

Murder of William Maxwell in 1826

By Jerry Long, Owensboro, Ky., 2015

March 12, 2015 e-mail [Maxwell]: From Wayne Meador to Jerry Long:

Hello Mr. Long,

This is L. Wayne Meador still asking silly questions after 80-some years, but you are the Ohio Co guru and if anyone knows, you would be the guy. Cicero Maxwell, the politician and later the Col./commander of the 26th Kentucky USA in the Civil War probably was born and raised in Ohio County. Is he the Cicero Hamilton Maxwell Jr. who was a son of Cicero Hamilton Maxwell Sr. and Emaline Matthews dau. of James W. Matthews and Phoebe Crask? I do know that he was killed in either the Franklin or Nashville campaign of the later days of the Civil War. This family of Maxwells farmed in the Pattieville area of the county. The progenitor of the Maxwell clan of that area was the Wm Maxwell who was murdered by Ervin/Irvin. That William MAXWELL was buried in the John Pattie Cemetery located behind the Lodge Hall in Pattieville. (his oldest daughter Mary was the wife of John Pattie). I have always wondered Col Maxwell was a Pattieville MAXWELL. Your input will be valued. Thank you. Wayne Meador, 2215 Caxton Avenue, Clermont Fl 34711. ps. Your Obituary Index book rests in my bookcase within reach of me while sitting in my computer chair. It is well worn and often used. ...and I have never located any empirical documentation as to the death and burial place of my 2-great grandfather Thomas Meador born Dec 1822 to Jubal Meador and Elizabeth Hanks.. Tom remarried after the death of his first wife, Rhoda Clemmons, lived in Grayson Co and fathered 7 or 8 more children. In the 1904 will of his brother Dr. Jim Meador of Trisler, Thomas was willed something, but that it the end of my paper trail. He would have been only 82 in 1904, so he may have remarried and raised another gaggle of kiddos.. ???? Help?

March 12, 2015 e-mail [Maxwell]: To Wayne Meador from Jerry Long (Kentucky Room, Daviess County Public Library, Owensboro, KY:

Mr. Meador, I have attached an article from the 24 March 1898 issue of the Owensboro Inquirer. According to this account Col. Cicero Maxwell (1831-1865) was the son of William Maxwell, who was murdered by Irving / Irvin. This story states that William Maxwell was murdered near Fordsville about 1836. This has some discrepancies with other accounts. In Harrison Taylor's book, Ohio County in the Olden Days (Louisville, KY, 1926, pp53-56), his account suggests the killing was about 1826. If it was in 1826 or before William Maxwell could, not have been the father of Cicero. His gravestone and the 1850 & 1860 censuses of Ohio County indicate Cicero was born in 1831. In 1850 Cicero is with an older Elizabeth Maxwell (age 40) in the Pattieville area of Ohio County. Since William & Cicero lived in the same neighborhood of Ohio County I think that if William is not the father of Cicero he is very likely his grandfather. I have never found any indications when your great-great-grandfather, Thomas Meador died. Sorry I don't have any more to offer. Best wishes, Jerry Long, Kentucky Room, Daviess County Public Library

March 12, 2015 e-mail [Maxwell]: From Wayne Meador to Jerry Long:

Mr. Long, Checked the 1850 census of Ohio County and located Elizabeth Maxwell 40, Cicero 18. William W. 16 and Hellen M. 15.. If the date given of the death of Wm Maxwell as 1836 given by the Inquirer reporter is correct (and Mr. Taylors DATE of 1826 is a typo error, the ages of the children would be correct and appropriate to their having been the children of Wm Maxwell. When I next visit Kentucky, I will visit the Pattie Cemetery and see if I can read the engraved inscription of Mr Wm Maxwell as to his vital dates of birth and death. After 190 years, my chances are not good. Thank you again for your prompt assistance.

