

This pamphlet is the key source for “The Chancellor, the Slave, and the Student,” Chapter 5 in Alfred L. Brophy, *University, Court, and Slave: Proslavery Thought in Southern Colleges and Courts and the Coming of Civil War* (2016).

RECORD

OF THE

TESTIMONY AND PROCEEDINGS, IN THE MATTER OF
THE INVESTIGATION

BY THE

TRUSTEES

OF THE

UNIVERSITY OF MISSISSIPPI,

On the 1st and 2nd of March, 1860,

OF THE

CHARGES MADE BY H. R. BRANHAM,

AGAINST THE

CHANCELLOR OF THE UNIVERSITY.

JACKSON, MISSISSIPPI.

PRINTED AT THE MISSISSIPPI OFFICE, JACKSON, MISS.

INVESTIGATION:

At a called meeting of the Board of Trustees of the University of Mississippi, convoked by order of His Excellency J. J. Pettus, *ex-officio* President of the Board, at the town of Oxford, on the 1st day of March, 1860, there were present, of the Trustees:

Hon. James M. Howry, Secretary of the Board, Hon. J. A. Ventress, Hon. Isaac N. Davis, Hon. A. H. Pegues, Col. James Brown, Col. Geo. H. Young, Wm. F. Dowd, Esq., Hon. J. W. Clapp, Hon. Charles Clark, and Hon. Alex. M. Clayton.

His Excellency, Gov. Pettus, not having arrived, on motion, the Hon. Alex. M. Clayton was elected as President *pro tempore*.

The following communication from Dr. F.A.P. Barnard, Chancellor of the University of Mississippi, was laid before the Board, and read:

UNIVERSITY OF, MISSISSIPPI, February 29, 1860.

To the Honorable the Board of Trustees of the University of Mississippi:

GENTLEMEN: In a letter addressed to your President on the 2d instant, requesting him to assemble your honorable body in special session at the present time, I assigned, as a reason for the request, a condition of things, existing in the University, which rendered such a meeting, in my view, indispensable, at the earliest possible day. The object of this communication is to explain that state of things.

Some time during the month of January, I became aware that charges had been repeatedly and publicly made against me, by Dr. Henry R. Branham, a citizen of Oxford, the tendency of which was to undermine me in the confidence of the people of the South, and thus, by injuring me, to affect very seriously the prosperity of the University.

These charges were never made in my presence, and, so long as they seemed not to menace serious harm, I treated them with little attention. Having at length learned what they were, or, at least, what some of them were, I authorized a friend to meet them with a denial. But this only provoked a reiteration of them with angry violence, which reiteration was accompanied by a citation of the names of several of my colleagues in the Faculty, as authorities who would confirm their truth.

In regard to a certain portion of the charges and specifications, other members of the Faculty besides myself were implicated, and by one of these the subject was brought before the body in session. During a discussion which arose upon it, at a meeting held on the 2d instant, there was developed such a state of things as to satisfy me, that, without the interposition of the Board of Trustees, the ordinary business of the University could no longer be harmoniously prosecuted, so that, apart from the great injury likely to accrue from the injurious charges persistently uttered against myself, and to a certain extent, against some of my colleagues, I found an urgent reason for soliciting an immediate convocation of your honorable body in the imminent danger of a state of complete disorganization.

In order that the charges, above alluded to, might be presented for your investigation in precisely the form in which they have been publicly uttered, I have obtained, from one of the gentlemen to whom they were personally addressed, the following written statement:

(Copied from a note addressed by Col. A.H. Pegues to Prof. Wm. F. Stearns, on the 24th of February, 1860.)

“On the 1st day of this month, in Kindel & Rascoe's store, Dr. Braham, in the presence of Dr. Green, Dr. Carter, (M. D., of Oxford,) and others, made the following charges against Dr. Barnard:

“1st. That he (Barnard) was unsound upon the slavery question.

“2nd. That he was in favor of, and did advocate; the taking of negro testimony against a student.

“3d. That H. (a student) was arraigned and tried upon negro testimony.

“4th. That upon the question of the expulsion of H., the vote was sectionally divided—Barnard, Boynton and Moore voting in the affirmative, and the Southern men voting in the negative.

“5th. That, pending the discussion upon the case of H., Barnard asked Richardson if he would not believe his negro man, Henry, against a student, and when Richard said he would not, Barnard said *he would*.

“6th. That all the information in the H. case was furnished by a negro woman; and that it was proposed by the other members of the Faculty, that, if Barnard and Boynton had other sources of information and would assert positively that they *knew* H. was guilty, they (the other members) would vote accordingly.

“7th. That Barnard stated that Jane (the negro woman) afterwards recognized H., and pointed him out as the man who had assailed her.

“8th. That notwithstanding the vote of expulsion failed, Barnard wrote to the guardian of the student to take him away, which he did.

“9th. That if the Board of Trustees persisted in their refusal to arraign and try Barnard for taking negro testimony against a student, he (Barnard) would publish the whole thing, in the *Mississippian*, to the people of the State, over his own signature.”

Col. Pegues adds: “The above are very nearly literally the charges made on the occasion alluded to, with the exception of that part in which the woman (Jane) is introduced; and even here, although I admit the possibility of not having understood or recollected the *words*, exactly, the impression made upon my mind fully warrants, I think, the report which I have made.”

Of these allegations, and of the whole matter or matters to which they relate, I invite the fullest and most searching investigation, on the part of your honorable body. I invite, further, an examination into the tenor of my past life, not only for the period of twenty-two years that I have spent in unwearied devotion to the cause of Southern education, but for that earlier period of youth when I had not yet expected ever to be a resident of a Southern State; but in regard to which I have, providentially, in my possession, testimonials by Southern men, of the most unexceptionable character.

If I entertain sentiments now, or if your investigations shall discover that I have ever entertained sentiments, which shall justify any man however captious, in pronouncing me “unsound upon the slavery question,” then, gentlemen, do your duty, and remove me from a position for which I am morally disqualified.

But if, on the contrary, after the severest scrutiny of my acts and my utterances, you find that the injurious allegations by which it has been attempted to strike me down from my post of usefulness, to deprive me of my occupation, and to expose me to public opprobrium, are totally and entirely groundless and false, then I ask of you, in justice to one who has, for nearly six years, honestly, conscientiously, and faithfully consecrated to your service all the energies of his intellectual and physical being, to put the stamp of your emphatic condemnation upon an outrage, in my view without a parallel in the annals of civilization.

I remain, gentlemen, respectfully, your ob't serv't,

F. A. P. BARNARD,

Chancellor of the University of Mississippi.

HENRY R. BRANHAM. M. D., of Oxford, who was present, by permission of the Board, when the foregoing communication from Chancellor Barnard was read, submitted the following as the only charges and specifications he now had to make against Dr. Barnard:

"1st. That Dr. Barnard offered the statement of a negro as evidence against a student of the University of Mississippi, Mr. H.

2nd. That after the Faculty refused to sustain the charge upon the testimony adduced, Dr. Barnard without the authority of the Faculty, wrote to his guardian a letter which resulted in the withdrawal of Mr. H. from the University.

3rd. That Dr. Barnard interposed and objected to Mr. H's re-admission into the University at the opening of the following session, and thus prevented his return. H. R. BRANHAM."

March 1st, 1860.

CHANCELLOR BARNARD, who was present, thereupon drew up and filed the following response to the charges submitted by Dr. Branham:

"The charges of Dr. Branham are by no means so sweeping as I desire the investigation to be. I rejoin, and undertake to prove:

1. That I proceeded against H. upon entirely sufficient and satisfactory evidence, before I ever knew what the negro said, the negro being my own servant, and having been cruelly outraged and beaten.

That I never spoke to the servant on the subject of the outrage in my life, neither before nor since the occurrence.

That during the progress of the affair, which lasted about a week, my wife mentioned to me that the servant had told her the story, and repeated it to me without any solicitation of mine.

That, at the trial of H., I presented the evidence which had satisfied me, and during the discussion I mentioned what my wife had said of the negro's story, and did say that I regarded the coincidence as a confirmatory circumstance.

That the Faculty did, by resolution, declare that they were morally convinced of the guilt of H.

That this resolution was publicly read, and elicited from the students no expression of dissent.

That H. did commit the act.

2. That H. was a student of bad character before.

That it was perfectly competent to me, as Chancellor of the University, to desire his Guardian to withdraw him, if I thought he was doing ill and exerting a bad influence,--that I *did* think so,--that the resolution of the Faculty, declaring their conviction of his guilt, amply justified my action in desiring him to be withdrawn.

That I often so act in analogous cases, and that it is my rights and duty so to do.

3. That I did refuse to re-admit H., because he was undesirable as a student. That such is my prerogative and right.

That, therefore, charges 2 and 3 are totally frivolous.

Further, as to charge 1, if it were in any sense true, I was but doing my duty as a Christian master, to protect my servant from outrage; and that I am sustained in this view by the highest authorities, among whom I am permitted to offer the written opinion of the Hon. Jacob Thompson.

That college government is a parental, and not a municipal government.

And, finally, that the question, which concerns the Board and the- public, is not, whether, on a particular occasion, I committed an error of judgment or not; but whether I do entertain the principles which it is sought by these charges to fasten upon me: and in regard to this I aver that I am as "sound on the slavery question" as Dr. Branham, or any member of this Board.

