



# THINGS MY GRANDPA TAUGHT ME

THE MAX FAMILY FROM  
EARLY MIAMI COUNTY, OHIO

TO

WAYNE COUNTY, MISSOURI  
AND BACK AGAIN

# THINGS MY GRANDPA TAUGHT ME



WALTER EARL MAX  
1887 - 1961



There's just one thing I must say about this little trip through early Miami County, Ohio, Pioneering Days to Missouri's pioneer days. As soon as they got settled, the very next thing they did was to build a church to worship in. The circuit riding preachers were faithful in making their rounds, and the Gospel was preached. If they didn't have a church, Sundays found them gathered in someone's home and at least reading the Scriptures and fellowshiping together. There were little white churches with steeples in every small community. They needed the Lord to get them through daily life on the Frontier.

Life on the Frontier anywhere was hard. Medical help was hard come by. Infant mortality was high and there were many tiny tombstones in the cemeteries. Food had to be grown. Cattle had to be raised. Wood and water had to be carried. It is possible that on the English Farm, they probably had slaves to do all this. If they did, let us hope they were good to them.

Don't forget, in 1813, Ohio was the frontier, and in the 1850s, Missouri was the frontier

Praise the Lord, that time is behind us. Or, is it?



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## Two Pioneer Families of Early Miami County, Ohio

JOSEPH P. MAX was born about 1782 in Baden, Germany (or, perhaps Austria, depending on where the borders were drawn at that time or who remembered it, or which census taker wrote it down!), and died in December of 1844 in Hyattsville, Miami County, Monroe, Ohio. He married his wife, Elizabeth, before 1820. She was born About 1794 in Pennsylvania, and died 15 Mar 1888 in Lafayette, Tippecanoe County, Indiana.

HENRY JAMES HYATT was born 13 Aug 1787 in London, England, and died 28 Feb 1853 in Miami County, Monroe Township, Ohio. He married Nancy Elizabeth Barnes about 1809 in Manchester, Lancashire, England. She was born 4 May 1789 in Manchester, Lancashire, England, and died 10 Jul 1872 in Miami County, Monroe Township, Ohio.

Henry James Hyatt was christened 30 Sept 1787 at St. Luke Old Street. The parish was created in 1733 (with the construction of the church) as both a civil parish and an ecclesiastical parish, from the part of the parish of St. Giles Cripplegate outside the city of London. It is now in the Greater London Burrough of Islington. The area includes City Road, Finsbury Square, Whitecross Street, and part of Old Street. The name is not often used in modern times. This inactive Anglican Church has now been refurbished and is used as a concert hall.

The parish had a large non-conformist population. Nearby is John Wesley's house and Wesleyan Chapel are in City Road, as is Bunhill Fields burial ground. It is very significant that one of the first things that Henry Hyatt built in his new town was a Methodist Church.

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If the village of Hyattsville should suddenly appear, like the fabled Brigadoon, from the early morning mists of 1843 at the place where Tipp City, Ohio, is now, what would we see?

I believe we would see a most happy community of log cabins and buildings, children doing errands or playing at games, wisps of smoke arising from the chimneys as the meals for the day were being cooked. There would be farmers loading their wagons with implements and heading for the fields which they had carved from the surrounding forest. There would be brisk trade at the Hyatt General Store and Post Office. Sparks would be flying from the blacksmith's forge at the smithy; and perhaps a few patrons quenching their thirst at the inn across the street.

A cloud of dust coming from the South heralds the arrival of a stagecoach with mail and passengers. Henry appears at the door of the general store, hurriedly throwing off his apron and slinging it across a chair on the porch. He hurries to greet the stage in case someone needs lodging at his inn or perhaps a meal before going on their way. His wife, Nancy, and their youngest daughter would be busy keeping meals ready.

The crossing of the Dayton-Troy and Greenville-Springfield Pikes were well traveled for that day and a good place for business. It was the ideal spot for a new village. (It is now the intersection of what is now Hyatt and Main Streets) Henry Hyatt built a log general store, inn, and home on the Northwest corner of Lot #24, at the crossroads. Later, he built a small brick home on the west side of the lot and lived there until his death. (You may view the layout of Hyattsville in the appendix.)

He bought and sold other properties and maintained his general store and inn. He was a member of the Board of Trustees of the Methodist Church in 1836. This Methodist church stood at the north end of Hyattsville, on the east side of the road, and was a log building. You can still see the small graveyard that was north of the church.

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Seeing the need for a cemetery, on June 21, 1836, a parcel of land containing 80 and 1/2 rods was deeded to the Trustees of the Methodist Meeting House in Hyattsville. These Trustees were: Levi Wells, Henry J. Hyatt, Jacob Chrisman, and William B. Macaulay.

Note: In 1992, in order to preserve the memories of those buried there, the Monroe Township Trustees and the Tippecanoe Historical Society began renovating the cemetery into the beautiful form it has today.

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Henry had named his north and south street, "Main"; and the east and west street, "Canal," in anticipation of it lying next to the Miami-Erie Canal. Unfortunately for Henry, by 1843, the canal had been built about one-half mile east of Hyattsville. It would cross the east and west state road (St. Rt.571) just on the east side of First Street in Tippecanoe, John Clark's new village. (Left – Old Tippecanoe Canal Locks and Roller Mill.)

All the buildings in Hyattsville were of log structure except a frame building that served as a tavern, or inn, on the southwest corner of the crossroads where the stagecoaches stopped, carrying passengers and mail from Sidney to Dayton. This would go on for about twenty years, until other forms of transportation came on the scene. There was a general store, a frame building, on the southeast corner. There was a "wet grocery" built from logs on the northeast corner. A log blacksmith shop was on the west side of the north/south street.



There was a township school. The early settlers had appreciated the necessity of education and immediately arranged for the schooling of their children. John McPherson was the first known teacher. Pupils in this vicinity first attended the Township District No. 2 School, a lone schoolhouse that stood on the north side of the state road, west of Hyattsville, where Roherer Drive now intersects Route 571 in Tipp City).

Certainly Henry Hyatt was looking to the future.

In the evening of this warm summer day in 1843 we envision; we might see two neighbors in Hyattsville eye each other thoughtfully from across the street. Finally, Englishman Henry Hyatt knocks out his pipe on his stoop, refills it with tobacco from his pouch, and ambles across the street to opine with his neighbor, and good friend, Joseph Max. The elder Joseph, at age 61, did not look in the best of health, Henry reflected.

“Good Evening, Joseph...and how are you this fine summer’s evening?” Joseph had dozed off , but awoke with a start at his neighbor’s friendly greeting. His beautiful meerschaum pipe went clattering down, scattering coals, ash and tobacco all over the wooden porch floor. He started to arise from the rocking chair he had previously reclined in so comfortably just moments before; but Henry stopped him. “Here, I’ll get those.” And he scraped the ashes from the porch with his boot. “Can’t be too careful about fire in these log houses. He held out his tobacco pouch to the elder man. “Here have some fine tobacco, straight from the Virginia Plantations!”

Joseph reached for the pouch, went about the usual pipe smoker’s ritual of filling and tamping down, and returned the pouch to its owner. “I thank you very much.” “I’ll even lend you a match,” said Henry, quickly retrieving one from his vest pocket. After Joseph’s pipe was lit, both men leaned back and drew on their pipes, Joseph in his rocker and Henry on the stoop. Soon pipe smoke was wafting upward.

Both men gazed out on the little village of Hyattsville and over the tree-tops toward the plumes of chimney smoke rising from the village of Tippecanoe, east of them. Each man sat in thoughtful silence, enjoying the silent camaraderie that comes with age. They were kindred souls, these two, both having sailed to this country to find a new life. Henry coming from England and Joseph from Europe.

Joseph P. Max was, by trade, a tailor, and when he was about twenty-two years of age had come to America from Austria, and followed his trade in Franklin, Pennsylvania, for some years. He and his wife, Elizabeth had seven children, John, Daniel, Samuel, Elias, Jeremiah, Solomon, and one little girl, Anna Maria.

He had thought about just enjoying his declining years, sitting on his doorstep in Pennsylvania: but, in 1832, when cash sale land had become available, he purchased some 373 acres of good bottom land "West of the Great Miami." There was no more available farmland left in Pennsylvania. He had the means, and he wanted to start his younger sons, Jeremiah, Samuel, and Solomon out with land. Elias was already doing fine in Indiana as a carpenter. John and Daniel were trying their lot elsewhere. Elizabeth and Anna Maria had not come with him.

When he came to Ohio in 1832, he also bought two lots from Henry Hyatt in his new village of Hyattsville. Then he opened his tailor shop and had been in business for a few years; but he was now enjoying elder life in the rocking chair on his front porch. He was a well-educated man and a member of the Catholic Church, having been educated for the priesthood. He spoke French and German as well as English, yet he was at the same time a capable man of business, a somewhat rare combination of faculties.

Joseph broke the silence first. "Well, Henry, things do not always turn out as we plan, do they?" gesturing toward the chimney smoke on the horizon.

"Humph," snorted Henry, knowing what he referred to. "I guess the canal has passed me by and the pockets of John Clark (Founder of Tippecanoe) are the richer for it. I am thinking even this new railroad will pass us by, as well. At least we do not have to worry about a large number of drinking establishments providing drunks to loll about on our streets; nor, undressed ladies-of –the night lurking around waiting for the next victim! And travelers still do take advantage of the stage lines running the pikes.



Since commerce seems to have passed me by here, I am speculating in some land further east. Hyattsville, as we know it, will probably cease to exist one day; but we will not be annexed very soon as John Clark is not allowing any log buildings in his town!" He snorted again in disgust! I pray it goes better for the new 80 acres further east. (2<sup>nd</sup> John Clark House pictured left.)

You are not the only one to have business difficulties," retorted Joseph. "I have not been able to continue in my own business venture." "Ah, Henry, you have much to be thankful for. You have had a fine family, one to be proud of," said the elder man. "Your lovely Nancy has stood beside you all the way! I have to scoff at how much the English make of the so-called "royal birth!" She is every inch a lady, fit for the court of any king. I had to leave my Elizabeth in Pennsylvania with Anna Maria. I sometimes wonder if I shall ever see them again. My son, Elias, lives nearby, so I know they are well cared for."

Henry spoke in a mock tone of warning, waggling his finger in mock protest at his friend. "Speaking of our families, I have noticed your Samuel casting some glances at my Nancy Elizabeth! I must remind you, she is only 15! However, to be fair, I have also noticed that many of *her* perky glances are aimed in Samuel's direction. I am not so hard-hearted that I am not seeing the beginnings of a romance." One could see that he would obviously be pleased at marriage between his daughter and the hardworking young farmer, Samuel Max.

"I fear you shall be getting me into your Methodist Church again!" exclaimed the elder man happily. But



such was not to be.

By 1843, Henry Hyatt had already “married off” three daughters. Two younger sons and Nancy Elizabeth remained. One of his daughters and her husband, Jonathan and Mary Favorite, lived in the lot next to Joseph and there were five children in that household already.

Ann, his eldest, was married to Associate Judge John Winans and lived in Bethel Township, caring for 10 children. How proud Henry was of his daughters, especially Ann. In 1843 she had already been twice widowed. Ann Hyatt's first husband was Rev. Garland Wells, who died in 1829 at the same time as their two small children. The cholera epidemic had struck close to home. Life was hard.

Ann's second husband, Dr. Joseph Stewart, already had four small children when she married him in 1835. (Her eldest stepson, Watson Stewart would later say this about her, "She was the daughter of Henry Hyatt, who lived in a small village south of Troy, named Hyattsville; they were English. My stepmother, having been born in England, coming to this country when only a small child; her name was Ann. She came into the family of four small children, and it is a great pleasure for me to say, that she proved herself a good mother. Afterward, two children were born, Mary Ann and William; and we all lived together in perfect accord and harmony.")

She was a compassionate daughter, kind and loving mother, allowed by the Lord to have only two living children of her own, having put two little ones into the cemetery. She loved children and was quite willing to give of her best to orphans and stepchildren. She always seemed to have a house full of children. Her boundless energy and bright personality allowed her to become the wife of three men and "mother" all these children. “How she did it,” Henry thought, “I will never know.” He had never heard her complain.

Her present husband, John Winans, was quite a prominent man, owning a farm on Spring Creek about one mile east of where the Stewarts had lived. He had been a former partner with Dr. Stewart in the mill business. When she married him, he already had four children, so now there were ten children in the household, Dr. Stewart's four, Mary Ann and William Stewart, Ann and Joseph's Children; plus, John Winans' four children. By all accounts, this was a happy home.

Margaret, he feared, was another story! She was married to a useless individual who was not treating her well! That William Bellow! A very suitable name for a loudmouth in Henry's estimation! His wife, Nancy, had told him that he was not really a loudmouth! Henry just made him nervous when he asked questions about how this “Bellow-fellow” was going to support his daughter. “Our proper English ways often tend to put others off,” she laughed. She often teased him about his “stuffy” English manners.

Henry and Nancy also worried about their son, Henry, Jr.. He seemed very weak and susceptible to catching any ailment that came along. His mother worried and prayed over him constantly, trying this new tonic and that; but, nothing seemed to help. At age 55, Henry Hyatt longed to see his family settled and doing well in Miami County, Ohio.

Youngest son, Jack, was 14 and already a handful. Henry feared that he and wife, Nancy, were neglecting him and spending more time on the care of Henry, Jr., and their business responsibilities. “Why do parents always feel so guilty,” Henry asked himself. “Some responsibility must rest with the child. After all, he does have a free will!” Sadly, Jack's free will always seemed to cause him to make wrong choices.”

Youngest daughter, Nancy, was 15 and just like her mother. She was slim, petite, and elegant. She was his little “American princess!” The Methodist Church and all its activities were the center of her life. She was a good girl, and he wanted her to have a good match to a husband who would provide for her, as well as make her happy.

It seemed quite a blessing to Henry that living across the street was a man with three eligible sons! However, this Catholicism thing could be a problem; but, he felt sure that Nancy would hold her Christian ground and stay with the Methodist Church. If not, her mother would see to it!

Both men sat watching the afternoon sun slip into the shadows of evening. Henry's daughter, Mary, across the street, was having bedtime prayers with her children, before Henry J. Hyatt rose from his place on the porch step, knocking the ashes out of his pipe with his hand and placing it in his vest pocket. He noticed his wife, Nancy, was watching him from the door of their home across the dusty street. He knew she was tired after a day of work at the inn. "May God grant you a good night's rest, my Friend." With a raise of his hand, he turned to cross the street.

"I pray the same for you." Joseph remained in his rocker, watching him cross the dusty street. After all, no one was waiting for him to come in. Later, Samuel would come in from his fields near by, having implements to repair and clean. Solomon would be with him. Earlier, he had purchased a good supper for himself and the boys from Nancy at the Hyattsville Inn. She had fixed it up in such a way that it was now warming by the fire. This seemed a good procedure to Joseph Max, as a cook he was not! The boys had complained when they first came from Pennsylvania. "We miss Mother's cooking. Father, you burn everything, and the biscuits are flat." To tease their father, they had playfully knocked the biscuits about the floor with sticks. "These are only fit for Lacrosse," was their comment. How fortunate Henry Hyatt had opened an inn and an eating place, right across the street!

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Across the street, Henry's daughter, Mary Favorite, was rocking the baby, Uriah, to sleep. Nancy Elizabeth Favorite, the ten-year old, was in the cabin loft trying to settle her two younger brothers, John and Thomas. Two-year-old Martha was asleep in her crib in the downstairs bedroom. Father was sitting by the fire with some tools he was cleaning.

John, 8 years old, and trying to stave off the dreaded bedtime, begged, "Nanny, please tell us about Grandfather and Grandmother in England."

Oh, that's such a long story" ...but she was interrupted by six-year-old Tom.

"Yes...Yes...Tell us, please!" He punctuated every word with a bounce.

"I was going to say, it will take a long time; but I can see that is exactly what you want. Very well, I shall tell it as Mother told it to me." Even though she was a "grown up" ten-year-old now; she was fond of hearing the story told herself.

Could Grandfather have been a king?" asked John, his eyes shining with excitement. "No, John, but he was of royal blood." Tom began to bounce again, shouting, "Grandfather is too a king! He's the King of Hyattsville!"

Nancy Elizabeth said sternly, "If you don't stop, Thomas, I am going to go downstairs and have Father come up. There will be no story at all, then!" Both boys instantly lay down with their hands on their chins, looking up expectantly. Giving them a warning glance, Nancy began the story.

"When he reached the proper age, Grandfather enlisted in the English Navy, and went to sea. His family was greatly embarrassed, for men of the nobility did not do "these things." After serving his term of enlistment, he returned home where his family refused to accept him "into the fold." One evening, after returning home, he

passed the house in Manchester where a former friend, Nancy Barnes, had lived.

“Nancy Barnes, that’s Grandmother, isn’t?” it whispered Thomas.

Nanny cautioned, “If you don’t stop interrupting, Thomas, I’ll lose my place! Yes, that’s Grandmother and Henry Hyatt is Grandfather!” was her impatient answer. She continued, “...Blowing out his lantern, he knocked on the door, with the pretext of needing a light for his lantern. Nancy's mother opened the door and recognized him.

Thomas rolled over and laughed out loud, “He didn’t really need a light, did he? That was just a trick, wasn’t it?” When their older sister gave him a look that hinted she just might stop right then, John gave his little brother a shove on the shoulder. “Be quiet!” Thomas stuffed his face into his pillow; but, soon, his little eyes sparkled again as he listened; quietly, this time.

After enough of a pause to assure Thomas she meant business, Nancy Elizabeth continued. “...When she told him Nancy was not married, he decided to start courting her; and, after a short while, they were married. This was such a blow to his family that they disinherited him. Nancy Barnes, not being of the nobility, was classed as a "commoner." Henry J. Hyatt married Nancy Barnes, in Manchester, England, in about 1810.

After Henry and Nancy's first child, Ann Ashworth was born about 1811, and... Yes, that’s Aunt Ann,” she told the boys before they could interrupt. “...Mary, that’s our mother, was born about 1813. When they were six and four years old, about 1816 or 1817, Grandfather decided to bring his family to America. While waiting in London to board the ship, little Mary wandered off from them and got lost. They had the town-crier going up and down the streets, ringing his bell, and calling "Child lost!" Child lost!"

A woman opened her door and asked if "this little girl was the one." She had found Mary on the street, crying, and had taken her inside and fed her.

After the Hyatt family had been in America for a few years, Henry made a trip back to England; but, his aunts refused to see him. Broken-hearted, he returned to America and, later, moved them to the state of Ohio."

By this time, Thomas had fallen asleep, and John’s eyelids were fluttering. “The little girl lost was Mother, wasn’t it, Nanny? I’m *so* glad they found her,” he whispered. “I am too,” Nancy Elizabeth whispered back.

Soon, both boys were sound asleep. Nancy Elizabeth slipped into her feather tick on the other side of the loft. She carefully blew out the lamp and placed it on the stand. Lying in the dark she marveled at the brilliant stars she could see from the loft window, glad for the gentle cool breeze of the summer night and the quiet below. The Favorite family were all in bed.

Very few lighted windows were now visible in Hyattsville this summer evening in 1843. Night had fallen.

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In December of 1844, Joseph P. Max passed away, two years before Samuel and Nancy married in November of 1846. Henry and his family would grieve with Joseph’s family.



Henry Hyatt felt very sad as he helped to load the body of his old friend in the freight compartment of the express packet for Cincinnati. "What a wonder!" he thought to himself. "A journey that used to take days could now be taken in ten hours!" How he would miss visiting with his neighbor across the street. It seemed that any link to the past across the Atlantic was now gone.

He stood on the bank and watched the canal boat disappear in the distance. He pitied all on the passen-

gers on that trip! It was December and, fortunately, the canal was still open. Some of the northern reaches of the canal were having problems with ice. It would be a cold trip, as the only heat in the passenger hold was from a very small iron stove vented to the outside. He had warmed his hands at the stove with the three boys before getting off. Shivering, he mounted his horse and rode the half mile home to Hyattsville. (Left, an Express Packet Canal Boat. All the other boats would pull to the side, allowing the express boat through. Of course, in winter they rode inside!)

The actual burial place for Joseph P. Max is not known. As the Catholic Church in Tipp City, Ohio, was not yet founded, there was no Catholic cemetery nearby. He is not in the Troy Catholic Cemetery. He most likely was buried in a Catholic cemetery in Cincinnati as that Diocese was serving the Western Reserve as early as 1810. The building of churches had commenced immediately, along with cemeteries, monasteries, convents, orphanages. All the trappings of this religion were operational by 1830, reaching out to wide areas of the state of Ohio.

I consulted the priest of a local diocese about what procedures would be followed if no Catholic "hallowed ground" were available in which to bury. He informed me that Catholics could be buried in any cemetery. The officiating priest would simply bless the grave and all would be well. Isn't it amazing the things a little "holy water" can do! It can even change dirt into something holy. My hope is that one of the good Methodists, with which Hyattsville abounded; or one of the fiery visiting evangelists, such as a Peter Cartwright, led Joseph Max to the Lord.

Note about Royal Families. The family legend has it that Henry J. Hyatt's mother was of English Royal descent. Although I have not researched any records of the UK, this is entirely possible given the situation of Henry J. Hyatt's "England." He was born during the reign of King George III, who complained that his sons disappointed him, and his brothers made unsuitable secret marriages. This led to the Royal Marriages act of 1772 and is the reason why the Queen, now, has to approve all "royal" marriages. A situation which lies at the root of many of the problems the "Royal Family" has today.