March 15, 2015 e-mail [Maxwell]: To Wayne Meador from Jerry Long, Kentucky Room, Daviess County Public Library, Owensboro, KY:

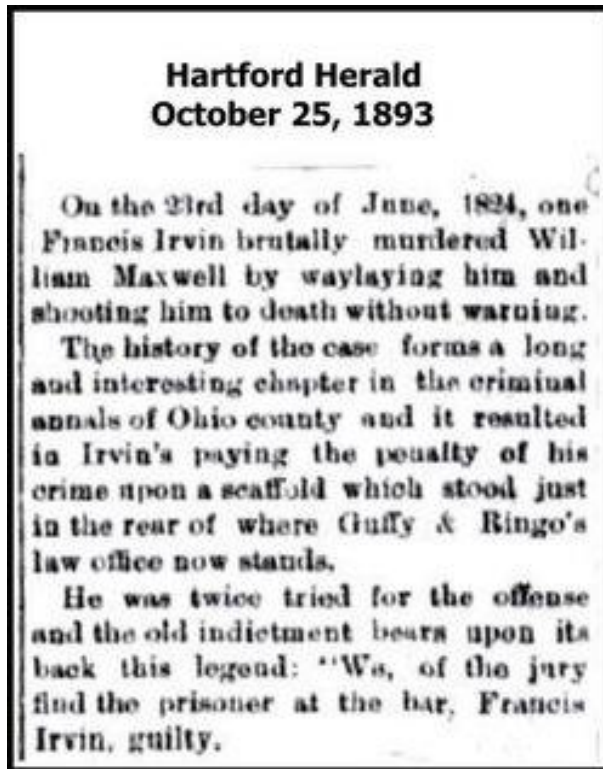
Mr. Meador: I have found records that indicate that there are two different William Maxwells that resided in the Pattieville area prior to 1850. The first is listed in the 1820 census of Ohio County, he was then over 45; the only ones in his household are two females and no other males. This William was apparently murdered by Ervin/Irvin circa 1824. In Ohio County will book B (p245) a sale of the estate of William Maxwell, deceased made on 6 November 1824 was recorded in December 1826. These dates correspond with Harrison Taylor's account of the murder of Maxwell and trial & execution of Irvin. In the 1830 census of Ohio County no Maxwells appear as household heads. In the 1830 Ohio County tax lists, however, a second William Maxwell is listed. This William married Elizabeth Wilson in Ohio County in 1831. He apparently died between 1835-1840. His wife, Elizabeth, is listed in the 1840, 1850 & 1860 Ohio County censuses. Elizabeth Maxwell's will was recorded on 3 April 1865 in Ohio County will book D (p17). In her will she refers to three children - Cicero, who is deceased (this is Col. Cicero, who was born in 1831 & died in 1865), William W. (other records indicate his full name was William Wallace Maxwell) and a daughter Helen Walters (in the Ohio County marriages it is recorded that Helen married Richard Walter in 1855). The William, who died in the late 1830's appears to be a brother to Cicero Hamilton Maxwell (1814-1893), who married Emeline Matthews, and who named one of their sons, Cicero. In the family trees published on the Internet no one has been able to identify who this second William Maxwell or Hamilton Maxwell were the sons of. Best wishes, Jerry Long

March 15,2015 e-mail [Maxwell]: From Wayne Meador to Jerry Long:

Mr. Long, Thank you VERY much for your further delving into the Maxwell identity issues. On page 197 of your obituary book 41, I located the entry of Mary E. Maxwell Pattie which indicated that she was a daughter of William Maxwell who was murdered in 1823. Mrs Pattie was born about 1800. On the bottom of page 196, is the entry of Ann Eliza Pattie. "Buried Pattie graveyard near graves of her grandfather John Pattie and great grandfather Maxwell." Further into the text of the obit entry is the statement that she was the great granddaughter of the murdered Maxwell... I long ago located another daughter of the murdered Maxwell. Her name was Eleanor "Nellie" who was married to Samuel Edmund Matthews. America Victoria Matthews (Mrs. Dr Jim) Meador was a daughter of Samuel and Nellie Maxwell Matthews. To confuse further. Cicero Hamilton Maxwell Sr. who was married to Emmaline Matthews was the father of Cicero Hamilton Maxwell Jr, who was born in the Pattieville area in about 1832. The

father of Cicero Junior went by his middle name Ham or Hamilton Maxwell. Confusing? YEP..
Thanks, Mr. Long. Meador

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Owensboro Inquirer, Owensboro, KY, 24 March 1898, p1:

LOOKING FORWARD
The People of Hartford Are Already Discussing
Tom Hayden's Hanging
He will Be the second Man Ever
Executed in Ohio County by Law

The Hartford people are already discussing the hanging of Tom Hayden and speculating on the time and place of its occurrence. It will probably take place in the jail yard and if so it cannot but be witnessed by a great many people on account of the exposed situation of the place. Sentence has not yet been passed on him, but it will be about Saturday, as the term of court will likely close then. The case will be appealed in order to give the condemned man a further lease of life, but it is not likely that there will be a reversal, as the ease was very carefully conducted, and all the advantages were given the defendant. In case the court of appeals affirms the judgment of the lower court it will be necessary for the governor to fix another date of execution, as the time set by Judge Owen will have passed