F. A. P. BARNARD."

Thereupon, the following resolution was adopted by the Board:

Resolved, That the extent of our investigation be such as to embrace the charges specifically made by Dr. Branham against Dr. Barnard, upon which an issue has been made up by Dr. Barnard, and, also, such other matters as are embraced in the communication of Dr. Barnard to the Board, relating to charges against him, which, if true, render him an unsuitable person to preside over a Southern University.

That, in conducting the examination, Dr. Branham shall have an opportunity to produce all the evidence, documentary and oral, upon which he relies to support his charges, and to examine witnesses, himself; and Dr. Barnard shall have the like opportunity:--both of the parties having also the right to cross-examine as the investigation progresses: and the Board reserves the right to each member thereof to ask any question pertinent to the matter under investigation, and to examine the parties to the issue---Dr. Branham and Dr. Barnard.

That each witness be put upon his honor as to the truth of his statement, and each one be examined separately from the others.

The Board also think it a proper and important subject of investigation, as to the manner in which the proceedings of the Faculty, in their official sessions, have been divulged, or came to the knowledge of Dr. Branham, and they think it proper that the testimony introduced, upon every material point investigated, shall be reduced to writing by some person designated for that purpose by the President of the Board."

Prof. Wm. F. Stearns was appointed as the reporter of the testimony under the foregoing; resolution---he being the only Phonographic reporter in or near Oxford. Prof. Stearns, upon being notified of his appointment, appeared before the Board, and asked to be excused, upon the ground that, being a witness in the case, he felt a delicacy in acting as reporter; but, it being represented that the services of no other competent reporter could be secured,--it being understood that Prof. Stearns should be examined before any other witness of Dr. Barnard, and Dr. Branham expressly consenting to the arrangement, Prof. Stearns accepted the position assigned him.

Dr. Branham asked of the Board permission to examine the Faculty record, which was granted, and the record was accordingly placed in his hands.

Dr. Branham and Dr. Barnard respectively submitted lists of their witnesses, and the Board directed them to be summoned by the Proctor of the University.

The examination of the witnesses was then proceeded with, and the following is the report of their testimony, as taken down by Prof. Stearns and Mr. Clapp:

NOTES,

By Prof. Wm. F. Stearns, Phonographic reporter, of the testimony given in by the various witnesses examined before the Board of Trustees of the University of Mississippi, at their meeting on the 1st and 2nd March, 1860, in Oxford, Mississippi:

DR. HENRY R. BRANHAM said:--I have but one item of evidence to introduce. In an interview which I had with him some three or four weeks ago, Dr. Barnard admitted to me that he had offered negro testimony against a student, as circumstantial evidence, and justified it, upon the ground that such evidence was admitted in courts in justice.

Cross-examined by Dr. Barnard:--My object, in seeking that interview with you, was, to deny that I had said something about you which I was informed I had been represented as saying. I recollect, that, at that interview, you disclaimed having ever used negro testimony, and denounced the use of such testimony ; but I do not recollect all the words that were used at that interview. I understood you to connect the negro's statement with the word "circumstantial."

To JUDGE CLAYTON. Having been told that Dr. Barnard had heard that I had called him an abolitionist, this led me to seek an interview with him, in order that I might explain my position. I told him that I had not said, and did not believe, that he was an abolitionist, but that I did believe he was a free-soiler, and that I had told Col. Young, a member of the Board of Trustees, last summer, about his use of negro testimony. I refuse to say how I first got information of what had been done in the Faculty meeting at which H. was tried. I do say, however, that I did not get it from any member of the Faculty. I never spoke to Dr. Barnard about what was charged against him, until my recent interview with him, some three or four weeks ago. Previous to last spring, my relations with him had been very friendly. After that time, I intended to make such a change in my manner towards him as might indicate a change in my feelings, but I do not know that he noticed it. We did not often meet. I have stated, that, if the University was to be conducted upon such principles as would allow negro testimony to be used against students, I would not pull out a chunk of fire from under the University buildings; but I never used such an expression, except under the condition I have mentioned. I claim to be as good a friend of the University as any member of the Board of Trustees. I *did* urge Judge Longstreet to resign the Presidency of the University.

To COL. YOUNG. I did not consider the whole of my conversation with you last summer as of a confidential character. A portion of it I did. When I went to see you, I called on you as a friend, and did not then intend, as well as I now recollect, to make any statement to you about Dr. Barnard's use of negro testimony, but, having told you of it, I left under the impression that I had done all that was necessary in order to have an investigation of the matter by the Board of Trustees. We had a confidential conversation at that time, about other things. I have said that Col. Thompson, when President of the Board of Trustees, had treated Judge Longstreet badly, in consulting with the then Professor Barnard, in regard to University affairs; but I never imputed any blame in that regard to Dr. Barnard, or accused him of intriguing to get Judge Longstreet out. On the contrary, I always considered him as a friend of the Judge.

To MR. DOWD. In my conversation with Col. Young, I may have said that I had heard that Dr. Barnard always kept the University of Alabama in hot water while he was there, for I have so heard, but I do not remember from whom I heard it.

Being asked the grounds of his belief that Dr. Barnard was a freesoiler, Dr. Branham said:--Because he admitted negro testimony as circumstantial evidence against a student, because he wanted the University catalogue printed at the North, and objected, upon the ground, of workmanship, to their being printed in the South, and because he entertained a proposition for a place, in Yale College. I never heard him make any remark, *pro* or *con*, on the subject of slavery, until the

date of my late interview with him. I used to be a supporter of his, but lost confidence in him when I heard what he had done about the catalogue. I first learned about the negro testimony from a confidential source which I cannot disclose. I learned that Dr. Barnard had made a personal issue with a member of the Faculty--Dr. Carter,--about the printing of the catalogue, either from Dr. Carter, Prof. Phipps, or Prof. Richardson, but I cannot now remember which of them told me of it.

Dr. Carter told me all about the meeting of the Faculty, which was held on the 2nd of February last, for the purpose of making up the record of the action of the Faculty in the H. case.

Prof. J. M. Phipps. I was present at an interview between Dr. Branham and Dr. Barnard, about a month ago. Dr. Branham said his object was to explain his position in reference to him (Barnard) and the University, and to deny that he had called him an abolitionist. I understood Dr. Barnard to say that he had introduced the negro's statement as circumstantial evidence, and that the courts of the country used such testimony.

Cross-examined. Dr. Barnard, at that interview, declared to Dr. Branham that he had no fears of the result, because that which was not true could not be proved; to which Dr. Branham replied, that, from what he had heard, it was a pretty strong case. I do not recollect whether Dr. Barnard said that he introduced the statement *as* the statement, or the evidence, of the negro, or as a circumstance. Prof. Moore was present at this interview, but was called out once or twice.

I was present at the Faculty meeting when H. was tried; but, not having thought of the matter from that time until within the last three or four weeks, I am unable to state, with any great degree of precision, what then occurred. Dr. Barnard may, or may not, at that meeting, have said that Capt. Boynton had told him H. was guilty. Boynton had so stated to me before Dr. and Mrs. Barnard came home; but I cannot now recollect whether Dr. Barnard laid that statement before the Faculty, or not.

I have known Dr. Barnard since 1854. I never heard him say any thing; about slavery, which showed that he was inimical to the institution. Indeed, I never heard him say anything on the subject.

Mr. H. was not a good, orderly student. His performances never pleased me.

It is not usual here, for the President to "write off" a student, after an investigation, without the sanction of the Faculty, or to refuse to take back a student without consulting the Faculty.

No ill feeling was manifested in the Faculty when H. was tried.

I do not remember the order in which Dr. Barnard made his statement before the Faculty--whether the girl's statement to Mrs. Barnard was first spoken of, or Boynton's statement.

PROF. H. WHITEHORNE. Upon the trial of the H. case, Dr. Barnard said he had not talked with the negro woman H. was accused of assaulting, and I did not understand that he spoke of her statement as evidence. He merely told us what Mrs. Barnard had told him. I do not remember what question was asked of Prof. Richardson about negro testimony, because, when he was asked about his boy Henry by Dr. Barnard, I was talking to Prof. Stearns.

H. was not a good student, and I did not think the University lost anything when he left it, but some members of the Faculty objected

to the act of the President in sending H. away. Dr. Barnard did not press the statement of the negro woman upon us as evidence: he merely stated what Mrs. Barnard had said.

I was morally convinced of the guilt of H., from various considerations:--because his demeanor before the Faculty, in my opinion, showed that he was guilty; because he attempted to prove an *alibi*, and failed; because Mr. Furniss proved that he (H.) was on Dr. Barnard's premises that night, and because Boynton said he was guilty. My opinion was in no particular influenced by the statement of what the negro had said.

MR. J. P. FURNISS. When H. was tried, I was a witness before the Faculty, and, being asked whether I had any moral doubt that Jane went out to meet some person, I declined to answer, because I was afraid that if I answered that question, I might be asked some other question which I should feel morally bound to answer, and thereby implicate somebody; but I now say that Mr. H. would not have been implicated if I had answered the question. I cannot say, except as I have stated, what questions were or were not propounded to me at the Faculty meeting.

MARCH 2ND, 1860.

PROF. G. W. CARTER was examined in chief by Dr. Branham, and, by consent, his testimony was reduced to writing by Mr. Clapp,--Prof. Stearns being absent.

Dr. Barnard, at the meeting of the Faculty in the H. case, in the presence of the Faculty, and before the accused appeared, gave a history of the case up to that time.

He stated that on his return from Jackson, he found his servant had been maltreated, and that he believed H. was the guilty party. That he wrote to Mr. H., informing him of this fact, and that he could substantiate it by unimpeachable testimony. Did not say *who* this testimony was, nor did I know to whom he referred. That Mr. H. upon receiving this communication, consented to withdraw from the University; but subsequently, on the advice of his friends, refused to leave, and demanded an investigation.

Dr. Barnard formally presented charges against H., and cited him to appear before the Faculty. The charges were then read. At this juncture H. appeared, and plead "not guilty." He requested Falconer, Furniss, and Shelby, to be summoned as witnesses for him, and offered to prove an *alibi* by them. The charges did not specify any particular day or time on which the offence charged was committed; and the witnesses proved an *alibi* with as much particularity, I thought, as the character of the charges admitted.

Mr. Furniss was asked whether, when the servant Jane had left his presence on a specified occasion, he had any moral doubt that she went to meet some one:--I do not remember that H. was named as the person referred to. The majority of the Faculty did not understand the question as I did. Prof Richardson, who put the same construction on it that I did, proposed that Furniss be re-called and the question propounded again--he having declined answering the question when first propounded. Some objection was made by some one, I do not know whom, and he was not re-called. I did not think that Mr. Furniss referred to Mr. H. in declining to answer the question.

Dr. Barnard then introduced the statement of his servant woman Jane, in which she accused H. of being the guilty party, and at the same time Dr. Barnard gave Jane's method of identifying the accused, viz: by the absence of a front tooth. Dr. Barnard was addressing himself particularly to Prof. Richardson, who construed these statements as testimony. Dr. Barnard did not except to such construction. Prof. Richardson proceeded then to discredit Jane's statements. Dr. Barnard defended them, and put this question to Prof. Richardson:--"Prof. Richardson, if your servant Henry should tell you that a student had taken your horse or saddle from the stable, would you believe him?" Prof. Richardson replied, "I would not, if his statement conflicted with the statement of a student, and especially if his method of identifying the party should prove false or defective."

Dr. Barnard, so far as I observed, introduced no other testimony on the trial. There was other testimony introduced against the accused, but not by him, so far as I remember. I was surprised that he did not give the unimpeachable witness to whom he referred. The negro's statement was false in its method of identification, as H. had no tooth out in front.

In that connection, Prof. Boynton objected to the discussion, and said that he was a witness in the case. I supposed, from the positiveness of his assertion, that he was personally acquainted with the facts, but when questioned by Prof. Whitehorne and myself, he said he did not know the facts from personal observation, and refused to give his authority. When further questioned by Prof. Richardson, as to whether his informant was a negro or white person, he declined telling. I then supposed that he must have received his information from a servant.

The bad antecedents of the accused, his irregularities and bad habits of study, were introduced as presumptive evidence of his guilt. I am not sure who introduced this testimony, nor in what order it came in.

At the time of H's trial, I did not know whether Dr. Barnard introduced the servant's statements as having been made to himself or not, and if anything was then said upon the subject by him, I do not remember it, but I subsequently heard him say, in a Faculty meeting, on the 2nd of February last, that he had obtained his information from Mrs. Barnard, and further stated that the person to whom he referred as an unimpeachable witness was Prof. Boynton.

Dr. Barnard and I were on friendly terms from the opening of the session in October last to the time when I learned the meeting of the Board of Trustees was called, or to be called. The first intimation I had that Dr. Barnard considered me personally hostile to himself was at the last Faculty meeting on last Monday, in which he refused to recognize me by the ordinary salutation that obtained between us. I may have been mistaken as to his intention, but understood his deportment towards me as unfriendly. Dr. Barnard's personal relations with me, before that time, were as intimate, or more so, as with any other member of the Faculty.

Before I made my record on the Faculty minutes, I desired to know of Dr. Branham if the matter in controversy between him and Dr. Barnard could be adjusted, and I drew up the terms of a compromise. Dr. Branham objected, upon the ground of the publicity the matter had received, and thought it could now only be settled by the Trustees. There had been a previous misunderstanding between Dr. Barnard and myself, which had been adjusted, and friendly relations restored.

Cross-examined by Judge Clayton. The proceedings of the Faculty meeting in the H. case were not made public by me, or by any member of my family. I communicated them to no one except to members of the Faculty. About the 1st of February, when this matter became public, when Dr. Branham had made his charges, and Mr. Pegues informed him that a meeting of the Board would be called, Dr. Branham asked Prof. Phipps and myself this question:

“ Did not Dr. Barnard ask the question of Prof. Richardson, relative to the credibility of his servant Henry?” We both replied that we so understood it. Dr. Branham repeated the question, and we repeated the answer, and no further conversation on the subject occurred.

I did not tell Dr. Branham, or any one else, of the proceedings of the Faculty meeting in which the question of printing the catalogues was discussed. That question was never acted on by the Faculty, nor proposed for action: it was merely talked of. I heard the members of the Faculty express their opinions on this subject, frequently, out of the Faculty, and before they went into the Faculty; and I also expressed my opinion in favor of printing the catalogue in the South, and especially in view of the animadversions of Southern newspapers on the subject. I may have mentioned these personal conversations outside of the Faculty meeting to Dr. Branham, but have no recollection of having done so. I regard it as improper to disclose to any one the proceedings of Faculty meetings, and have this morning signed a petition for the enactment of a law to enforce secrecy in regard to them.

I have never heard Dr. Barnard say anything about the institution of slavery, in any shape or form.

TO QUESTION BY DR. BARNARD. I never expressed to Mr. Stevenson, of Oxford, an opinion that you were unsound upon the slavery question.

When Dr. Barnard asked me the question, in the Faculty meeting of the 2nd February last, as to whether I thought he was an abolitionist, I declined answering, because I thought the question an improper one under the circumstances, but at the same time I disclaimed any discourtesy to Dr. Barnard, or reflection upon him; and in a few minutes afterwards, I said, in reply to a remark of Prof. Stearns, that no one was authorized to cite me as authority that Dr. Barnard was an abolitionist, and I did not, and do not, suppose him to be an abolitionist, and have no information on the subject. Dr. Barnard did nothing, and said nothing, on the H. trial, that led me to regard him as unsound on the slavery question, further than the proposed introduction of the statements of the negro, and I did not then regard this as an evidence of his unsoundness on that subject, but only as an objectionable act, and in violation of our social and political economies.

TO QUESTION BY DR. BRANHAM. I heard Dr. Barnard say, in a Faculty meeting, some two or three weeks after the H. trial, that Mr. H. had come to him for his dismissal, and that he was confirmed, now, in his belief of the correctness of Jane's (the servant's) statement, because, when he asked her who the young man was, or if she knew him, she recognized him as Mr. H.

PROF. W. G. RICHARDSON, who was next examined in chief by Dr. Branham, said:--

On the trial of H., on the 23rd of May last, Dr. Barnard said to the Faculty that during his absence at Vicksburg, his negro woman Jane had been assailed and injured,--that he had satisfactory evidence of the

fact that H. was the man who did it,--that he had written to H. to go away, on account of the act of which he had been, guilty,--that H. denied his guilt, and, at first, refused to go, but afterwards consented to do so; and that, still later, he had demanded a trial. H. being present, Dr. Barnard said, pointing to H., "There stands the man who did this thing!" H. denied that he was guilty, and said that he could prove an *alibi*. Witnesses were brought up who testified on that subject. Dr. Barnard then stated that the negro woman had said that it was H. who assaulted her. I objected to the use of the testimony of the negro, and Dr. Barnard asked me if my boy Henry were to come and tell me that a student had taken my horse or saddle from the stable, if I would not believe him. I said that I would not, if his statement came in conflict with the denial of a student, and especially if the mode by which the negro identified the student should turn out to be false. A few days after the H. case was tried, Prof. Boynton told me that Judge Howry had told him that such statements as those offered by Dr. Barnard on the trial of the H. case, should be received.

When H. was tried, Prof. Boynton said he *knew* H. was guilty. He was asked whether he knew this was so of his own knowledge. He said he did not. I asked him whether his informant was a white man or a negro. He refused to answer the question. I never heard Dr. Barnard express any opinion on the subject of slavery.

Cross-examined. I think Dr. Barnard did not offer any other testimony against H., except that which was furnished by the statements of the woman Jane. I did not know whether his object was to use it as testimony or not. I could only judge of that from the facts which occurred.

Not long ago, Prof. Carter told me that Judge Howry had denied saying to Boynton what I have stated above, and, at my request, Carter went into Boynton's room to hear the conversation between Boynton and myself, when I asked him about what he had told me on that subject, but he would not then admit that he had ever had any such conversation with me. My opinion is, that Dr. Barnard has used his influence with the Board of Trustees to procure from them an increase of his powers.

We have no particular form in regard to the testimony we use upon the trial of students, but we always scrutinize the source of the testimony, and judge of its sufficiency. We sometimes act on the information given to a Professor, without knowing who his informant is, but always require the Professor to satisfy the Faculty that his information is reliable. The action of the Faculty in the H. case was not made known by or through me. I never told the editor of the Oxford Mercury that Dr. Barnard was unsound on the slavery question.

Dr. Branham then asked and obtained leave of the Board to introduce as evidence the record of the proceedings of a meeting of the Faculty, which was held on the 2nd of February, 1860, and of the entries on the minutes of the Faculty, which were made under the authority of a resolution adopted at that meeting. The said record and entries are in the words and figures following, to wit:

EXTRACT FROM THE MINUTES OF THE FACULTY, FEBRUARY 2, 1860.

The special meeting which had been agreed upon at the last regular meeting of the Faculty, and which had been deferred because of the inclemency of the weather was held this evening in the library, imme-

diately after tea. Present, the whole Faculty. The house having been called to order, Prof. Moose stated the principal object of the meeting to be a consideration of the report of the committee which had been previously appointed to furnish a true record of the proceedings of the Faculty at the regular meeting held May 23d, 1859, which proceedings had never been entered among the minutes of the Faculty, through neglect of the Recording Secretary. He then submitted the *Report*, which was discussed, amended, and finally agreed to, as follows: "At a regular meeting of the Faculty, held May 23, 1859, Mr. H., a student of the University, having been previously cited, appeared and plead "not guilty" to the following charges preferred against him by the President: 1st. Visiting the dwelling of the President in his absence, and while it was occupied by defenceless female servants, with shameful designs upon one of the said servants; 2d. Committing a violent assault and battery upon the servant aforesaid, and inflicting severe personal injury, whereby the said servant was for some days incapacitated for labor, and of which the marks are still, after the lapse of many days, plainly visible.

After the above charges were read and the testimony in the case adduced, the following motion was made: "That Mr. H., having been found *guilty* of the offence charged against him, be, and is hereby, *suspended from the University*;" which motion was LOST by the following vote:

For the motion--Barnard, Boynton, Moore.

Against the motion--Richard, Stearns, Whitehorne, Phipps, Carter.

The following resolution was then offered: "That although the Faculty are morally convinced of Mr. H.'s guilt, yet they do not consider the evidence adduced to substantiate the charges as sufficient, legally, to convict him:" which resolution was ADOPTED by the following vote:

For the resolution--Barnard, Stearns, Whitehorne, Moore, Phipps.

Against the resolution--Richardson, Boynton, Carter.

Prof. Moore then read a statement of the reasons which had influenced the *minority* in voting to *suspend* Mr. H., and asked leave to spread the same upon the record--a request which was discussed at great length, and finally *granted*, by the following vote:

For the request--Barnard, Richardson, Stearns, Boynton, Whitehorne, Phipps, Moore.

Against the request--Carter.

The following was therefore given the Secretary for entrance among the minutes: "The undersigned members of the Faculty, voting in the case of Mr. H. to *sustain* the charges brought against him (see above) and in favor of *suspending* him, did so for the following reasons: 1st. Serious presumption against him from his own conduct in the affair; 2d. The entire failure of the defence set up--namely, the attempt to prove an alibi; 3d. The refusal on the part of Mr. J. P. Furniss, one of the witnesses for the defence, to answer the following question: Will you say that Mr. H. was *not* on Dr. Barnard's premises at the Time specified?--Mr. Furniss having previously admitted that he was himself on Dr. Barnard's premises at the time specified, and in a situation to know whether Mr. H. was there or not; 4th. Because a member of the Faculty affirmed that he *knew* of Mr. H.'s guilt, through a third person, whose name he could not, of course, reveal."

After which Prof. Carter made a motion that *he* be allowed to enter upon the record *his* (Carter's) reason's for voting in the above case as he

did--a request *which* was amended by Prof. Stearns so as to allow *any* member of the Faculty to enter upon the record his reasons for voting in the H. case as he had done, provided such entry be made within a week from this time. The motion as amended was unanimously passed.

Prof. Moore then offered the following resolution; "Resolved, that Prof. Moore be allowed to communicate the record in the case of Mr. H. to Col. A. H. Pegues, a trustee of this institution;" which was amended by Prof Carter, as follows: "Provided that such permission in no respect commits the *majority* of the Faculty to the admission of the correctness of the facts purporting to be the basis of the *minority's* vote, and set forth in the aforesaid statement."

The vote upon the amendment was:

For the amendment---Whitehorne, Carter, Phipps.

Against the amendment-Barnard, Richardson, Stearns, Boynton, Moore.

And the amendment was declared to be LOST. Prof. Moore's motion was then CARRIED by the following vote:

For the motion--Barnard, Richardson, Stearns, Boynton, Whitehorne, Moore, Phipps.

Against the motion--Carter.

After some other immaterial business, the Faculty adjourned.

A true copy from the minutes.

BURTON N. HARRISON, Recording Secretary.

In accordance with the permission given to members of the Faculty at the meeting of February 2d, the following entries were subsequently made upon the record:

"In view of the *recorded statement* of the *minority* of the Faculty, explanatory of their vote on the resolution for the suspension of Mr. H., justice to myself and to the facts, as I understand them, demands an explanation of my vote also, as one of the *majority* in this case. The subjoined enumeration and valuation of the several items of the testimony adduced in the case, will sufficiently indicate the basis of that vote.

1st item. The bad habits of study and general irregularities of the accused were attested by several members of the Faculty, and a presumption against his innocence in the matters charged, was based upon these objectionable antecedents. I did not think this presumption, under the circumstances, sufficient to prove his guilt.

2d item. The statements of the servant woman, Jane, including her method of identifying the accused, were given by Dr. Barnard. I believe the statements were introduced, *not historically*, but as *testimony*, for these reason: 1st, because, so far as I observed, Dr. Barnard, who presented the charges against the accused, adduced no other testimony; 2d, because, when Professor Richardson, in remarks addressed to Dr. Barnard, placed this interpretation upon these statements, Dr. Barnard entered no disclaimer against such interpretation; 3d; because, when Prof. Richardson impeached and discredited Jane's statements, Dr. Barnard contended for their credibility and admissibility, putting, in the course of the discussion, this question to Prof. Richardson: "Prof. Richardson, if your servant, Henry, were to tell you he had seen a certain student take your horse or saddle from your stable, would you not believe him?" The Prof. replied : "No, I would not, if it came

in conflict with that student's denial, and especially should the servant's mode of identification prove either mistaken or false."

In view of our social and political economies, I considered Jane's statements, as testimony, altogether inadmissible; and, furthermore, in this case, worthless, because her mode of identifying the accused to-wit: by the absence of a front tooth-proved false.

3d item. Prof Boynton stated before the Faculty that he knew the accused was guilty. When asked if he made the affirmation from personal observation, he said he did not. When requested by Prof. Whitehorne and myself to give his authority, he refused to do so. When farther asked by Prof. Richardson whether his informant was a white person or a negro, he declined to tell. From the positive character of his first assertion, I supposed he was personally aware of the guilt of the accused, but when he refused to answer the question propounded by Prof. Richardson, I was constrained to believe his informant was a negro, and consequently rejected the testimony.

4th item. Messrs. Furniss, Falconer and Shelby were introduced by the accused. I thought that these witnesses proved an alibi with as much particularity as the indefinite character of the specifications would admit. Nor did I think the refusal of one of the witnesses to answer a certain question propounded necessarily involved the innocence of the accused. I did not understand this question as reported by the minority in their recorded explanation of their vote. This statement of facts is correct to the best of my recollection, and explains my vote on the resolutions referred to.

(Signed,)

GEO. W. CARTER.

February 6, 1860."

"To the best of my recollection, the above statement of the H. case by Dr. Carter is correct. I moreover endorse this statement as correctly setting forth the reasons of my vote in the instance referred to.

(Signed,)

W. G. RICHARDSON.

Univ. of Miss., February 6, 1860."

"The reasons for my vote against the resolution to suspend are contained in the above statement by Prof. Carter. His statement, with the following modifications and exceptions, is, to the best of my recollection, correct; 1st, I cannot say that the President did not introduce other testimony than the statement of the negro, Jane; 2d, as to the 4th item, I did not think an alibi was established, and I placed an entirely different construction on the testimony of Mr. Furniss.

(Signed,)

J. M. PHIPPS."

"The undersigned, who was one of the majority of the Faculty in the H. case, is impelled by a sense of justice to the minority to enter his emphatic protest against the entry, signed G. W Carter, which, under the cover of, the resolution of the Faculty, passed on the 2d instant, has been made on the foregoing pages, for the following reasons:

1st. Because, inasmuch as the sole object contemplated by the resolution just referred to, was, to afford, to any member of the Faculty who might desire it, the opportunity to defend his individual vote in the H. case, the said entry is a gross and unwarrantable abuse of privilege

--such abuse consisting in the gratuitous and wanton perversion of a weapon, which could legitimately be used only in self-defence, to purposes of hostile attack upon the Chancellor of the University.

2d. Because, in the view of the undersigned, the alleged facts embodied in the said entry (so far as the same are injurious to "the minority,") are, each and all, so warped and colored, so utterly disjoined from their due connection with other facts which gave them character, or so entirely in conflict with his own clear and distinct recollection, that he is unable to recognize them as being either fair or true.

(Signed,)

WM. F. STEARNS.

February 9th 1860.

Truly copied from the minutes.

BURTON N. HARRISON, Secretary.

Dr. Branham then observed that he had no further testimony to offer.

PROF. WM. F. STEARNS was then examined as a witness on the part of Dr. Barnard, (his testimony, by consent, being reduced to writing by Mr. Clapp.) and said:--I was present at the H. trial. Dr. Barnard stated that a gentleman had informed him, on his return home, that a gross outrage had been inflicted upon his negro woman,--that he had addressed a note to the young man implicated, who denied the charge, but denied it in such a manner as to convince him of his guilt,--that H. at first, had consented to leave the University, but afterwards changed his mind and determined to stand his trial.

The young man, when he was introduced before the Faculty, said he was not guilty, and could prove an *alibi*. He introduced witnesses for that purpose, but, as I thought, failed to prove it. Dr. Carter thought he proved the *alibi*. Dr. Barnard then remarked, as a further circumstance to show that his opinion, as to the guilt of the young man was correct, that Mrs. Barnard--his wife--had told him that his negro woman, whom he had not conferred with on the subject, had informed her that H. was the man. Prof. Richardson seemed to think that Dr. Barnard introduced the statement of the negro as independent testimony. Dr. Barnard controverted this opinion, and said it was only as a corroborating circumstance, and then put the question to Prof. Richardson: "If your boy Henry were to come and tell you that somebody had taken your saddle from the stable, would you believe him?" I understand that the statement was offered only as a corroborating circumstance, and Dr. Barnard seemed to take particular pain to make himself understood on this point. It is not true that negro testimony was used in the H. trial, in the sense in which the charge has been made. I did not deem the use made of the negro's statement as illegitimate, in the manner in which it was referred to on the trial of H.

At the meeting of the Faculty which occurred on the 2nd of February, 1860, Dr. Barnard made some remarks as to the rule of secrecy in regard to the proceedings of the Faculty. Dr. Carter observed that there was no law upon the subject, and he claimed the right to exercise his discretion to speak of what occurred at such meetings.. Dr. Barnard then appealed to the members of the Faculty as to whether he was an abolitionist or free-soiler. Dr. Carter declined to answer the question.

The reason assigned by Dr. Barnard, in general conversations, for printing the catalogue at the North, was the superior execution of the work, and the reduced price. The catalogue that was printed in New

5/3/04

York, was printed by D. Van Nostrand, who is not an abolitionist, and who has done printing for me. (Prof. Steams here exhibited specimens of printing done at the North and at the South, and their relative mode of execution and price.) Dr. Barnard is not in the habit of talking politics with visitors. He has talked of politics with me, however, and I never heard any but sound sentiments from him on the slavery question. About the 1st of November, 1837, I invited him to be present at the delivery of a lecture which I read before my classes on the subject of slavery, and in which I took strong ground in support of that institution. He heard the lecture and expressed his entire approval of its sentiments. I believe that no man was ever more causelessly persecuted than he has been on this subject. (Prof. Stearns here read a letter addressed to him by the Hon. J.J. Ormond and Dr. [L.C.] Garland, of Tuscaloosa, Ala., endorsing the loyalty of Dr. Barnard to the South.)

When Prof. Moore proposed to spread [open or upon] the minutes of the faculty a statement of facts appearing [of] record over his signature, Prof. Carter was the only one who objected, and he objected upon the ground that there was a difference of recollections as to the facts.

It has been custom of the faculty to [administer] [discipline] to the students upon statements of members of the faculty without requiring the member informing to disclose the name of the informant.

Cross examined. I never before the trial of H. heard it demanded that a Professor should disclose the name of his informant. I voted against the suspension of H., fully believing he was guilty, but not thinking that he ought to be suspended for that offence.

(The letter of Judge Ormond and Dr. Garland, which is above referred to, is as follows:)

Tuskaloosa 13th February, 1860

My Dear Sir: Having heard that Professor Barnard's principles as a southern man have been called in[] question [we take the] liberty to say that we knew him well while he lived in Alabama-[one] of us for nearly twenty years-and never heard his [__sentiments?] to the institutions of the south called in question [nor did we ever] witness in our intercourse with Prof. Barnard, either in action or speech anything calculated to induce a suspicion that he was not entirely [identifiable] with the south and attached to her institutions and [____] [____] and therefore we do not doubt he is a loyal southern [man]. You can make such use of this letter as your judgment may dictate.

[J.] [J.] Ormond
L.C. Garland.

Prof. Steams, Univ. of Miss

Thos. N. Wendell said: I have heard [Branham] say that if negro testimony was to be introduced [he did not care?] if the university was burned up. This [statement was overheard #] days since at a store in town.

Cross-examined by Dr. Br[____] - have often heard you say that you were a friend of the University.

Prof. Whitehorne, being re-called said [____] [____] [____] editor of the Oxford *Mercury* that Dr. Barnard [was suspended due to the slavery] question.

Prof. Phipps, being recalled said [in my _____ to the editor of the Oxford *Mercury* that Dr. Barnard was [_____] question.

PROF. W. D. Moore, said: Upon the trial of the H. case, Dr. Barnard told the Faculty that upon his return from Vicksburg, Prof. Boynton told him that his house had been entered and a gross outrage committed upon his negro woman, and that young H. did it ; that he (Dr. Barnard, was so well satisfied of the guilt of the young man, that, without having spoken of the matter to the woman, he wrote to him and advised him to leave quietly ; that, at first, H. said he would go, but after consulting with his friends, he demanded a trial. H. appeared before the Faculty meeting, and named his three witnesses, by whom he said he could prove an *alibi*. They were Shelby, Falconer and Furniss. I did not understand that the statement of the woman was what Dr. Barnard proceeded on. Shelby and Falconer were examined on the question of *alibi*. Furniss was asked, as Dr. Barnard's witness, whether he would say that H. was not guilty. He refused to answer the question.

Dr. Barnard asked Prof. Richardson whether, if his boy, Henry, should tell him that he saw a man take his saddle from his stable, he would not believe him. Nothing was said about putting the boy's veracity against that of the man, or of a student.

An interview between Dr. Barnard and Dr. Branham took place at my room some three or four weeks ago. Dr. Branham told me that he wished to see Dr. Barnard, in order to disabuse his mind about a remark he was said to have made in regard to him. I did not hear all that occurred at that time. However, I did hear Dr. Barnard say that he had no fear for the result, because that which was not true could not be proved. Dr. Barnard advised the guardian of H. to take him away, and he did so. At the next session H. sought to be re-admitted to the University, but was repelled by Dr. Barnard, who told me that if H. came back, he (Barnard) would go away. I considered H. a bad young man, and was glad when he went away. I did not make known what had been done on the trial of the H. case. I did not tell the editor of the Oxford *Mercury* about it.

PROF. E. C. BOYNTON said: Upon the return of Dr. and Mrs. Barnard from below, in May last, I sent for him to my room, and told him that on the night of the 11th of May, his house had been visited by two students, and that their names were Furniss and H.; that his negro woman, Jane, had been beaten, and that H. was the man who did the act; that I believed this was not the first time H. had visited his premises. I think it probable that I told him I was certain of the fact. He never asked me, how I got this information. During his absence, his house, which is only separated from mine by a brick wall, was not occupied, except by his servants. On the night, of the 12th of May, there was more than usual noise in Dr. Barnard's house. I heard voices, seemingly in altercation--not the voices of negroes. I went to the dividing fence between the two houses, and, looking over it, I saw two persons, not negroes. I could not identify the two, though I suspected one. I did not then know the servant had been beaten. In two or three days, I learned that the names of the two young men were Furniss and H., and that H. had beaten the woman, Jane. I had not then seen Jane, and did not see her for more than a week. I did not obtain the knowledge of any of their names from any negro. I have never conversed with a negro on the subject. I know the knowledge did not come from a negro, directly or indirectly.

The investigation was made by Dr. Barnard. at the following Faculty meeting. In bringing forward the case, Dr. Barnard said he had satis

factory information that in his absence his premises had been visited and an outrage committed upon his woman, Jane ; that, upon receiving this information, he had addressed a note to H. and advised him to leave the (University, and that H. had expressed a willingness to do so, but afterwards he received a note from him in which he demanded an investigation.

When the trial took place, H. named Shelby and Falconer as his witnesses, in order to prove an *alibi*. In my opinion he failed to prove it. Furniss was brought in as Dr. Barnard's witness. He admitted that he was on Dr. Barnard's premises that night, and was asked this question: "If you, who were H.'s companion on that night, know that he is innocent, say so, and acquit him." He declined to answer it.

After this. Dr. Barnard said his wife had told him Jane had informed her that H. was the man who had committed the assault upon her. There seemed to be an indisposition to receive the statement: the objection was, that such statement could not be received there. I did not regard the statement as evidence, but simply as a fact confirmatory of a proposition already established. There seeming to be an objection to receiving any other testimony than such as was considered legal, I said I believed the man did the act--that I was satisfied beyond a doubt, and that I should act according to my convictions. Prof. Whitehorne said that if I would not divulge the source of my information he would not act upon it. I quoted the cases of two students who had been expelled from college, upon secret information, without any question being raised upon it; and I denied their right to go behind my statement, and ask whence I obtained my information. It was the first case in which a demand was ever made for the name of a Professor's informant, and I was not inclined to submit to it.

Dr. Barnard asked Professor Richardson—"If your man, Henry, should tell you that your horse or saddle: had been stolen from the barn, would you believe him or not?" Richardson said he would not, if his statement came in conflict with that of a white person. There was no warmth of feeling exhibited between Prof. Richardson and Dr. Barnard.

At the Faculty meeting of the 2d of February, Prof. Carter said: "You have precipitated this thing, which was bound to have come out at no distant day."

I have recently refused to attend the Faculty meetings, because of Prof. Carter, declarations about revealing what took place at the Faculty meetings.

I did not disclose the action of, the Faculty meeting in the H. case, either to the editor of the *Oxford Mercury*, or to any other person.

JAMES G. TRIGG said: Some short time after Judge Longstreet resigned the Presidency of the University--some three or four, years ago --Dr. Branham said, in Wendell & Nelson's counting-room, that he had now got Judge Longstreet out of the University, which he had been trying to do for sometime, and, that, if he were riding by the University and saw a torch applied to the whole concern, he would not get off his horse to put out the fire.

PROF. WM. F. STEARNS, re-called, said: At the meeting of the Faculty on the 2d of February. Prof. Carter said: "You have precipitated this thing before I was ready for it," or something to that effect.

COL. GEO. H. YOUNG said: At the last commencement (in July, 1859) I had an interview with Dr. Barnard, which satisfied me that he then had no suspicion that Dr. Carter was not friendly towards him.

Last summer, Dr. Branham told me that Dr. Barnard was, as he understood, in favor of taking negro testimony against students; but I considered this a confidential conversation. My impression is, that Dr. Branham then told me that Dr. Barnard had been intriguing to get Judge Longstreet away, and I was so sure about it that I wrote to Judge Longstreet on the subject.

DR. E. W. HILGARD said: I heard Dr. Branham say, in an interview I had with him last summer, after commencement, that there would be a change in matters at the University very shortly. I intimated that this would be a difficult job. He said: "We have fixed all that." This conversation took place at Dr. Branham's house.

BURTON N. HARRISON said: I am the Recording Secretary of the Faculty, and have been such officer since the beginning of the present session. I was present at the meeting of the Faculty on the 2d of February, when Dr. Carter remarked that this thing had come up before he was ready for it—it had been precipitated—but, as it had come up, he was going on with it.

COL. A. H. PEGUES said: I have never, recently, heard any one say --except Dr. Branham and those who got their information from him--that Dr. Barnard was unsound on the slavery question. About the time Dr. Barnard's Thanksgiving sermon was delivered in 1856, I thought it was well, as he was a Northern man by birth, that the sermon should be published, and I contributed a part of the cost of publishing it.

(The following is that portion of the sermon, referred to by Col. Pegues, which indicates the views of Dr. Barnard upon Southern questions:)

"Gratitude due for National Blessings: A Discourse delivered at Oxford, Mississippi, on Thanksgiving day, November 20, 1856. By Frederick A. P. Barnard, LL. D.

A far graver menace than this seemed to spring out of our disturbed relations with a portion of our own fellow-citizens, inhabiting a different section of our common country. The year through which we have just passed has indeed, in this respect, been the darkest of all which have left their record upon the page of our country's history. It was this time no trivial cloud which had suddenly gathered to darken for a moment our political firmament, but it was one which had long hung lowing in the distance, sometimes rolling up in formidable masses toward the zenith, revealing in occasional flashes the angry fires which were slumbering in its bosom, and again subsiding for a time to less portentous dimensions, but never wholly disappearing--it was this, which, during the, last anxious summer the friends of God and of peace and of human progress were breathlessly watching, as, in darker and still darker volume it spread itself over the entire heaven, and, seemed ready to burst into a storm whose violence should shake the continent.

It is no purpose of mine to discuss the causes which, during a long series of years, have fomented a state of feeling among our people so much to be deplored, so fraught with danger to our peace, so menacing; to the permanence of our unity as a nation. Such a discussion is not meet either for this place or for this occasion. But it is proper and it is fitting, since the catastrophe, so tremblingly anticipated by so many anxious hearts, has been, for the time--may we not believe, in

the purposes of God, forever--averted, it is proper and it is fitting for me to remind you, that this deliverance imposes on you a deeper debt of gratitude to your Almighty Benefactor, than any other national blessing which he, has bestowed upon this people, since their original recognition into the family of nations.

That the union of these States was originally a benefit to every member of the confederacy, I believe that no man has ever doubted. That so long as the principle of equality among the several members, on the basis of which it was established, remains intact, it must continue to be, no less than it was originally a benefit to all alike I believe to be just as undeniable. That its disruption, therefore, in itself considered, must be a calamity, and an incalculable calamity, admits in my mind of not a shadow of doubt. Yet it is no less true, on the other hand, that every benefit, small or great, of which the union is the source, springs out of that simple basis just mentioned, which is the foundation of the constitution; and, that, so soon as that principle ceases to be recognized so soon as the constitution as administered ceases to be the constitution which our fathers framed--then the union is in fact, to all intents and purposes, substantially dissolved already, and its formal dissolution becomes a mere question of time.

In this simple proposition, unless I greatly err, is embodied the deliberate conviction of far the greater number of our own people. The feeling of attachment to the Union is nowhere more ardent and nowhere more general than in these Southern States. We love the Union because our fathers loved it, and for the honor and reverence in which we hold their memories, we would cherish it as they cherished it before us. We love it, because with a faithful observance of its conditions, it is a fraternal bond, uniting in its wide embrace a vast and scattered family, whose members, however remotely separated geographically, are still one in origin, one in language, one in religion, and one in their undying love of liberty. We love it, because its stability secures to us as a people a position of equality among the great powers of the earth, and enables us to present to other powers a front so imposing as to command universal respect, and to repress the spirit of aggression from without. And we love it because we believe it to be capable of securing to ourselves at home, the greatest political good of the greatest number; and because, still further, in the depths of that gloomy chasm which its ruins must leave behind, we know not what untold evils may lie concealed. If, therefore, this beautiful political structure which our fathers reared is destined to be undermined, ours will not, be the sacrilegious hands which shall sap its foundations. That practical sundering of the bonds which unite us with our brethren in which the real dissolution must consist that invasion of the independence of sovereign States and of the principle of equal rights, which treacherously subverts the constitution while professing to observe it--that great wrong to humanity and sin against God will never be our work. But should this lamentable consummation be brought to pass by other hands, and should all the valuable ends for which the union was established be successfully frustrated—then, when the temple of our constitutional liberties shall have been spoiled of all its treasures, and the ark no longer reposes in the sanctuary, let it not be imputed to us for faithlessness or impiety, if we turn our backs upon the dishonored edifice, and refuse to worship longer within its desecrated wall. It will not be we who have dissolved the union it will only be we who have said, The Union is dissolved.

That hour of grief and gloom--thanks be to God--has not yet arrived. Nay unless the purposes of Providence be too obscurely shadowed forth for human intelligence to read them, in the direction given to doubtful and momentous human affairs, and in the control mysteriously exercised over the minds of masses of men, I cannot but believe that that fatal hour is destined never to come. For, in the passing away of the angry menace of the last few months, and in the event which has so suddenly tranquilized the public mind in regard to our immediate future, I think we may be justified in recognizing a decisive expression of the people's will, that the constitution, as we read it to-day shall be the constitution as our fathers fashioned it. It is matter of history that in the deliberations of that body of enlightened men by whom the instrument was framed which binds us together, no object was kept more anxiously or more constantly in view, than that of excluding from our national counsels and our national politics every subject which could by possibility give rise to sectional divisions, or authorize the intermeddling of any one State with the local affairs and interests of any other, or of the Congress of the States with those of any one. So long as their work was respected, so long we remained peaceful, harmonious and happy. When, in the progress of the years, there sprang up men wiser than their fathers, and greatly wise above that which is written, then began the reign of agitation, discord and disquiet.

I may be mistaken in my interpretation of God's purposes in his providence, but I cannot believe otherwise than that the struggle between the old lights and the new lights in American political philosophy is substantially over; since the voice of the people, recently declared in the manner prescribed by the constitution, has a significancy far above that which is immediately apparent. It is a small thing to have determined that one man rather than another shall be the temporary director of the affairs of state; but it is a great thing to have pronounced an authoritative interpretation of the constitution of the country, which is destined to save us from political dismemberment, and possibly to avert from us scenes of civil conflict which it is impossible to contemplate without shuddering. Not, indeed, that in this decision all are likely contentedly to acquiesce. That is a great deal too much to expect. Agitation will not cease. Agitators never cease. But as God will make the wrath of man to praise him, so the remainder of wrath he will restrain. Agitation will become powerless for further harm; for the principle now established as a principle will have been carried into practical application and confirmed in precedent, long before an occasion for a struggle like that of the past year can again arise.

Now, though I have regarded the confirmed stability of the American union in the light of a benefit secured to ourselves, and as therefore calling for the expression of our highest gratitude, yet I believe that it is not less a benefit to the entire world of mankind. I believe that, in raising up this union, God has designed it as an instrument for the accomplishment of a great purpose--a purpose no less than the political regeneration of the whole human race. The example of America has already wrought more powerfully than all other causes combined, to open the eyes of the people of Europe to the falsity, injustice, and oppression of their existing political system; yet whenever, thus far, they have attempted to remodel those systems to a more rational form, they have fallen into errors more dangerous than the evils which they sought to correct. In their impatience of the control of despots, they have cast off

respect for every species of control. They have chafed so long under arbitrary restraints, that they chafe no less under the salutary restraints of law. Under the name of the republic, they have introduced the wildest anarchy: the tyranny of the individual has given place to the tyranny of the mob; and, as a natural consequence, affrighted society has sought shelter beneath the strong arm of despotism again. In learning their first lesson, they have gone far beyond their masters, and it will be only when, by repeated and bitter experience, they have been taught their error, that they will become sufficiently sobered to resort to the original source of instruction in a spirit prepared to accept the second and no less important lesson, that licentiousness is not liberty, and that, where no law is, there liberty cannot be.”

HON. J. M. HOWRY said:--The resolutions of the Board of Trustees, adopted at their last meeting at Jackson, prescribing the duty of the Chancellor of the University in relation to absences of Professors &c., and of which some members of the Faculty have complained, because they supposed Dr. Barnard’s remonstrances, and not pursuant to his wishes. The Board so far deferred to his request as not to pass them, last summer, in Oxford; but I think the mind of the Board was then made up to adopt such measures at the ensuing meeting. Dr. Barnard opposed the passage of the resolutions at Jackson.

CHANCELLOR F. A. P. BARNARD said: I never spoke to my servant Jane on the subject of the outrage committed upon her, from the day of its occurrence to the present time. Some weeks after the occurrence, and after H. had been tried, he came to my house to take a discharge. Jane opened the door to him; and after he left, I asked her: “Is that the man you call H? She replied—“yes.” This is all I ever said to her about the man, before the trial or after, or she to me. I never said anything at all to her about the *fact*. The injury to my servant was very severe. The traces of it lasted till after commencement—two months.

I have never, in all my life as a teacher, sought information, in regard to the conduct of any student, from any servant—white or black. I have never permitted a servant to give me such information. Such things are abhorrent to my principles, as well as subversive, in practice, of the ends of good government.

The brief history of this case, in its principal outlines, is this: I cannot suppose I remember all minute details of a transaction more than eight months old, which was not then esteemed to possess any extraordinary importance. But I know that I remember the important facts correctly. My narrative may possibly furnish a key to explain the discrepancies of those already given, since my knowledge dated from an earlier period than that of the Faculty as a body.

I was acting privately in the matter nearly a week before the trial of H. I returned from Vicksburg on Tuesday evening, May 17th, 1859. The next morning, Prof. Boynton told me that, in my absence, my house had been visited by two students, on a night name[d] by him. He said the students were Furniss and H., and that H. had beaten my servant Jane. He said he was certain of the facts, and of the men, but did not seem willing to disclose the source of his information. I did not press him on that point, for I was myself satisfied that he knew what he said. I believed his informant to be a white person, and had a reason for so believing.

I wrote a note to H., forthwith, telling him I had heard of what he had done, and advising him to withdraw. He called on me, and denied the charge. His manner of denial was unsatisfactory. On further conversation, he agreed to withdraw. Two days afterwards, as he did not withdraw, I wrote again to him, saying that, unless he should leave, I should write to his guardian and inform him of the whole affair. He then refused to leave without a trial. I then sent for Furniss, and had a private conversation with him. He admitted that he was on my premises on the night in question, and that another person was there also, but declined to say who that person was.

I then drew up written charges against H., and sent them to Prof. Phipps, corresponding Secretary of the Faculty, to be served on H. He served them.

Some time during the progress of these occurrences, after my first correspondence with H., but at what precise moment I cannot state, my wife informed me that, immediately upon our arrival at home, the servants had told her of this act of violence; but that she, supposing me to be ignorant of it, and being unwilling to cause me annoyance in the moment of our return, had refrained from informing me of it. She said the person inculpated by the servants was H.

At the trial I first read the charges, in presence of H., and stated the proceedings of the preceding week, as I have now stated them; only that, instead of saying that Prof. Boynton had told me, I said that a *gentlemen* had told me. H. offered to prove an *alibi*, and introduced two witnesses for the purposes; but, in my opinion, the attempt broke down. It was proposed to interrogate these witnesses more generally on the facts of the case. It was ruled that if they would agree to tell all they knew; they might speak—otherwise, not. They refused, and were not questioned further.

I called Mr. Furniss, and began to examine him. Prof. Moore interrupted me and asked why I did not apply to him the same rule as to the others. I replied; “I do not for a reason which will presently appear.” This reason was, that I designed to ask him if he would say positively that H. was *not* the man. He does not now remember that question. I remember it, because I asked it of predetermined purposes. Many questions were asked him; probably that which he remembers, among them.

It was asked of me, at this time or earlier,—“who is the *gentleman* who informed you originally?” I had introduced the “gentleman” anonymously, because I had not previously asked Prof. Boynton if he was willing that I should name him. To this question, addressed to *me*, Prof. Boynton himself answered in the words:—“I am the man,” which struck me by their abrupt promptness. One or more officers interrogated him as to the source of his information. He declined to give it, resting on past precedent in this regard.

At some point in the progress of this trial, I mentioned what my wife had told me that the servant had said, as a circumstance corroborative of the credibility of the evidence before the Faculty; just as I should have mentioned it as an invalidating circumstance, had it been different. Prof. Richardson said that the statements of negroes were not legal testimony. I replied that I knew that, and the reasons of it, and that I did not offer this statement as testimony. I said, however, that our belief and disbelief often depend on what is not legal evidence. Here sprung up a conversation of which it is impossible to give details. Prof.

Richardson, to me, seemed to hold that nothing is credible, which is not legal testimony. I was curious to ascertain whether he was disposed to acquit the accused because he really did not believe him to be guilty, or because—believing H. to be guilty—he considered the legal evidence insufficient. A little later, I brought the Faculty to a vote on this point. In order to separate distinctly the idea of personal veracity from that of legal competency in a witness, I proposed to Prof. Richardson a question. I purposely confined this question to a simple matter of fact, excluding all allusion to any person whom the fact might affect. I said: “suppose that your servant, Henry, should tell you that your saddle is missing from your stable; would you not believe him without going to see for yourself?” I did not say, “a student,” or even “somebody,” as some of the witnesses have supposed. Nor, in this connection, did any question, or could any question, arise about identity, or modes of identification; since the interrrogatory suggested no person to be identified, and since, as I have already said, all allusion to any person in the question was excluded, of predetermined purpose. My assertion was, that, in the common affairs of life, we believe the statements of servants, and must do so; though we could not employ their statements as testimony.

The Faculty refused to suspend H. They passed a resolution, declaring themselves morally convinced of his guilt, but not satisfied with the legal proof of it. I communicated the resolution to the guardian of H., and expressed a wish, that, considering these circumstances, he would withdraw him. He did so.

In October last, H. applied for re-admission. I refused to receive him, because I thought him not to be a young man of good moral character.

I had a right privately to advise the guardian to withdraw the young man. It is a discretion exercised by all heads of collegiate institutions. I should esteem it, however, perfectly legitimate and proper for any *Professor* to do the same thing, if he thought a young man doing ill in any way. The moment the Board declare that I do not possess this right, I shall relinquish my trust. I am held by the public mainly responsible for the good order and morality of the College. I cannot consent to be a target, with my hands tied.

The present University Code requires the Faculty, as a body, when they see fit, through their President, to advise parents and guardians to remove students. This has been interpreted, by witnesses here, as a restraint upon the President. No member of the Faculty but myself probably knows the whole history of that law, or the reason why it is there.

There was no such law under my predecessor. I am the author of the law, though it was presented to the Faculty, with the rest of the Code, for their approval; before it was laid before the Board for their sanction. My reason for preparing it was this:--During my first year the letters which I wrote to parents, giving information not flattering in regard to their sons, were, in several instances, sent back to the young men, and circulated through College. They were thrust into my face in my own house, and made matters of personal difficulty. I desired to be able to make my action, in such cases, when circumstances seemed to render it desirable, the action of the body of the Faculty, and not of myself only. I did not mean to curtail myself of the freedom of action I possessed before, whenever I should choose to exercise it.

As to my refusal to re-admit H., the Board have enacted that no one shall be admitted without presenting testimonials of good moral character.

This rule is published, in the Catalogue, as the first requisite for admission. Written testimonials are required, because the majority of applicants are unknown to the Faculty. The design of the rule is, to protect the morals of the University. If I have reason to think a young man to be undesirable, in this point of view, as a student, the spirit of the rule required me to exclude him. If this discretion is not confided to me, I have not power to execute my trust, and I must resign it into the hands of the Board. As to my sentiments on the subject of slavery, my record is clear for my whole life. As to that early period of it, when I resided in New York, and before I ever thought of becoming a citizen of the South, I submit extracts from letters written by Southern men, in 1837, to the Board of Trustees for the University of Alabama. J.W. Stuart was at that time Professor of Roman Literature in the College of South Carolina, and had been previously President of the College of Charleston. He writes:--

Columbia, Nov. 6, 1837.

M. D. WILLIAMS, ESQ—*Secretary of the Board of Trustees of the University of Alabama, Tuscaloosa.*

SIR:--Having understood that Mr. Frederick A. P. Barnard, of New York, is a candidate for the chair of Mathematics, or for that of Belles Letters and oratory, in the University of your State, I am anxious to add my testimony to that of others, respecting his qualifications. I know him well. He was my class-mate in College, and was there highly distinguished, particularly for his skill and attainments in Mathematics.

In other respects his qualifications are such as strongly to recommend him to the Trustees of your Institution. He is fond of the South, a warm supporter of its Institutions, and of manners highly affable and gentlemanly. I am persuaded he would reflect honor upon any College with which he is connected, as his mind is superior, his thirst for excellence strong, and habits of application regular and zealous.

With much respect, I am, sir, your ob't servant,

J. W. STUART

South Carolina College.”

O.E. Carmichael was (and, I presume, still is) a Merchant of Augusta, Georgia. He writes:

“Augusta, 6 Nov. 1837.

M. D. WILLIAMS, ESQ—*Secretary of the Board of Trustees of the University of Alabama, Tuscaloosa.*

SIR:--Having lately understood that a friend of mine, Mr. F. A. P. Barnard, of the city of New York, contemplates becoming a candidate for the chair of Mathematics and Natural Philosophy, and also knowing the very laudable feeling which now so generally pervades our Southern States—that of employing native talent, or, at least, those who are with us in action and feelings,—it is with pleasure, therefore, that I can with safety, after a long and intimate acquaintance with Mr. Barnard, speak of him as a gentleman possessing all the qualifications that a Southerner could wish in one who designs becoming one of their society, and that on all important questions which might agitate the North in opposition to the South, his actions and feelings will be truly Southern. As regards Mr. B.'s qualifications to fill the chair, he will undoubtedly procure such testimonials as will be fully satisfactory to the Trustees.

Yours very respectfully,

O. E. CARMICHAEL.”

As to my nearly seventeen years of residence in Alabama, the testimonial of Judge Ormond and President Garland, obtained without my knowledge, has been presented earlier in this investigation. Of the sentiments I have consistently professed since I came here, enough has been said by others. I was born at the North. That I cannot help. I was not consulted in the matter. I am a slave-holder, and, if I know myself, I am "sound on the slavery, question."

At my interview with Dr. Branham, I did not say that I would use a negro's testimony as circumstantial evidence, nor that "such is the practice of our courts of justice." I know better. My reference to courts of justice is in my favor, for it shows that I proposed to do no more than municipal courts do. What I *did* say to him on this point appears in my foregoing testimony. I said that I was entirely unconcerned as to the result of this investigation, and assigned as a reason, that "the thing that is not true, cannot be proved."

I discovered, last summer, that Prof. Carter had, long, in secret, entertained unfriendly feelings toward me. I commenced a correspondence with him in consequence. His tone led me to believe the breach irreparable. On his return, in October, he himself proposed, in writing, "a full and perfect reconciliation." I accepted the offer in good faith. We interchanged frequent visits.

At the meeting of the Board of Trustees in Jackson, in November last, some resolutions were passed, regarding absences of Professors.--Judge Howry, Secretary of the Board, sent copies of those resolutions to myself and Prof. Phipps, corresponding Secretary of the Faculty, on the morning (I think) of the third of January. I saw Prof. Phipps hand his, copy to Prof. Carter that morning in the Laboratory. Prof Carter never visited my house again. I saw him return the copy to Prof. Phipps at the Faculty meeting of January 9th. Prof. Phipps handed it to in, and I read it. Prof. Moore interrogated me as to the history of these resolutions. I gave it as well as I knew it. I said I was not the author nor the suggester of them. I was not. I advised against them.

At the Faculty meeting of February 2nd, I referred to the attempts to injure me, founded on the H. case. I said the real issue was not what incidents occurred on a given occasion, eight months before, about which memories differed; but whether I entertained anti-slavery sentiments. I appealed to the magnanimity, the generosity, the common humanity of my colleagues, to protect me against what they, knew to be a wrong. I disavowed the sentiments imputed to me. I asked Prof. Carter if he did not believe my disavowal. He said he had his own opinion on the subject, or words to that affect. I asked, him, more generally, would he not believe me on my word ? He delined to answer.

At Washington, the other day, the Hon. Jacob Thompson handed we a letter which he had written me, on a version of the case which he had heard from his son and others. He supposed, then, that the servant had been interrogated before the Faculty. He writes as follows :

WASHINGTON, D. C. Feb. 19, 1860.

DR. F. A. P. BARNARD--My, Dear Sir: Nothing could have taken me more by surprise than the difficulty now thrown in your way. I hoped, most sincerely, you would find the time to pass this way on your return from Philadelphia I wished to hear what was the matter now up. But, on Friday evening, Macon, Mr. Sheegog, and Mr. Beanland, from Oxford, arrived. I heard from them their understanding of the

matter, and on their version of the story I am wholly at a loss to understand your accusers. Your fault is that you received information, from your servant girl, which implicated a student, and you acted on that information to reach the truth; and this is set down as showing your free-soil proclivities. If this be so, I am the worst free soiler in the State: I am a downright abolitionist. No man strikes my negro that I do not hear his story. I will listen to my negro's grievances. Before God and man I believe this to be my duty. No man has a right to touch him or her without my consent, and he who would not do the same would be despised by every man in Oxford.

The whole matter, as these young men relate it to me, is so absurd that I can scarcely credit their report. But I must insist that you be not moved by these things. Have moral courage enough to stand by your post and do your whole duty. Such trials will only prove your firmness and worth, and the mischief will fall on the heads of your adversaries.

Your Friend,
J. THOMPSON."

Gov. McRae expressed to me similar sentiments. I might, therefore, admit the charges literally, if they were true, and still defend them *on* the best Southern authority. I do not admit them, I because they are not true.

Dr. Barnard here announced to the Board that on his part, he had no further testimony to offer.

OXFORD, MISSISSIPPI, March 8, 1860.

I, Wm. F. Stearns, as official reporter in the case, do hereby certify that the foregoing is a full, true and correct transcript of the testimony given in before the Board of Trustees of the University of Mississippi, on the 1st and 2^d instants, upon the investigation, at the request of Dr. F. A. P. Barnard, Chancellor of the University, of the charges then and previously preferred against him by Dr. H. R. Branham; all the oral testimony, (except my own, and that of Prof. Geo. W. Carter, which was reduced to writing by Mr. Clapp,) having been taken down by myself, and mostly read over to and approved by the witnesses in the presence of Dr. Branham.

WM. F. STEARNS,
Reporter.

March 2nd, 1860.

His Excellency, J. J. Pettus, Governor of the State of Mississippi, and *ex officio* President of the Board of Trustees of the University, this day appeared and took his seat with the other members of the Board, who were mentioned as being present yesterday, and the testimony taken before his arrival was submitted to his examination.

The taking of the testimony being concluded after dark, Dr. Branham made a few remarks, but declined to discuss the merits of the case; when Dr. Barnard addressed the Board at some length, but purposely abstained, he said, from making any comments upon the evidence.

Dr. Branham having no desire to say any thing further, he and Dr. Barnard retired and left the Board to its deliberations.

Whereupon, on motion of Mr. Clark, it was moved, as the sense of the Board, that Dr. Barnard be acquitted of all the charges against him; and, the yeas and nays being called for, the said motion was carried by the following vote:

Yeas--Messrs. Pettus, (President) Clayton, Davis, Clark, Ventress, Young, Dowd, Pegues, Brown, Clapp and Howry--11.

Nays--None.

On motion of Mr. Clark it was then moved, as the sense of the Board, that our confidence in Dr. Barnard is increased rather than diminished in consequence of this investigation, and, the yeas and nays being called for, the said motion was carried by the same unanimous vote above stated.

A committee, consisting of Messrs. Clayton, Clapp and Pettus, was then, on motion of Judge Clayton, appointed to draw up resolutions embodying the decisions just made by the Board; and that committee, through Judge Clayton, its chairman, made the following report :

“The committee to draw up resolutions embodying the decisions of the Board upon the charges preferred against Dr. F.A. P. Barnard, the Chancellor of the University, report thee following :

Resolved, That the charges are, in their opinion, wholly unsustainable by the evidence, and that the said F. A. P. Barnard stands fully and honorably acquitted of every charge brought against him.

Resolved, That after a patient hearing and investigation of all the testimony in the case, we as Trustees and as Southern men, have found our confidence in the ability and integrity of the Chancellor, and his fitness for his position, increased rather than diminished, and declare our full conviction that his labors are doing great service to the cause of education and science, and placing the reputation of the University upon an immovable basis.”

The said report having been received and agreed to, the said two resolutions were then unanimously adopted by the Board.

On motion of Judge Clayton, it was

Resolved, That the Secretary inform Prof. W. F. Stearns that he is required, as a part of his duty as reporter in this case, to furnish, at as early a day practicable, the testimony given in this case, together with the written documents introduced by any of the witnesses, to the Secretary, of the Board, to be by him filed and preserved amongst the records of the Board.

I have compared the foregoing with the record in my possession and find it correct.

J. M. HOWRY, *Sec’y of the Board*.

APPENDIX.

The proof of the fact established by the following statement--that H., after his trial, never affected, among his fellow students, to deny his guilt--was ready to be adduced before the Board of Trustees on the 2d of March; and the Board, and Dr. Branham, were distinctly informed at the tune that I could make the proof, and by whom I could make it. But I did not then believe it to be necessary, for, my vindication before the Board, that I should bring forward the testimony, and accordingly, knowing how generally students are disinclined to inculcate their companions, I forbore to introduce this positive proof of the guilt of the accused.

Now that an appeal to the people is threatened to be taken from the decision of the Board, I feel that I am entitled to be the benefit of this testimony, and I therefore append it here.

F. A. P. BARNARD.

I was one of the witnesses who were examined before the Faculty

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upon the trial, in May last, of the student who was accused of having beaten one of the female servants of Dr. Barnard. Directly after the trial, the accused told me that he had done what he was charged with, but not at the precise hour charged.

I make this statement as an act of justice to Dr. Barnard, because it has been intimated that the student accused was guiltless of the charge preferred against him.

KINLOCH FALCONER.