An example of how someone in England could be of royal birth, and still not be acknowledged by the "crown" are the activities William IV, third son of George III. At the age of 13, William became a midshipman and began a career in the Royal Navy. In 1789, he was made Duke of Clarence. He retired from the Navy in 1790. Between 1791 and 1811 he lived with his mistress, the actress Mrs. Jordan, and the growing family of their children, known as the Fitz clarences. If you look them up in British Genealogy, you will find they all have titles; but none could ever be heir to the throne of England! (This does sound familiar, doesn't it.).

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The canal did pass a mile east of Hyattsville, and early Tippecanoe was a popular stopping off point for the boatmen. The original downtown included a large number of bars and a red-light district. The early growth of

the town was spurred by people who had come to build the canal; but, stayed to work in the roller mill and other local industry.



Then, the development of the railroads in the 1850s and 1860s put the canals out of business and slowed Tippecanoe's initial rapid growth. Many men of the Max family eventually would be employed in various aspects of "railroading." There was even a "yard barn" for the new Inter-Urban on the outskirts of town.



## The Future of the Hyatt Family

On September 16, 1851, Henry Hyatt made out his will. In the will, Henry names his wife, Nancy, and the following children: John Hyatt; Ann (Hyatt) Winans; Mary (Hyatt) Favorite; Margaret (Hyatt) Bellow (who probably passed away soon after Henry made out his will.); and Nancy (Hyatt). (Max Younce's Maternal Great-great grandmother.)

Henry J. Hyatt died 28 Feb 1853 at age 65 years, 6 months, 15 days and he is buried in the Hyattsville Cemetery.

In 1856, Henry's wife, Nancy, remarried a man named Joseph Jones. After her death, she buried beside Henry J. Hyatt in the Hyattsville Cemetery. Her tombstone reads: "Nancy, Wife Of Joseph Jones and Widow of Henry J. Hyatt, Died July 10 1872, Aged, "83 Yrs, 2 Mos, 6 Days." Her will was probated in August of 1872.

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Ann Ashworth Hyatt, eldest daughter of Henry J. Hyatt and Nancy Barnes, died About 1899 in Bethel Township, Miami County, Ohio.

She had married the Rev. Garland Wells, on 20 Jul 1829 in Miami County, Ohio. Garland Wells was born About 1810, and died About 1833 in Ohio, Miami County, Monroe Township.

She married her second husband, Dr. Joseph Stewart, on 6 Oct 1835, in Miami County, Ohio, the son of Samuel Stewart and Sarah Buffington. He was born 15 Apr 1801 in Newberry, South Carolina, and died 9 Feb 1840 in Staunton Township, Miami County, Ohio.

Dr. Stewart was a physician in the "Thompsonian Tradition," which is elaborated upon in the notes of his eldest son, Watson in "The Personal Memoirs of Watson Stewart." or "The Kansas Collection." This online history is well worth searching out.

Ann's third husband was Judge and Colonel John Clawson Winans, whom she married on October 3, 1842, in Miami County, Ohio. He was the son of John Winans and Mary Woodruff Winans. Judge Winans was born 29 Aug 1803 in Rahway, New Jersey, and died 25 Dec 1861 in Miami County, Ohio. John C. Winans was elected an Associate Judge of Miami County in 1841. The length of term he served is unknown. He departed this life on a Monday, 25 Dec 1861, at the age of 58 yrs. 3 mos. and 26 days. He is buried at the Raper Chapel Graveyard in Staunton Township, Miami County, Ohio.

During this period from December of 1861 to July of 1872, Ann had lived with her mother in what was now called Tippecanoe. Evidently Joseph Jones also passed away, as the 1870 Census for Miami County only found Ann in the home as Head of Household and her mother was "living with daughter."

After her mother's death in July of 1872, she married her fourth husband, Robert M. Freeman. Following their marriage on 28 Nov 1872, in Miami County, Ohio, she went to live on the farm with him in Bethel Township. He was the son of John Freeman and Mary McKinney. Robert M. Freeman was born 29 Aug 1803 in Ohio, and died 22 Jan 1883 in Bethel Township, Miami County, Ohio.

What shall we say of Ann Ashworth Hyatt? I think History will paint her as a caring and compassionate daughter, kind and loving mother, with only two living children of her own, but quite willing to give of her best to orphans and stepchildren. She always seemed to have a house full of children. She must have had boundless energy and quite an enjoyable personality to become the wife of four men and "mother" all these children. She

certainly is an example of the type of woman who pioneered our country.

And what of Robert Freeman, farmer, and last husband of Ann:

Robert M. Freeman, farmer; P.O. Tadmor, Montgomery County, is a son of John Freeman who came to Miami County in the spring of 1806 and settled in Monroe Township. He and his father, Samuel Freeman, entered a very large tract of land, a part of which they improved. From the proceeds of the part they sold, they erected a mill, the second one built in this county. This mill had only one burr, and of course, all kinds of grain were ground on it.

Several years elapsed before they did any bolting; and when they commenced using a bolt, the party whose grist was grinding was obligated to turn the bolt. They suffered three losses by fire, one resulting in the destruction of their gristmill and two of their saw-mill on the same race. By perseverance and industry, however, they overcame their misfortunes, and finally built a four-story mill, with three runs of burrs. They, then, did a flour-ishing trade.

Robert was the oldest of 13 children and was brought up on the farm and in the sawmill. At the age of 25, he commenced business for himself and in the spring of 1834, he settled on the farm given his wife by her father, David Puterbaugh. This farm he has cleared up and improved.

His first wife, Mary Puterbaugh Freeman died 1869; and, on November 28, 1872, he married Mrs. Ann Winans, a native of England, and a daughter of Henry J. Hyatt, a very early settler of this country. Mr. and Mrs. Freeman are now living a very quiet, happy life on the old farm."

After the year 1883 I lose track of Ann. When she died and where she is buried, I do not, at this time, know with certainty and I leave that to future research. I do believe that she is buried with the Freemans in a Bethel Township Cemetery, perhaps without a stone to mark the spot where her mortal remains lie; or, as so often happens, the stone has slipped into the ground.

It really doesn't matter. I believe that, with her good frontier Methodist heritage, when "the dead in Christ rise," perhaps she will make herself known to me, and we will be overjoyed together to see our Savior's face!

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Henry Hyatt's second daughter, Mary, came to a sad end in September 1852 at Cape Girardeau, Missouri. Jonathan Favorite, husband of Mary, was a mechanic, carpenter, engineer, millwright, and a prominent business-man. In 1838 he built a flour mill, which he conducted for years with great success. He also worked at his trade and operated a sawmill. Certainly an entrepreneur of the first order! In the pioneering days of our country, you had to know how to many things if you were going to survive.

In 1849, he went to California and mined gold for 3 years, accumulating a substantial amount of capital. On his return trip from California, he invested in Iowa lands He returned home and straightened his affairs and started west again with his wife and the five younger children, looking for a new life in Iowa.

High hopes were dashed to the ground when this entire family was en route to their new home in Iowa in 1852. An epidemic of typhoid fever struck Jonathan and wife, Mary, both died and were buried at Cape Girardeau, Missouri. The oldest child, Nancy, was married to John Morrison at the time and was not with the family, living in Hyattsville still. They traveled to Missouri and brought the children back to Hyattsville and later they went to Nebraska, taking Martha (Mattie) with them. John and Jefferson went west later. Uriah J. Favorite was reared by the Staley family in Elizabeth Township and spent his entire life in Tippecanoe, dying in 1919.

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Henry Hyatt's third daughter, Margaret, married a William Bellow (or Bella, Belew, Beaulieu) on 15 Oct 1840 in Ohio, Preble County. He was born about 1814 in South Carolina, and died Nov 1900 in Ohio, Montgomery County, Dayton. He was a carpenter. William and Margaret had four children together: Mary E., John H., Margaret A., William A.

Margaret passed away before 20 May 1851, as that is the date William Bellow marries his second wife, Ann C. Lee. And therein must lie a story, as in the 1860 Census, the two youngest children of Margaret Hyatt Bellow, John and Nancy, are found in the home of Judge John and Ann Winans, Margaret's older sister. Little Nancy Bellow was born in 1851. Perhaps Margaret died in childbirth, as often happened in those long-ago days.

All together, William Bellow had 14 children by his two wives. The first William R. Bellow, born about 1848, must have died also, as William Bellow named one of the children with his second wife, William Bellow, Jr. Also, if the first William had been living, he would have been only 12 in the 1860 Federal Census and would have been with the other two children in the Winans household. "Out with the old, in with the new," as so often happened in the "good old, practical, days of History!"

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Henry Hyatt's eldest son, Henry J. Hyatt, Jr. was born in 1824, Hyattsville, Ohio. He died 28 Dec 1845, in the same place. He was only 21 years old. He was buried in the Hyattsville Cemetery and may have been the first of the Hyatt family to be buried there.

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Henry Hyatt's youngest son, John A. Hyatt, "Jack" was born about 1829, in Hyattsville, as well. He died in December of 1899, in the same area where he was born, only now called Tippecanoe, Ohio. He married Elizabeth Cutler in 1850 in Miami County, Ohio. She was also born about 1829, somewhere in Ohio. This couple had no children and they lived on the Northeast corner of Hyatt and Plum Street. (This could be the home.)



Jack also fought in the Civil War. He enlisted as a Private in the 8th Ohio Cavalry Regiment, Company E, from March 2, 1864, and mustered out July 30, 1865, in Clarksburg, West Virginia. He mustered out with "Distinguished Service." This regiment saw much action and, as a result of a surprise action by the Confederate Army, about 600 were imprisoned during this conflict. Perhaps this accounts for Jack's actions after he returned home.

Jack Hyatt signed both petitions, 1873 and 1874, to annex the unincorporated Village of Hyattsville to the adjoining Village of Tippecanoe. It is possible he did this while a resident at the "Pen." Unfortunately, Jack Hyatt got in some trouble and served some time in the penitentiary for counterfeiting.

On November 13, 1878, the Tippecanoe Village Council arranged with Mrs. Jack Hyatt for part of the land her house stood on (Lot #12) so that Plum Street could be opened into Hyatt Street; and to move her house to the north side of the lot. On January 16, 1875, John (Jack) Hyatt applied to the court to partition Lot #24, the NW corner of W. Main and N. Hyatt, in Hyattsville. Just how much of the original lot remained in the family is not



known.

In August 25, 1884, he required a guardian. He passes away in December, 1899. He is buried in Maple Hill Cemetery, in Tipp City, Ohio. There is a military marker on his grave. Uncle Jack seemed a favorite of Joseph Henry Max, Nancy and Samuel's second son.

## **The Families Unite**

### **Samuel Max and Nancy Elizabeth Hyatt**

Nancy Elizabeth Hyatt, Max Younce's Maternal Great-great grandmother, is Henry Hyatt's youngest daughter. Samuel Max is his maternal Great-great grandfather.

A year after the death of Henry J. Hyatt, Jr., in November of 1846 and two years after the passing of Samuel's father in 1844, Nancy Hyatt and Samuel Max were married in the Methodist Church by a beloved pastor, Rev. Thomas Gorsuch.

They admired this minister so much they named their first son, John Gorsuch Max. For their second son, Joseph Henry, they followed the patronymic pattern of naming, "Joseph" after Joseph P. Max and "Henry" after Henry Hyatt. Ah! Joseph Henry Max. But that is another chapter!

Their wedding was probably a simple affair by today's standards, but a huge event in the Hyattsville of that day! Nancy's dress was probably sewn by her mother from a bolt of fine cloth especially ordered for the occasion by Henry Hyatt. In 1846, Henry James Hyatt probably had the same mixed thoughts of every father who has "given" his daughter in marriage, wanting to hold her close; but, knowing at the end of this short walk he would give her into the care of another.

The marriage would last almost 54 years, until the death of Samuel. "Until death do us part, was a dearly held truth in those days." Nancy and Samuel's life together would be one of many blessings, tempered with deepest sorrow. The faith of Nancy Elizabeth would be sorely tried; but... that is the future!

A probable scenario. After the wedding and a fine dinner at the Hyatt Inn, Samuel and Nancy managed to escape out the back door to the cabin home down the street they had purchased from John Early. The shivaree was everything that could be thought of by the rambunctious young men of early Hyattsville. After all, many were relatives and friends of the Hyatts: the Favorites, the Ashworths, and the Shryocks, to name a few. Finally, the uproar relented, and the merry makers went home from the November chill to their own firesides.

It was a clear, winter's night in Hyattsville. (Marge Younce)

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Samuel and Nancy's first son, John Gorsuch Max was born on September 28, 1847, in Hyattsville. Their second son, Joseph Henry Max, was born on December 8, 1849, in Hyattsville. Now, Samuel Max had two sons, it was time to move to the farm.

Later, in 1852, Samuel and Nancy are living on a farm in Staunton Township' They have three sons by this time: John Gorsuch, Joseph Henry, and Elias Kirk Max on the way. Elias Kirk Max was Max Younce's Great-grandfather and was born on the farm in Staunton.

In April of 1853, Samuel and Nancy sell this property to Judge John C. Winans, her sister's husband, and in

May 1853, buy Tippecanoe Lot 128 from A.B. & Delilah Hartman. Samuel and Nancy move back to town.

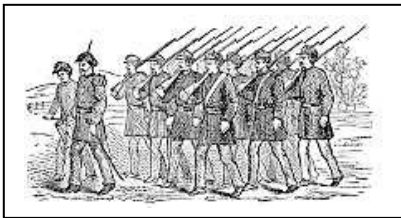
The shadows begin to fall. Their first son, John Gorsuch Max, dies in June of 1856 at the age of 8 years, 8 months, 29 days. He is probably buried in the Hyattsville Cemetery.

In November 6, 1857, Lillie Ann Max, their first daughter is born in Palestine, Illinois. Why she was born there is not known, when everyone else was born in Miami County, Ohio. Perhaps, after selling his farmland in Staunton Township, Ohio, and buying a home in town, the family probably went there by railroad. There could have been friends or family living there; or perhaps the rumors of land for \$1.25 an acre was tempting Samuel. There was a Federal Land Office in Palestine. Perhaps suitable land in Illinois was not available; or, the rumors of the impending Civil War prevented a move west at this time.

In any case, Lillie Ann Max was born in Palestine, Illinois, and the family returned to Ohio. If anyone else can think of a reason, I would like to hear it.

Charles Edward Max was born March 3, 1861 in Hyattsville, Ohio.

On April 6, 1861, Samuel enlists, on the Union side, in the 11th Ohio Infantry, Company D, as a Private, at the grand old age of 37. He musters out at Parkersburg, with "Distinguished Service" on August 6, 1862, having served 1 year, 8 months, probably just before the battle at Manassas. He was mustered out as serving with "Distinguished Service."



"The Eleventh Ohio Volunteers was first enlisted for three months, pursuant to President Lincoln's first call for troops for the suppression of the Rebellion. (That is a nice term for the Civil War.) It was mustered into the three years service June 20, 1861. Miami County furnished five full companies - B and F from Piqua, D, H and E from Troy. The men were in the "full vigor of early manhood, types of western strength, patriotism and intelligence." Historians of these days tended to glamorize events of History and write in such terms as these. These were desperate times! President Lincoln had issued the call and men of *all ages*, if they were able to march and carry a gun, responded. Such men were the likes of Samuel Max and Jack Hyatt.

Samuel's regiment first rendezvoused at Columbus and then proceeded to Camp Denison. It remained in its second quarters till July 7, when it received orders to pack up and move towards the seat of war. Its colonel was Charles A. DeVilliers, who soon afterward left the service. Crossing the Ohio River, the Eleventh reached Point Pleasant in West Virginia.

It made a night march over Sugar Loaf Mountain and had some experience in picket duty on the "sacred soil" of Virginia. The Eleventh had some exciting service in West Virginia, where it had encountered the enemy at Hawk's Nest, Cotton Hill and Gauley Bridge. On August 18, 1862, it moved to Parkersburg, and thence to Alexandria, near Washington, D.C., where it encamped. On August 27th it was thrown forward to Manassas, where the Confederates had taken position." (Thomas Harbaugh's History of Miami County. (Since Samuel Max was with the Eleventh Ohio Volunteers, this is what I surmise he would have done. Jeremiah Max's biography says that Samuel "participated in many battles." See Notes for Joseph P. Max and Jeremiah Max.)

After the Civil War, Samuel came home to take care of an inn. On March 2, 1864, Minnie May Max was born in Tippecanoe. They lived at Dwelling House #295, presumably at Tippecanoe Lot #128. This real estate is worth the whopping amount of \$600 in 1870 and they had personal goods worth \$100. Imagine spilling your guts to a Census taker like this! (This lot today is located at 218-220 West Main Street in Tipp City and has a beautiful Sears house on it, divided into a double residence. House was put on the lot circa 1920).

Samuel and Nancy Max's baby girl, little Katie Luella, was born October 28, 1866 and died on October 30<sup>th</sup>.

In 1870, Samuel and Nancy Elizabeth had seven living children: Joseph Henry, age 20; Elias Kirk, age 18; Lillie Ann, age 13; Charles Edward, age 7; Minnie May, age 6; Nettie Irene, age 2; Nancy or "Nanna," who was born September 5, 1870.

The reason no information could be obtained about Elias Kirk Max for so long is the census takers kept writing his first name as "Lewis." Maybe he told them that was what his name was because he didn't like his name. He had been named after his father's older brother. Maybe he didn't care for Uncle Elias or, he could have had an accent and the Census Taker misunderstood him. Whatever the case, he was never called "Elias." He either went by "Kirk" or "E.K."

The 1880s found Joseph Henry married to Jennie Chaffee and living in Freemont, Sandusky County, Ohio. He is a machinist, likely in a yard barn for the railroad. He married Jennie on April 6, 1870 in Miami County, Ohio. She was born December 1854 in Ohio, and died May 11, 1922, in Ohio, Franklin County, Columbus. In 1880, they have four children already, all girls! Myrtie, age 8; Mariam, age 7; Alma, age 6; Edith, age 3.

Before the move to Missouri, Joseph Henry found time to fire off an indignant Letter to the Editor regarding his favorite uncle, Jack Hyatt.

"A Correction of Tip Rambles. Mr. Editor: In your issues of the 5th and 12 inst. I see the great interest Mr. Peter Fair has been taking in slurring his betters. He was not satisfied with one slur, but still continues. I know it is very hard for a man or a thing to mind his own business. He has had the practice of not minding his own business for the last twenty years, to my certain knowledge. Now, I claim Mr. Jack Hyatt is superior to Peter Fair in a great many respects. Jack Hyatt would work when he could get it, and he is a good carpenter, and Mr. Peter Fair was never known to do a day's work, to my knowledge, and I have known him for twenty-five years. Fourteen years ago I undertook to establish a route at Tipp. for the Cincinnati Enquirer, but I failed, as the postal train did not arrive til ten a.m. and Mr. Peter Fair's morning news was out at six a.m. Mr. Peter Fair says Jack Hyatt, the manufacturer of nickels and dollars, is the son of Mr. Hyatt, the proprietor of Hyattsville, and is not over sixty years old. Jack Hyatt is but 54 years old, and there has never been any proof that he manufactured any nickels or dollars. Mr. Fair further says the original name of Tipp. was Sharpsburg, so named by John Clark—which I claim was Clarksburg, instead of Sharpsburg. Now, Mr. Peter Fair, I want you to commence attending to your own business, as I think you are old enough.

I reside in a very fine little city. We have about eight thousand inhabitants. We have two daily and four weekly papers, but we are not troubled with an extra, like Tipp. Yours truly, Henry Max, Norwalk, Huron Co., O., Feb. 14, 1885."

The above letter does give us some indication of the willingness of "Henry Max," as he liked to be called, to speak his mind. A trait which, if exercised without restraint, can have disastrous consequences, and in Henry's case, in later life it caused him a lot of problems. It was then he learned, "A soft answer turneth away wrath."



When Elias Kirk was 22, he married 20-year-old, Mahala Heiston, on 24 Oct 1874 in Tippecanoe, Miami County, Ohio. She was born June 10, 1854, in Shelby County, Ohio, the daughter of a Brethren family. Her parents were Aaron Heiston and Sarah Bennett; but her mother had passed away when she moved to Tippecanoe with her family before 1870. She apparently did not get to finish 12 years of schooling, as in 1870 she had a personal estate worth \$100. That was a lot of money in 1870! She was probably a working girl. After Elias and Mahala marry, they move to Toledo, Ohio. The Methodist tradition continued in the family of Mahala and Kirk Max. (Left – Kirk, Mahala, Walter Earl, Kate Max – Taken in Piedmont.)

Since Elias Kirk was twenty-two years of age when he married, he likely had gone to college to learn the skills necessary to be an engineer.

Kirk worked for the railroad as a "stationary engineer." This type of engineer does not drive trains. A stationary engineer ran the steam boilers and powerhouse at a railroad terminal where they would need steam, heat and electric. A stationary engineer could also run steam boilers and powerhouses for any type of industry before electricity. From the occupation of "stationary engineer" grew the many-faceted field of engineering occupations of today.

By 1877, Kirk and Mahala Max have two children: Mae, born March 2, 1875, and Charles Edward, born December 1877, Toledo, Ohio. They returned to Troy, where Kirk continued working for the railroad as a stationary engineer. On December 15, 1887, Walter Earl is born in Troy, Ohio. Walter Earl Max is the last child of Kirk and Mahala Max who will be born in Ohio.

