

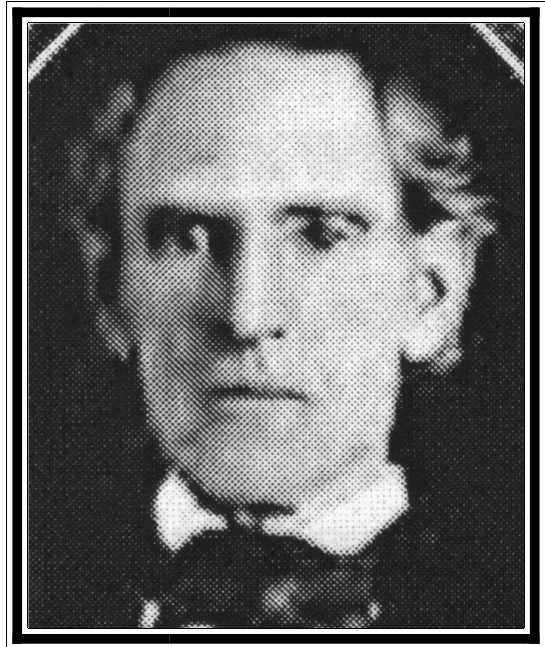
CANAWLERS AT REST

DAVID HERVEY MAXWELL

b. September 17, 1786

d. May 24, 1854

By Robert F. Schmidt



On January 27, 1836 Governor Noah Noble signed into law the Mammoth Internal Improvement Bill. This bill provided for a Board of Internal Improvements consisting of the 3 already serving canal commissioners of the Wabash & Erie Canal plus six new appointments by the governor. Immediately thereafter Governor Noah Noble, submitted the names of 6 persons to serve on the governing board. The Senate reviewed the list — Samuel Hall (Gibson Co.), John G. Clendenin (Orange Co.), Thomas H. Blake (Vigo Co.), Gustavus Clark (Lawrence Co.), John Woodburn (Jefferson Co.) and Elisha Long (Wayne Co.) — and confirmed all but Gustavus Clark. The governor next submitted two names from which to choose a replacement for Clark — Jacob B. Lowe, clerk of the Monroe County Circuit Court, or an alternate, Dr. David H. Maxwell, a physician and former legislator. On the 1st of February 1836 the governor was notified by the secretary of the Senate, James Morrison that the Senate had rejected Lowe in favor of Maxwell. Although David Maxwell was the last person selected, he was soon to be chosen as Chairman of the Board of Internal Improvements, serving from 1836-37.

Why was David Hervey Maxwell ultimately chosen to assume the important role of guiding the building of Indiana's canals? As we will discover he was a veteran politician and was well known by many legislators for his earlier work on the 1816 Indiana Constitution and further service in the legislature.

David Maxwell was the grandson of John Maxwell and Fanny Garner who had emigrated to the Americas about 1745 and settled in Virginia near Thomas Jefferson's Monticello. It was here in Virginia that Bazaleel, David's father, was born on Dec 20, 1751. Bazaleel, age 24, married Margaret Anderson in 1775 and later settled near Lancaster in Garrard County, Kentucky.

David Hervey Maxwell was born on September 17, 1786. At age 18 he was sent to Danville, Kentucky for schooling. Following a basic education he decided to study medicine. Some time was spent with Dr. Ephraim McDowell, one of the most

noted surgeons of the time, who, in 1809, performed the first removal of an ovarian tumor. David was a witness to this history-making operation, which was performed without anesthesia. He was now ready to practice medicine on his own.

On September 21, 1809 David married Mary E. Dunn. A few days later he purchased an 18-year-old negro woman from his father Bazaleel to help Mary with household chores. That same year Mary's brother, Williamson Dunn, moved to Jefferson County, Indiana Territory. In 1810 David and Mary Maxwell with their two slaves moved to a site near Hanover, Indiana.