The statement was made in these columns a few days ago, in the dispatch announcing the conviction of Hayden, that he was the first man sentenced to be hanged in Ohio county since the

war. This was an error, as Press Davis, a negro, was sentenced several years ago for the murder of another negro on a raft. He was allowed to escape from jail, and has never been heard of since

The only man who was ever hanged in the county was Bill Irving, a desperate character, who killed William Maxwell, an Irish school master, about 1836, near Fordsville. Maxwell had incurred Irving's displeasure in some way, and he shot him from ambush as he was returning from school. The murder was a mystery for a long time, but finally it came out, and Irving was arrested somewhere in Missouri. He was tried, convicted and hanged. His victim was the father of Col. Cicero Maxwell, at one time commonwealth's attorney for this district, and a gallant soldier. Another son was Wallace Maxwell, who killed John Andrew Smith, about 1868. He escaped for several years, but was finally found in hiding near his home and was tried. Strenuous efforts were made to convict him. But he was finally acquitted. Smith was a prominent young man of wide popularity and no one ever knew the real cause of trouble between two.

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Ohio County, Kentucky in the Olden Days, Harrison D. Taylor, Louisville, KY, 1926, pp53-56:

THE FIRST HANGING

Francis Irvin, who was raised in the Adams Fork settlement, had become involved in a lawsuit with an old gentleman named William Maxwell in which Irvin's character and purse were involved. Maxwell gave a deposition and, after he had testified, mounted his horse to go home. That was the last seen of Maxwell alive. At a late hour in the evening his riderless horse reached the farm and whinnied for his master. The animal was found by a member of the family who at once saw that the empty saddle was covered with blood, indicating that the rider had been seriously hurt or killed.

Several days were spent in hunting the body, in which hunt Irvin joined. Being suspected of the crime he was constantly watched. It was afterwards observed that he always proposed searching in different localities from that in which the body was eventually found. It had been thrown into a slight pool or basin worn by the water of a small branch where it poured over the roots that partially obstructed the channel. It was there found covered with loose stones, logs, dirt, and leaves. A heavy fall of rain had washed away all the lighter covering, and after the high water subsided, the body was left exposed to sight.

Cowardly sneaks, although the most disposed, should never commit crime. Had Irvin been a man of iron nerve and will and boldly protested his innocence, he could never have been lawfully convicted, but his craven heart gave evidence as soon as the body was discovered. He trembled and turned pale, and although his confession might have been made under sufficient threats and persuasions to have excluded it as evidence on the trial, yet he gave facts which fastened the guilt on him, such as telling where he had hidden Maxwell's hat and shoes and where they could find another bullet hole in the body, one which, up to then, had not been noticed.

Irvin was arrested and committed to the old log jail in Hartford. The old house was so weak that it had to be guarded at a great expense until he was removed to the Hardinsburg jail for safe-keeping. His case lingered in court for nearly two years and at one time resulted in a hung jury. A final trial was had and the jury brought in a verdict of murder.

Joseph Allen, of Hardinsburg, had been a practitioner at the Hartford bar from perhaps the first circuit court held in the county. He was Irvin's lawyer, and was able, untiring, and

devoted to his client. Great reliance was placed on the selection of juries in desperate cases. Next to the hardened villain who feared punishment himself, the mild, tender-hearted man who abhorred a murder and shrank from taking life, even by due process of law, was sought as a jurymen. The panel was at last completed save one, and the defendant still had one or more peremptory challenges in reserve. Timothy Condit was called. There perhaps never lived a purer Christian or more tender-hearted man. He seldom listened to a tale of suffering or misery without tears.

Mr. Allen viewed him sternly and critically and took him without challenge, and during the trial and in his argument always aimed to excite the old man's sympathy. This he no doubt succeeded in doing for tears were seen coursing down his cheeks during the trial, also when a verdict of guilt was announced. The able counsel for the defendant looked surprised, but no doubt still clung to the hope that Timothy Condit would "give down," so he called for a poll of the jury.