### **The Big Move West!**

Samuel and Nancy Elisabeth Max, and the whole family, with the exception of Minnie and Daniel Haines—married children, grandchildren, and all, move to Missouri sometime after 1887. The family took the train to Wayne County, Missouri, "lock, stock, and barrel." Samuel and Nancy and their daughters, Lillie Ann, Nettie Irene, and Nancy, settled on a farm place in Logan Township, near Patterson, Missouri. Their son, Charles Edward Max goes to work for the Iron Mountain & Pacific Railroad as a station agent in Piedmont.

I imagine Nancy Elizabeth Hyatt Max, being a good Methodist and a Teetotaler, took one look at the raucous, wild-west atmosphere that pervaded the town of Piedmont in 1887, and said firmly, "We are not living in a place like that!" It was your basic railroad-logging boom town full of "dram shops, saloons, hotels, railroad boarding houses, and some "fine establishments."

Kirk and Mahala live in a home in North Piedmont. Their fourth, daughter, Kate will be born in Piedmont, Missouri, in 1890.

I should mention that Piedmont also boasted many fine homes, such as the Berryman Mansion (right), and legitimate establishments. With a railroad close by, there was nothing you could not obtain in Piedmont, Missouri, in 1887! However, picture postcards of the day show roofed-over wooden sidewalks, hitching rails, and mud, or dirt streets, depending on the season.



However, for some reason, only daughter Alma comes with Joseph

Henry. He evidently bought, or rented, a house large enough for two families. Jennie Max stays behind in Columbus with her daughter, Mariam, who has married a Robert Haines. Jennie Max seems to have never lived permanently in Piedmont. She does come to Missouri to support her husband, Joseph Henry during his widely publicized murder trial; but, immediately after the trial, she and Alma return to Columbus and Henry Max splits for Waco, Texas! He does not even return to Piedmont; but departs on the train from Des Arc, Missouri. Probably a wise man, considering what happened to his brother.

### **The “Marrying Max Family”**

Charles Edward Max, the station agent at Piedmont and the only son of Samuel and Nancy Max who is till single, gets married. On June 24, 1885, he marries Helen Dunn, a Missouri farm girl from Iron County. They become a part of the community. On April 17, 1888, their first child is born; a daughter, Aureola. Charles has a great interest in homing pigeons, runs for the school board and garners 65 votes. He was a “Worshipful Patron of the Order of the Eastern Star.”

The Order of the Eastern Star is the largest fraternal organization in the world that both men and women can join. It was established in 1850 by Robert Morris, a lawyer and educator from Boston, Massachusetts, who had been an official with the Freemasons. Members of the order are aged 18 and older; men must be Master Masons and women must have specific relationships with Masons. Originally, a woman would have to be the daughter, widow, wife, sister, or mother of a Master Mason; but the Order now allows other relative as well as allowing Rainbow Girls to become members when they come of age. (Wikipedia).

Lillie Ann gets married! It must have been love at first sight when she met James Swaynie, and they marry on August 21, 1888. She was 30 and he was 40. Their beautiful baby daughter, Hazel, was born a year later, in Missouri. After Hazel is born, they head for the state of Nebraska and buy a house in Takoma. James operates a General Store there, and they add a son to their family. Max Swaynie was born in February of 1891. The family then farms for about 25 years and, in their old age, move to a home in Ravenna, Nebraska. They are both buried in Highland Cemetery in Ravenna.

Minnie May and Daniel Haines come to Piedmont after their first child, Oma Fern, born on July 10, 1887, dies at about 14 months of age on September 1, 1888, in Ohio. Their second child, Ernest Max, is born on November 11, 1889, in Piedmont, Missouri. Evidently not finding that rough and ready area to their liking, they return to Troy, Ohio sometime in 1891. Daniel Haines is also a stationary engineer. Fortunately for Minnie and Daniel Haines, they do not live in Piedmont when all the trouble breaks out.

Nettie Irene marries soon after her sister, Lillie Ann. She marries Charles Wilber Wiley on May 3, 1892. She was 25 and Charles was 27. He is an electrician. The town of Piedmont has electric lights for the first time in 1898! They soon go to Beloit, Wisconsin, and later to Bedford, Iowa.

Nancy “Nanna” Max marries! She also met a young fellow in Missouri who stole her heart. We now know that his name is Thomas Madden POLK, Jr. (Find-a-Grave) They had a June wedding in 1893, right there in Wayne County!

Thomas M Polk 1829 – 1914  
Mary Ann Elvira

Cynthia Virginia Braden 1831 – 1911

Thomas, Jr. & his siblings were:  
Presley Powell 1852 – 1907

Sarah "Sally" 1858 –  
Francis "Frank" Marion 1859 – 1945  
Thomas Madden, Jr. 1864 – 1927  
Mary "Mollie" L. 1866 – 1938

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Madden married Nanna Max at the Methodist Parsonage in Wayne Co, MO on June 6, 1893. Some descendants believe they had a son, Clyde, was born in Wayne Co, MO on Aug. 31, 1899; he died five days later.

ON JUNE 8, 1900, Madden T., age 35 (born in TN on Nov. 1864), a widow, lived in Logan Township, Wayne Co, MO with his parents, Thomas M. & Mary B. Polk, ages 71 & 69 (both born in TN; Thomas M. on Nov. 1828 - Mary on March 1831), who owned a farm. Thomas & Mary had been married 47 years; Mary had given birth to 7 children - 4 were living. Thomas was a farmer; Madden, a teacher.

Thomas, Jr. age 36, married Virginia E "Jean" Martin, 27, in Wayne Co, MO on October 22, 1901.

ON APRIL 15, 1910, T.M. (Jr.) & Virginia Polk, ages 45 & 36, were renting a farm in Logan Township, Wayne Co, MO. They had been married 8 years; Virginia had given birth to 3 children - two who were living; George, age 5, & Charley, 11 months. Thomas was doing general farm work to support them.

ON JAN. 3, 1920, T.M. (Jr.) & Virginia Polk, ages 56 & 44, were renting a home in Logan Township in Wayne Co, MO. Their children were George, age 15; Charles, 10; Jessie May, 8; & Robert Frank, 3 years & 4 months. Thomas supported the family by farming.

Thomas, Jr. died from Angina Pectoris on Sept. 8, 1927. He had lived 62 years, 10 months, & 1 day. He was buried the following day.

Yes, Sir! Wayne County, Missouri, in the 1880s does seem to be a single girl's dream. All those single men working for the railroads, the timber companies, mining companies, and all the supportive industries of grocers, restaurant and hotel managing, that goes with it. Good providers, all.

Just when the tongues of Piedmont stop wagging after much discussion of the many news items about the Max Family daughters marrying, carried in the social section of the Piedmont Banner, another bombshell landed! Great-aunt May Max, the daughter of Kirk and Mahala Max, marries the Rev. William Webster Rife.

Nov. 1, 1894, News Item: Piedmont Banner, Hymnal. Miss May Max of this place and Rev. W.W. Rife of Altus, Arkansas, were married by Rev. William Pascoe last Wednesday at 10 p.m. The marriage occurred at the home of the bride's parents, Mr. and Mrs. E.K. Max, in North Piedmont, in the presence of only a few relatives and friends. Mr. Rife is a local minister of the M.E. Church, South, but is at present in the drug business at Altus. Miss May had lived here from her girlhood and so quietly had the "sparking" been done no one even suspicioned her of thinking of marrying. She is a most excellent Christian woman and her removal from Piedmont will be regretted by many of her friends. She had a class of little boys in the Sunday School who sadly miss her presence."

W.W. Rife was a druggist, and had a business in Altus, Arkansas, when he and Great-aunt Mae Max married in 1894. Yes, he was 40 and she was 20; but I expect everyone thought that was quite all right as he was a minister! The newlyweds moved to Altus, Arkansas, where his business was located. Later, he and Great-aunt Mae moved to Fredericktown, Missouri; presumably because that was where he was a minister. They came from Fredericktown to attend Kirk Max's funeral in 1898.

News Item: Piedmont Banner, Oct. 27, 1894. A letter from Altus, Ark., by Mrs. May Max Rife appears in paper. She recalled pleasant associations at Piedmont. She is now in her new home. She recalled the boys in the Sunday School class she taught.



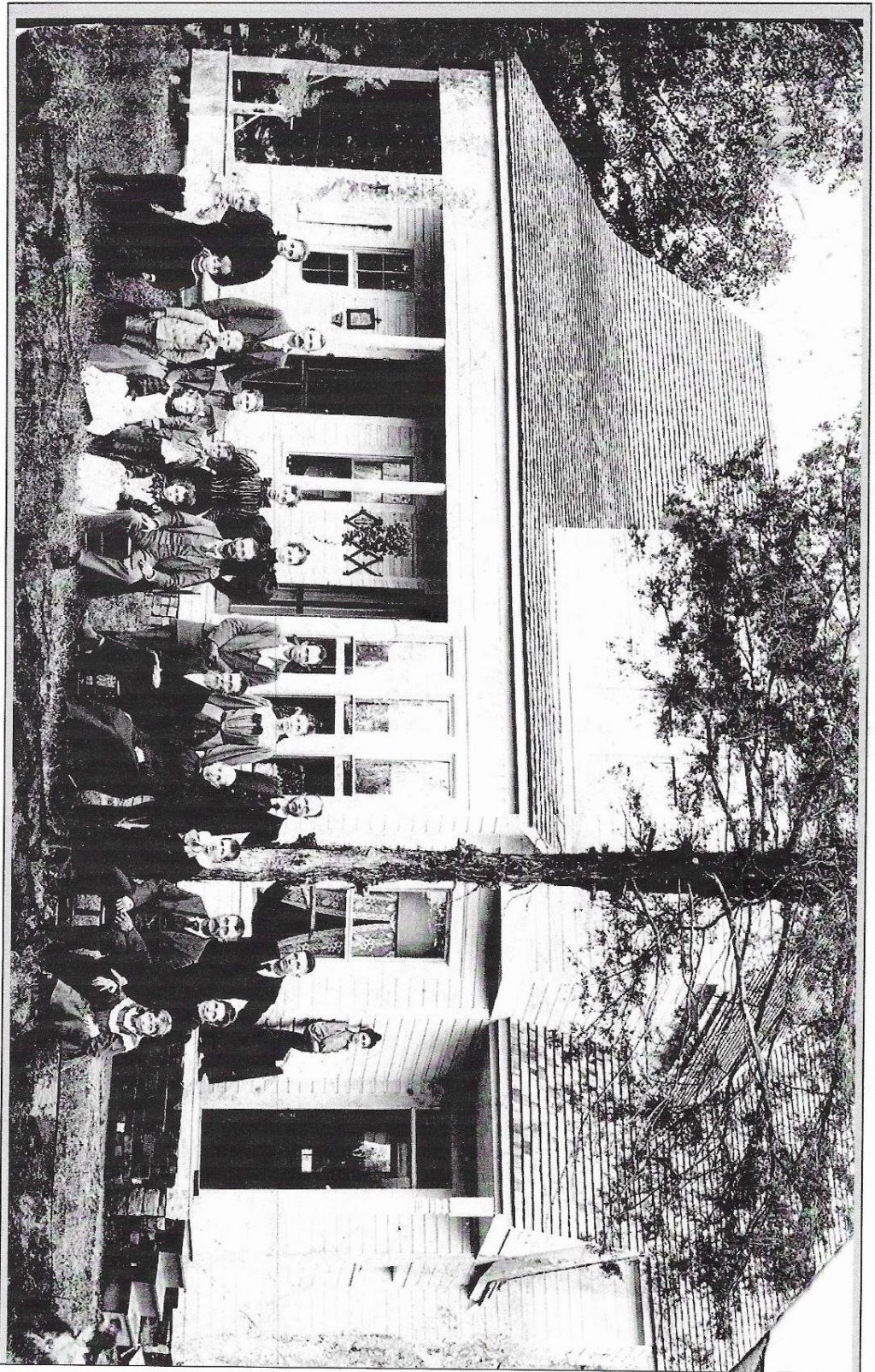
Shortly thereafter, tragedy strikes. A little more than a year after their June wedding, on November 12, 1894, Nanny Max Polk succumbs to typhoid fever at the age of 24 years, 2 months, and 7 days. She was a schoolteacher. “Nanna” Nancy Max Polk is buried in the Masonic Cemetery, in Piedmont, Wayne County, Missouri.

On the Stone: Daughter of Samuel Max and beloved wife of Madden Polk  
Erected by her husband

Here is the 50th Wedding Anniversary celebration of Samuel and Nancy Elizabeth (born Hyatt) Max, somewhere in rural Patterson, circa 1896. Judging by the description of the location of his farm given in Samuel Max’s will, described as the English Farm, I believe this is what he bought after the Civil War, and after the Isbell Methodist Chapel had been burned, which had the English Cemetery next to it, the land for both, I believe, having been given by the English Family. One of the unknown burials in that cemetery could well have been their son, Elias Kirk Max, who had been gunned down on the street in Piedmont, after having been acquitted of murdering banker George Withers. He died in St. Mary's Infirmary in St. Louis, Sept. 12, 1898.

#### **Land Description quoted from Will of Samuel Max:**

“Real estate situated in the County of Wayne in the State of Missouri, and known as the English farm land, the East Half of the Northeast fractional quarter of fractional number twelve (12) from the Northwest Quarter of the Northwest fractional location twelve (12) and the Southwest quarter of the Southwest quarter of location one (1) in Township twenty-nine (29) Range four (4) is part of precinct survey number eight hundred and forty-eight (848), granted to Robert A. Logan...”



Children: Left to Right  
Earnest Max Haines, Mabel Grace Haines, Max Swaynie, Hazel Swaynie, Samuel Max, Aureola Max, Walter Earl Max, Kate Max  
Adults Standing: Left to Right  
Minnie May Haines, C. W. Wiley, Nettie Irene Wiley, Helen Max, Rev. Rife (?), Alma Max, Joseph Henry Max  
Adults Seated: Left to Right  
Lillie Ann Swaynie, Charles Edward Max (Station Agent), Samuel Max, Nancy Elizabeth Max, Kirk Max, Mahala Max



Samuel and Nancy Max celebrate their 50<sup>th</sup> Wedding Anniversary. Here is a news clipping.

News Item: "Mr. and Mrs. Samuel Max of near Patterson celebrated their 50th wedding anniversary (Error in article saying they had been married Nov 10, 1846. Present were celebrants and J.H. Max & daughter Alma, E.K. Max (and family), C.E. Max of Piedmont (and family), Mr. and Mrs. Wilbur Wiley, husband of Nettie Max, and family, Mrs. J.C. Swaynie and children of Tekomah, Nebraska, Mrs. Daniel Haines and two children of Troy. A gold watch chain was presented to Mr. Max and a golden cake basket to Mrs. Max."

There is no information as to what newspaper this appeared in. Grace Kinney also mentioned that she was shown a group picture at this time. I believe that is the family picture taken in front of the old Victorian farm home. It was found in Dorothy Younce's things after her death, and until I read Grace's notes I did not know who these people were. Dorothy May Max Younce was my mother-in-law. She was a sweetheart!

The first great-grandchild is born! In September 1897, Rev. William Webster Rife and Great-aunt May Rife have a son, Raymond. It is a very happy time of rejoicing for the parents, the grandparents, Kirk and Mahala; and the great-grandparents, Samuel and Nancy Max. Very likely everyone traveled to Fredericktown for the christening of little Raymond Rife in the Methodist Church.

**The Max-Withers Feud!**  
**Or; As the Newspapers Liked to Call It,**  
**"A Case that Promised to be Celebrated"**

This "feud" as the newspapers liked to call it, was actually between Joseph Henry Max and George A. Withers, the banker. As we have said, Joseph Henry had a mouth!

Eleven years old in 1897, little Earl Max (as he liked to be called) was going to spend his youth in the "powder keg" that marked politics in the aftermath of the Civil War. Events that began on September 7, 1897, would reverberate throughout the Max family for years to come. Events would occur that were so devastating, they were seldom spoken of again!

Historical Background: Missouri had been a divided state during the war and the war had raged back and forth over the state. The Civil War may have been over; but, the Southerners in Missouri had suffered much at the hands of the Union Army. Many loyal "sons of the south" had died and wounded feelings were not healed. Indeed, I believe they continue to this day.

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"Before the Civil War, 1820 through 1860, the Ohio-Mississippi-Missouri River system and the extension of the Cumberland Road to the Mississippi River brought thousands of immigrants from the upper South and lower Midwest into Missouri, pushing the frontier to the Kansas border. Kentucky contributed the largest number of settlers during this period, followed by Tennessee, Virginia, Ohio, Indiana, and Illinois. The mountaineers from middle or east Tennessee and North Carolina were especially attracted to the Ozarks.

Many of the Missouri and Mississippi river settlements were established by Southerners who maintained their political sympathies, held slaves, and Democratic politics. They settled along the Mississippi River well north of St. Louis and across the Missouri Valley.

"The Civil War began at 4:30 a.m., on the 12th of April 1861, when the first Confederate shell smashed into

Fort Sumter. Within weeks militia were being organized in both the North and the South. The bloody years of war that followed cost the lives of 600,000 men, two percent of the country's population. At the heart of the conflict, the issue of slavery divided states, nationalities, neighbors and even families.

Missouri sat on the border between North and South. Most of Missouri's American-born settlers were from southern states and were southern in sentiment. Generally, they lived on farms, and many owned slaves. But the state also had a large foreign-born population, most of whom were strongly in favor of the Union. A convention was called to determine what course Missouri should take in the war, and the state took a position of armed neutrality.

It was determined that neither North or South should invade the state and that Missouri would raise an army of its own for the purpose of protecting itself against the government of which it was a part and against its neighbor states that had seceded from the Union. The Missouri State Guards were organized. In Fact, the tide of feeling on both sides rose too high to allow the state to remain neutral. Armies, both North and South, entered its borders and thousands of its citizens enlisted, some fighting for the Union, some for the South.

In no other part of Missouri was the loss of property and life more devastating than in Southeast Missouri. While only a few large-scale military operations between uniformed armies occurred, the complex mix of military units operating in the region made it a bloody battlefield for four long years. Northern sympathizers who were not in the regular Union army formed The Missouri Enrolled Militia which engaged in constant warfare with Missouri Confederate militia. Federal troops, intent on preventing a Confederate invasion from the south, moved back and forth through the region. Confederate armies, determined to gain a foothold in Missouri, marched through the Region from the South.

Guerrilla bands, some loyal to the North, others with allegiance to the South, engaged in some of the most widespread, longest-lived and most destructive guerrilla warfare of the Civil War. The war had the effect of brutalizing its participants. Soldiers who, only months before sat in church pews singing hymns, and who would return to those same pews after the war, found themselves capable of unspeakable atrocities. Individuals and families suspected of opposing sympathies were murdered. Homes and businesses were looted and burned. Civilians and fighters, men, women, and children were swept into the nightmare. Soldiers who returned home after the war often found nothing left. Whole families had fled to safer areas. Homes had been burned, fences torn down and used for firewood and livestock slaughtered or gone wild. Weeds and undergrowth overran what once had been fertile fields.” Source: [http://semorpc.org/civil\\_war.html](http://semorpc.org/civil_war.html)

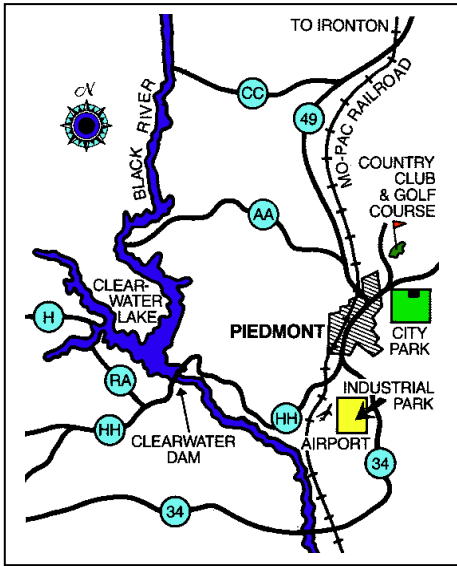
Kentucky contributed a large proportion of settlers to the middle prairie regions, while the people from Ohio, Indiana, and Illinois concentrated along the northern border and the Mississippi River. During this period, Germany also contributed a large number of settlers who settled in St. Louis and along the river counties west.

Immigration came to a stand-still during the Civil War; but with peace, the next wave of settlers arrived.

With the help of the railroads, Europeans as well as pioneers from the prairie states of Ohio, Indiana, Illinois, and Iowa provided the major portion of the newcomers. Northerners outnumber Southerners nearly two to one. They occupied most of the remaining land north of the Missouri River, along the Kansas border, and along the Osage and Springfield plains. During this period the cities of St. Louis, Kansas City, Joplin, Springfield, and Jefferson City also grew rapidly. By 1890, the population of Missouri had reached 2,679,185.

A decision was made to extend the St. Louis Iron Mountain and Southern railway all the way to the Arkansas state line and thus, land along the McKenzie Creek (opposite the original settlement of Danielsville) became very valuable and it was platted off into town lots by Thomas Allen, the Vice President of the Railroad. Hence the City of Piedmont was launched with the railroad rush of 1871.

The original surveys for the railroad had been to extend it through Brunot, Patterson, and Greenville. The



people of Patterson were unhappy when the railroad was built along the Black River instead, and Piedmont was laid out in 1871. After Piedmont became a wild railroad town with saloons and women of easy virtue, the aristocratic people of Patterson consoled themselves that they didn't really want to be a "vulgar railroad town." (Left – Piedmont map. Mo-Pac RR is old Iron Mountain.).

Construction crews reached the city and the economy boomed with railroad workers, farmers, and new businesses flocking to the area. Almost overnight Piedmont was up and running at full speed. The only thing needed was a train...and that arrived on October 10, 1871, with many dignitaries, including the Governor, on board.

And with the railroad came the Max families; although, exactly which railroad company they each worked for is not clear. In the 1898 Iron County Register an advertisement appears for the "Big Four Route" "The Best Route Between Cincinnati and Chicago, St. Louis, Toledo and Detroit." "Elegant Dining Cars" It was also a "Great Through Line" to New York and Boston. So, there were many railroads in the area at the time.



“To understand the economic and social importance of the railroad one must remember there were only four ways to travel, said Weddle. “The traveler walked, rode in some vehicle drawn by horses and mules, or road a railroad train. In some places travel by steamboat was possible, but not here in the hills. Nearly everything and everyone who came to Piedmont or departed from there—except thunderstorms and migratory birds—used the railroad.

At the time for the arrival of a midday passenger train came near, the station (pictured above left) and the station platform became, to coin an expression, a hive of activity. People came to board the trains and to see their friends off on journeys, short trips from which they might return that same day, or long trips from which they might never return. Others loafed about the station just to see what was happening.

Traveling salesmen used the railroad for visiting the railroad towns, carrying their samples with them in large trunks that rode the rails as baggage. They hired buggies or light wagons and teams to haul themselves and their samples out to the towns that had no railroad. I have seen the sample cases of one salesman fill capacity one of the large four-wheeled trucks used on the station platform. Mail and express shipments were carried on the passenger trains. LCL (less than carload lots) were hauled by local freight in box cars. The mail was hauled directly from the station to the post office in a pushcart.” (Piedmont, Missouri, A Sesquicentennial History, C. Ellinghouse).

In the boom years, Piedmont’s business district, a rowdy place at times, developed first along the railroad. On West Third, now Third, were a number of hotels and boarding houses. Across the tracks on East Third, were a collection of lounges, saloons, and dram shops, “watering holes” as they were called. All were conveniently situated near the railroad. (“Drams are “shots” of liquor.)

Hotels were the Sutherlin Hotel, William’s House, Young’s Hotel, and Pacific House. The lounges were John H. Young’s Damfino Saloon, G.W. Creath’s Golden Slipper, E.J. McDonald’s Main Chance Saloon, and Railroad Man’s Haven, a restaurant with sleeping rooms on the second floor.

According to the Piedmont Banner of the period, we find the first bank was established on April 4, 1892. The Farmers and Merchants Banks deposits grew to a then considerable sum of \$23,000. W.H. Blaine, Piedmont's first mayor, was the president. Cashier and real promoter of the bank was W.C. Shields. It appears that Mrs. Shield's family had been speculating in town lots in Kansas and Shields had lent them a large sum of money with this land as collateral. Sadly, the Kansas real estate turned out to be worth little and the bank was considered "shaky" by the business people of Piedmont. They began to deposit their money in the banks of St. Louis.



George A. Withers was a respected businessman of Clearwater and Piedmont. In 1896, George A. Withers closed out his big timber operations in the area and closed out his Clearwater holdings. He decided the Farmers and Merchants Bank could be saved and would be a good investment. On May 4, 1896, he took Shields' place as cashier, made up a good part of the loss and affairs seemed in good shape. However, the Mullanphy Bank of St. Louis in which Farmers and Merchants had deposits failed, causing a loss of more than \$6,000 to the Piedmont Bank.

This was in July/August of 1897 and unless this loss could be overcome, the bank would fail. Withers was not a man to give up easily and still thought he could save it. He conserved every asset the bank had and threw more cash into the reserve.

### **Grudge Caused by Court Case**

“George A. Withers, a benevolent Piedmont banker, responded quickly to offer comfort, encouragement and legal guidance to Lizzie Harness, a poor orphan girl, not yet age 14 who said she was the victim of rape early in 1896. The one accused, Ohio native Henry Max, a 46-year-old railroader greatly troubled by Wither’s embroilment in the case, stoutly denied the girl’s allegations and vowed to kill the banker. (After his acquittal, and return to his former home in Ohio, Henry Max wrote a very long letter explaining his side of the case to the St. Louis Sunday Post-Dispatch.)

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### **The News**

# “I WILL KILL YOU”

*Said J. Henry Max to George Withers of Piedmont, Mo., And It Cost the Life of His Brother, Kirk Max, Two Years In Prison for Himself and Self-Exile From the State*

*This is a story of Southeast Missouri, written by J. Henry Max, formerly of Piedmont, who was tried on a charge of murder not expected. His brother, tried before him was acquitted and then assassinated. J. Henry Max has written his side of this celebrated case especially for the Sunday News Dispatch. The only parties accused (...can't make it out.)*

Columbus, Ohio, Sept. 18

To the Editor of the Sunday Post Dispatch.

For the first time I will now tell the complete story of the supposed murder of George Withers, banker and leading citizen of Piedmont, Mo., of which I and my brother, Kirk Max, were accused.

Mr. Withers was found dead in the railroad yards at Piedmont on the night of Sept. 8, 1897.

He undoubtedly fell and was killed while trying to alight from a train.

I was arrested, charged with his murder. Then my brother was arrested.

He was tried on the charge and acquitted. One year and one day after Withers' death, my brother was shot in the back by an unknown man at Piedmont and died in a St. Louis hospital a few days later.

After nearly two years in jail I was tried on the charge of murder and acquitted. Perjured testimony was introduced against me, but my innocence was clearly established.

Enemies killed my brother. Others threatened to kill me. That was why I returned to Ohio, where I used to live six years ago.

False accusations cost me several hundred dollars, my reputation and nearly two years in jail. They brought death to my brother and untold misery to myself, my family and my friends.

The only suspicion against me was that I once threatened to kill George Withers.

Blackmailers, using an orphan girl against me, trumped up false charges against me. Withers took a prominent part in the prosecution, for the good of the town's riffraff's. After repeated attempts to keep me in jail and convict me I established my innocence at every point and was acquitted. Later the girl made affidavit to the fact that she had been coerced into making charges against me, and that those charges were false.

In a moment of anger I threatened to kill Withers. I said this to his face. I do not deny it and have never denied it. My only object was to cause him to leave my affairs alone. How many men have made similar threats, never for an instance meaning them.

This was the only fact that directed suspicion to me. It was

*The True Story of a Missouri Murder Trial Which Resulted in Acquittal for One Brother and Assassination For the Other.*

not conclusively proved that Withers was murdered. Every indication was that he fell from a trying to alight in a hurry, just as it reached the depot.

I claim that great prejudice existed in Wayne against me.

Soon after I was arrested my enemies tried to form a mob to lynch me.

Not content with that, they caused the arrest of my brother as an accessory to the alleged murder.

It was claimed that on a buggy we owned was human blood. Physicians not only swore that it was human blood, but that it was the blood of George Withers! We swore it was the blood of a wood duck and showed how it came to be there.

Harry Campbell, a tramp, testified that he heard me and brother positing the murder of Withers. We proved this story to be a lie. His testimony was ruled out, but he was punished for perjury.

A woman swore that she saw me driving past her place between 2 and 2:30 o'clock a.m., a few hours after the supposed murder. This statement was likewise proved to be untrue.

Furthermore, I was employed as a night car inspector for the Iron Mountain Railroad and proved beyond a doubt that I was at work in another part of the Piedmont yards at the very instant Withers is supposed to have been killed.

I also proved that my intentions with the man were friendly and that I transacted business with him a number of times after the affair with the girl was cleared up.

After he was acquitted, my brother put every energy to work to establish my own innocence. He succeeded in proving that one witness, the tramp, had been hired to swear he had heard us planning to murder Withers.

Kirk Max went to Indiana to secure the deposition of a witness concerning my whereabouts at the time Withers was killed.

It was while engaged to this effort to clear me that my brother was fatally shot. He was walking down the street with Mr. Lindsay, a grocer, when somebody fired at him with both barrels of a shotgun.

Among others who heard the commotion and ran to the scene were Mr. Hines, the prosecuting attorney. So great was Max's fear and suspicion of him that as he bent over him, he (Max) asked.

"Hines, did you shoot me?"

"Why, no!" Hines exclaimed.

“Well,” replied Kirk Max. “I am now going to die, and in the face of a great beyond and future judgment, I want to tell you that my brother and I are innocent of the murder of Withers. We are not guilty and I forgive you, Hines, for all the wrong you have done us both.”

After hearing these words Hines went away. My brother was sent on a train that night to St. Louis. There he died.

His murderer was never apprehended. Very little effort was made in that direction, though a small reward was offered.

Just before my brother’s murder I was removed to the jail at Ironton. My recent trial ends the history of this history of tragic events. I am free, and no man can say that the State did not do his whole duty in the matter of apprehending the murderer or murderers of George Withers. His only mistake was his arresting two innocent men. Strange as his life’s ending may have been, there can be no doubt that the unfortunate man met his fate by falling from the train upon which he was traveling at the time....this column incomplete.

...I ... have friends and acquaintances who will be greatly surprised to learn of my recent trial for murder. However, I am an innocent man; my conscience is clear; my heart is free, and my soul is free, except for the memory of my dear brother Kirk, who sacrificed his life in my behalf.

When this trouble came up, I was employed in the service of the Iron Mountain Railroad as night car inspector. As my wife, and family of three daughters reside in Ohio I had to keep bachelor’s half to save expenses. As I had more room than I needed, I rented part of my home to a family by the name of Davies, consisting of a man, wife, and one child. This family had an orphan girl living with them. Several weeks after they moved into my place, Davies and his wife came to me and wanted me to let the girl be my housekeeper for her board and clothes. They said she (Lizzie) wanted to go to school, and they could not afford to buy her school clothes but thought I could. I declined, as I did not need her services and one of my daughters had already made arrangements to make me a visit, which she did eight or so days later. But Davies would not take “no” for an answer and kept after me to take the girl, as she was an orphan and had no real home.

After talking the matter over with my daughter we concluded to let Lizzie (the girl) stay with us until my father came in from the country. As my father and mother were aged and lived alone on a farm, I thought there would be a good place for Lizzie; also that she would be company for the old folks. So we took the girl in. She had only one dress to her back, and my daughter bought her underwear and dresses, new hat and schoolbooks, making the girl very comfortable. Lizzie went to school and learned very fast, and I began to take an interest in her. Almost the same as in one of my own daughters. However, I soon learned my mistake in over-reacting and striving to help the unfortunate.

I never dreamed my enemies were setting a trap for me. I never thought for a moment of the treachery which was being planned and formulated at this time. You may imagine my great surprise when, about two weeks later, things took a sudden turn and a dark cloud hung over my door, which I believe to this day was simply and purely a blackmailing scheme.

“All right,” I said. “Now that she has plenty of clothes and

schoolbooks. If that was all she wanted, it is all right.” And I said no more, although I was quite angry.

In the meantime somebody went over to my brother’s home to see my daughter and told her I had assaulted the girl. This brought my daughter immediately up to my home to make inquiries concerning the trouble.

The girl commenced to cry and said, “Why, your Pa never said or done something wrong to me. He has treated me like a father, but I was made to say what I did. I was told I could get (unclear) or (unclear) out of him. But, I will not do it. I won’t be no mean as that, and I won’t have anything more to do with these people.

So she brought her clothes back into my part of the house again.

That evening I went to work as usual and when I returned, next morning, the girl was gone again. I made a search and soon found that she had been persuaded to go away. My daughter went to see her but was refused admission. The woman said:

“No one can see her, for your father has ruined the girl.”

This accusation soon came before the public around that section of the country, and it was widely talked of and discussed. One of my neighbors reportedly said:

Max can settle the whole matter for \$400.

When I heard this I sent word that it was a case of blackmail! And I would not give one penny. The following day I was arrested, taken before a justice of the peace and put under a bond of (\$ unclear). By nightfall I was rearrested, and the bond raised to (\$ unclear). Feeling that things were resting easy for the time being I went along my usual avocation with little concern, for I knew that there would be no case; but the following night, at 6 o’clock, I was once again arrested and thrown into jail and told I would be allowed no bond, as the case was not bailable.

After my third arrest, George Withers hired a guard to watch me that night and they took me to the Central Hotel. After I had gone to bed, they came to my room about midnight and put me in handcuffs.

The next day I was tried for bail but given no chance. The justice claimed he could allow no bail and I was taken to Greenville Jail, where I lay for three day, when I was taken out by my lawyer, Mr. Durham, on habeus corpus proceedings.

My lawyer too me to Patterson, Mo., before Judge Davis, saying that George Withers had even tried to influence the authorities against me. However, Judge Davis gave me bail, fixing it at (\$ unclear, but three figures are obvious.) and I returned to my work.

This put quite a damper on the whole affair and when the case came up for trial, it resulted in a hung jury, and I was dismissed. I afterwards heard Withers had taken the girl 20 miles into the country so that my friends never saw her until after my trial.

It was in this trouble that Withers and me became involved. I got tired of a man meddling with my affairs. One day Withers and myself had some words when I told him I would kill him if he did not mind his own business.

The reader should here be reminded that I was having a quarrel with Withers at the time, and I was worked up so that I was half crazy. I never thought of my threat until a year later

when I was arrested on the charge of the murder of George Withers. Then like a flash of lightning it spread before my mind. It was terrible to think of such a charge, which was the result of my folly, as “a soft tongue turneth away wrath,” or perhaps a strong reminder is “think twice before you speak.”

Yet God know I never intended to carry out my threat and I only stated it to frighten Withers out of my affairs.

This threat was the worst action of which I was guilty, yet for it I was made to serve nearly two years in jail!

At my first trial concerning the girl I was acquitted. At my second trial the case was (unclear) prosecuted by the Prosecuting Attorney. But three other indictments were brought against me. They were laid over until the following term.

In the meantime the girl went before a salary pub (?) and made affidavit that she had accused me falsely and that she had sworn to lie against me. Then she sent for me. When I met her, she told me what she had done and asked my forgiveness, which I granted. I told her I never blamed her half as much as others in Piedmont.

Mr. Withers sent me word as soon as he heard of the victim’s confession that he would wash his hands of her, as she was “a regular little liar.”

I then sent Withers word that I was glad he had found out

the truth, and I did not hold anything against him. And I did not. I transacted business at his bank several times afterwards/

If George Withers were here, I don’t believe he would dispute the facts herein related.

As for myself, there was no one more painfully surprised to learn of his sudden death in the railroad yards, than was myself.

When my third trial was called the State swept away every charge against me without a hearing.

Now, after all this trouble, the State turns me loose and the people say, “It is too bad.” But that does not restore my good name nor restore the hundreds of dollars spent by my people in my behalf—nor, this does not bring back to life my poor, unfortunate brother who was murdered.

To cap it all, when I was in jail my friends advised me to leave the State after my trial. I received a letter from my mother, who said:

“Henry, when you have your trial, we will guard you, as your life has been threatened to do you as they did Kirk.”

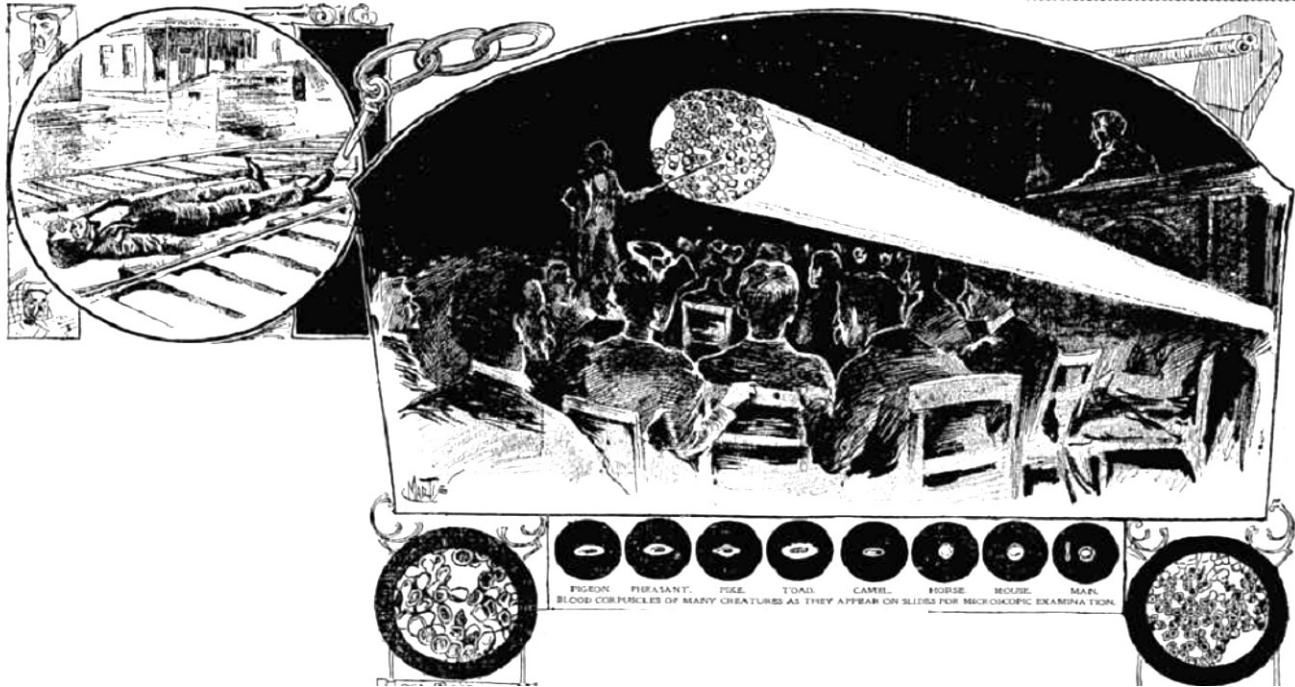
In conclusion, I fear no one, for I trust in God and live so, hoping that someday He will mete out the justice due those who have persecuted me and brutally killed my brother.

J. HENRY MAX

TWO MEN MYSTERIOUSLY SLAIN.

# A SOUTHEAST MISSOURI FEUD.

SIX MEN HAVE LOST THEIR LIVES.



*“On the night of Sept. 7, 1897 George A. Withers, cashier of the Farmers and Merchants’ Bank at Piedmont, Mo., was killed near the Iron Mountain Depot. His body was discovered in the railroad yards the next morning. Kirk Max was charged with the crime and acquitted. His brother Henry is to be tried. The defense will endeavor to prove that he tried to board the caboose of a freight train and was thrown to the ground and killed. Withers was very popular.”*

The Max-Withers feud in Southeast Missouri has resulted fatally to six men. On the night of Sept. 7, 1897, George A. Withers, cashier of the Farmers and Merchant’s Bank at Piedmont, was killed near the Iron Mountain depot. His body was found in the railroad yards the next morning.

Dr. Amand Ravold and Dr. A.G. Close of St. Louis furnished the evidence which established this fact.

Henry Max is still under indictment for the murder of Withers, but the acquittal of his brother, has practically destroyed the State’s case against him.

Kirk and Henry Max, brothers, were arrested, charged with his murder. Kirk Max was acquitted last March. On the night of Sept. 9, 1898, he was waylaid and shot on Main street in Piedmont.

Two days later he died at St. Mary’s Infirmary in St. Louis.

During the progress of his first trial two of the jurors became sick and died and a new hearing was ordered.

Two members of the venire of one hundred men also died before the adjournment of court.

Two years ago Henry Max was accused of having had improper relations with a young girl, an orphan, and was indicted by the grand jury. Withers took a leading part in the prosecution of the case. The jury disagreed and the case has not since come up for trial.

Kirk Max and Withers had unpleasant business relations.

Henry and Kirk Max owned a buggy which made a crooked track. Crooked buggy tracks were found near the place where the body of Withers was discovered.

Blood stains were found in the buggy and on a valise in Henry Max’s room.

A tramp swore that he overheard the Max brothers plotting

Wither’s death in the railroad yard the night before he was found dead. Afterward the tramp swore that his original testimony was perjured. He was convicted of swearing falsely and was imprisoned but escaped.

Another witness testified that he saw Henry Max driving his buggy out of a near-by alley about 1 o’clock on the morning of the supposed murder.

Because of these circumstances Henry Max was arrested. Kirk Max was held as an accessory to the crime.

They were indicted jointly for murder in the first degree. The case was called in the Circuit Court last February in Butler County, on a change of venue, before Judge John G. Wear. Two of the jurymen became sick and died and the trial was abandoned.

Within the four weeks following a severance was granted and Kirk Max was tried alone. His case was called in March.

Great stress was laid on the fact that blood stains were found on the buggy in which Kirk Max was supposed to have ridden with his brother on the morning that Withers was found dead.

Dr. Amand Ravold and Dr. J. G. Close of St. Louis and Dr. A.J. Smith of Farmington, Mo., proved that the blood was that of a fowl.

Kirk Max established the fact that he had killed a duck only a day or two before the murder and had thrown the fowl into the buggy.

Pictures of human blood, the blood of fowl, the blood of hogs and other animals, greatly magnified, were produced in court to prove the claim of the defense that the blood found on the buggy of Henry Max was not that of a human being.

A stereopticon was used. Drops of blood were placed on the slide of the physicians who were called to testify as experts, to prove that the blood found on Max’s buggy was not human. The jurymen, one by one, examined a drop of human blood. They observed the appearance



and construction of the corpuscles, the color, the consistency and all the peculiarities as revealed by the powerful magnifying glass.

They examined a drop of hog's blood; a drop of cow's blood, a drop of chicken's blood, and other kinds, and finally a critical examination was made of a drop of the blood of a tame duck.

Its appearance tallied exactly with that found on the Max buggy. It was different in many respects from human blood. The jury became convinced of the identity of each and were satisfied that the claim of the defense was just.



It was further established that Richter, a farmer residing in the vicinity, owned a buggy which made a track similar to the Maxes', and that he had driven near the scene of the supposed murder the evening before.

On the strength of this evidence Kirk Max was acquitted. Henry's trial was set for August 23, but by agreement it was continued until Dec. 1.

There were two reasons for this action. The prosecution claimed that the witness who found the body of Withers was unable to be in court in August.

The defense, led by Senator W. R. Smith of Farmington, agreed to a postponement in order that it could locate a witness—who was afterward found at Union Ill., who will testify that a man answering the description of Withers got on the bumper of a freight car at Piedmont, on the night of Sept 7, 1897, and that, in switching, he was thrown from the car and killed.

The defense for Henry Max will endeavor to prove that Mr. Withers returned by train, from a trip to Ironton, Mo., on the night of Sept. 7, 1897, as admitted by the State, and that he intended to go to

Williamsville that night; that for that purpose he endeavored to catch the caboos of a freight train and in so doing was thrown to the ground and killed.

After his acquittal Kirk Max retired to his farm near Piedmont and set about the task of raising money, to assist in the defense of his brother.

Notwithstanding his acquittal many persons in the town and vicinity believed him guilty of complicity in the murder of Withers.

But he had no fear. He went about his business peaceably and did not anticipate trouble.

Henry was still in jail.

On the night of Sept. 9, just one year and one day after the finding of Withers' body, Kirk Max was assassinated.

He had gone into the store of J.T. Lindsey, on Main street, in Piedmont, to transact some business. It was late, and when Mr. Lindsey closed his store he and Max started up the street together.

They were nearing the opera house, half a block away. Suddenly there was the report of a gun. Max fell to the sidewalk mortally wounded.

A man who had been concealed in the doorway dashed by him on a dead run. He threw his weapon away. It was a double-barreled shotgun.

Mr. Lindsay was too greatly shocked and frightened to notice the appearance of the murderer.

The whole town was aroused.

Believing that he was dying Max sent for Prosecuting Attorney Hines. He took him by the hand and assured him that he bore him no ill will because of the part he had taken against him as a public official and reasserted his own innocence and that of his brother.

Max had been shot in the abdomen. Seeing that his condition was critical, Dr. Tyler put him on an Iron Mountain train and hurried to St. Louis.

Laparotomy was performed at St. Mary's Infirmary, but it was of no avail. Max died the next day.

Who killed him?

That may never be known. Banker Withers was popular and the feeling against his alleged slayers was very strong. The town never ceased to talk about his murder. The circumstantial evidence against the Max brothers was so strong that many refused to believe in their innocence, even after the law had liberated one of them. The public demanded vengeance. The Max brothers were the only suspects. They were the only men in the town who had ever had trouble with Banker Withers. The public could not believe them guiltless of his blood.

On this point there was constant agitation. The Withers partisans were very strong and very bitter. But the Max brothers had their friends and did not lack for defenders. The bickerings and disputes between the two factions developed into violent quarrels and finally into a feud. Any one of a dozen men might have killed Kirk Max.

Who was he?

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Before the trouble ended, Piedmont was thunderstruck by a bizarre series of events, unparalleled in Wayne County history, that claimed the lives of 50-year-old Withers and four others and left the town divided into two warring camps. The Piedmont Banner story, dated November 26, 1896, described the rape case and the parties to it:

News Item: Piedmont Banner, August, 1897 - "A warrant was sworn out before Justice K.T. Daniel against Henry Max last Saturday charging him with having carnal knowledge of Lizzie Harness, a girl a few months over



“*The Law*” in Piedmont in the 1880s. Not the characters mentioned; but elected soon after. Note spittoon on lower left.

age 13. The warrant was served by Constable J.H. Turner and Mr. Max admitted to bail in the sum of \$500 with Dr. S.A. Bates, E.K. Max, and attorney S.R. Durham as sureties.

Henry Max has lived here for years but his family, consisting of a wife and three daughters, live in Ohio. He some time ago bought a house in North Piedmont and has been living there. G.E. Davidson and family have been occupying part of the house during the past six weeks. Lizzie Harness is an orphan child who has been in the employ of Mrs. Davidson as a nurse. Mr. Max told Lizzie Harness if she would do the cooking for him and what little housework was necessary, he would buy her what clothes she needed and let her go to school.

The girl claims that about 10 days ago, by persuasion and force he accomplished his purpose and by intimidation prevented her telling about it until she was forced to in order to get relief. Mr. Max stoutly denies the girl’s story, saying it is false entirely. He said he felt humiliated at the charge, that he would rather be charged with murder in the first degree. He says he has no fears but what he will be able to fully disprove the charge when the case is brought to trial. Hon. Joel Hines has been retained by Mr. Max to conduct the defense.”

Henry Max was acquitted by a jury verdict of 11 to 1, a mistrial. (Others have called it a hung jury.)

Soon after this trial, Henry Max found himself in financial difficulties. He owed the bank money and needed to borrow some more. Max, who repeatedly had threatened to kill the banker if given an opportunity; now was forced to once again deal with banker George Withers.

Withers not only refused the make the additional loan but also advised the money already loaned must be repaid. There is no record now as to whether or not Max paid off the loan, but certainly he spoke harshly not only to Withers, but of him.

By September 1, 1897, the situation at the Farmer’s and Merchant’s Bank was desperate; but Withers got a St. Louis bank to make him a personal loan of several thousand dollars. He told the bank examiner that when he received that money, he would make up the impairment of bank's capital. On September 7, 1897, Withers went to St. Louis on an early morning train with the stated purpose of getting the cash on this loan and placing the money in the local bank. It took approximately 6 hours to travel to St. Louis from Piedmont in the 1890s.

On the night train of September 8, 1897, he returned to Piedmont. He never returned to the bank, for in some manner, he was killed before morning. Witnesses said he carried a bag of which he seemed extremely careful when he was on the train. No one was found who saw him after he left the train until his cut and battered body was found alongside the railroad tracks south of the station the next morning.

Not only was George Withers trying to save the Farmers and Merchants Bank; but he had made a survey for a branch railroad from Piedmont to Patterson. Now the good citizens of Patterson again wanted the railroad. That railroad idea died with the murder of Withers, at least for the time.

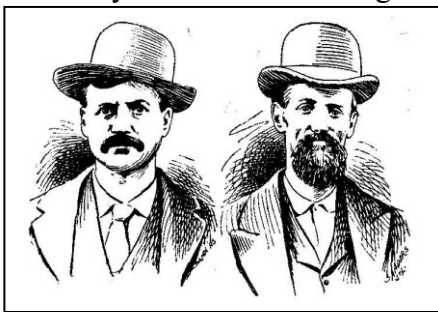
Highly regarded with a jovial disposition, Withers had been for about 16 years engaged in the lumber, milling and store business at Clearwater before he acquired Piedmont’s first bank, Farmers and Merchants, and moved to

the town. His partner and brother, Harry C. Withers, touted as a Republican candidate for circuit clerk, was the postmaster at Clearwater, a shipping station on the railroad on the banks of Black River about four miles from Piedmont.

Clearwater was the place where the railroad and Black River converged, so logs could be floated down the river to the mill and the finished lumber subsequently shipped by train to market. For a time in the very early 1900s more than 500,000 staves made annually in Reynolds County during the winters and were floated down the river to Clearwater for shipping in the spring.

At the peak of their business there, the Withers brothers employed more men than the railroad did at Piedmont, so the Withers name was well established and popular long before his arrival in town. His wife Avis and children were socially popular, sterling members of First Baptist Church!

Townpeople were well aware that Henry Max repeatedly had threatened to kill the banker if given an opportunity, because of his influence in helping Lizzie Harness bring her case to court. They were nonetheless shocked, saddened and greatly agitated to learn of the discovery of Withers' battered body in the lower portion of the railroad yards on the morning of Sept. 8, 1897, one month after 11 of the 12 jurors voted to convict the Ohio native of rape, which prompted the judge to declare a mistrial.



It appeared Withers was the victim of a brutal beating. Many in the town believed his death to be a direct consequence of his support of the rape victim, and that Henry Max was the assailant. Several were furious and vowed to exact vengeance themselves if the law didn't respond quickly.

Officers were hesitant initially to finger Max. That family was generally held in high regard, too. His brother Charles E. Max was the town's respected and appreciated Iron Mountain railroad station agent widely known for his interest in homing pigeons, Masonic work and Republican politics. Another brother, E.K. "Kirk" Max, a popular fellow, had been appointed to the school board by School Commissioner T.M. Grisham, a Republican, in March of 1896 but after taking the oath of office declined to serve. They and others in the family had been involved in virtually all aspects of the life of the community since their arrival about 10 years ago from Ohio. The brothers' parents, who lived near Patterson, had recently observed their 50th wedding anniversary.

Officers investigating the death of Withers thought they had enough evidence to prove he had been killed by Henry Max and also implicated his brother E.K. (Kirk) Max. It would be on the basis of circumstantial evidence, only. The Max brothers were respectable citizens, and the people of Piedmont took sides. (Newspaper Articles are included in the Appendix).

But as the pressure mounted and evidence gathered, Henry Max and Kirk Max were incarcerated without bond after a Wayne County grand jury returned an indictment of murder in the first degree against the two of them in January of 1898. That happened a short time after an angry mob made an attempt to capture and lynch the brothers. (E.K. and Henry Max Sketches, Piedmont Banner.)

They immediately employed able attorneys, M.R. Smith and S.R. Durham, to defend themselves and oust the circuit judge, J.F. Green, biased at the outset, they contended, and move the case out of Wayne County. They were particularly offended by newspaper stories written by editor J.N. Holmes.

Note: A Word about Joseph Noel Holmes: His newspaper career seems to begin in Piedmont after a terrible

fire burned out Piedmont's business district in 1888. The failure of the Piedmont Leader, to resume publication after the fire set the stage for the birth of the town's third newspaper to bear the Banner name. That happened in 1889, and that was when Dr. Joseph Noel Holmes decided Piedmont needed a newspaper and he was ready and able to supply it. Piedmont at that time was in a reconstruction mode, trying to recover from its disastrous fire, and Holmes was trying to put his life back in order after the death of his first wife. He was an 1883 graduate of the College of Physicians of Baltimore, which later merged with the University of Maryland. Holmes continued his work as a physician...was an organizer of the Southeast Missouri Press Association and was its president in 1894.

In a development not unusual for small towns, by his marriage to his second wife, Amy Lee, he was related to practically everyone in Wayne County, a Democrat, and a Baptist, to boot! This is not good news if you are in trouble, a Republican, and a Methodist! If you read the Ellinghouse book, you will find Editor Holmes is quoted profusely. Indeed, Ellinghouse's brother, Harold T. (as of this writing) is still editor of the newspaper in Piedmont. I believe they took every word that Editor Holmes wrote as the "gospel truth."

Mr. Ellinghouse has authored several books on Southeastern Missouri History. They are very interesting, and he is thorough in his research. They are available from many sources, including a Facebook page called "Historical Wayne County, Missouri" which is very helpful in Missouri Genealogy. The page manager, Mr. Bollinger, has his own book available. He also writes many well-researched, and interesting, articles on Wayne County, Missouri, History. If you are a History buff, you would do well to visit their Facebook page.

We resume. In a highly unusual development, several townspeople unrelated to the Max family signed court petitions swearing the brothers could not receive a fair trial in Wayne or Reynolds County for a number of reasons, one being what they called biased newspaper coverage, and demanded the trial be moved to another county. George Bates and Joseph T. Lanham, widely known and highly regarded, were two of the petitioners, the latter the leader of the Ancient Order of United Workmen's lodge in Piedmont. Circuit Judge J.F. Green agreed to the Max request and stepped aside. Judge John G. Wear took charge, but he agreed with Wayne County prosecuting attorney Joel Hines and ruled against the motion for a change in venue, which caused an upheaval countywide.

The Greenville Sun stated it looked "fishy" to have Republicans indicted by a grand jury whose members were chosen by a Democrat, Sheriff Clayborn Barnes, and noted the panel in the rape trial in fact was made up almost exclusively of Democrats. Now, said the Sun, the Max brothers were to be tried before a petit jury whose panel members were to be chosen by Barnes and very likely would be made up largely of Democrats in a proceeding presided over by a Democrat judge. That brought a sharp rebuttal from the Piedmont Banner and other newspapers.

The Dunkin Democrat at Kennett said the Max brothers "must be Republicans afraid of justice." The Iron County Register praised Holmes for his comments, stating he had "displayed more grit and backbone than generally characterizes Wayne County journals," and advised him to "stand pat."

Said Holmes the next week: "The business of a newspaper is to give the news and this we try to do. An object of an editorial in a newspaper is to voice the sentiments of the editor and when we write an editorial, we exercise that privilege. Our conscience, be it good or evil, gives us no concern regarding what we have written regarding this case, or even the criticism we recently penned against our brother editor for his attempt to make a mountain out of a mole hill. The object of every good citizen is to condemn wrong, no matter whether it occurs in his political party, his church, or his home, and assist in the conduction of the prosecution and not to throw cold water on it. The evidence as brought out against the defendants in this case in the two investigations that have been had is overwhelming, and unless they are able to produce weightier testimony, they will certainly be held guilty in the

opinion of the public.

My Conclusion: “Guilty in the opinion of the public!” I thought citizens of this country, even in 1898 had a right to a presumption of innocence and a trial before a jury of their peers! So much for innocent until proven guilty! Would you think this editor guilty of trying to sway public opinion. I definitely would! And what did the jury do in the face of this “overwhelming evidence?” They acquitted both men! Our legal system worked!

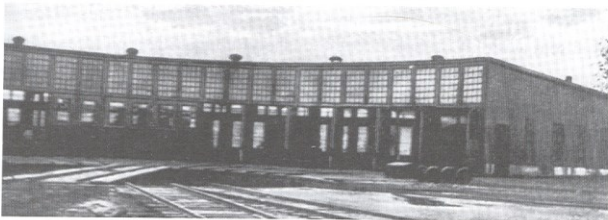
### **Editor J. N. Holmes**

“We have no personal grievance whatsoever against these men; they do not owe us a cent and have always been kind and clever gentlemen in their dealings with us. But we love the good of society better than the welfare of any man. If these men can establish their innocence no one will be readier to congratulate them than will be the writer of this article.” (End of his editorial.).

Kirk and Henry Max are still waiting for J. N. Holmes, Editor of the Piedmont Banner to write his letter of congratulation! Or, perhaps it still has not been found.

It’s not known at this late date whether the alleged politicization of the justice system was a factor or not, but prosecutor Hines was ousted in the next election by Republican attorney V.V. Ing. A good many in Piedmont were of the opinion the banker was not the victim of murder but had been struck by a train. That was the position taken by the defense at trial and by defenders of the Max brothers on the streets of Piedmont in the quarrels and fights that broke out between the warring camps.

It would not be the first time that someone, who has grown used to being around a train yard, would take a short cut and not be seen by an engineer or brakeman. This carelessness around such a yard often has tragic results! This could actually be what happened to banker, George Withers.



In all actuality, according to the Ellinghouse book, the railroad yard in Piedmont had “little space between ten parallel storage tracks that made up the Piedmont switchyard.” Piedmont had a roundhouse (pictured left) and, of course, a depot. Piedmont was positioned just south of a rather steep grade and 30 miles north was another steep grade. Being situated at the foot of heavy grades made Piedmont the logical place for a division

point. It became the place where all freight trains changed engines and crews, and where the tonnage was adjusted. All this required a lot of switching. A switch engine and crew were often at work, and at least on duty, 24 hours a day, chugging and whistling, rattling and banging, sometimes making sleep impossible for newcomers.

(I would think walking in this area would be quite risky!)



### **The First Jury**

Sheriff Barnes (Left) was instructed to subpoena a venire of 100 men to try E.K. Max in February of 1898 after Henry Max had asked for and was granted a continuance. A great number of the men summoned for jury duty rode all day through a bitter cold rain to reach the county seat at Greenville, but by 4 p.m. that day 40 had qualified to serve as jurors. The next day, a Friday, counsel for the state and the defense selected for jury duty Tom Keena, Lee Payne, W.E. Ferguson, J.M. Morgan, J.E. Dorsey, G.W. Hovis, George Cato, Enoch Sturgeon, Isaac Walk, William Dorsey, Lee Brantley and William Stephens.

James Frederick took the place of one of the 12.

After a break for the weekend, the trial dragged along until about 11 am. Monday when Stephens was stricken with a chill. Court was adjourned that day, Feb. 24, 1897, with Brantley reporting he was ill, too. Medical science was of no help. Brantley died Feb. 27, 1898, Stephens on Feb. 29, 1898. Lee Payne and one other juror were reported ill and near death. At least seven of the jurors were from the far eastern side of the county in the McGee area. These included Stephens, Brantley, and Payne.

The deaths of the two jurors, along with another who died one day after being disqualified and returning to his home, gave rise “to a great deal of sensational gossip concerning the case,” reported the Banner. Willis Stephens of Puxico, a grandson of juror William Stephens, recalls hearing family members say the entire jury was poisoned and six died. Sid Brantley, a grandson of juror Levi Lee “Lee” Brantley, Sr., had heard all of the jurors were sick from poisoned food eaten at a local restaurant and several died.

But the Banner editor had another point of view. “It is a wonder that more of them have not died,” he wrote, citing the harsh conditions that prevailed on their trip to the county seat and having “to sleep in cold rooms in their wet clothing.”

Five witnesses had been examined when Judge Wear adjourned the trial to March 21, 1898. The Max investigation and trial were deadly serious, but the behavior of a tramp called to testify provided a few humorous moments. After testifying, unkempt Harry Campbell told authorities what he’d said in court was untrue, which led to his incarceration in the Piedmont calaboose. He stated there he’d been promised \$100 to say certain things and he’d done what he’d been told to do.

The following evening, before authorities could learn what he’d actually seen, he escaped by taking the wire bails from two wooden buckets and tying them together to make a straight wire sufficiently long to reach a broom about six feet away, then pulled it to him. With the broom in his possession he was enabled to reach the jail key that hung from a nail on a nearby wall. He was a thoughtful fellow, though. After reaching St. Louis he flagged down conductor Mont Robinson to give him the key with a request he return it the calaboose keeper.

## **Jury Number 2**

Nevertheless, the death of the three jurors in the previous month was bearing heavily on the mind of Sheriff Clayborn Barnes, what with the trial adjourned to allow time to organize a new jury. Many in Piedmont and elsewhere believed he had used poor judgment in bringing in prospective jurors from distant places in the bitter cold of winter when there were great numbers of men nearby who could have handled the task. Not one of the new jurors lived more than six miles from Greenville. Chosen to serve were James Kirkpatrick, J.F. Kirkpatrick, Charles Kirkpatrick, P.G. Estes, Wilson White, W.H. Rainwater, Henry Leach, S. Garrison, U.S. Scott, E. Callahan, J.F. Arney and W.H. Shanks. Kirk Max’s attorney complained about Sheriff Barnes’ jury pool, but the 12 men selected acquitted his client.

## **Acquittal Followed by Assassination**

Four days later, in September of 1898, Kirk Max was fatally shot while walking across a Piedmont street with a friend.

The Piedmont Banner reported Sept. 15, 1898: “Friday night, Sept. 9, about 8:20 a shot rang out on Main Street followed by a man’s voice crying out, “O, I’m shot in the back! I’m shot in the back!” The man was Kirk Max,

and he was on his way home from J.F. Lindsay's store. Kirk Max and J.F. Lindsay left the latter's store walking side by side, going north, Kirk walking on the left side and close to J.F. Lindsay. Leaving the sidewalk somewhere near the southwest corner of the Opera House, they started diagonally across the street towards the corner of J.S. Berryman's Store. When about halfway across, and some 12 or 15 feet north of the pump in front of Fulton's Saloon the shot was fired.



Several men were standing in front of the saloon, among them Joel Hines (Left) and Sim Frazier. As the gun fired, Mr. Hines exclaimed "What was that?" and then Kirk asked twice "Hines, did you shoot me?" Mr. Hines replied, "No, Kirk, I have no reason to shoot you, and more than that I'm unarmed." Mr. Hines then threw up his hands and said, "Search me, gentlemen, search me." J.F. Lindsay spoke up and said, "No, Hines didn't shoot you; it came from the rear."

My Note: I can't imagine a man walking after dark in the downtown business section of Piedmont, Missouri, in the 1890s, unarmed; especially a prosecuting attorney like Joel Hines. The City Marshall, Lon Jones, had been shot down on the street the year before.

"When first shot Kirk is said by those nearest him to have fallen over on his hands, recovered himself and then to have gradually sunk to the ground. He was carried into Dr. Cotton's Drug Store and Drs. Cotton and Holmes called. (This Dr. Holmes is also the editor of the Piedmont Banner.) They did what they could to relieve the suffering. An examination of the wounds showed that seven shot had struck him in the back and hips, four of which penetrated internal organs.

