

(1)
Indiana College Feb. 1st A.D. 1837.
The Faculty of Ia. College met for the purpose of

Pres. Wylie took the chair - Prof Parks arose & inquired the object of the meeting. Pres. explained it to be this "To ascertain the truth in relation to an affray which recently occurred between Mr. Charles Thomas & Bryant."

Mr. Proctor from ^{not having} having been in the College when the above ~~transaction~~ event transpired, begged leave to decline settling or voting on this case

Land Mass

Mr. Poff was called on to state what he knew of this matter. He stated that he was present with said B. ^{on the 19th ult} when Mr. T. came out. & asked why he was calling him. H. (B.) said he was not. B. observed H. that he could not chop any thing that had ever been in the College. H. (B.) said either said you are very smart or you are a liar. I disremember which. & that he could beat him himself. They commenced cursing each other.

T. told B. that he (B.) had to come here every morning & make fires & sweep out the rooms & that was about all he was fit for. B. said that he received something for it, & that he (B.) was taking up here in the room doing nothing. Thom. replied that he was making something of himself - & that he (B.) had not sense enough to be sitting in a room - that he had not sense enough to know a from Z. Thom. carried up a load of wood to his room & came down ^{on his way} when B. told him to behave himself according to his color.

(2)

I turned around & cursed him & asked why he was talking about his colour & pulled out his knife & turned towards B. & B. walked round to the woodpile with his axe in his hand - laid down the axe & took a couple of sticks. & B. then told I not to draw his knife on him - They approached each other. B. say to I. go long about your business you are under my fire & don't want to touch you. ^{if I have any thing to do with you} I say if you touch me I will stick the knife to your heart. & had his hand raised with the knife in it. They stood and talked a few minutes then I (I think) stepped towards B. & B. struck him with one of the sticks he had in his hand & knocked him down. I believe this is about all I know of this matter.

Question by Prof. Parks How long do you suppose it took B. to go round the wood pile lay down his axe, pick up two clubs? Ans. About a half minute.

2. How far do you think you could run in the same time while he was doing this? Ans. To the gate

3rd What was Thomas doing all this while? +

Ans. Part of the time he was standing still & part of the time he was coming towards B. with his knife in his hand.

4th Is this the same story you have told before?

Ans. I have tried to tell it this time as near the truth as I could. If I have erred it has been through mistake

5th Did you see the knife drawn?

Ans. I did not see it in his hand as know of until I helping to carry him up stairs.

6th How could you say that T. drew his knife before B. took up the club? Ans. From the motions

& remarks made by the two at the time. I saw the knife in his hand as he was carried up the steps & don't suppose he drew the knife after he was knocked down.

Thursday

7th (3)
Have you not talked this thing over
Did you not tell Mr. Theis in conversation that
B took the club before his son drew the knife?
Ans I did not

Question by Pres W. Had you any conversation with B.
about the circumstances of the case between the
time when it happened & the next morning when
I called upon you for a statement?

Ans I had some.

2nd What was the amt of it?

Ans I was with him during ^{part of} the night & he was talk-
ing nearly all the time about what he had done &
but I did not say ~~that~~ him what testimony I
would give in the case should he be tried. B.
told if he should be tried he hoped that I would
do him ^{as near} the justice as I could. I answered I would

Questions by W. H. Gorman (appearing in behalf of the defendant)

1st Had you any conversation with the defend-
ant's father. Ans Yes

2nd What did you tell him in relation to the picking
up of this stick & the drawing of that knife?

Ans The conversation was not on that particular point.
Mr. T. asked me if I thought that his son in-
tended to stop B. with the knife unless he (B) first
struck him? I told him I didn't know as to that.

Quest. by Pres W. When did this conversation take place?

Ans. On the day before yesterday shortly after
I had given in my testimony at the court.

Quest. by Gorman Did you swear on that day that
B. picked up the club first or T. drew his knife
first?

2nd Was the club in B's hand before T. drew his
knife? Ans I did not see the knife till after
he was knocked down but from other circum-
stances I have every reason to believe that he (B)

had first drawn the knife & I saw him put
his hands around in his waistcoat pocket &
B. told him not to draw a knife on him.