Governor Harrison appointed Williamson Dunn Judge of the Court of Common Pleas in 1811. During the War of 1812 Williamson was made a captain of the militia and served with General Harrison. David served as a surgeon for his brother-in-law's militia and traveled from the relief of Fort Harrison at Terre Haute to the Mississinewa battlefield near present day Marion, Indiana. In 1814, toward the end of the war, David moved to Madison, Indiana, where he lived next door to the future first governor of Indiana, Jonathan Jennings. He probably was Jennings' physician.

Through his good political connections and his having an important neighbor David was selected in 1816 as a delegate to the framing of the Indiana's constitution. The delegates gathered at Corydon on June 10th and had concluded their work by June 29th. The delegates completed their work quickly because they essentially adopted a standard constitution. For the most



Mary E. Dunn Maxwell

part, they simply copied from the Ohio Constitution of 1802 and from portions of the Kentucky Constitution of 1799. Dr. Maxwell played a key role in the convention sessions and introduced Article IX, Sect. II: "It shall be the duty of the General assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be gratis, and equally open to all." Being one of the few delegates with any formal education, and having good penmanship, David Maxwell prepared the actual manuscript copy of the 1816 Constitution, which remains in the State Archives today.

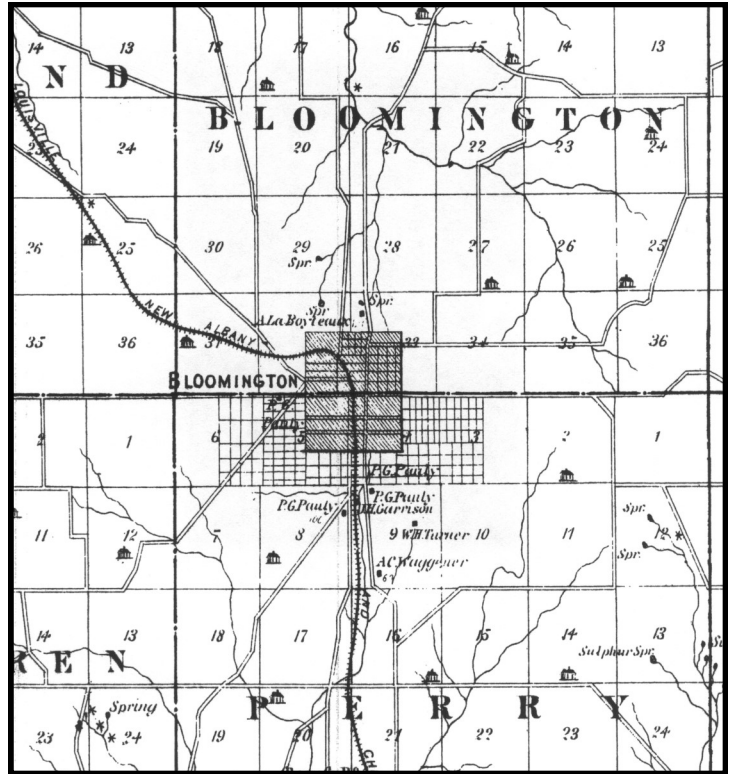
David's brother-in-law, Williamson Dunn, served as representative from Jefferson County from 1816-1819. During two of those terms, 1817-1818, he was Speaker of the House. He later served one term as state senator in 1837.

On January 14, 1818, Monroe County was established. Immediately in that same year David purchased a lot in Bloomington and moved his family there in May 1819. They moved to this "opening in the forest" with three small children and two slaves. Soon others settled nearby and on September 1819, the First Presbyterian Church got its early beginnings in the Maxwell cabin.

