2 by same: Was there a third person present? Ans: There was not at that time.

2- Was it not in this same conversation that I explained to you what Dr Wyler called a threat that I would seek redress in some other way, as referred to in your statement on the former trial? Ans: Witness would here remark, that acting as President of the Board of Trustees conversations with the Faculty were often had; that owing to this circumstance it is impossible for him to remember distinctly the times and places where these conversations were had

he therefore cannot say certainly whether at the time referred to the explanation of seeking redress was or was not mentioned. That the explanation was given by Mr Harney to me at some time I am certain.

2. Was not this conversation after the rupture in College?

Ans: Witness thinks it probably was.

2. Did I not call at your apothecary's shop on one occasion for the charter of the Institution during the time Mr Hewins case was an hand? Ans: Mr Harney called at my shop, & I gave him a copy of the Law books containing the college charter to be placed in the college library.

2. You say both Mr Harney & Mr Hall called on you; did we call together?

Ans: The conversation was had with both: they did not make a special call for the conversation was on the public square.

2. Did you ever hear me say a word against Dr Wylie's moral character before the 24th of March 1832? Ans: After that time I often did; & it is the abiding impression of the witness between the time of the first difficulty with Mr Hewins & the rupture on the 24th of March, that you also did.

2. What was said by me against Dr Wylie's moral character before the 24th of March? Ans: Witness has made his statement in his previous testimony to which he refers.

2. Did Dr Wylie know any thing respecting any statement which I had ever made to you, at the time of the rupture in college?

Ans: Not from me, or any one else that I know of.

2. Did you not censure Dr Wylie's conduct towards Mr Hewins?

Ans: From representations made to me as an individual not by Dr Wylie I was disposed to think that Dr Wylie acted hastily on that subject. The representations were made by those especially unfriendly to Dr Wylie.

2. Did I ever mention to you in any shape the subject of reelecting Mr Hall in the Institution after his resignation in the fall of 1831?

Ans: I think you did frequently mention the subject of the Board's

continuing Mr Hall, and in the last conversation which we had upon the subject, I told you that I was concerned they would not continue him.

Q How long was this before the rupture in College? Ans: I think it was during the winter preceding.

Q Had you not told Mr Hall explicitly that he would not be continued? Ans: I do not remember. It is possible I might have told him after the meeting of the Board, but my impression is I told Mr Harney so.

Q Did you not say on the morning after the meeting of the Board in July 1832, that if Dr Wylin knew what the Board thought, he would not stay in the Institution? Ans: Not that I recollect.

Q Did not Dr Wylin mention the names of females in his questions to you before the Board, & did he not make an indecent allusion to a Mrs Blank in his voluntary statement?

Ans: Witness has no recollections of the name of any female being mentioned.

Q Did he not make allusions which you understood?

Ans: I did not then understand any allusions: nor do I recollect that there were any made to females - if any, I do not know to whom it was.

Q Dr Wylin has asked whether you & I had any conversations about a Mrs Blank - How did Dr W. get intimation of such conversations, if it ever took place? Ans: I know nothing about it.

Q by Accused: Did not the conversation in which wine & brandy were mentioned by Mr Harney take place before the rupture in College?

Ans: Witness has previously stated that the first conversation upon that subject was a few days before.

Q After the meeting of the Board in the fall of 1831 did not Mr Harney manifest to you an anxious wish that Mr Hall might be re-elected? Ans: From conversations with Mr Harney he evidently was anxious that Mr Hall should be continued.

Here ends the testimony of Dr Maxwell the principal witness of the prosecutor to prove so much of the charge as relates to my conduct & sayings before the called meeting of the Board in July 1832

Mr Blair another witness who being a member of the Board at that time & present on the occasion also gave testimony in support of this ^{part of the} prosecution: but, except a small part of it which is here inserted, I think it unnecessary here to be introduced, since it corroborates that of Dr Maxwell in every point. The matter referred to in this portion of Mr Blair's testimony is a part of a conversation which took place between Mr Harney & myself as I have before stated: See p. Mr Harney, let it be noticed, brought it as one of his charges against me before the Board that I had insulted him both in public & in private: See the charge No. at page

In reply I admitted the only instance of an insult that I had been guilty of offering him in private, leaving it to him, to prove such as he had received, if any, in public by witnesses. And now he brings this my admission, or confession, too candidly made (the reader will think) before the Board, as a matter of accusation before the Presbytery. He was at a loss for matter: & it behooved him to make the most of such as he had. Here is the morsel.

"I by Pros: Do you recollect a speech that Dr Wylie told the Board he once made to me as to what some persons whose names I had mentioned might do? The language was very indecent viz that he (Mr Harney) might kiss his - - - - - ass!"

Ans: There was some conversation took place of that kind I think, betwixt Dr Wylie and probably Mr Harney about such expressions having been made. Dr Wylie stated he was not very guilty of using dirty language, but I think admitted that he had at some time used some expres-

* Observe how he contrives to introduce assertions of his own into his questions to the witness. The one here introduced is entirely false. He named no one on the occasion. To whom he would have supposed I meant to apply the name was, the college did not purport at all.

The himself on enumerating the reasons why my children to associate with certain

hedged this as one that I would not allow. — the very ones which others alluding to or perhaps naming those of a certain family. — So, said I, Mr. Hall had cautioned us not to allow our children to associate with. So, said I to myself, here are my two masters with their contrary commands. Indignation & contempt for both dictated the double intendment which in both its meanings was meant for him. — I found afterwards in the course of conversations that

was meant for him. — I found afterwards in the course of conversations with an old lady in the village who called on me to account for the bad things that I had said & my family had said of her & hers — that is as she was told — that — that some how — through some channel, the afore said insult had been told to her as having been meant for her. She was called afterwards to testify to other things abridged in the prosecution: but, though not very prejudicial she was not interrogated by the ^{prosecutor} on this point; ~~the point~~, it may be supposed, found it unnecessary to exhibit her feelings to any higher pitch than that to which they had already been wrought —

When the above precious morsel was read before the General Assembly a venerable member who evidently was awaiting for it cried out "What's that? What's that?" "Tut! Tut! Tut! But He said the venerable member, shaking his head — as it was near the time. It was a short moment of triumph to the — "Read that again." — It was not even to have —

— "Read that again." — The reader did read it again; but with such an emphasis on the question prosecutor — The reader did read it again; but with such an emphasis on the tone as put by the Prosecutor, that it served somewhat to lower. (It may be supposed) the tone of his exaltation.

sions of that kind to Mr Harney or in company with
Mr Harney. 36

2 by Pros: Does the witness say that I used any such language before the Board or said any thing about it. Ans: Witness does not distinctly recollect how that subject was introduced.

2 by same: Did not Dr Wylie in this same statement tell a certain part of his religious experience? Ans: At some time during the meeting of the Board I think he did.

[Here the cunning & malignity of the ^{prosecutor} witness must have been manifest to the Presbytery, to all of them at least who knew the nature of the case & the order of events. The investigation before the Board occupied four days, & the narrative of my religious experience was not given in connexion with the double entendre, but in another connection altogether at a different time & when my mind was in a different mood. But the prosecutor so contrived his questions as to place these two heterogeneous things in juxtaposition to make them shocking. And the man who could in the same breath pass from such a piece of coarse contempt indignation and fun as were blended in the double entendre to narrating his religious experience might well be suspected of being a vile hypocrite such as the prosecutor wished to prove as he had undertaken to prove me to be. But what occasion was there for narrating the religious experience before the Board at all? If you will revisit to the events in their order you will see. First of all, while the difficulty in the case of Givens was under consideration in the Faculty & when I had discovered that I could not get along in a Christian manner in the government of the college & in harmony with these professors I determined to call a meeting of the Board and to resign. The reasons of this determination candor required me to state to the professors confidentially & in private. I did so laying open the very secrets of my heart. They were both professors of Christianity one of them a preacher

of it. I had then no reason to suppose that they had received it "in word" only. In charity, I thought, they had received it "in power." In the circumstances then it did not occur to me that in narrating something of my religious experience, that part of it which led to the determination to resign on which I was about to act, I should be violating any precept of the gospel or acting in opposition to that delicacy and reserve which should always be maintained on such subjects. But it was not a studied matter. I had been seriously engaged in pondering the question of my own responsibilities in the sight of Heaven: & what I said to them was the spontaneous effusion of the moment. —

Next was Mr. Harney's mockery of my experience as he launtingly & sneeringly called it, — in presence of students at his own house, as narrated in the testimony of Mr. Ketcham. And now before the Board in July 1832 I gave a statement of this matter just as it was, & just as I am doing now, with this difference that I am now doing it with the pen whereas I then did it by word of mouth & in the presence of Mr. Harney himself & the Board who were to judge & decide whether it would be right or not to shut me up in the same institution with this professor. Liberty was given to him to make explanations as to this matter & the assault upon me on the log-way & all other matters of complaint which I had against him: age, & he did make explanations —

But now at last to cap this climax of arrogance and audacity, malignity & folly he accuses me to Presbytery of having told to the Board my religious experience a new & without occasion, whereas I told it as what I had told him & Mr. Hall in private & what he by divulging a false & ridiculous version of it, made it necessary for me in self-vindication to relate in truth & as it was.

To proceed to testimony on another point: —

"Alongs Beaman a witness sworn.

2. By the Accused: Will Witness state what he knows respecting a vote of censure that Mr Harney said Mr Hale had given in the case of Givens — likewise what fault Mr Harney found with me in relation to Givens?

Ans: Mr Harney told in the presence of Major Butler & myself that Dr Wylin was in favor of censuring Mr Givens but after finding out the opinion of Mr Hale he refused to do it.

2. What opinions of Mr Hale? Ans: Mr Hale was in favor of passing a vote of censure on Mr Givens — to the best of my recollection.

2. You understood this from Mr Harney, did you not, as a complaint against me for inconsistency? Ans: That was my understanding.

2. Did not Mr Harney also blame me for making some apology to Mr Givens? Ans: He did.

2. Had not you & Major B. some talk about it after Mr Harney went away? Ans: Major Butler said, after Mr Harney left us, that if Dr Wylin had made an acknowledgment he had done no more than his duty, if he was convinced that he was wrong.

Mr Butler sworn.

2 by Accused: Does the Witness give as his testimony in this case the same which he gave before the Session of the Bloomington Church in the trial of Mr Harney?

Ans: He does.

2. Was not one of the young gentlemen who went with you as stated in your deposition a student of Washington College in Virginia? Ans: He said he was.

2. Will Witness state what Mr Harney said to him about Mr Hale's censuring Givens. Ans: Mr Harney told me Mr Hale was in favor of censuring Mr Givens, & had endeavored to get Mr Hale or him to assist in the censure, & he could not succeed in both — but so soon as he had got Mr Hale to censure Mr Givens, he immediately joined in the opposition — & further told me that Dr Wylin was the whole cause of Mr G.

being censured - but resorted to this mode of getting clear of being blamed - & that Mr Hall had been reluctant but being persuaded by Dr Mylie had caused him to censure Mr Givens
2. Did not Mr Harney in that same conversation or some other reproach me for having as ^{he} said made an Apology to Mr Givens?
Ans. Yes: I understood that he believed Dr Mylie was acting decently & was not to be depended on - he did not believe the apology was sincere - & that he (Dr W) made the apology to make Mr Givens believe that he (Dr W) was not hostile towards him (Mr Givens)
Mr Harney said that Dr Mylie accused him of drawing his knife upon him, & he had it out whittling as, said he, "I have now" - He was then whittling."

It is worthy remark that Mr Harney did not put a single question to either of these men by way of cross-examination. Their testimony shows conclusively when taken in connexion with that of Dr Maxwell [see questions] that Mr Harney knew Mr Hall voted to censure Givens. Yet this was what I had said I would say with my last breath, (while we were talking together in the conversation noticed by J. L. Kelcham - see his testimony) to which he replied if I did I would draw my next breath in an uncomfortable place. I then said to him Mr Harney! You are a blackguard! I'll talk to you no more except in presence of witnesses - & I kept my word: - That the annoyance he gave me by handling his knife as he did on the day of the rupture was such a breach of good manners as, considering all the circumstances & our previous agreement that I was to make for him no more allowances, called for the reproof which I gave him on the occasion. He says to Major B he was "whittling" - Mr Hall in his book says () he was strapping his knife on his boot. Mr Barnwell says he was pushing it back & forward

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with his thumb & forefinger. You will probably think he did all this. What annoyed me most was first the motions of his elbow as he was engaged in the strapping on his boot, I being at the time seated by his side; & then second, when to get clear of this I had risen to my feet, his snapping & pushing it back & forth as described by Mr Campbell & Dodds. See

The testimony shows how anxious Mr Harney was to enlist the citizens in his cause when he would carry to their ears such stories. — What may we suppose he said at the same time to Mr Givons & to other students when he said such things to Mr Beeman a carpenter & Major Butler a hatter whose employment in life separated them from him by a line which he ~~was~~ ^{was} never apt to cross over without an object I cast no reflection on the Mechanics. These men would be believed where Mr Harney would not: & as to education, that is unworthy the name which does not teach its subjects certain lessons which, in July 1832 Mr Harney certainly had not learned. What he may have learned since I have had no opportunity to know except from the anonymous attacks which he occasionally has made upon me: & these I must say are — — worthy of their author.

Part of the Testimony of J. L. Kitcham, that which relates to matters referred to in the charge now before us, is here introduced: the rest will come into view more properly in another place.

Q by the Accused: Does Witner give the same statements as his testimony in this case which were given by him before the Session of the church in Bloomington

Ans: Yes

2 What was the occasion to which Mr Harney referred when he by way of mockery at ~~my~~^{his} own house pretended to imitate my weeping &c?

Ans: It was at a private meeting of the Faculty.

2 by Prosecutor: What does Witness mean by "violent gestures" does he mean menacing gestures or were they merely accompanying a vehement declaration?

Ans: I suppose a gesture may be violent and at the same time may or may not be menacing. What would be a menacing gesture under certain circumstances might not be considered so under others. Thus, if I brandish a dagger at a man in my reach it would perhaps be a menace; but if no individual should happen to be within an hundred yards of me when I go through the same evolutions, they would hardly be thought menacing. And on the other hand gestures accompanying "vehement declarations" are not necessarily violent - though most usually so I believe.

The gestures which Mr Harney used on the occasion referred to here were much more violent than he is accustomed to use in his calmer moments - they were such as led me to believe he was under strong excitement.

2 Was not Dr Wylie standing in the College door several steps from the ground, & was I not at the foot of the steps, & at a distance from him? Ans: Dr W. was in the door which is several steps from the ground - I think there are four steps - The door is perhaps four feet above the ground. Mr Harney was near the foot of the steps.

2 Were you not violently opposed to Dr Wylie & did you not speak against him shortly after the 24th of March, 1832? Ans I never was opposed to Dr Wylie in the manner the question intimates I disapproved of the transaction between the Faculty on the day of the reapture & which I suppose was the 24th of March 1832.

2 What changed your opinion of him? Ans: It was never changed.

2. Did not Dr Wylie give you privately an account of matters & things. Ans: I know not to what the question refers. The

and I after several months, spoke of the difficulty between the Faculty, as I had often done before with Mr Hale & Harney

2. What did he tell you Prof. Hall and I had said against you or any of your friends. Ans: I recollect of nothing except that Mr Harney had spoken lightly of Whitcomb & my father - that he would not give twenty five cents for both the men". The declaration was made when a pamphlet was offered to Mr Harney for twenty five cents purporting to be "the Devil's dream interpreted."

2. What did he say respecting a certain person or persons connected with Prof. Hall? Ans: I know not who is referred to by the question. I do not recollect that Dr Mylie ever spoke of Mr Hall's family. If Mr Harney's own family is referred to, the Doctor always expressed much regret for the difficulty between himself & Prof. Harney on account of the woman with whom Mr Harney is connected.

2 by Accused: Did not the Father of Witness take a very active part (being then a member of the Board of trustees) to effect Mr Harney's election as professor in College? Ans: I believe he did

2. Who besides yourself was present besides during Mr Harney's mockery? Ans: I believe it was Mr O Neal.

2. Did I ever say a syllable to Witness respecting Mr Hale or Harney by way of censure till long after Witness had been treated even to coaxing with their often repeated statements & insinuations unfavorable to me? And to this day have I said any thing to Witness unfavorable to Mr Hall's moral character? Ans: Dr Mylie never spoke to me on the subject of the difficulty between them till several months after it happened & until I had become completely disgusted with the often reiterated stories of Mr Hale and Harney on the subject. As to Mr Hall's moral character I do not know that it was ever spoken of by Dr Mylie to me."

"Hugh O. Neal a witness in behalf of the accused testified.

2. by the Accused: Were you present with Ans L. Kitcham at Mr Harney's house when he mocked my manner &

department? Ans: Yes, Sir.

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2. When was it? Ans: The 24th of March 1832

2. Was it my department on that day in the College Hall that he mocked or was it what he represented as having taken place at a private meeting of the Faculty? Ans: The subject of your deposition that morning came up; & Mr Harney observed that he was not at all surprised at it, for you had the faculty of shedding tears when you pleased, & then proceeded to mimic your conduct at some private meeting or meetings of the Faculty to support the assertion

2. Did I in my speech to the students on that day refer or allude to any thing that had taken place in private meetings of the Faculty? Ans: I do not recollect whether you did or did not but I recollect distinctly that you told Mr Harney that if he alluded to any thing that had passed in any Faculty meeting you would request your friends to withdraw.

2. Did he not afterwards introduce the mention of such things & did I not request my friends to withdraw accordingly? Ans: Yes, Sir.

2. When I left the Hall did not Mr Harney still continue his address on these topics for some time? Ans: Mr Harney immediately after you & your friends withdrew, descended from the rostrum, but entered into a conversation of considerable length with Mr Kitcham Mr Gwens & myself & perhaps a few others to explain the causes which led to the rupture of that morning by bringing up what had previously occurred in the Faculty.

2. What amount did he give you of those matters? Ans: The object of his remarks seemed to be to show that you were disposed to tyrannize over the other members of the Faculty & deal unjustly with Mr Gwens.

Professor E. N. Elliott called & sworn
Here a letter was presented - subscribed by J. H. Harney & directed to the present witness under date January 21st 1832

from which the following extracts were read by Witness ⁴²
"Professor Hall of this place resigned some time last summer. The trustees at their last fall meeting agreed to give him his price for the present year. He consented to stay and so the matter stands. What the trustees will do next fall I cannot tell: probably they will give Mr Hall the salary he demands and then he will remain - Our trustees have procured some valuable parts of an Apparatus and have taken measures to enlarge it annually."

2 by Accused: Has Witness examined and used the Apparatus referred to? Ans: I have.

2 - Is it a good one? ^{Ans:} The articles that compose it are better of the kind than those of Miami University or Augusta College: & I would not wish for better."

Professor Elliott, let it be remarked, took a complete & regular course of study at Miami University: & his opinion of the Articles of Apparatus may therefore be relied on. Mr Harney too seemed to be of the same opinion at the date of his letter the 21st of Jan^y 1832, & he had before this ample opportunity to know all about the Articles of which his letter speaks; for I had purchased them in Philadelphia the Spring previous & they arrived here early in the summer. Why then did Mr Harney in July following represent these same Articles to the Board as "worth little or nothing" as Dr Maxwell testifies? To explain this mystery a few facts may be necessary. First: at the date of this letter there was between him and me and had been all along a good understanding; though, it is remarkable, he gives me no credit for procuring the "valuable Articles," albeit I had made the purchase of them & some books for the Library without charging the Institution a single cent for my services or for the expenses of a journey to Philadelphia & back again, incurred in making the purchase. The funds put

put in my hands were but
 and I wished to make them go as far as possible. With these
 means I purchased an Apparatus for illustrating all the me-
 chanical powers, an Electrical Machine & battery with
 the guinea- & feathers experiment, &
 an apparatus for shewing the Aurora Borealis: a Pneumat-
 ic Apparatus & a powerful Galvanic Battery.

A cheaper purchase never was made.

When the Articles arrived I assigned them to Professor
 Harney to set them up & put them in order. Then I found
 he knew nothing about the business. I wondered; but resolved
 to give him no assistance that I might see how much or how
 little he was at home. The result satisfied me that he
 would not answer for the professorship of Natural Phil-
 osophy which was then yet to be filled: but I thought him
 qualified for the chair of pure mathematics; & from this
 I had ^{then} no more design of having him removed, than I had
 of retaining him in it when the Board met to settle our
 difficulties in Sept. following. For then & till ^{some time} afterwards,
 we were on good terms; as a singular incident which about
 that time took place, may serve to shew. He had come into
 my office one day after the classes were dismissed & we were
 engaged in conversation, standing together by the fire when
 Mr Hall entered in unusual haste, & taking from the win-
 dow-sill a quarto bible which he turned over as if hunting
 for some particular place, he approached us closing the
 bible on his finger inserted between the leaves, saying "I've
 a question for you" - "What is it?" - "Do you think a man
 may not be an infidel and a pretended preacher of the
 gospel at the same time?" "Certainly - a man will al-
 ways be the worse, if not better, for being a preacher."
 His question thus answered, he opened the Bible & read as
 follows, from the 64th Psalm "Hide me from the secret counsel
 of the wicked; from the insurrection of the workers of iniquity

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who whet their tongue like a sword and bend their bow to shoot their arrows even bitter words. That they may shoot in secret at the perfect: suddenly ^{do} ~~that~~ they shoot at him & fear not. They encourage themselves in an evil matter: they commune of laying snares privily; they say, Who shall see them? They search out iniquities; they accomplish a diligent search; both the inward thought of ^{every one} them & the heart is deep. But God shall shoot at them with an arrow — Here he closed the book & waving his hand, with an inclination of the head, towards us he said "Do you know any thing of that, gentlemen?" We assured him that we had been talking of him in no such way as the passage described, & he left us. "Do you know whom he meant" said Mr Harney to me as soon as Mr Hall ^{was} gone, "by the infidel preacher?" "I know not what he meant by the question — but I answered it ~~answered~~ according to its obvious terms," said I. "O, he meant you! & I wonder, said he, you could bear it so patiently." "Pooh!" said I "Hall cannot make me angry by any thing he can say." — This ^{incident} shews that Mr Harney & myself were then on good terms, and that we were both of us objects of suspicion to Mr Hall. — It was not long after this that Mr Harney began to manifest an interest in Mr Hall's favor in his conversations with me & to try to draw from me what was my intention in relation to his continuance beyond the year in the Institution & whether I would exert any influence with the Board in favor of his reappointment. To these his reiterated enquiries I at length put an end by an emphatical negative, as I have elsewhere stated.

In the second place, an incident equally curious, took my attention not long after. I was passing along the entry by the door of Mr Harney's room or office, the door being ajar — the two professors seated & talking together. Mr Hall beckoned me in. I obeyed the signal & no sooner had I entered than

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Mr Hall invited me into the Apparatus-room, the door of which was open, he going in & Mr Harney, I think after him. I followed to the door when he began to find fault with this & that and the other thing about the Apparatus. I glanced my eye to Mr Harney & thought I saw something in his looks and manner which seemed to indicate a concurrence with Mr Hall in this disposition to fault finding. I think they both objected to something about the Apparatus as of no great use - the guinea & feather Apparatus, perhaps. "O," said I carelessly "a philosopher knows that a feather will fall in vacuo as fast as a guinea: but boys are not philosophers. Besides, something is needed for the eye - ad captandum if you please." They were still not satisfied, & seeing them in the humour to be captious I said sarcastically to them as a closing reply to all they had said or might choose further to say "Very well, gentlemen, you had better say nothing about the Apparatus," & so left them. This challenge I am perfectly sure any spectator of but ordinary sense who might have been present & observed the emphasis on "you" & my whole manner of pronouncing it, could not have mistaken for a "request." That it may have been so understood by Professor Hall is possible. If Mr Harney so understood it: — then he must have thought I had stumbled upon a good Apparatus & was silly enough to think it a bad one because professor Hall was ^{so} ignorant or captious as to find fault with it. However this may have been I know well, that my challenge was verified by the vote for when this identical matter about the Apparatus was brought up before the Board at their meeting in July G. H. Dunn Esq^r asked for the key of the room containing the Apparatus. The Apparatus — it would not accuse falsely — spoke for itself. I thought at the very moment of the words of the challenge: "Well, gentlemen, you had better say nothing about it."

What reflections this challenge when or
excited in the mind of Mr Harney I know
countenance and conduct towards me changed from
that time: & his zeal for Mr Hall commenced. Probably he
suspected that his ignorance on the matter ~~had~~ of an
apparatus as manifested in his attempts to set it up
had led me to enquire into its cause & that I had learned
that his whole course at College was completed in one
or at most two sessions. If so, the friendly hint which
Professor Hall says he gave him some months be-
fore might really have come up to his thoughts with
an air of plausibility.† It will do no harm at any rate
to keep his suspicions awake, & though Prof. Hall is, or
at least was, some six or eight months ago, sadly defi-
cient in moral honesty, he now thinks that two is better
than one, even though one of them should not be entirely
honest. Ay, & if it should happen to come to a contest
with "the old fellows" — the president — not the —, in that
case moral honesty in an ally may well be dispensed
with. Nay, the want of it might do excellent service
on an occasion.

Whether Mr Harney ^{did actually} reason thus cannot be told.
His conduct in Givens case was, on any other supposi-
tion than that he did, most unreasonable. With that how-
ever I have nothing to do, only so far as it was committed
with my own. Thus far it will be the subject of the next
Chapter.