Q. by G. Was at that moment ^{that} Thomas told
him that if he touched him he would stick that
knife to his head, that B. struck him with
the club?

Guest. by G. Was it at that instant ^{namely when} that B. said
don't draw a knife on me. that I replied
if you strike me with that stick I will put
this knife to your heart? Ans. I think not at the
precise instant but a few seconds afterwards. I
had his hands up with the knife in it.

What had been done by B. said by T. to induce
B. to tell him not to draw a knife on me? If
I told him a few moments after that expression
that he would stick him? Ans. The motion of putting
his hands in his pocket & as in the act of drawing
out a knife.

Q. by Pres W. What brought you over ^{to the College} on that oc-
casion? Ans. I came over to help B. chop some
fire wood for C. L. Duncan (who was then sick)

Q. by Mr. T.

Q. Can you describe the stick?

A. It was a stick about four or five inches long
& two square

How far apart to be the distance that
Thomas was from the College door when
Brent hit him & told him to act ac-
cording to his colour?

A. About three rods.

Q. Did Brent say any thing to you
about going home before he put his ^{hand} on his
& I do not know that did

Mr. Miller

Did you ever hear any relation this story
A yes sir? Did you ever hear me say
that I had never seen Brian & kill
him - A no sir - -

Eliza Potter

I was talking with ^{you} ~~George~~ ^{boss} ~~the boss~~
was telling the story then & I asked
if he saw it. he answered that he did,
& he said Mr. Brian - had a stick in
his hand & Mr. Thomas turned round & asked
him if he intended to ^{kill me} ~~kill me~~ ^{or} ~~kill me~~ ^{or} ~~kill me~~
with that stick & he said he did if
he did not mind what he was about
& then Mr. I told him that if he
killed he had better be quick about
it or he would kill him. & then Brian
struck him - - -

I did you understand Mr. Boss to
tell you whether the stick was taken
up before Mr. Thomas drew the knife
or did not

B. P. I. P. & where did you see this con-
sultation take place with Mr. Boss
~~take place~~ at Mr. Burns store & I

cannot remember precisely when

shall we consider the testimony
as clear? He said in the affirmative
unanimously.

11. Miller

Dear you are here and I hope you are
happy and I hope you are
that of the same I am sure I am
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

My dear Mr. Miller
I have nothing to say to you
but I am sure you are
- - - - -

Did he tell his wife he was going down
to visit the entomologist in England -

A yes -

Did you ever hear him say that
he had reached a student as cold as
a turnip A yes sir. He came over
the day - very directly after he had
reached Chazy dam. & after coming on
the top of the hill where I was. He
said that he had seen dead birds this
evening. I asked him what he said that
he had reached as cold as
a turnip. I then asked him who? but
he could not answer for some time
when he said that it was C. Then

Did my friend speak of the accident
with signs of regret. A yes
J. C. Davis

Did you ever hear me say anything about
this affair A I did! I did for sure
hear me say anything about before you
went over to Mr. Hodges A no. I after
you return Did I not tell you that
I wanted to go up to town with you to get a
moment and A yes. I said I not
tell you that I had seen it
near the window & did you not say
that you thought that my evidence on
that account would not do A I told
you that I thought that I would
not. I did you ever hear me relate
it or attempt I did not I always heard him
say that he saw the stroke

Charmant House

I do not know much about it
the morning after. The Davis came to my
house & wanted my son to go with him to
town to order out a warrant for W. Briant
He started with him but I followed him
& asked him. What he intended to do. ^{I understood} He said
that he was going to go & make out
in order to take out a warrant, stating
that there was no other one had seen it
& that Mr. Thomas could not go himself
I objected to my son going. He still pressed
him to go but on my persistently refusing
to let him go. He went off without him
I suppose

As my father came in the house
I went out to where Mr. Davis was & ask
him how Mr. J. was. He answered that he
was better. He also stated that he wanted
my brother to go up to town with him to
get out a warrant for Briant. He as-
sured me where Briant was. I told
him that he was in the house. He
told me then not to let him go away.
I answered that Mr. Briant had said
that he did not intend to. He answered
that he had better not. — — —

I do not wish you hear of talk between your
brother & Briant. I did not. ^{My brother} Briant stated
that he intended to go off in order to get clear
of being a witness. Briant replied that he did not
want him to do so since he has all the other

down the transaction.

Did Briant seem to be very much
scared. A he did. He had come to
our house before he knew to Mr Mylin
I did he he says that he had killed
any one. A he said that the friends
told him that at the time when the
big pile got down killed him. A that
was scared him. He also said that
he did not aim to hurt him very
bad.

How long did Briant stay at your
house? He did not stay very long
some half an hour. & during the time he
had not much to say Feb 1837

I B then says Briant appears to be a sober
man. As far as I know he is

Did you ever hear him say if that he had
a difficulty before with any one of the students
A I did not. A B ^{then} Mylin I heard him
say that he never had before.

Explanation - R says
When this accident happened I & Mr
Davis were not on very good terms
& therefore when he was present I always
avoided saying any thing to him as
to be heard by him. But the friends
that it would disturb them heard

After Davis ^{had} returned from Mr Corrie I told
him that I would go with him to get out
a warrant. but he replied that as I had

see it through the window he thought
it wanted to be better to have it
He did not know that I had seen it
before this

Mr. McCall

The evening that it occurred I was in
my room when Mr. Wright came in
& told me that Mr. [?] had been [?]
killed I did not pay much attention to
him until he repeated it when
I got up & went over to College Court
& Mr. [?] came over with us, as Mr. [?]
and Mr. [?] met Mr. [?] at the corner
of the College & he told me that Thomas
[?] was [?] killed. When I got in
the room I asked him if he was
hurt he said that he was pretty badly
hurt. I asked him then who done
it, he said B. I pulled off his coat
& put a clothe array him & sent for
the Dr. Did you hear Mr. [?]
say at the time he was [?]

7. All that I can recall
was that when he had thus talking
he found he was making he laid
down his book & walked to window
& they still kept talking, & he then
went down the steps & when he got
down Mr Thomas had knocked down

I B & did then appear to be enraged
at Brient. & he did not

Barks Statement

Mr Barks who was there very soon
after it took place states that although
he was not crazy yet he has reason
to believe from some of his actions
at the time, that he had to some ex-
tent his proper balance —

Mr Lee

13 Nov 1861, Bloomington Ind. 2003
I B & M Q When the question was pro-
posed to Mr Brient guilty or Not in the
trial before you what was his answer?
A Mr General before the question was
asked called for the witnesses to be shown
I then told Mr Go that he was perhaps
too fast: he gave way then. I then read
the charge. I asked Mr Brient then what
he plead to the charge, he plead not to
marrant it. Then I told him plainly that
he must plead guilty or not guilty he asked
guilty. I then asked him if he wanted a trial
he answered that he did

He was afraid that the maind throw
the knife at him. The questing was
just before me was the ~~the~~ ~~clubs~~ ~~great~~
~~Thomas~~ ~~how~~ ~~he~~ ~~for~~ ~~point~~ ~~picked~~ ~~up~~
~~the~~ ~~clubs~~. Thomas drew the knife
he said that it was

The Court adjourned till 2 O'clock PM.

2 O'clock PM.

The society met according to adjourn-
ment. Prof. Parks arose to inquire if what this
court wishes to convict the defendant; The present Pres
replied that the object of the meeting as stated at
the commencement of the meeting viz. ^{to} have
a fair & honest investigation of the affair above alluded
to. Prof. Parks withdrew his objection purposing to
commit his remonstrance in writing.

Mr. Henna Hayes was called as a witness

On the 19th of Jan. Mr. T & myself were sitting in
my room when two boys or men came to the college
& called 3 times for Charles I did not know who
they were - I observed that he would go &
see what they wanted. I told him he need not go down
for I thought he was calling Duncan. He said that
he had to bring up some wood & so he would go
down & then see if they wanted him. He went
down. I heard them talking below but did not
hear what they said. In a few moments he return-
ed with his wood. I asked what he saying to that fellow
he said he was plaguing him a little. Then he
said he would go up to town & get a paper at
Col. Lee's. So he took up his hat & went down
I heard him talking & laughing out ^{pretty loud} before the
door. I looked out at the window & saw him start
towards town. Boy walked round the woodpile
with his axe & laid it down as he went & I
suppose he picked up the sticks for I did not see

him stop afterwards. I looked round & see-
ing B. following asked him if he were going to
strike him. As T. turned round B. stopped, but
I heard no reply. I advanced about 3 steps & as
he advanced put his hands into his pocket I
suppose he took out his knife. When he stopped B.
struck him. Then B took up his axe & ran towards
Dr. Wylier. When I saw I fell I ran down
picked him up & together with L.D. Voss carried
him up to his room. +

Q. by Prof P. Did you see the stick & what kind
of a stick was? I cant answer

A. by P. you had a candle burning & were
engaged in reading when I went down first
time were? A. I had a candle burning &
was reading till I heard T. laugh, which induced
me to go to the window to see what fun was
going on, as the moon was shining bright.

Mr. Fanning is called as witness

Pres, Mr. Fanning request to state what he knew
I was in town at the time this matter
took place. Soon after I came down & after
some little conversation at the College door
I went into my room. Shortly Wm McCall
came into my room, stating that C.P. & head
was bleeding & they were destitute of a candle
or soon would be, requested me to take a
candle & go down into C. P.'s room - which I
did. After which, Herman Hayes made a short
statement to me of what had taken place. He stated
that I am not certain whether I asked him
if he saw the matter but it strikes me that I
did. He said he saw nothing of it. But that he
heard them talking but could not understand
what they said. I then heard the lick. I am not
certain but it strikes me that he said that B had
thrown a brick bat on a rock through mistake
at Francis West thinking that it was Char. P.'s.

I am not sure that it was H. Hayes that told me this last but I think it was.

The My ^{dear} did Brian not step forward when
he had reached ^{Thomas} down & help him
up —

I told him when Thomas fell that
he had killed him. He said that he would
not have run if I had not said that
Did he not ~~say~~ that he had knoched
some student as cold as a turnip?

He said that he had knoched some
one down either Chasly Thomas or Ducon
but he said that he was sorry that he
had done it

Dr. Nylis statement

That in private after the evening attack
to take I asked Brian at home to
give me a true statement how
it happened. His statement corresponded
with the one now given. The next
morning I went to the meeting & asked
him his & he gave me so far as I
recollect in strict accordance
with what he has now stated

Parker's Star of the Pa

He wrote that the accident took
place Dr. N was on his horse. He
may come there. Did I want you
to come to Cedar to see Char
Hayes is killed. I said who here
him. ^{the answer is Brian} I was in great agit after said
I was afraid of something. For Brian
had threatened that he would knock
some of them over if they did not let the mood
alone

I am not sure that it was H. Maye that told me this last but I think it was

Explanatory Statement of J W

I have noticed that I thought the pile
of mind was not my own but that
fact connects itself in my recoll-
ection with an other viz. That I
had seen some one some time before
not a student ~~member~~ among the
the College but a pilot of Mood on
his shoulder but this I did not con-
tin to Bruce or any one else but
I asked B of the thing that the
Mood would last thing the matter
he said that he heard not for
some he I am afraid some body
takes it I may know him one
some day if I catch him at it
it is noble but a thing unjust
but when this occurred then
it came to my mind with
a good deal of self reproach I
condemned my self for not paying
more attention to what he had said
this gave rise to what G Parks
has stated

J. W. Lee's St. In his statement

I make it in strict veracity
in telling that I consider in part
most this. After noticing the circum-
stance of the quarrel which was of minor
importance. Thomas appeared to be first when
he saw that Chas. Mood passing to make

But he told him & said I
that he should be done according
to his color. Sam Cording took
place between the parties. Brint
then moved round the house end
of a road pile between the two
the witnesses could not recollect
the words passed between them at
the time. Thomas soon stopped
& turning advanced towards Brint
three or four feet, at the same time
Brint passed the road pile pass-
ing to wards the & picked the
sticks they carried. Not seeing
pick them up. They met about
half way. & the distance between the
was about 8 feet. A short time
previous to this about the
time that the turned from the
road. he saw the put his foot
around to ward his left pocket
Brint said don't draw your
knife on me. The parties were
standing still about 8 feet apart
at this time. He then had his foot
up & said if you touch ^{me} I will
stick you to the wall. A short
time the other threw & knocked
him down. ^{The boy then} Brint told him that the
reason why he struck him was because

☒

Fanning's Testimony continued.

He (H. May) said he asked H. T. when he came up into the room what he had been doing - & he answered that he had been plaguing or deviling that fellow a little. This is about all the facts I recollect.

Mr. ^{graffon} Crockerly be called by H. May.

Q. by M. Did I not tell you that I saw B. knock T. down from my window -
 Ans. yes. How long after he had been knocked down? Ans. I can't say certainly, but soon after he was taken up & laid.
 Q. Did you not hear one relate the same to several others that evening? I believe there were several in the room at that time.

Q. Did you ever here me make any other statement. Ans. No. Did I not tell you that I was standing at the window with a stick in my hand expect that the fellow would ^{undertake to whip} strike it if he should I would go down & assist. This is what I think you did say something to that amount.

Prof. stated that the above statement had been uniformly stated to me by H. May.

Francis West called.

Q. by Dr. Myler. What about that stone that was thrown at you as has been said.

Ans. I was passing by the college ^{on that evening} going to town when two young men were standing near the wood pile with axes - One of the said after I passed is that ^{I answered something in the} thing I just said. As I reached the gate I heard a stone strike the fence & I don't know who threw the stone. The stone come from the college & when I looked around they were both looking towards me.

I have

stated that Brent & Alexander Miley at
Danville College had a ^{the student} fray one night ^{with}
in which Alexander was knocked down

Before Brent came to Danville the man
with whom he hired, who was engaged in
making powder had other work engaged
in work. There being the night before
he came had had a picked battle with
the students. His companion proposed
going out the night after their arrival
to try their fortune again but Brent
objected stating that they might get
hurt. His companion however persists
& they went & drove the student out
first with stones; but on a second
rolling his companion received a
wound & they left the field

Mr. Duncan's statement.

The morning after the accident here
I opened my eyes & my wife Mr. Con-
ing. per breakfast he then stated to me
that he did not see the stroke given
I heard him state in his room the next
day that he did see him knock him down
on going to his window after hear him

(ingulation) laugh
Note

Mr. Brent is a stout athletic man of
about five feet ten inches in height
is fourteen ^{years} & of a common growth

Mr Woods statement. He that I know
Mr Thomas & his son after his arrest
Mr Thomas asked his son how the
begin of doing that he spoke Smith
about his colour. Mr Thomas ^{laughed &} gave him
no answer. Mr Thomas said that he
did not like to be any person ^{under his}
~~care~~ to drop a person on any
Chas said that he would not
show Brown his knife unless it
had been his intention to have killed
Brent. & Mr Mays said that on hearing
the noise below he went up to his
window & ~~when~~ ^{as} he looked out he saw
Chas fall & B.R. run

In some

I find Mr at the time it took
I was in the clubs of & know nothing
but what I have heard. I enquired
of Mr Fanning he told me that the
^{supposed} whole matter would turn on Mr Morris
evidence. Since that time we have seen
the transaction. Mr Fanning then
told me that Mr Mays told him that
he saw nothing of it & Mr Incan
stated the same to me afterwards

I wrote

Mr Mays told me that he did not see
the stroke but he heard it

Mr Park declined sitting any longer in
the case, & had decided unanimously
in the negative by a vote of the faculty

By of B Parks

Mr Park objected to putting any further
question to Mr Lee, because the only hearing that
they could now stand he to clear Mr
Perrant - -

After some explanation ~~and the fact~~
of the problem Mr Parks with drew the
above objection

I to Mr Lee

I wish Mr Lee to state whether
the attorney did not try all he could
to better Mr Ross by cross examining
him, or what was the effect of such
an examination on a man of such a char-
acter & not more than common in such cases
& I think that such an examination would
be calculated to better one like Mr Ross

I had there any examination on the other
side & there was very little & no attorney
was employed

By

Mr Mayo did not address the jury at all
but I heard him tell others. He said
that he was standing in the kitchen in
his room. looking out he said that
he heard some fuss below & after
they kept going he thought it would
not terminate in any way & he did

A difficulty having occurred on ^{Feb 27 1837} yesterday
between the faculty on ~~who~~ who should sit
on the trial of Mr. Thomas. The question
was this morning brought up whether Mr. Dodds
has a right to sit with the faculty. Mr. Foster
^{Mr. Dodds} declined voting. Mr. Byg & Parks decide in the
affirmation.

Moved by Mr. Parks that Mr. Foster
~~offer~~ vote also be taken whether Mr. Foster
has a right to sit. Mr. Foster declined voting
Mr. Dodds & Parks voted in the affirmative as there
was a majority of the faculty was given in its favor
Mr. Byg declined voting. but gave it as his opinion
that Mr. Foster has not the right.

Resting to the faculty by Mr. Byg. Still Mr. Foster
he insisted to sit with us Mr. Byg Park & Dodds
voted in the affirmative. Mr. Foster submitted
to the request of the rest of the faculty & took
his seat

Feb. 2nd

Note Mr. Parks on 1st day at the opening of the trial objected
to Mr. Foster & Mr. Dodds having the right to sit with the fac-
ulty. Mr. Byg although differing with Mr. Park. would not take
the responsibility of deciding the case. In accordance with
their own wish they were permitted to withdraw for the
time from the faculty. leaving the question of their right
to sit undecided. It was proposed in the evening of the
same day that the opinion of acceptable members of the
board of trustees be consulted on the subject. They
all decided that they have

M-Wright Indiana College Feb. 1st

5

After he was hurt & carried up stairs
I came from the spring to the cellar
room & stood there a few minutes
before I mentioned that Charles had
been knocked down. After I said
that Mr. Cookery who was there said
that I was joking but he started
immediate & met Mr. Gray coming
over. By this time Cookery had taken
him up stairs. He came to the front
door & asked where he was. Mary
said that he was up stairs. Cookery
moderated & George went up but I
did not go up. Mr. Moderator came
down & said that the wound was very
bad & started for the Dr. After he
was gone I had & myself went to the
place where he was propped down
He picked up a long stick ^{about the size of a} ~~stick~~ ^{rod} ~~which~~ ^{was cut off}
at 15' ^{with a fork on the end} ~~the~~ ^{prongs} & said that
that was the stick when he threw him
but I asked him if he threw
it or struck him with it in his hand
he said that he threw it ~~at~~ ^{end of} ~~the~~ ^{stick}
him with the end of it. He was looking
at the stick when my boys took it & started
after Mr. Parks. He found the stick some
where, to preserve it but it was lost
Q B. M. Gray Did you ever hear me say
that I did not see Mr. Gray knocked down

At I heard you say that you did

Mr. J Dale calls by H. Hayes
Prop. Mr Dale state what you heard me say about this
matter. - Mr. Hayes told me that he did not see
the first part of the affair, but hearing the laugh
below he arose at the window & saw what
he has given in on testifying himself as nearly as
I can recollect.

Thursday Evening Feb. 2nd AD.

The Faculty of Indiana College, after having spent two days in the receiving & carefully examining testimony in relation to the conduct of Mr. Charles Thomas the faculty have made out the following.

Preamble & resolutions.

Whereas, after a patient examination of the testimony which has come before them during the investigation, it has ^{in the judgment of the faculty} not appeared that young Mr. Thomas, is not guilty of any criminal action, or of an conduct that calls for any severe censure

unanimously
Resolved, 1st That as it regards the question whether Mr. T. was culpable in drawing his knife in the recent affray the Faculty cannot pronounce a sentence of censure: because from the testimony there is ~~room~~ ^{no} to ~~doubt~~ ^{no} ~~some~~ reason to suppose that the stick was lifted against him in a menacing manner before the knife was drawn or at least that he acted under the apprehension prompted by the instinct of self defense.

of one who became he belongs to the humbler
walks of life should have been treated with
gentleness & consideration - & secondly in using
profane language on the occasion.

Resolved ^{unanimously} 2 That the president of the Faculty
address the students ^{by way of admonition} in reference to the parti-
cular circumstances which in the present
case have lead to the affray & the deplorable
suffering in which it has resulted.

Copy Mr. Thomas
Mr. Thomas

Bloomington Josiah Mayo Indiana College
Newsp Indiana Joseph