In the Land Ordinance of 1785, Congress had provided for congressional townships made up of 36 one-square-mile sections with Section 16 being reserved for the support of schools. In March 1804 Congress authorized one additional township out of those in the region of the Vincennes land office to be used for support of schools. On October 1806, in compliance with this law, Albert Gallatin, U. S. Secretary of the Treasury, designated a seminary congressional township in Gibson County. The enabling legislation for Indiana in 1816 provided for still another congressional township for a seminary of learning to be designated by the U. S. president. Based on the recommendation of the Indiana Constitutional Convention of June, President James Monroe designated the future Perry township (named in honor of Commodore Oliver Hazard Perry) in Monroe County as a seminary township on July 10, 1816. Bloomington was plotted to be just north of this seminary section. When Monroe county was carved from Orange County on January 14, 1818, the seminary section was incorporated into the new county and the county was named Monroe in honor of the president.

Because the state was so undeveloped at the time, the Indiana Constitution of 1816 provided that none of these educational or seminary sections could be sold before 1820. Therefore by late 1819 when the legislature was to convene, the time had come to establish a seminary of learning.

Although Bloomington was represented in the Indiana House and Senate, there was no one from the town to directly speak for it. In fact at that time one legislative representative served the five neighboring counties. A spokesman for Bloomington was needed and David Maxwell was selected. He set out



Bloomington was located on the northern border of Perry Township in Monroe County, Indiana.

on horseback for Corydon to lobby for a State Seminary at Bloomington. There is no record of the lobbying required with Governor Jonathan Jennings and the legislature. However, since the seminary lands could be sold and the money used to establish the institution elsewhere, some people favored different locations for it. When the vote for Bloomington came before the Senate in was a 5/5 tie between yeas and nays. Lieutenant-Governor Ratliff Boone, a second cousin of Daniel Boone, cast the deciding vote for Bloomington. Without the lobbying of David Maxwell the outcome might have been entirely different.

On January 20, 1820 Governor Jennings signed the bill establishing the Indiana Seminary. Today this is known in I.U. circles as Founder's Day. In January 1822 the seminary township in Gibson County was authorized to be sold and the funds used for this seminary at Bloomington.

David became increasingly active in politics to gather support for education and the Indiana Seminary. From 1821-24 he was a Whig state-representative from Monroe County. In 1822 David was one of four candidates to run for Lieutenant-governor. The other candidates were Ratliff Boone, William Polke, and Erasmus Powell. Ratliff Boone was elected and when Jonathan Jennings resigned to represent Indiana in the U.S. Congress, Ratliff served as Governor from September 12 – December 15, 1822.

In 1824 David Maxwell was the speaker-of-the- house in the Indiana legislature. From 1826-29 he was a state senator

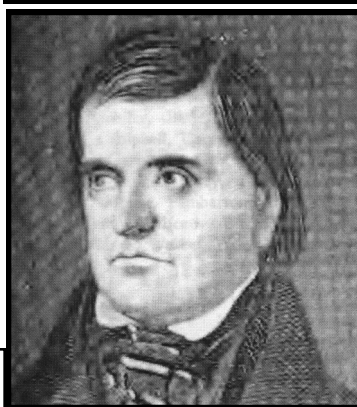
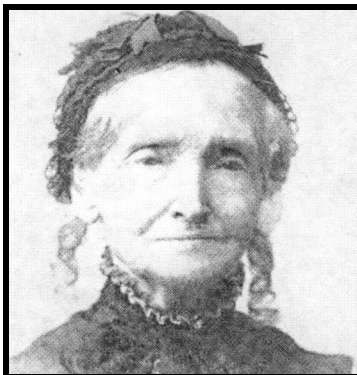
representing Monroe, Greene, & Owen counties. On January 28, 1828 he was successful in getting the Indiana Seminary named Indiana College, which eventually became Indiana University in 1838. While serving in the legislature he was also Postmaster in Bloomington 1825-29, 1841-45, 1849-52.

Like David, Williamson Dunn was very interested in higher education. In 1832 Williamson donated 50 acres for the establishment of Hanover College and served on its board of trustees from 1832-1854. He also gave land for Wabash College and served on its board of trustees from 1832-36. Williamson Dunn died in Hanover on Nov. 11 1854.

On April 25, 1833 Martha Ann Maxwell, daughter of David & Mary Maxwell, was married to Tilghman Ashurt Howard. In 1830 Tilghman had moved from Knoxville, Tennessee to Bloomington, Indiana, where he practiced law with his partner, future governor, James Whitcomb. In the autumn of 1832 his first wife had died. At the time of their marriage Tilghman was 35 and Martha was 20. He was a Jackson man while David Maxwell was a staunch Whig. President Andrew Jackson, who knew Tilghman Howard in Tennessee, appointed him District Attorney for Indiana. This probably added to the friction with David, his father-in-law, so the Howard's moved to Rockville, Indiana to get away from Martha's parents. Later David Maxwell's sons, Samuel Franklin Maxwell and David Howard Maxwell, also moved to Rockville and practiced law.

Tilghman Howard went on to be elected to Congress in 1839, resigned to run for governor against Samuel Bigger and lost. He also was a candidate for U.S. Senator in 1843 but was defeated when the Senate selected Edward A. Hannegan of Covington. This was before senators were directly elected by the people as was provided by the Seventeenth Amendment in 1913. Tilghman was appointed in 1844 by President John Tyler to be minister to Texas Republic but contracted yellow fever and died in Washington, Texas on August 16, 1844. His body was returned to Indiana and was buried in the Rockville cemetery. In his honor Richardville County was renamed Howard County (Kokomo) in 1846.

David Maxwell was selected to serve on the Board of Internal Improvements at the critical time when the board was required to select



Martha & Tilghman Howard

the engineers to man the many projects. After his appointment in early February 1836, the board assembled in Indianapolis on March 7th. After choosing Dr. Maxwell as chairman they went on to confirm Jesse Lynch Williams as Chief Engineer for all of the projects of the Mammoth Improvement Bill. Each board member was assigned an area of responsibility that corresponded with the improvement bill as follows:

Governor Appointments:

David H. Maxwell	-	Jeffersonville, New Albany, & Crawfordsville railroad
John Woodburn	-	Madison railroad
John G. Clendenin	-	New Albany & Vincennes turn-pike
Elisha Long	-	Whitewater Canal
Judge Samuel Hall	-	resigned / was replaced by
Amos Clark	-	Evansville section Central Canal
Thomas H. Blake	-	Cross Cut Canal – Terre Haute

Senate Appointed Wabash & Erie Canal Commissioners:

J.B. Johnson	Wabash & Erie, western section (Lafayette)
Samuel Lewis	Wabash & Erie - eastern section (Fort Wayne)
David Burr	Central Canal – (Indianapolis)

In addition to these board member assignments, the board also selected resident engineers for all of the projects. These assignments are as follows:

Jesse L. Williams	Chief Engineer – all projects
Henry M. Pettit	Road projects
Stearns Fisher	Wabash & Erie – eastern section (Wabash)
Lazarus B. Wilson	Wabash & Erie - central section (Logansport)
Anderson Wilson	Wabash & Erie - western section (Lafayette)
Simpson Torbet	Whitewater
T.A. Morris	Central – Indianapolis
C.G. Voorhies	Central – Evansville
William I. Ball	Cross Cut – Terre Haute
Solomon Holman	Erie & Michigan
R.H. Fauntleroy	Jeffersonville, New Albany & Crawfordsville railroad
E.M. Beckwith	Madison railroad
John Fraser	New Albany/Vincennes turnpike

Dr. Maxwell left the Board of Internal Improvements in 1838 and returned full time to his medical practice. In April 1838, Lazarus B. Wilson, the resident engineer on the Logansport area of the Wabash & Erie Canal visited with him in Bloomington, discussing canal issues. (See The Hoosier Packet - September 2009)

David Maxwell served as Mayor of Bloomington in

1848. From 1820–1852 he served on the Board of Trustees of Indiana Seminary/College. At times he was president of the board. He was a loyal and consistent supporter of Indiana University. Maxwell Hall on the I. U. Campus was built in 1885 and named in his honor. In 1894 it was renamed Mitchell Hall. A new Maxwell Hall was built in 1890.

wife, who lived until Mar 18, 1880, are buried in Rose Hill Cemetery (Old Spencer Addition) in Bloomington, Indiana. A small obelisk stands over their graves and reads as follows:

North side:

MARY DUNN

WIFE OF D.H. MAXWELL Sept. 17, 1786

BORN Mar. 14, 1778

DIED Mar. 18, 1880

AGED 92 Ys, 4 Ds

West side:

DAVID H. MAXWELL M.D.

DIED

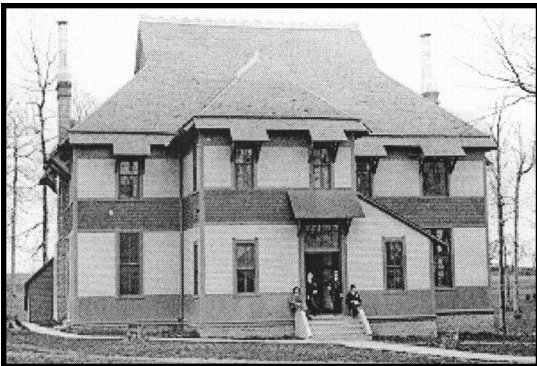
May 24, 1854

Photo by Bob Schmidt

David Hervey Maxwell and Mary E. (Dunn) Maxwell were the parents of nine children as seen on the chart on the following page. Their daughter, Mary Maxwell Shryer, who married Marcus H. Shryer of Bloomfield, was also a great supporter of Indiana University. On June 3, 1920 she was present for the Centennial Celebration and presented a wreath of flowers in honor of her father, David Hervey Maxwell, and her brother, James Darwin Maxwell, a physician and I.U. supporter. Maxwell Hall in Bloomington is named for the Maxwell's support of the university throughout the years.

Mary's husband was Captain Marcus Shryer who operated "The Richland," a steamboat that carried iron from the Richland furnace near Bloomfield down the sidecut canal to the White River, through the lock at Newberry and down the Wabash river. (See the CSI tour book "Across the Cross-Cut Canal.")

David Hervey Maxwell died on May 24, 1854. Both he



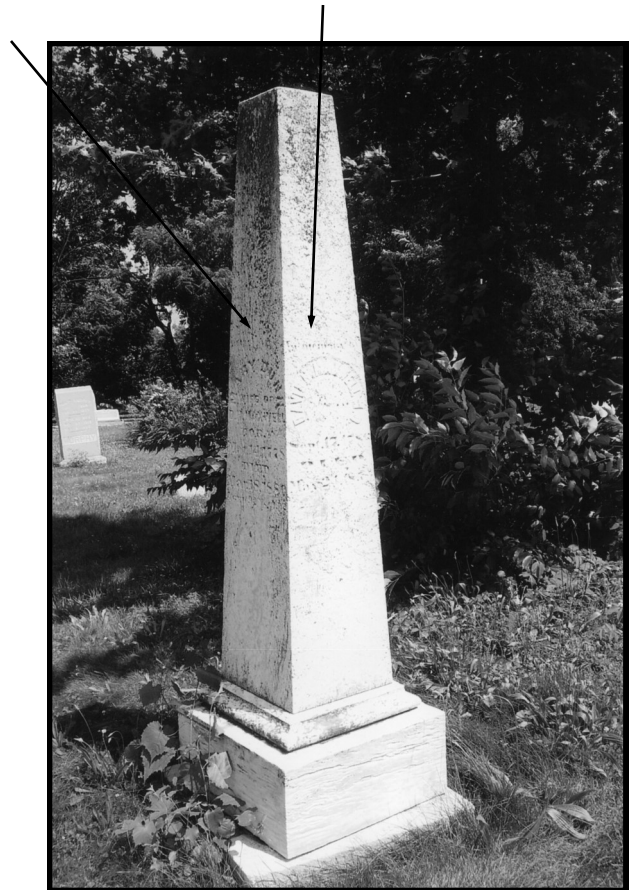
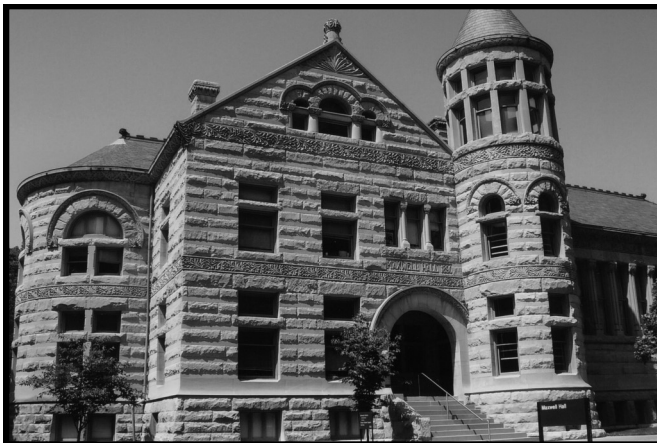
**MAXWELL
HALL**

1885

1890

Photo by
Bob Schmidt

and
his



THE MAXWELLS

Dr. DAVID HERVEY MAXWELL

B. 17 SEP 1786 Garrard Co. KY
M. 21 SEP 1809 Danville, KY
D. 24 May 1854 Bloomington, IN

MARY E. DUNN

B. 14 MAR 1788 Danville, KY
D. 18 MAR 1880 Bloomington IN

Children :

AMANDA MAXWELL

B. INFANT
D. 1910/11 cold plague Hanover, IN

MARTHA ANN MAXWELL

B. 22 JAN 1813 Hanover, IN
M. 25 APR 1833 Bloomington, IN
D. 27 APR 1909 Terre Haute, IN

TILGHMAN ASHURST HOWARD

B. 14 NOV 1797 Pickensville, NC
D. 13 AUG 1844 Washington, TX

Dr. JAMES DARWIN MAXWELL

B. 19 MAY 1815 Hanover, IN
M. 6 JUL 1843
D. 30 SEP 1892 Bloomington, IN

LOUISA JANE HOWE

B. 23 MAY 1819
D. 20 JUL 1907

SAMUEL FRANKLIN MAXWELL

B. 29 JUL 1817 Madison, IN
M. 8 NOV 1848 Rockville, IN
D. 25 JUN 1877 Rockville, IN

ELIZABETH ANN SUNDERLAND

B. 4 APR 1822
D. 19 OCT 1899

MARGARET ANDERSON MAXWELL

B. 19 JAN 1820 Bloomington, IN
M.
D. 29 JUN 1888 Rockville, IN

WILLIAM YOUL ALLEN

B. 8 MAY 1805 SHELBY CO KY
D. 13 FEB 1885

AMANDA MAXWELL

B. 9 AUG 1822 Bloomington, IN
M. 11 OCT 1848 Bloomington, IN
D. 20 DEC 1914 Palo Alto, CA

Rev. LEVI HUGHES

B. 30 APR 1821 Baltimore, MD
D. 3 NOV 1870

DAVID HOWARD MAXWELL

B. 7 AUG 1825 Bloomington, IN
M. 1 JUN 1864 Rockville, IN
D. 13 SEP 1903 Rockville, IN

ANNA FLORA SMITH

B. 17 AUG 1838 Salem, OH
D. 15 APR 1912 Elrama, Pa

MARY EDITH MAXWELL

B. Bloomington, IN
M. 9 DEC 1880 Bloomington, IN
D. AFTER 1920

Cap. MARCUS H. SHRYER

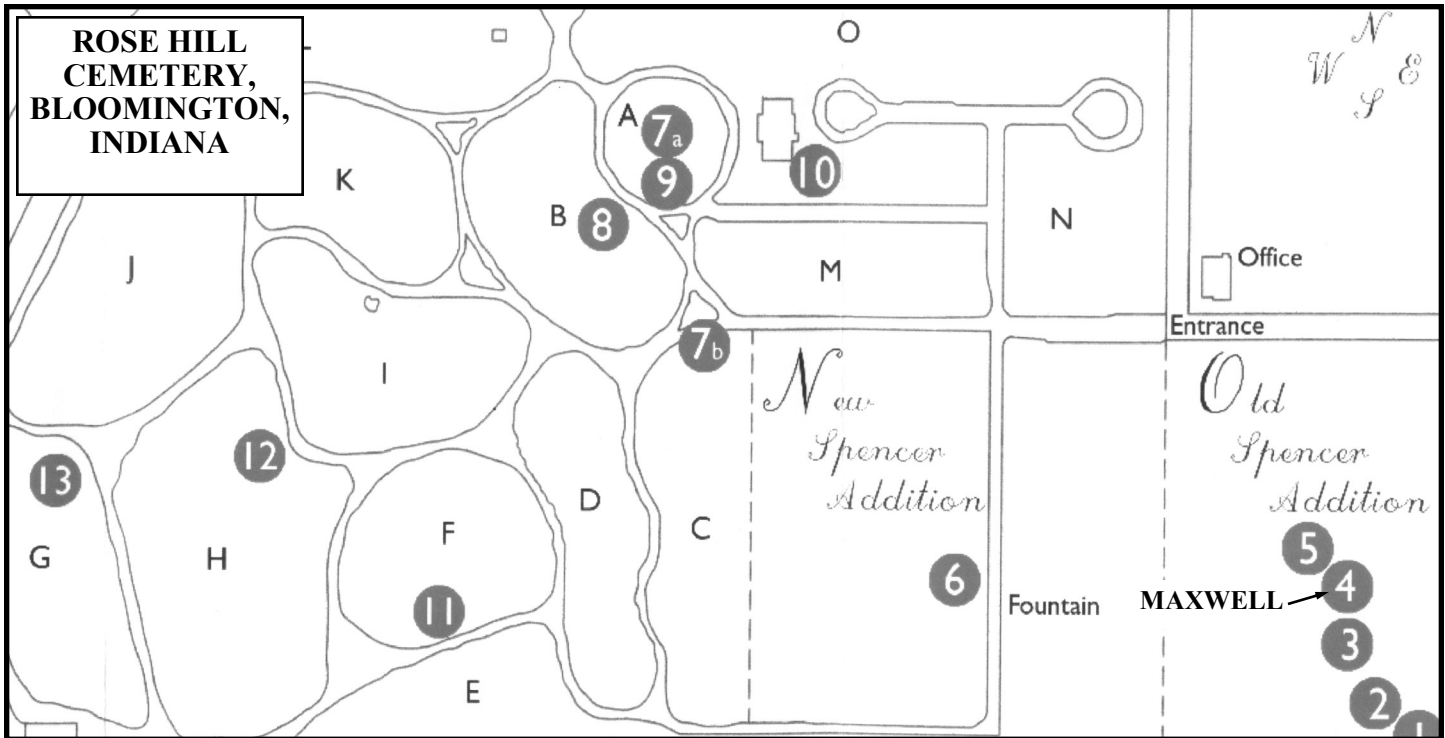
1816 Cumberland, MD
Bloomfield, IN

EDWARD BEZALEEL MAXWELL

B. 7 JUN 1831 Bloomington, IN
M. 12 DEC 1853
D. 13 OCT 1859 Bloomington, IN

CAROLINE McCOLLOUGH

B.
D.



A brochure found at the office of Rose Hill Cemetery in Bloomington, Indiana, has this map and short biographies of notables buried there. David Hervey Maxwell is buried at number 4. He was a founding father of what became Indiana University. Andrew Wylie is buried at number 5 and has a larger obelisk. He was the first president (1829-1851) of what became Indiana University.



ANDREW WYLIE

DAVID HERVEY MAXWELL

Photo by Bob Schmidt

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