This was done by each jurymen being called by name and asked whether he agreed to the verdict. Condit's name was the last on the list. When his name was called, Mr. Allen assumed a grave and solemn tone of voice, and, pausing on each word, said: "Mister Condit, do you agree to that verdict?"--- with an emphasis on "you," "agree," and "verdict."

During all this time the courthouse was thronged with spectators. The interest felt seemed painfully intense. Every eye was turned on the meek, simple-hearted old man. Every ear was strained to hear his words. The good old man raised his eyes to heaven; tears trickled down his cheeks. His words were feeble, yet thrilling. Slowly he said: "In the name of the Lord, I do." A murmur of applause burst from the crowd. This was followed by a titter of laughter at an ill-natured remark by Allen about the old man and his Lord. Allen then threw down his papers and books and left the courthouse.

Judge Alney McLean, whose heart was always overflowing with human kindness, could not pass sentence with anything like due composure. He solemnly set the day of execution --- May 13, 1826 --- but when he spoke the words "that you be hanged by the neck until you are dead, dead, dead!" --- his voice became husky and almost inaudible as he wiped tears from his eyes. [In a subsequent article Mr. Taylor makes a correction to the effect that upon further reflection he found "the scene with Timothy Condit and Joseph Allen" took place at the first trial of Irvin and not the last. He attended all the trials and admits that "after a lapse of these many years these trials became blended together in the writer's memory." Judge John B. Wilson, in a memorandum (1926) citing Order Book No. 7, pages 10 and 44, says that the last trial ended on Tuesday, April 4, 1826, and that the jury consisted of: George Oldham, Job Malin, Joseph D. McFarland, Ezekiel Kennedy, Cornelius Roach, Joseph Paxton, Stephen Rowan, Churchill Jones, Michael Myers, Nicholas Taylor, Allan May, and Ansel Watson, foreman.]

A hanging had never before occurred in Ohio County. Men, women, and children of every age and condition came not only from this county but also from Daviess, Breckinridge, Grayson, Butler, and Muhlenberg. Taverns, private houses in town, and even homes for miles in the country were crowded with visitors. Even the courthouse was filled over night with campers. The whole of the four acres of the public square was then unoccupied, except as a common, and was almost as green as a meadow, but the morning after the hanging it resembled a battlefield.

The erection of a gallows in the center of the town was unusual, but the reason was this: Shortly after the sentence was passed, remonstrances came in from every neighborhood to the sheriff, John Rogers, against erecting a gallows on the road they traveled to town. No man would give leave for its erection on his property. The sheriff did not wish to incur the ill will of the

whole community, so, upon the advice of the county attorney, he built the scaffold in Washington Street, a short distance below the crossing of Market Street.

The night previous to the execution the poor wife of the condemned man brought him a new suit of snow white home-made linen and a very large twist of home-grown tobacco. Dressed in his suit of white, with his big twist of tobacco protruding largely from his pantaloon pocket, he was driven to the gallows in a one-horse cart by the sheriff. He seemed determined to take the tobacco with him to another world, for, just before the rope was adjusted around his neck, he pulled out his twist, took an enormous chew, and then put the twist back in his pocket and buttoned the flap over it, apparently with anxious care.

Irvin's conduct upon the scaffold seemed to excite only pity and contempt. He showed nothing but a weak, cowardly fear of death --- no courage, no stoicism to excite admiration, certainly nothing to stimulate the most depraved spectator to emulate his example. Whilst the sheriff was adjusting the cap over his face and the rope around his neck, he clung to him like a drowning man, and the sheriff had to pull from him. The cart moved suddenly away. A few convulsive struggles, a quiver of muscles, and the melon-stealing, orchard-robbing boy who had culminated into a vile murderer in middle age was no more.

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**Hartford Herald
June 20, 1894**

In Memoriam.

Mrs. Mary E. Pattie, after several week's illness, died at her home in Pattieville, Ohio county, Ky., June 4, 1894, in her 95th year. Aunt Pollio, as she was called, was a kind and devoted mother and a charitable christian lady. She was held in the highest esteem in the community where she lived. She was a member of the Baptist Church at Pleasant Grove, Ohio county, Ky. The church will mourn the loss of a good member, for she was always in their midst sending up her petitions to break down the cause of the wicked one. She leaves four children to mourn after her. The deceased was a daughter of Wm. Maxwell, who was murdered by Francis Ervin in 1825. After religious services, she was laid in the old family graveyard. There were many friends present on the day of her burial to mourn with those who were so near and dear to her heart. We will close thy eyes calmly. mother: