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## SKETCH OF DR. DAVID H. MAXWELL.

*BY LOUISE MAXWELL.*

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ON September 17, 1786, in Garrard county, Kentucky, there was born to Bazaleel Maxwell and his wife, Margaret Anderson, a son who was destined to become a factor in the formation and early development of one of the great States which was carved from the Northwest Territory.

The history of the forebears of David Harvey or Hervey Maxwell, for such was the name with which this son was christened, is that of the Scotch Presbyterians, who, persecuted by King James for one hundred years or more after the year 1600, crossed the Irish channel to build homes for themselves and families in the north of Ireland. And their descendants in turn, through a period of one hundred years after 1700, unable longer to endure the burdens of civil and religious oppression in Ulster, sought homes in far-away America.

So it was that about the year 1745, John Maxwell and his wife, Fanny Garner, grandparents of David Hervey Maxwell, came from County Londonderry to the colony of Pennsylvania, and down through the Shenandoah valley to Albermarle county, Virginia. Here on December 20, 1751, near Monticello, Bazaleel Maxwell, father of David Hervey Maxwell, was born, and in 1775 was married to Margaret Anderson, of Rockbridge county, Virginia.

In an old Virginia record one finds Bazaleel Maxwell figuring in a land survey of the 16th of June, 1785, in Lincoln county, Kentucky, on the waters of Silver creek. Was it a land grant

that had been issued to him for military services in the State or colonial line that attracted him to that far-away country, or was he lured by the marvelous tales of Daniel Boone to the land across the mountains called the "dark and bluidy ground"?

Be that as it may, we know that Bazaleel Maxwell, with wife and small family, crossed the great "blue western wall," suffered the hardships of cold and encountered the dangers of the wilderness road, but finally reached that "fairest of promised lands, the delectable country Kaintuckee." It was under these skies, among rude surroundings and in primitive conditions, that the child David saw the light of day. His boyhood was that of the pioneer of the period. He helped his father to clear the forests, till the ground, hunt game and watch for the redskins. Though opportunities were few his early education was not neglected. It was such as the schools of the time afforded, supplemented by instruction at home. At the age of eighteen he was sent to school at Danville, which even at that early day was noted for the superior educational advantages it offered over other localities in Kentucky. While here it is said of him that "he became well versed in mathematics, and was an excellent well-read English, though not a classical, scholar."

Later at Danville he studied medicine under Dr. Ephriam McDowell, one of the most noted surgeons of that or of any time. Dr. McDowell's name is so eminent in medical annals that to relate an incident of him in passing may not be out of place. It was he who, in 1809 at Danville, first in the history of surgery performed the operation of ovariectomy. Himself a deeply religious man, it is related of him that he offered up a prayer when all things were in readiness. Then without the aid of an anesthetic to relieve his heroic patient, but with the courage of his convictions and profound faith in his diagnosis, he skillfully removed a great tumor from a Mrs. Crawford. On the outside an angry mob awaited to kill "the butcher" should the woman die. It was many years before surgeons at home or abroad conceded the honor of this to Dr. McDowell. The medical world was chagrined that this operation had been so daringly and successfully performed in a back settlement of America, instead of in

one of the scientific centers of Europe. It is believed that David H. Maxwell witnessed this operation.

We now find him a young physician entering on the practice of his profession and ready to take unto himself a wife. He was married on September 21, 1809, to Mary E. Dunn, of Danville, a daughter of Samuel Dunn, originally from County Down, Ireland. That the young couple at once set up a home for themselves is evidenced from a bill of sale (now one hundred years old) found among some family archives dated four days after their wedding. Strange reading this yellow bit of paper is in the light of to-day:

"Know all men by these presents that I, Bazaleel Maxwell, Garrard County and State of Kentucky, do sell and by these presents have bargained and sold to David H. Maxwell, of the county and State aforesaid, one negro woman named Sal, of 18 years of age, for the sum of \$350.00 current money of Kentucky, the receipt whereof I acknowledge myself fully satisfied. Which negro I do warrant and defend to him, the said David H. Maxwell, his heirs and assigns forever, and from me and my heirs and assigns forever and further from all manner of persons whatever. In witness whereof I have hereunto set my hand and seal this 25th day of September, 1809.

"Test.

BAZALEEL MAXWELL.

"JNO. A. SWINNEY.

"WILLIAM RAGSTON.

(Seal)"

In 1810 Dr. Maxwell moved to Indiana Territory near the present site of Hanover. He practiced medicine here and at Madison until the spring of 1819. Twice during these years he was called to public service.

He was a surgeon in the war of 1812 in the company of his brother-in-law, Captain Williamson Dunn. In the ranging service he traversed the Wabash country from Vincennes to Fort Harrison, and on to the Mississinewa towns. At a time of high water he had the misfortune to lose his surgical instruments. He was afterward reimbursed by Congress for this loss.

In 1816 Congress passed an enabling act authorizing an election of delegates who were to determine whether or not a State

government should be formed in the Territory. Dr. Maxwell was elected a delegate from Jefferson county to this convention. One finds him next an active participant in the framing of a constitution at Corydon. Vision had come to this man, of whom his contemporaries said he was profoundly read in his favorite study, politics. He had been a slaveholder in an environment friendly to the institution. He was now the friend of freedom, and drafted that clause of the constitution which prohibited slavery forever from the State.

Dr. Maxwell was interested in all the provisions of the constitution, but it is known from his subsequent life that Article IX lay nearest his heart. That article made it 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." The fulfillment of this provision dominated the rest of this man's life. An item of interest in connection with Dr. Maxwell as a member of the Constitutional Convention of 1816 is that the manuscript copy of the constitution is in his handwriting. This copy is in the State Library at Indianapolis.

From the time that President Madison designated a township in the county of Monroe for the use of a seminary of learning, Dr. Maxwell's attention was turned toward this place. He bought a lot in Bloomington in 1818 and moved from Madison in May, 1819. Bloomington has been described as a town in name only at this time. A wagon road ran east and west on what is now Kirkwood avenue. The public square was an unbroken forest, while the public spring was down the hill, through the woods to a place which is now Eighth and Morton streets. The few inhabitants faced the hardships of living in the wilderness. Indians were all around them. They were dependent for meat upon deer and bear, which were killed in the hills of Salt creek and Bean Blossom.

From an old receipt showing the payment of rent in full, one finds that Dr. Maxwell on arrival rented a log cabin from Aquilla Rogers, grandfather of L. D. Rogers. This cabin stood on the

northwest corner of the lot now occupied by the Kirkwood block, formerly the National Hotel. Again Dr. Maxwell established his household, took up the practice of his profession and became active in the promotion of the little community's interests. His young wife, brought up in a Kentucky home surrounded by slaves, knew nothing of the hardships of life until she came to this outpost of civilization. True, she brought with her a colored man and woman, Dick and "big Maria," but they could not relieve her of the care of her children, nor of the responsibilities of the home. Her husband a physician, called hither and thither, was oftentimes many miles from home. She spun and made the clothing for her little ones. Anxiety for their safety was never absent from her mind. The Indians, though not unfriendly, were a constant annoyance, and sometimes, in their drinking revels, a positive cause for alarm.

In September, 1819, the First Presbyterian Church was established in Bloomington, with nine charter members. The preliminary meeting was held in Dr. Maxwell's log cabin, and the church was formally organized the following Sunday in the log courthouse. Dr. Maxwell and his wife were charter members of this church, and three of their children, Martha A., James Darwin and Samuel Franklin, were baptized at this time.

Later Dr. Maxwell built a two-story house—the first brick in Bloomington—on what is now North College avenue. This was known, in after years, as the Dr. Lucas property. Here his younger children were born, and later several of his daughters were married.

The winter of 1819-'20 arrived, and the fourth session of the General Assembly convened on December 6. Dr. Maxwell, ever alert and filled with zeal and energy for the cause of education, did not lose sight of the township of land designated for the use of a seminary of learning, which lay one quarter of a mile south of the village of Bloomington; nor did he forget this further fact that the four years had expired which the constitution required that the lands set apart for educational purposes should be withheld from sale. He at once set out on horseback, in midwinter, for Corydon, to procure if possible the location of the State

Seminary at Bloomington. He was a personal friend of Governor Jennings, and had many acquaintances among the members of the Legislature who had sat with him in the Constitutional Convention. History says that Dr. Maxwell composed the "third house of the Assembly." That he was a successful lobbyist was shown by an act passed on January 20, 1820, establishing the State Seminary at a point in what is now Perry township. As one looks back upon that primitive day, at the physical condition of the country, the social environment of the people, the illiteracy and poverty of the masses, one wonders that even courage, perseverance and steadfast purpose of the few, made an actuality of this law of establishment.

Six men, of whom Dr. Maxwell was one, were named as members of the board of trustees of the State Seminary. He was made its presiding officer and occupied this position almost without intermission throughout his life. Dr. Maxwell sought election to the Legislature solely that he might advance the interests of the State Seminary.

Let us glance for a moment at this pioneer as he again rode yonder to Corydon, this time an accredited member of the House of Representatives from Monroe county to the sixth General Assembly. He was now thirty-five years of age, of slight build, fair, straight, and stood six feet in his stockings. He was described by his friends as dignified in bearing, easy in conversation, courteous and kindly in manner and liberal and judicial in his views, but by his adversaries in Bloomington who did not believe in "schoolin'" he was dubbed "that —— aristocrat."

One finds Dr. Maxwell at this sixth session of the Legislature serving on the ways and means committee and on that of education. His constituents returned him as a member of the House of Representatives to the eighth and ninth General Assemblies. At the eighth session he was elected Speaker. On being conducted to the chair he thanked the members for the honor conferred upon him, and enjoined the observance of good order and decorum. At the close of the session a resolution was unanimously passed that the unqualified approbation and thanks of the House are due the Hon David H. Maxwell on account of [for the] intel

ligence, assiduity and impartiality displayed by him in the chair.

During the years 1826-'29 he represented the counties of Monroe, Greene and Owen in the State Senate, where as a member of the ways and means committee, and as chairman of the committee on education he guarded jealously, at all times, the affairs of the new seminary. It was during the latter part of his senatorial service, January 24, 1828, that "Indiana College" was established. Dr. Woodburn, in his monograph on "Higher Education in Indiana," has said: "In the establishment of institutions it seems that the life and services of some one man are paramount and essential. In the establishment of the Indiana Seminary, Dr. David H. Maxwell was the essential man."

The success with which internal improvement schemes were being prosecuted at this period in New York, Pennsylvania and Ohio, gave a strong impetus to the feeling that something must be done in Indiana. The Internal Improvement System, therefore, was adopted without objection, at the session of the Legislature of 1835-'36. Governor Noble nominated Dr. Maxwell to the Senate, without any knowledge or solicitation on his part, as a member of the State Board of Internal Improvements. Upon the meeting and organization of the board he was unanimously elected its president. Heavy care and responsibility devolved upon him in this capacity. Could the success of the undertaking only have been commensurate with the amount of labor involved, it would indeed have been great.

The State authorized an expenditure of more than \$10,000,000 for the building of canals, roads and railroads. The cost of the projects exceeded the estimates, the proceeds from the canal lands did not meet expectations, the panic of 1837 made it impossible to borrow money. Governors Noble, Wallace and Bigger respectively expressed sanguine hope in the outcome of the Internal Improvement System, but the State had undertaken too heavy a burden, and it was a number of years before it recovered from the effects of it.

After the campaign of 1840, Dr. Maxwell, a Whig in politics, was appointed postmaster at Bloomington by President Tyler, and served from May 31, 1841, until December 30, 1845. He was

superseded by John M. Berry, an appointee of James K. Polk. With the return of the Whigs to power, Dr. Maxwell was again made postmaster. This time the appointment came from Zachary Taylor. The term of office lasted from 1849 to 1852.

Recollections of Dr. Maxwell in his home are very precious to his children, two of whom are living. They recall the book shelves in the corner where the Bible, Burns, Shakespeare, Children of the Abbey, books of Erasmus Darwin and works on government stood side by side. Also they recall the winter evenings around the fire, when their mother knitted and their father read aloud to them his favorite poems or plays. Nor do they forget his gun and his love for hunting. They remember the firm but kind discipline of his Scotch-Irish training; the spirit with which he instilled in them the love of learning; his errands of mercy to the sick, for he knew no rich nor poor; and his fidelity to the church and its institutions.

One gathers from the writings of that day that Dr. Maxwell as a citizen and public servant commanded the respect of his compeers; that his wise sympathy and medical skill made him a beloved physician, and that he defended loyally and disinterestedly the cause of Indiana University from 1820 to 1854. He was a friend of Indiana University from its inception. It was through his initiative, influence and efforts that the law of establishment was passed. For this reason he has been designated as its founder, and in recognition of the joint services of himself and son, the late Dr. James Darwin Maxwell, one of the university buildings bears their name, "Maxwell Hall."

Such is the chronicle of Dr. Maxwell's life, whose years did not reach three score and ten. With the words on his lips, "Lord, now lettest thou thy servant depart in peace," he died May 24, 1854.