"The physicians notified his brother C.E. Max that the case was a most critical one with the chances of recovery very doubtful and advised that he be sent at once to St. Louis and placed in charge of expert surgeons. Dr. B.F. Taylor was called and took charge of the case and at 2:30 Saturday morning started with the patient for the city. He seemed to stand the trip all right and was placed in St. Mary's Infirmary (pictured on the left) and Dr. A.V.L. Brokaw called to see him." After surgery, he died Sunday morning at 6:40, about 34 hours after being shot.

"Between the store of J.F. Lindsay and the Opera House is a passageway about two feet wide and it is generally supposed that the one who did the shooting stood in this opening. Some claim to have seen the flash of the gun and say that it showed to be about that place. Within 30 minutes after the shooting Constable J.H. Turner in searching the yard in the rear of these buildings found a Winchester shotgun in the weeds just at the rear end of this passageway. The gun contained an empty shell in the barrel and one loaded shell in the magazine. The loaded shell contained nine buck shot, No. 4. The gun is a '97 model and yet seems to have seen considerable service. No one has been found who knows anything about the gun—no one who ever saw it before. The officers seemed to be perfectly at sea, unable to secure any clue whatever outside of the gun itself.

"The boldness and audacity of the man seemed to paralyze the people. The idea of a man standing within 50 feet of a crowd of men, on the main street of the town, and on the principal block within the town, and firing a shotgun, shooting down a man while walking almost immediately under an electric light was one of the boldest and coolest deeds ever committed in this town or in any other."



Eight days following the shooting of Kirk Max, his brother was taken by his attorneys to Poplar Bluff to appear before Judge Wear on a writ of habeas corpus with the hope he might be released from incarceration. They claimed a deposition

by a man by the name of Heywood “clearly established the innocence of the prisoner” and that Henry Max should be allowed his freedom under bail. Wear denied the application and at the same time made an order removing the defendant to the Ironton jail “because of the inefficiency and the bad sanitary condition of the Greenville jail as reported by the last grand jury.” Sheriff Barnes took Henry Max directly to Ironton from Poplar Bluff. There he remained until his trial, the result of which was reported under a headline “Acquitted” in the Piedmont Banner Aug. 31, 1899.

“Last Wednesday evening a jury of 12 men, good and true, brought in a verdict of “not guilty” in the case of the State of Missouri vs. Henry Max, charged with the murder of the late George A. Withers. The case occupied the attention of the court for about three weeks. The jury was out about 25 minutes, only one ballot having been required to reach the result, which was unexpected by some, more expecting a mistrial than any other result.

News item: (A rehashing of the case.) “It was in the early morning of the eighth day of September 1897, that the dead body of George A. Withers was found in the railroad yards some 400 yards south of the depot. Kirk and Henry Max, brothers, were arrested, charged with having murdered George A. Withers. The coroner’s jury held the Max brothers responsible for the crime, as did two justices of the peace who committed the prisoners to jail without bail. Judges Green and Wear both refused the prisoners bail. In their trials both were acquitted. The manner in which George A. Withers came to his death remains still unsolved from a legal standpoint, and yet in the minds of many people the solution is simple and always has been.” (J. N. Holmes, Editor, Piedmont Banner).

Henry Max, his wife and daughter Alma took the eleven o’clock train the next day at Des Arc for Columbus, Ohio.

Lizzie Harness, the prosecuting witness in the rape case that led to a mistrial, three other trials and five deaths, was described by Banner editor Holmes as “the central figure in one of the most sensational tragedies that ever-stirred Piedmont” in his comments about her marriage to John Fallen in Poplar Bluff in late December of 1897. He was pleased to learn of her marriage and wished her “a happy and useful life,” but stated it was her status as a poor orphan girl that caused the charitable George A. Withers to espouse her cause so vigorously.

### **The Rest of the Story**

It turns out that Editor Holmes wielded a sly pen that, at times, dripped with sarcasm, bias, and prejudice. He enjoyed slandering or making “saints” of individuals at will. He often named names and, evidently, folks seldom sued him or took him to court. Try that today!

According to the Ellinghouse book, “After Henry Max’s flight to Ohio following his acquittal, his kinsmen left Wayne County, too. At the time Charles E. Max gave up his job as the Iron Mountain station agent, the Banner stated he “was a No. 1 railroad man and a good citizen who will be missed here.” He became the railroad agent at Glen Allen. His aged parents, Samuel and Nancy Max, whose home for several years was near Patterson, made their new home next to his in Bollinger County. Some of the other family members made a home for themselves in Madison County.

Kirk Max’s assailant was never identified, but shortly after his acquittal on the murder charge, he was convicted in the court of Justice of the Peace John Schiek of disturbing the peace of Smith Gilbreath in Piedmont and fined one dollar and costs. One wonders if that incident didn’t have something to do with his slaying.

With the acquittal of the Max brothers, the death of George A. Withers went down in history as an unsolved mystery. A defense claim was made that he had been killed by a train and that his death was an accident. In all



actuality, it could have been.

It was also claimed that he had no money, or that he did have the money, but it was stolen by a tramp after his death. (Also possible.) Those matters also remain unanswered questions. It is known he got the money in St. Louis; and nothing further is known about the money.

The murderer or murderers of George Withers and Kirk Max were never caught.

The newspaper, before the banker was slain, reported that Charles Max had received from the Mound City Homing Pigeon Club of St. Louis a basket of 12 pigeons with a request to keep them until 8 a.m. the next day and then release them. After having them watered and fed he released them at the scheduled time. "The birds took wing, circled around several times, going as far as Clark's Mountain, then about 8:15 they took a straight-line home. A young pigeon named Chilly reach home first, at 10:45, thus making the distance of 127 miles in two hours and 30 minutes for an average speed of 50 miles per hour." Max was a past worshipful patron of the Order of Eastern Star in Piedmont, serving with Mrs. Louise Hinchey, the worshipful matron.

Politics might have been involved. The Max family were Republicans, but the judge and almost all jury members were Democrats. Probably, in this time period, to say you were a Democrat was to say you sympathized with the Confederacy.) Conversely, to say you were a Republican might have meant you were from the hated "North."

What a tragedy for the parents, siblings and children. And, especially for Walter Earl Max, Max Younce's Grandfather!

Electric Lights in Piedmont: "From the time the body of George A. Withers was found to the day Henry Max walked away from the courthouse in Greenville exonerated, city improvements were continued. During that turbulent period, electric lights were installed, telephones put into use, the pump at the public well was operational again. Cedar poles were erected along the streets and alleys and wire run into private dwellings and business establishments after the city aldermen awarded W.H. White a contract to construct and operate an electric light plant. By April of 1898 the town had electric lights for the first time." (Ellinghouse book).

### **The Aftermath**

News Item: Rev. W. W. Rife and his wife, the former May Max, come from Fredericktown to attend Kirk Max's funeral in 1898. They bring with them their new baby, Raymond.

After Kirk Max's death, Samuel and Nancy Max leave Wayne County, moving to Lutesville Village, in Bollinger County, Missouri, living next door to their son, Charles Edward and his family. Samuel Max retires from farming. Perhaps he had already retired and had been depending on his sons, and grandsons to help him run the farm. Samuel is 74 years old and hard work, the Civil War, and stress of the trial and death of Kirk no doubt have taken their toll. Nancy maintains her faith in the Lord and stands by his side.



Charles Edward continues as a station agent for the railroad at nearby Glen Allen in Bollinger County.

Note: Lutesville, Missouri, is an unincorporated community in Bollinger County, Missouri. It is next to Marble Hill on Route 51. Lutesville had been laid out by Eli Lutes in 1869 to secure a railroad depot location. In 1973, the St. Louis and Iron Mountain Railroad ceased operations though Lutesville. In 1985, Lutesville and Marble Hill merged to form one city, Marble Hill.



Poor Mahala, the grieving widow of Kirk Max, takes 10-year-old Grand-aunt Kate, and goes to live with Great-aunt Mae Rife and her son, Raymond, in St Francois County, Missouri. Another tragedy has befallen the family. Rev. W.W. Rife died Jan. 25, 1900. Inscription on stone gives: Wm. Webster Rife, Husband of Mae M. Rife, Born Nov. 13, 1853, Died Jan. 25, 1900.

Poor Aunt Mae! Her little Raymond dies in 1904. Inscription on stone says Raymond Rife, Son of W. W. & M.M. Rife, Born Sept. 3, 1896, Died Feb. 20, 1904. Aunt Mae's M.E. Pastor writes a touching obituary for Raymond, himself.

### **Obituary for 7-Year-Old Raymond Rife, Written by His Pastor**

“Raymond Rife was born at Fredericktown, Mo. Sept. 3rd, 1896, died Feb. 20th, 1904, aged 7 yrs. 5 months, and 17 days. His funeral was preached by the writer, in the M. E. Church South, at Bismarck, Feb. 22nd, in the presence of a large congregation of sympathizing friends, and his body laid to rest in the Odd Fellows cemetery.

Little Raymond, though his stay on this earth was of short duration, made many friends, whose hearts are sad today because he was taken from them so soon, but their sorrow is turned into joy when they think of the fact that this patient little sufferer suffers no more, and that in the language of David, they “can go to him.” His mother, Mrs. Lillian May Rife (teacher in the public school at Bismarck) was called upon to give up her husband, Rev. Wm. W. Rife, just four years ago, and though it was hard to lose the husband, yet with little Raymond left to live for and on whom she could hope to lean in after years, the burdens of life were not heavy, but now, that he is gone, the burdens are heavier and the hours more lonely.

But we would say to this sad hearted mother that the Lord has promised that He “will not leave us alone,” and He says “cast thy burdens upon the Lord and He shall sustain thee,” and “what I do thou knowest not now, but thou shalt know hereafter.”

So take comfort in these promises, and cherishing the memory of little Raymond, look beyond to the time and place when you can understand why he was taken from you, and where you can take up life anew with your darling and other loved ones who have gone before.

Personally we have never known a more lovable little character than Raymond and we shall look forward to meeting him again.

On behalf of Sister Rife we thank the many friends for their kindnesses during his sickness, among whom none were more faithful than Mr. and Mrs. Henry Atkins, in whose home she now lives. J.K. Martin”

\*\*\*\*\*

Aunt Mae is still in Bismarck, Missouri (St. Francois County) at the time. After Raymond's death, she spends the rest of her active life as a childless, single woman, teaching school in Freeport, Illinois. Raymond Max died in Bismarck, Missouri.

While Aunt Mae was teaching in Illinois, she shared lodgings with Gertrude B. Converse, the niece of a representative to Congress, the Honorable Horatio Chapin (1825-1908). It seems she loved teaching children.

She and her husband had spent a long time as Sunday School Missionaries in the Ozarks.

Mahala and Kirk Max's son, Charles Edward Max, remained in Wayne County, in Benton Township, working as a teamster. He married Minnie Buchanan in 1897 and they have a baby named Earnest, born about May of 1900. His brother and my grandfather, Earl Max, was living with them then. He gave his birth date as December, 1886, and said he was 13 years old. Charles Edward and Minnie move to East St. Louis, Illinois, before 1910. They seem to remain in this vicinity. They first keep a rooming house for railroad workers. Charles Edward also later works at Eastman Stationary.

Charles and Minnie's first son, Earnest, must have died; but they have three more sons, Thomas Elmo Max becomes the owner of a trucking company, goes to Pulaski County, Missouri. Roy Eugene Max goes to Charlotte, North Carolina, and Charles Willard becomes a lawyer.

### **The Return to Troy**

After June of 1900 and before his death in July of 1901, Samuel and Nancy Max return to the home of their daughter, Minnie and Daniel Haines, probably to seek medical attention for Samuel. At this time the Haine's are living in a rented home at 423 E. Water Street, Troy Ohio.

By this time, the Minnie and Daniel had added a daughter to their family. Mabel Grace Haines was born on September 16, 1891. They now have a son and a daughter.

"The Buckeye," for July 11, 1901, gives a small death notice for Samuel Max. "Samuel Max died last Wednesday at the home of his daughter, Mrs. Daniel Haines of this city. His death was due to an operation for gall stones. He was seventy-six years old".

Another daughter was born to Daniel and Minnie Haines on June 14, 1902. Her name is Elsie Lucille.

About 1903, Charles Edward Max, the station agent, who was the brother of Kirk and Henry Max also returned for a short while with his son and daughter to the Miami County area. His first wife, Helen, had died, and he came back to Tippecanoe.

It is possible that he renewed a romance with an "old flame." He married Lucy E. Conrey, of Piqua and they went together to Coeur d'Alene, Idaho, taking young Samuel and Aureola with them. They would have twin boys in about 1909. One would die immediately and, sadly, the other was mentally impaired.

The practice of medicine in the West of those days was woefully inadequate in the field of Obstetrics and Pediatrics. The child who died was named Dwight and the one who lived was Dwyer Edward. Charles Max had left railroading behind and went into merchandising; first, as a hardware store owner in Idaho, and later, as a grocer in California.

And here is a mystery about Lucy Conrey. Evidently, at some point in time, she had her portrait made with a silk parasol. This, scandalized the town of Tipp City? or Piqua? Everywhere Grace Kinney mentions Lucy in her notes, she has written in "silk parasol." I believe Lewis Younce at one time mentioned this in one of our conversations; but, of course, now he's in Heaven with the Lord, and occupied with better things.

Before 1905, the Haines's bought a home at 726 East Franklin Street, where Nancy Elizabeth Max lived until she died at the age of 92 in 1920.



Widow Mahala Max (picture on the left) also returned to Troy with her son, Earl, and daughter, Great-aunt Kate. Earl Max (Max Younce's Grandpa Max) went to work for the railroad. In 1905, they had a comfy little place at 120 Crawford Street in Troy.

Tragedy was about to strike the Max family again. As Mahala Max (Pictured left.) and Kate were walking home from their jobs at the tobacco warehouse, and they were conversing with an elderly woman near the Garfield Street crossing of the T & P Railroad.

News Item: The Miami Union, Troy, Thursday, August 30, 1906

"HELPS TO SAVE ANOTHER'S LIFE -- And is crushed to death by the same danger. Mrs. Mahala Max, a widow employed at the Peters tobacco warehouse, lost her life Monday evening at the Garfield avenue crossing of the T. & P branch, the south bound flier, due in Troy at 5:32, striking her and crushing her skull so that recognition was almost impossible.

Mrs. Max, her daughter, Kate, and Mrs. Amanda Armstrong were returning from their work at the warehouse when they met Mrs. Jane Whiteman, of Race Street, who was just returning from a visit to the home of her brother-in-law, Jasper Spicer, in the McKaig addition. The party conversed for a few minutes when the approach of the train seemed to make Mrs. Whiteman realize that she must hasten home. There was plenty of time to cross before the train came along, but Mrs. Whiteman, who is over eighty years of age, stumbled and fell. The other woman rushed to her assistance and without attempting to get her to her feet pulled her from the track and out of danger.

Mrs. Max, when rushing to the latter's assistance, dropped her umbrella and a basket of groceries near the track and in stooping over to pick them up, came within the danger zone herself. She was apparently struck by the cylinder head of the engine and instantly killed. Mrs. Whiteman merely suffered a slight dislocation of the shoulder.

The victim was about forty-five years of age and leaves two sons and two daughters, one son and a daughter living in Missouri and the other children at home. The latter son, Earl, had started on a trip to Michigan City but was reached by telegraph and returned the same evening."



Nancy Max had purchased four lots in the Riverside Cemetery. She graciously allowed her poor daughter-in-law, Mahala Max to be buried in one. (Kate, Earl, Mae Max pictured on left).

It seems that Great-aunt Kate would marry a man named Charles Dye, who later became a Nazarene preacher. In 1910, Kathryn I. Max had been married to Charles Dye, 22, for 3 years and they lived at 441 Mulberry St., Troy, Ohio. Kathryn was 20. Their little daughter, Maxine Dye, had died as an infant of 2 years and was also buried in one the four lots that Nancy Elizabeth owns. Their living daughter, Caroline, was 1 year old. Charles Dye must have had a weird sense of humor as he reported his occupation to the census taker of that year as a "fireman" in an ice plant! Maybe that was legit!

There was only one lot left in Nancy Max's cemetery plot!



Evidently, Great-Aunt Kate and Charles Dye parted company. She would move to Toledo with her daughter, Caroline, and marry Sidney Shaw. One of his occupations was as a trimmer, at the Overland Company, Central Ave., Toledo, Ohio. This was a car company. He was tall and slender, with grey eyes and black hair. He evidently was self-conscious about his hair as when he was 28 years old and registered for the WWI draft, they wrote down "not bald." I have included a picture of the car they made at the

Overland Company in Toledo. Quite a snazzy ride!

Charles Dye would also marry again. In Dorothy Younce's things I found a Xerox copy of a news photo of four lovely ladies. Dorothy wrote this at the top. "Max, These are Carolyn's four half sisters. Esther lives close to Carolyn, as they visit back and forth. We have never seen any of her sisters, so she sent this picture. Carolyn's dad was a minister, and these girls are by his second wife." Their names are Dorcas, Lois, Esther, Ruth.

### Grandma Max



Sometime after 1912, Earl Max, my grandfather, married the widow of George Siler, the former Myrtle Irene Davis (my Grandma Max.) Earl Max now had a wife and a cute little daughter, Thelma Lucille Siler, 1911. My mother, Dorothy May Max, was born on October 31, 1915, and Aunt Ruth Evelyn Max (Aunt Evie) was born in 1918.

In about 1910 my Grandmother Max (Myrtle Irene Davis), at about age 17, had married George Siler. George Siler's occupation was a "butcher in a slaughterhouse," and he was 25. His brother, Ogden Siler, age 15, lived with them and he was a "helper in a slaughterhouse." "They lived at 223 Count Street, Troy, Ohio.

George Siler, her first husband, was one of (at least) eight children in the family of Parker Preston Siler and Lue. About 1911, George Siler passed away. I do not know what happened to this man. I wish I had asked more questions. Poor Grandma Max was left a widow with a little girl to support.

Grandma Max's mother was Martha Jean Gorman Davis, and her nickname was "Jennie." She was born in 1857 to John A. Gorman and Anna Elizabeth DeLong. John Gorman was born in Virginia and Anna was born in Dekalb County, Iowa. Martha Jean was born in Troy, Ohio. It was Martha Jean's fate to become a widow. Her first husband, Jesse Davis, died sometime after 1893 and before 1897. Martha Jean was left with six children to support, one of whom was Grandma Max.

Grandma Max's father was Jesse Davis, who was born 1853 in Indiana. He was a "blacksmith."

They were married August 10, 1875, in Miami County. He died sometime 1893 and 1897. The names of their six children were: George Davis, 1876; John Davis, 1879; Katherine May 1883, Anna, 1885, Morris, 1891 and Myrtle Irene, 1893, my Grandma Max.

Martha Jean married Jesse Rager in 1897 and they had two more sons, Edgar and Earl Preston Rager. At that time, Jesse Rager was a stonemason. Jennie became the mother of eight children.

In 1920 Jesse Rager was working as a Millwright at the Troy Body Co. At the same time he and Jennie (Martha Jean) were running a boarding house. There were six boarders, three children, Jesse and Jennie in the home at this time.



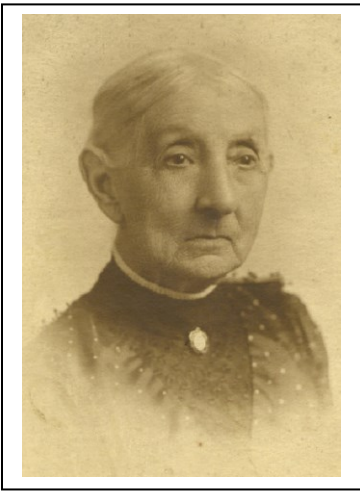
The address of this huge house is 823 Union St. It looks like an old inn. I just barely remember the people who lived at this house. It was on the corner up from the house where my grandparents lived and since we lived in the apartment upstairs until I was eight years old, I remember riding my tricycle by an old man sitting on the stoop of the house on the corner; but I did not know at that tender age that he was my step-great grandfather. The most I can remember is that a lot of people lived in that house. I recently went back and took a picture of this huge rooming house, because I knew exactly where it was.

Since my Great-grandmother, Martha Jean "Jennie" Gorman/ Davis /Rager died on September 14, 1932, and I was born in 1935, I did not know her at all.

Joseph Henry Max passes away in 1914.

An Obituary: "Joseph Henry Max, born December 8, 1849 in Hyattsville, died March 28th, 1914 in Columbus, Ohio. He was survived by his wife and three daughters. He had lived in Waco, Texas, until recently. His mother is Nancy E. Max of Troy, 86 years old, who survives him with brother C.E. Max of Idaho and sisters Mrs. Minnie Haines of Troy, Mrs. Nettie Wiley of Beloit, Wisconsin, Mrs. Lillie Swaynie of Nebraska."

Charles Willard Max, the future attorney, would be born about 1918 in East St. Louis, Illinois.



## Nancy's Thoughts – Late Summer of 1920

A wisp of a lady, though elderly and still of dignified form, Nancy Elizabeth brushed back the strand of silky gray hair that had just fallen in her eyes. She put down her pen and raised her eyes from her work, squinting just a little. The pen lay across the large Bible spread out in her lap.

Leaning back in her rocker, she noticed that the leaves on the trees were beginning to change. She had not noticed the setting sun; but, its slanting rays of late afternoon shining on the golden leaves of autumn always made a special glow that she reveled in. For a second or two, she could visualize the beautiful, tree-lined streets of her beloved Tippecanoe City that she and her family had left behind on their way to a new life in Missouri.

Oh, what a sad chapter that had been. Beloved daughter, Nanna, was struck down by typhoid a short year and a half after her June wedding. Kirk had been shot down like a dog on the main street of Piedmont after his good name had been dragged through the mire in court. Henry and Kirk had both been tried for murdering the banker! Praise the Good Lord! They had been acquitted. (Left – Nancy Elizabeth Hyatt Max)

It probably all started with Joseph Henry, she thought. She and Samuel had seen him when they first got there, strutting around like a dandy in his derby hat, living as a bachelor. It was too bad that Jennie didn't come out to Missouri with him. She had known that was bound to be trouble. "I warned him," she thought. "I told him no good would come of him having that orphan girl around when he was alone. "Tongues will wag, for sure! she had scolded, for all the good it did.

And now, Joseph Henry was gone, too. "I expect the Lord will have a lot to say to him about his life here on earth and I expect he will not like to hear it!" she thought to herself. Oh, how the memories came rushing in!

Perhaps she hadn't paid enough attention to Joseph Henry while she was caring for sickly John. She prayed that he had not been guilty of what he was accused of! At least the jury had acquitted him.



When he and Kirk had gone out to work on the new railroad, she had hoped Kirk and Charles would be able to keep him on the right track; but, as usual, Joseph Henry's old nature got the best of him. He exercised the Max trait of telling people exactly what he thought, even though they didn't always want to hear it. Her sons guilty of murder! She shook that thought off right away! Especially not Kirk. The jury had acquitted Kirk, too.

But there were good times, too. She remembered when Kirk's daughter, Mae, had surprised everyone by marrying the Methodist preacher. Kirk had been elected to the school board. She and Samuel had celebrated their 50<sup>th</sup> wedding anniversary there in the beautiful home in the Missouri countryside. The treasured golden cake basket now resided safely in her daughter's cupboard. Everyone had enjoyed the community and their church. The first thing she had asked

the children when they wanted the family to make the move to Missouri. “Is there a good Methodist church out there? If not, I’m not going.”

Things just hadn’t gone that well since their return either. Her Samuel had died on the operating table after an attack on his gall bladder. Mahala...Oh, her poor Mahala. Just when she looked as though she were getting her feet back on the ground again after Kirk’s murder, she was killed.

And granddaughter, Mae; so happy to marry, only to be widowed in five short years. Then, to compound the sorrow, her little Raymond was taken so young.

There was a photo album lying beside her on a table. She picked it up and turned to the page where a picture of two little boys had been so carefully pasted. She touched them with her finger. “So sad,” she said softly. He was such a good little boy. But she knew when he was born, he looked frail, he had the same appearance that their little John Gorsuch had when he was born. Then she turned to the page where she had pasted a picture of Kirk’s whole family. Such a beautiful family to suffer so much.

And now, Mahala and Kirk’s son, Walter Earl, had married and had three little girls. Their oldest son, Charles Edward had three sons!



She turned another page to Katherine’s picture. Little Kate, born in Missouri. She remembered how hard she had taken her mother’s death. Poor thing, she was standing right there when it happened. They had brought her straight over and she and Minnie had held her close, stroking her hair, letting her sob. First, her father, and then her mother. Then, she would later lose her first child, baby Maxine. Poor little Kate!

Nancy remembered how her grandson; Earl had looked when he came in the door. He had just sat in silence for a while, and Minnie and Daniel gently helped him to see what he must do. Then he had bravely made all the arrangements. Oh, how glad I was to have the cemetery lots, so they didn’t have to worry about that. However, there was only one left now. That one would be hers! She had only bought four lots. Samuel, Mahala, and little Maxine were already there.

She turned the page to the picture of Thelma and Caroline on their pony. What beautiful great-grandchildren she thought. It didn’t matter that one was not a blood relative. She was so beautiful!

A sudden noise jerked her back to the present. Enough wallowing in self-pity, she thought. She took in the beauty of the sunset for another moment or two, then picked up her pen to finish her work. “There! she said to no one in particular, “It’s done.” She checked the pages to see if all was in order. Then, a voice startled her! She had been so engrossed in her work, she had not noticed that her daughter, Minnie May, had joined her on the porch and sat on the swing, fanning herself gently.

“Shew!” It’s hot in the house. All that baking sure heats up a kitchen. I think I’ll rest just a while, until the house cools off. Maybe Dan will be home by then”. She glanced up the street in the direction he would be coming from. “Are you warm enough, Mama? There’s a little chill out here, now that the sun is setting.” Slowly, she got to her feet and came to her aged mother’s side, touching her cheek lovingly to the top of her head, reaching down to pull the shawl up on her mother’s shoulders. “There.” “We have to take good care of you.” She resumed her seat on the porch swing, casting a glance at the Bible in her mother’s lap and the pen poised to write. “And what are you up to?”



“I am recording all the names and birthdates for our family in here. Every child is a “heritage of the Lord” and is important to Him. I want everyone to know what has happened in our family after I am gone.”

“After you’re gone! What are you talking about? After you’re gone!”

“No one lives forever, Minnie, Dear. I’ll be celebrating my 93<sup>rd</sup> birthday this October.”

### **The “Rest of Nancy’s Story”**

Nancy Elizabeth and Samuel Max were buried beside each in Riverside Cemetery, by the beautiful stone she bought for Samuel. Every Memorial Day, a flag is placed there in honor of Samuel Max’s Civil War Service.

News Item: Troy Daily News, November 18, 1920: MANY HONOR MEMORY OF SPLENDID WOMAN. -- Home of Late Mrs. N.E. Max is Filled With Friends and Relatives At Funeral Services. -- Rev. E.T. Waring of the First Methodist Church, officiated at the funeral services of Mrs. N.E. Max. which were held at 2 o'clock Thursday afternoon at the home of the daughter, Mrs. Daniel Haines, on East Franklin Street, where a large company of friends assembled to add their tribute to the memory of this splendid woman.

Prof. and Mrs. Frank Humberger sang and burial was made in Riverside Cemetery, the pall bearers being J.C. Corbin, George Carver, George McConnell, George Macy, Carl Weatherhead and Lijah Wilson. Among those present were Mr. and Mrs. C.W. Wiley, of Milwaukee, Mr. and Mrs. Robert Haines, of Columbus, and a number of friends from Tippecanoe.

A funeral handout: "Nancy E. Max, age 93, died November 15, 1920. She was born October 18, 1827, in Hyattsville, Ohio. Her husband, Samuel Max died 19 years ago. She is survived by son: C.E. Max and daughters (?): Mrs. Daniel Haines, Mrs. C. W. Wiley and Mrs. L. M. Swaynie.

Minnie May Max Haines would pass away 6 years after her mother, Nancy Elizabeth Max, on August 12, 1926. She is buried at Riverside Cemetery beside her beloved Daniel Haines, who died in 1938.

Charles Edward Max, the station agent would pass away after 1930, in California

Lillie Ann Max Swaynie would pass away on December 5, 1938 in Ravenna, Nebraska.

Nettie Irene Max Wiley passed away July 31, 1941, in California.

Grand-aunt Mae came back to Troy in 1942. She lived on South Union Street and did substitute teaching at Forrest Elementary School in Troy.

Grand-aunt Kate (Katherine I. Max (Dye) Shaw died on January 19, 1945. She is buried in Riverside Cemetery in one of the three lots which Grandpa Max bought. He likely purchased the stone for his mother, Mahala, and Maxine Dye at the same time.

Charles Edward Max, son of Kirk and Mahala Max, died before 1957 in East St. Louis, Illinois, or Pulaski County, Missouri. He is not mentioned as a survivor in Grand-aunt Mae’s obituary.

Grand-aunt Mae Max Rife passed away on October 13, 1957.

News Item: Troy Daily News, October 14, 1957. "Mrs. Mae Rife, Ex-Missionary, Dies at Hospital. Mrs. Mae Rife, 83, of 115 South Union Street, died at 1:30 P.M. Sunday at Stouder Memorial Hospital where she had been a patient since Sunday morning.



Mrs. Rife was a native of Toledo, born Feb. 3, 1874, the daughter of the late Mr. and Mrs. E.K. Max. She and her husband, the late Rev. W.W. Rife, were Sunday School missionaries in the Ozark Mountains for many years. After the death of her husband she taught school in Freeport, Ill., and moved to this city in 1942 from Freeport. She was a member of the Berean Bible Class at Piqua.

Surviving are a brother, W. W. (incorrect) Max, of Troy and several nieces and nephews. A son, Raymond, is deceased.

Funeral services will be conducted at 2 p.m. Wednesday at the Irvin-Deeter funeral home. Burial will be in Riverside Cemetery. Friends may call at the funeral home from noon Tuesday and Wednesday until the time of the services."

News Item: St. Louis Post-Dispatch, Monday, March 16, 1959. "C. WILLARD MAX, ATTORNEY, DIES. Former Chairman of Board of Trustees of Olivette. C. Willard Max, attorney and former chairman of the board of trustees Olivette, died early yesterday at his h Home, 95 Stoneyside Lane, Olivette. He collapsed, apparently from a heart attack, after he and his wife had arisen to check windows during a storm. Mr. Max, 41 years old, was a 1941 graduate of Washington University School of Law and was admitted to the Missouri Bar the same year. In 1949, he was elected to Olivette's board of trustees and was appointed chairman, a position equivalent to Mayor before the municipality was incorporated as a city in 1957. After completing his second one-year term on the board, he became attorney for Olivette, serving until June 1956. Mr. Max was an assistant St. Louis County counselor from 1951 until 1957. He was active in Republican politics and served as co-chairman of a citizen's committee for Eisenhower. Surviving are his wife, Mrs. Myrtle Max; two daughters, Rosalie and Marianne, and two brothers, Thomas E. and Roy E. Max. Funeral services will be at 9 A.M. Wednesday at St. Patrick Church 8665 Olive Boulevard, University City, with burial in Calvary Cemetery.



### **My Memories of Grandpa and Grandma Max by Max Younce**

When Marge and I trusted Jesus Christ as our Savior, we began attending the Troy Baptist Temple. This is the same church the rest of the family was going to. When I began to share the wonderful truth of the Gospel, I found out that not everyone was as excited about it as I was!

I would bring the subject up to my grandmother from time to time. "All you have to do is believe that Jesus Christ died to pay for your sins, Grandma, and He promises you eternal life in Heaven when you die." I always received a very cool response from my sweet Grandmother. She the same look she gave when she patted me softly on the head and said, "That's all right, Max." But, since I was an adult now and I was stopping by on my lunch break from the police department, she would just say in her quiet manner, "Oh, there's got to be more to it than that, Max." That was the "brush-off" with the quiet touch that all grandmothers have. Nevertheless, brushed-off is where I was, all the same!

Grandpa Max was a really great grandfather! I spent quite a bit of time with him when I was a boy. We lived in their apartment upstairs, and Dad was sick for a while and Mother had to work. He did all the things that grandfathers are supposed to do so a kid can have fun. And we did quite a few things that grandmother did not know about. I can keep a secret about some things!

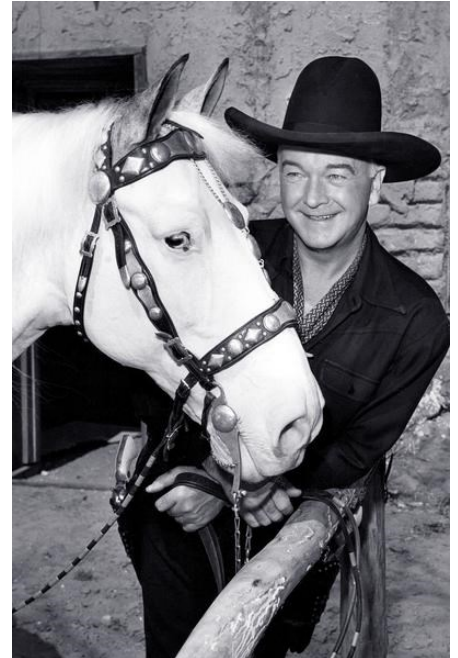
We went fishing together. He let me swim in the "crick." One time I got out of the water covered with leeches. Grandpa panicked. "We can't let Grandma see you like this! I'll never hear the end of it!" And he began picking leeches off my little body as fast as he could. It didn't take him long, though, because I was a scrawny, little kid.

He let me drive the car home one day when we were out together; but ONLY if I didn't tell Grandma that we had stopped by the bar so he could "have a little nip!" Needless to say, my lips were sealed.

Those were the days when I got a whole quarter on Saturdays to go uptown in Troy and watch the cowboy shows. That was enough money to get into the movie, buy some candy or popcorn, and buy a cap gun that I could shoot off all the way home. It took me a while to get home on Saturdays! I was the Sheriff getting all the bad guys and I took advantage of every tree and bush on the way home. If cap guns could catch criminals, the city jail would be full.

In my adult years, as a policeman, I managed to put quite a few characters into that City of Troy jail, for real! But that's another story.

When I was about 8, I was convinced my handsome, silver-haired grandfather was Hopalong Cassidy in disguise! (Above right) I told my grandmother one day, "Grandma, you know when Grandpa goes uptown and stays a long time, he's making a movie!" "I don't think so, Max," she would say. Would you say I had an active imagination. In my defense, just look at him in a few of his pictures, and imagine him with a black cowboy hat on his head. Of course, none of my children probably know who Hopalong Cassidy, AKA, movie actor named William Boyd, was. (Picture source, <https://ryanstroud85.wordpress.com/2019/06/24/history-monday-60/>)



Grandpa told me one day that if you put salt on the tail of a bird, you could catch him. He provided me with a saltshaker and I was stalking birds in the backyard all afternoon. He knew how to keep a little boy busy!

I always thought Grandpa was born in Piedmont, Missouri; but this turned out not to be true. However, he did spend his boyhood years there. He used to tell me all about his childhood days in Piedmont and I especially loved to hear him tell about Jesse James robbing the train. This actually happened before Grandpa was born; but, Editor J. N. Holmes used to rehearse it regularly in his

paper, so Grandpa knew the story well. (Re-enacters – Page 46 left)

According to various items in the Piedmont Banner, on January 31, 1874, Jesse James and his men hitched their horses in the woods nearby and as the train approached Gad's Hill they threw the switch and the train ran in on the siding. Gad's Hill was a station 4 miles north up the line from Piedmont. Then in truly express style the gang went through the express car, taking what money was in the safe, and then passed through the passenger coaches to relieve the passengers of their surplus wealth. Their total take was about \$11,000. While the robbery was in progress, they imprisoned Thomas P. Fitz, the railroad agent at Gad's Hill, a saloon keeper, blacksmith, two woodchoppers, and one other. Then they mounted their horses to disappear in the hills of Black River."

He also told me about his father's death; but only that he had been gunned down on the street in Piedmont. I always remembered his stories about Piedmont and that is why I had such an interest in finding out about Grandpa's family.

But, when it came to Grandpa and listening to the Gospel, that was another story, too. He was adamant. He definitely did not like preachers! He finally disclosed the reason why. A visiting preacher had preached in their church in Piedmont. Then, as he and his mother were walking down the street in another town soon after, they saw the same preacher stumbling out of one of the saloons, drunk! He never said who the preacher was or what denomination! But that sight was enough to put a block between him and the Gospel--almost for life!

I really loved my Grandpa Max. He helped Marge and I to buy our first home at the corner of Lincoln and Simpson. He would come over and putter around while I was on duty. One afternoon, Marge came out the back door and found him up in the big Maple tree, trimming limbs. He poured concrete window guards for our basement windows. Now, they weren't perfectly straight, and the gravel tended to roll out a little bit; but he enjoyed every minute of it! We thought they were beautiful. Grandpa Max had done that for us! He loved for Marge to cook him cornbread and beans with ham; even, pig's feet, if he could talk her into it. True to form, he scarfed them up and said, "Don't tell Grandma." He wasn't supposed to have them; but we only did this once or twice. Grandma let us know that we should not do that!

Grandpa was struck down by a paralyzing stroke and lay a long time in a hospital bed at home before his death. I kept up my practice of stopping by at lunch break when I was on duty. Grandma had something good for lunch, as she always did, and this gave me a chance to speak with Grandpa about the Gospel.

I would sit beside the bed with my lunch and say, "Grandpa, would you please let me tell you how you can know you're going to Heaven?" He would shake his head from side to side. I knew this meant, "No! No! No!" One day I asked the question, "Is it because of that preacher you saw coming out of a bar drunk? This time he shook his head in the affirmative.

I began to talk straight with him. "Grandpa, are you going to blame the Lord Jesus Christ for one, sorry preacher who let Him down?" I could see I had his attention. "It isn't a preacher or a church that is going to take you to Heaven or keep you out! It's the Lord Jesus Christ who went to the cross and paid for your sins! After all the Lord had to go through to pay for the sins of the world, are you going to blame him for what one renegade preacher did, and let that keep you out of Heaven?" Grandpa looked straight at me, and shook his head sideways one time, and in the process, a tear rolled down his cheek.

I kept talking and reached out for his hand. As I held his hand, I explained, "Grandpa, we are all sinners; not because of the bad things we have done, but because of the old sin nature we were born with." He was listening intently, looking me straight in the eye. "If we try to pay for our own sin we can't do it. We would have to be perfect and that's just not possible for a human being. The only sacrifice that God could accept would be His sinless Son, the Lord Jesus Christ, making the payment for the sin of the world."

I took my out little pocket New Testament. Turning quickly to John 3:16, I went though the verse with him. "For God so loved the world..." that's you, that's me, Grandpa, and even that miserable preacher in Missouri. What did he do for us? "...that he gave his only begotten Son..." "If you agree that is Jesus Christ, squeeze my hand, Grandpa." I felt a little squeeze. "We've had a lot of nice Christmases, haven't we? Do you remember the Easter when Grandma let the "cat out of the bag" that there was no Easter bunny?" He squeezed again. "We celebrate Christmas because that is when Christ came into the world and Easter because that is when he went to the cross. Right? Another squeeze. "That is where God gave Christ for us, to die on the cross to pay for our sin."

I could feel Grandma's breath on the back of my neck, so I pressed forward, still holding Grandpa's hand. "I know you believe the Bible, Grandpa, and the Bible says *..that whosoever believeth in Him shall not perish, but have everlasting life...*" "On the edge of my chair, I whispered, "Do you believe that Grandpa? Big tears began to trickle down, and I felt him squeeze my hand again. I think I might have squeezed back; because, Grandma was right behind me, "Be careful, Max!" Grandpa shot her a look in spite of his stroke and she retired to the kitchen.

Finishing the verse and still holding Grandpa's hand, I said, "God made us two promises, Grandpa, *"...who-soever believeth in him (Jesus Christ) shall not perish..."* That means "not go to Hell," *"...but have everlasting life."* That means "you go to Heaven." Do you believe that Grandpa?" And he gave me an unbelievable squeeze on my fingers for a man who was paralyzed. I gave him a big hug.

Grandpa was tired now; but he looked a lot more at peace. I carried my dishes to the kitchen where Grandma was waiting on me. I knew I was going to get a little something from Grandma in her gentle way. "Now you know, Max, there's a lot more to it than that." My mouth came open to reply, as it usually does; but duty called. The radio on the cruiser crackled and I had to go on a call.

Grandpa died on November 8, 1961. They buried him at Riverside Cemetery beside his sister, Great-Aunt Kate Shaw.

The Lord gave me another chance with Grandma before she died. Before we went down to Florida for Bible College, we took the boys out to the home where Grandma was staying, for one more visit. She had sunken into that state, sometimes called Alzheimer's, where the elderly just sit in a chair all day, lost in their own little world.

When the boys rattled the glass door, all jostling for position to see Grandma, she looked up and a smile covered her little face that would cause the angels to blush. It was the light of momentary recognition. Her face lit up with joy as she exclaimed, "Oh, it's Max...and the boys! By that time I had crossed the room and said to her, "Grandma, I want to talk to you about going to Heaven." "Oh, I think I am all right. I have tried to be good all my life." "Grandma," I told her, "As sweet as you are, I am sure if anyone could go to Heaven by being good, you would be the first one! But...are you perfect?" "Oh, my, no!" she answered, "No one is perfect! "Grandma, to get into Heaven, you must be perfect." "Well, I guess I'm not going then..." and she began to tuck that little chin down again.

Oh, no you don't! I thought and pressed the matter home. "Grandma, would you like to know how you can get the perfection you need for Heaven? "Well, yes, Max, I would... She fastened her eyes on my face. Grandma, Jesus Christ died on the cross to pay for the sin of the world and, if you will believe that, He will give you the righteousness you need for Heaven? Will you believe that Grandma?"

It seemed as though the world stood still! The sweet answer came. "Yes, I will, Max. Yes, I will." She said

it very quietly and calmly, understanding all that she said. "Are you going to Heaven when you die, Grandma?" Why, yes, Max. Yes, I am. I believe Jesus died for me."

For the first time in her life, my Grandma knew that going to Heaven did not depend on your good works!

Then...as quickly as it came...the sweet light in her face dimmed. Her little chin went down, and she slipped back into her own private world. I believe Jesus was there with her, too, now. Marge and I thanked the Lord for this precious opportunity!

Grandma would soon be lying beside Grandpa in the cemetery; but, for now, Heaven had smiled, and prayers were answered. She didn't say, "There's more to it than that, Max" this time. Grandma Max died March 6, 1969 and she is buried beside Grandpa and Great-aunt Kate in Riverside Cemetery.

Dorothy May Max, my mother, died in Troy, Ohio, on October 22, 2003. She is in the Maple Hill Cemetery in Tipp City with my father, Mansfield David Younce. He died in Madison, Ohio, on June 22, 1990.



Ruth Evelyn (Max) Fenner, my Aunt Evie, was still living in Dayton, Ohio at the first writing. She married Lee Fenner who passed away in May of 1964. They had a daughter, Pamela, and two sons, Lee and Benjamin. I have many good memories of playing with my cousins on Grandma's front porch. I was always glad to see them come, because I was an only child. I am sad to say that "Bennie," as I knew him, passed away too in 2004 from cancer. He was six years younger than I.

I also had a great time in my childhood playing with cousins "Georgie" and Monte. Mom and Dad used to go out to Casstown to visit Uncle Cecil and Aunt Thelma and I would play with Georgie and Monte. As I said, being an only, having kids to play with is something to look forward to. Sad to say, Georgia Ann is gone now too. She was quite a lady! She was a registered nurse and went with the Peace Corps to Africa. Later, she married Merritt Colton, a law enforcement officer, and they had one son, Merritt Paul Colton. Monte married Janet and they live in Troy. (Left above – Me, Georgie, and "Little Lee.")

I remember one winter when my family was visiting the Mumfords. Georgie, Monte, and I were skating on the creek out in back. Monte had the misfortune to skate on to the thin ice and fell in. Georgie and I pulled him out and she sent him back to the house. Soon, my father was bearing down on me with a look in his eye that I knew was trouble! Monte had told everyone in the house that I had pushed him in, for some strange reason. Georgie tried to straighten the situation out; she was only a couple of years older than I. Who listens to kids! I got a licking! Big time! The last time I visited Georgie, she reminded me of that day. "Your parents should apologize to you," she said. I don't blame them though; although, I did at the time. I was a mischievous child, and they were just doing the best they could. They had their hands full with me!

To my knowledge, there are few remaining members of the family descended from Joseph P. Max, born in 1782, who carry the Max surname. They would have to be descendants of Great-grand-uncle Charles Edward's son, Samuel Max; or of Grand-uncle Charles Edward's sons, Thomas Elmo Max and Roy Eugene Max.

There is definitely no one left of our family in Piedmont, Missouri!



This is Piedmont, Missouri, today. I think if you visualize wooden boardwalks and mud streets, that was the way it was! It has changed a great deal since the events of 1898 happened. Southeast Missouri is a beautiful area, but if you visit Piedmont, you will not find anyone with the last name of "Max."

Samuel Max died in Los Angeles (the city or the county) in 1958. Roy Max died in Charlotte, North Carolina, in 1984. Thomas Elmo Max died in Waynesville, Pulaski County, Missouri, in 1972. There could be some relatives of spouses, i.e. Wileys, Swaynies, and Dunns.

Some living descendants of Henry J. Hyatt and the early residents of Hyattsville are still in the Miami County area.

Just remember, all this happened long ago, we're looking forward now, and the best is yet to come. Even so, come, Lord Jesus. I hope they all had a chance to hear the clear Gospel and that we will meet them in Heaven.

I am Max Douglas Younce, and that is how I inherited my first name. The Younces are another story.

No names have been changed. These are just ordinary people and this is how life happens. On any given day, your life can be changed completely, or come to an end. The lesson is...we all can find out where we come from but the most important thing is to know where you are going.

"For he (God) hath made him (Christ) to be sin for us, who knew no sin; that we might be made the righteousness of God in him. (2 Corinthians 5:21).

Or...as I told my Grandpa Max,

"For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life. (John 3:16)

## **In Post-War (Civil War) Bollinger County, Republicans Weren't Welcome**

Note: Since Bollinger County is right next to Wayne County, most likely 6 out of 10 men in that county held the same convictions.

One account of Bollinger County, Missouri during the Civil War called it a “hotbed of secession”, Historian Glen Bishop, (whose speech at the Bollinger County Museum of Natural History was covered in the September 4, 2011, Southeast Missourian Newspaper) stated that 6 out of 10 men in Bollinger County sided with the South during the war.

Not surprisingly, many of these men either fled the state or lost their property during the war. A common practice was to claim back taxes owed on the land that were not paid during the hostilities. When the land owners couldn't pay, the county took the land. In other instances during the war men who were charged with being Southern sympathizers would have to take an “Oath of Allegiance” and put up a bond. If the accused did not have the cash for the bond, they were allowed to use their property. In the event they were accused of disloyalty again, the property was forfeited and often time the accused sent to prison.

It is important to remember that during and after the War most Southerners were Democrats and most Unionists were Republican, of course most Southerners could not hold office or vote until the Drake Constitution (which served as the basis for Missouri Reconstruction) was abolished in 1875.

Note: The Drake Constitution is the one that required the “Oath of Allegiance” to the Union.

By 1872 land in Bollinger County could be found advertised in papers throughout the United States but as some would find out, the land was



not much of a bargain. Evidence of this can be found in the August 5, 1872 Inter Ocean newspaper (Chicago, Illinois) and the August 8, 1872 Boston Globe (both articles being republished from the St. Louis Globe).

[From the St. Louis Globe, 8d inst.]  
Last fall there settled in Paton, Bollinger county, Missouri, a farmer who came from Illinois to improve his fortunes. He bought a farm for some hundreds of dollars, one-half of which he paid in cash. About three weeks ago his house was entered by a band of armed men who were disguised. They told the farmer that he had been in that country about long enough, and that he must leave at once or take the consequences. The farmer took the hint, and left. Before going he went to the party of whom he purchased the farm and asked him to take it back, and return the purchase money on a part of it. The seller of the farm returned a part of the money and the farmer left. The only fault with this peaceable citizen was that he was a Republican voter. No other charge was brought against him, for none could be, as he was a law-abiding and peaceable citizen.

Re-  
publicans intimidated in Bollinger County Mon, Aug 5, 1872 – Page 6 · *The Inter Ocean* (Chicago, Illinois) · [Newspapers.com](http://Newspapers.com)

My Note: 1872 is when the St. Louis and Iron Mountain reached Piedmont in Wayne County, Missouri. This makes me think of the oft repeated adage. Irish statesman Edmund Burke is often misquoted as having said, “Those who don’t know history are destined to repeat it.” Spanish philosopher George Santayana is credited with the aphorism, “Those who cannot remember the past are condemned to repeat it,” while British statesman Winston Churchill wrote, “Those that fail to learn from history are doomed to repeat it.”

Take a look around. The Civil War took place between April of 1861 and approximately 1865. Then, we go to the time after the Civil War, the Post-Civil War period when those who were considered “Southern Sympathizers” lost their right to vote and were persecuted. Look around! Does anything look

familiar? It certainly does. We have lost so much ground that History is repeating.

## **The English Cemetery, Patterson, MO. – notes by David Bollinger**

The cleaning of the English Cemetery at Patterson has raised many questions concerning the area of Wayne County once known as "The Virginia Settlement". Few people realized that one hundred seventy plus years ago a thriving Isbell Chapel Methodist Church existed at the site. Among the parishioners were the Isbell, English, Fulton, Kimes, McCormick and Yancey families, and no doubt others.

Just when the church was organized has been lost to time, but it appears it was around 1850 or possibly earlier. One documented Pastor of the flock is the Rev. Levi P. Rowland (pictured).

He was born October 6, 1811 in the state of Connecticut. He married on June 8, 1838 at Baltimore, Maryland, to Mary Ann (Long) Rowland (1814-1887). The name Levi P. Rowland appears in the minutes of the fifth annual meeting of the American Anti-Slavery Society in New York on May 2, 1838. It is well documented that Rev. Rowland was an ardent abolitionist.

Rev. and Mrs. Rowland had migrated to Scott County, Missouri by 1845, where he was performing marriages, listed as a Methodist clergyman. At the October 20, 1851 death of Patterson pioneer, Joseph Isbell, Rev. Rowland was a resident of Wayne County and had preached the funeral of Isbell and reported his death to the St. Louis Christian Advocate published by the Methodist Episcopal Church, South, a publication in St. Louis, Missouri.

Rev. Rowland served as pastor of the Greenville Methodist Circuit from 1850 to 1852. Among the churches in his watch care that he traveled and preached to included, Greenville, the Virginia Settlement (Isbell Chapel), Crooked Creek, Dees Chapel, Black River, Bloomfield, Butler, Centerville, Thomasville, and Houston. The area the Reverend had to travel took in modern day Wayne, Bollinger, Iron, Reynolds, Stoddard, and Butler counties.

The families attached to the Isbell Chapel Methodist Church were far from supporting the anti-slavery ideals of Rev. Rowland. The Fulton and Kimes families were slave owners. Perhaps Rev. Rowland thought he may persuade these families from supporting slavery? This apparently was not the result. Because of the slavery division within the Methodist churches, Rev. Rowland left the denomination and joined the faith of the Presbyterians. In a missionary effort he organized Presbyterian Church of New Madrid on September 20, 1856 and was its first pastor.

During the Civil War, Rev. Rowland traveled to Pilot Knob to assist doctors and nurses with the wounded soldiers. At some point he himself was captured by the Confederacy and held prisoner, taken to Tennessee. While a prisoner the only clothing he had to wear was a gunny sack. He was later released and returned to Wayne County.

Rev. Rowland had been appointed the Postmaster of Patterson on October 3, 1862, and he was an elected Justice of the Peace for the Logan township several terms. He became instrumental in the early development of Patterson and is considered a pioneer of the town. His ministry remained in the Presbyterian faith and he served as pastor for the Patterson

congregation. In addition, he organized a Presbyterian congregation on Clarks Creek (at what would later be known as "Damon"), as well as a short-lived congregation at the Virginia Settlement called "Camp Creek".

The demise of the Isbell Chapel Methodist Church came at some point during the Civil War, when the building was burned by the Union. This was no doubt a direct result of so many of its members supporting the Confederate cause. (They also kept slaves,) Other pastors that served Isbell Chapel after Rev. Rowland included Reverends, John Atherton, William Alexander, James C. Thompson, J.L. Burchard and James H. Ward.

One final act of humanitarianism on behalf of Rev. Levi P. Rowland came at the 1887 death of his wife, when he deeded land adjacent to the Woods cemetery for extra burials. The cemetery then become known as the Rowland-Woods Cemetery and has served the Patterson community for over one hundred and thirty years. He died on January 9, 1894 at the age of 82, interred beside his wife.

Pictured in a photograph believed to be after 1880, is a woman of great historical prominence in Wayne County. She is Temperance Cotton (Isbell) English. She was born in Illinois in 1820, a daughter of Joseph & Lavisa Isbell. The father, Joseph Isbell, took up permanent residence in Wayne County in 1850, receiving a land patent at what is considerate modern day "N" highway, known as Camp Creek. Isbell established a mercantile on his property and the little hamlet became known as "Isbell's Store". Later the area and community officially became known as "Patterson". Temperance Isbell married Julius W. English (1812-1866). They had eight documented children. Three of them, Jane, Eliza and John H. English, this writer knows little about. Five others are known to have married and raised families. They included; Mary E. (Mrs. Richard) Buehler, Columbia Miller-Jones (Mrs. Sylvester Miller, Mrs. George W. Jones), Josephine (Rev. James M.) Birdwell, Mrs. Maria Emmons and Martha L. (Mrs. Lee) Creasy. Mrs. Temperance English died after the 1880 census. The exact date is not known to genealogists. She is believed to be buried in an unmarked grave in the English Cemetery near Camp Creek. Her father, husband, and several other kinsmen have manufactured headstones. The English Cemetery is the last evidence of the long extinct Isbell Chapel Methodist Church, which was destroyed during the Civil War. The present condition of the historic English Cemetery is not known to me. I do plan on enquiring with local Patterson residents about it. This is a very historic cemetery, and I would be interested in restoring it. (Commenter, not me.)

The Wayne County Historical Society is still planning on hosting the cemetery cleaning tomorrow for the English Cemetery at Patterson on N highway. The group plans to meet at 11 a.m. Everyone is welcome to help and Participate. Bring saws, hand tools, clippers, wheel barrows and gloves. It looks like the weather will hold out until the late afternoon. Here is a short history of the English Cemetery as well as a photograph of Temperance (Isbell) English, one of the interments there.



One of the most historic significant cemeteries in Wayne County is the English Cemetery at Patterson. The cemetery once was adjacent to the Isbell Chapel Methodist Church during the 1850's through the early 1860's. It is traditionally known that the church was burned by the Union sometime during the Civil War. The Isbell and English families lived nearby and gave land for the church and cemetery. The oldest marked grave is that of Joseph N. Isbell, who died October 20, 1851. Isbell is prominently known in Pat-

terson, MO. history. Other historic interments include early Patterson pioneers William S. McCormick (1804-1883) and Julius W. English (1812-1866) (Left also Left) and his wife Temperance (Isbell) English (1819-ca.1890),



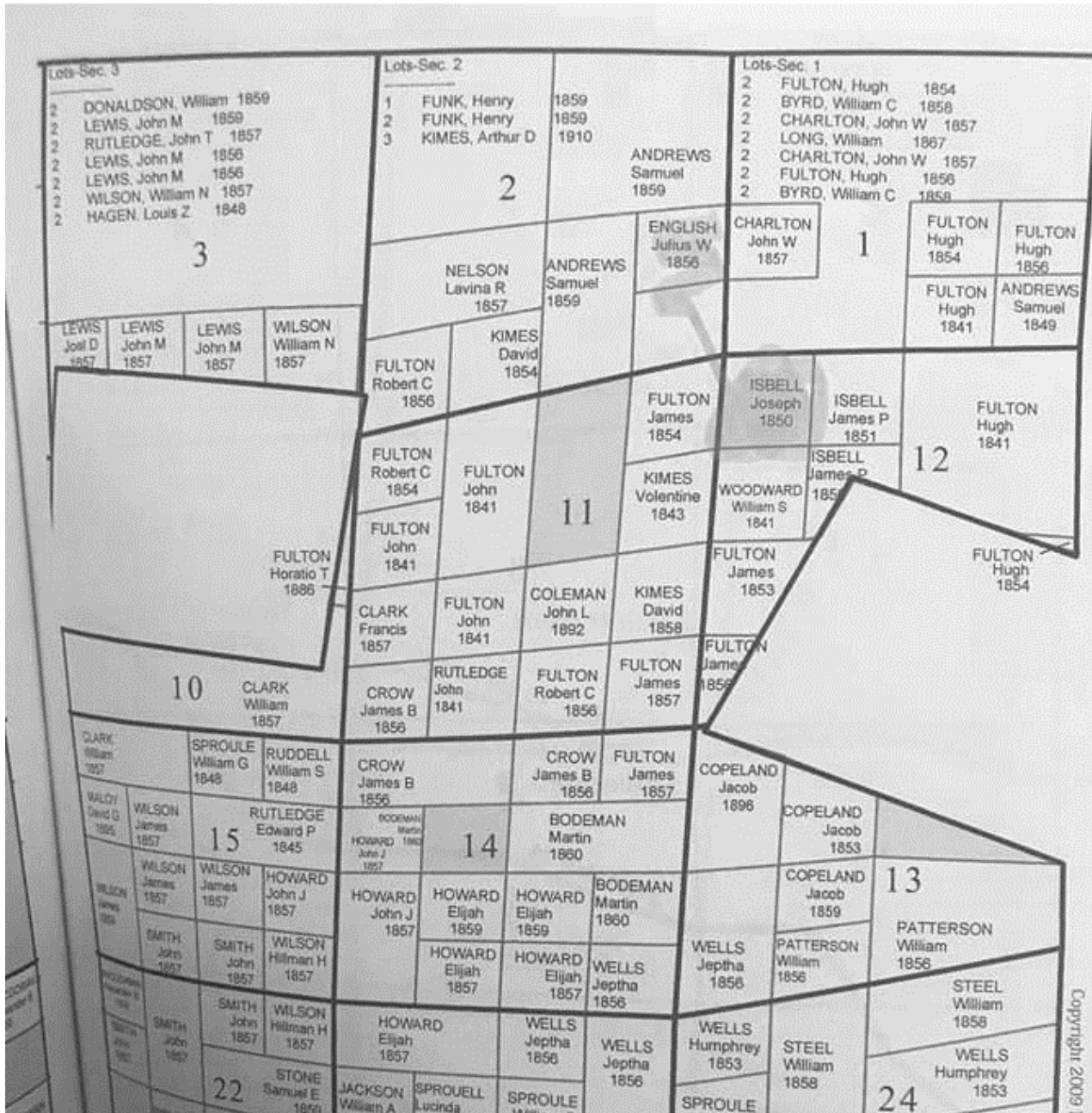
Presbyterian Minister Rev. J.M. Birdwell (1833-1918) and Wayne County Clerk, Dr. Sylvester W. Miller (1830-1868), who was murdered at Greenville. Other families included among the burials include Crow, Daffron, Harrison, Jones, Kimes, McFadden, Patterson and Stroup. Also, among the dead are several unmarked Civil War soldiers who either died of illness or injuries from local skirmishes. The nearby English residence housed wounded soldiers during the Civil War. The English Cemetery lay abandoned for many years during the twentieth century. In 1988 Wayne County Historical Society President, Roy C. Payton led the efforts in cleaning the historic cemetery. A second cleaning was held in 1992 and a third in 2001.

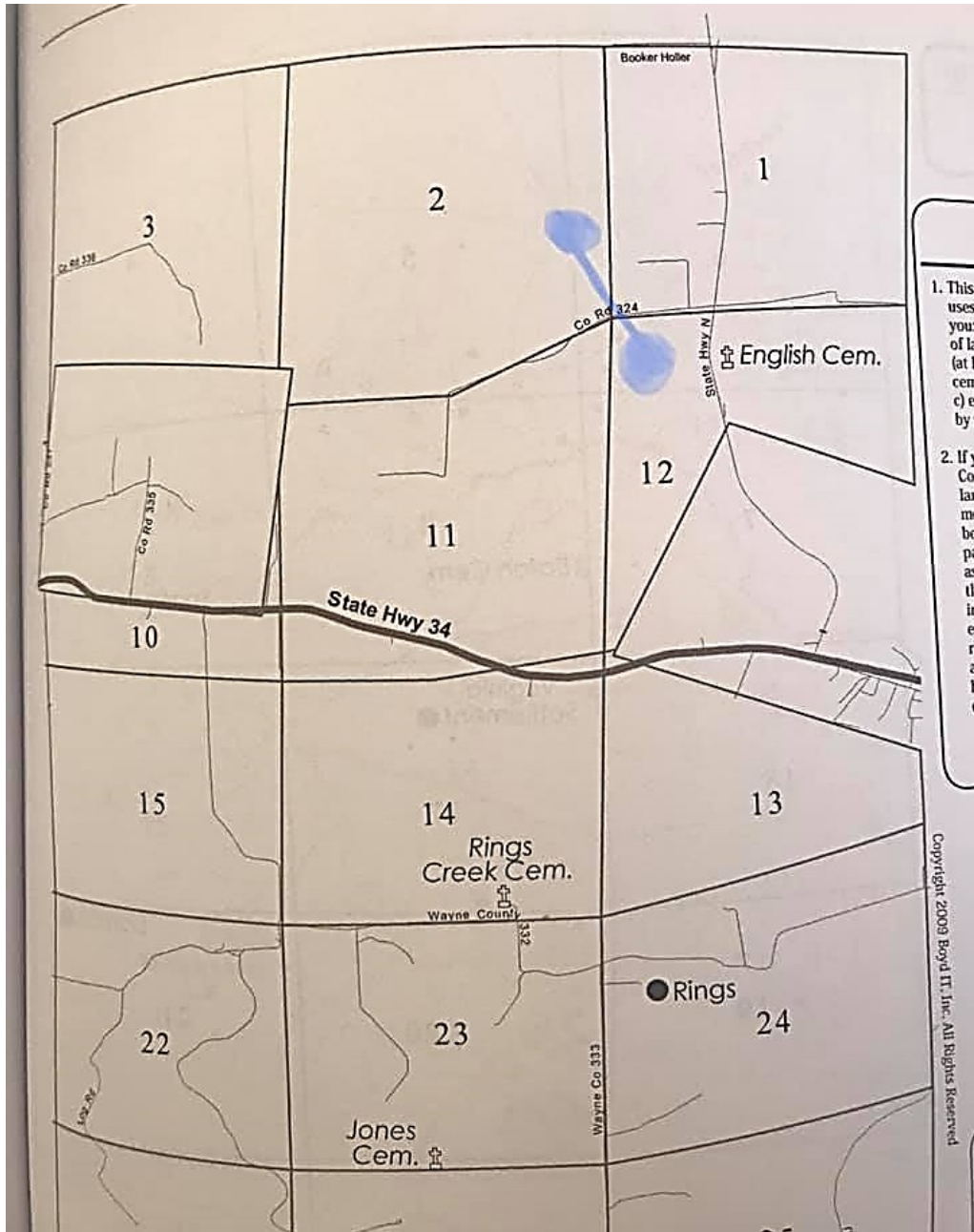
Sadly since, the cemetery has not been kept up. Plans are underway by the Wayne County Historical Society to clean this historic cemetery.

**(Area around the cemetery.)**

The English Cemetery is on current highway "N". Prior to the Civil War this was the location of the Isbell Chapel Methodist Church on the old Ironton road. The English Cemetery is all that remotely exists of the flock.

My Note: I will follow these plat maps with a couple photos of what the cemetery looks like. A gentleman by the name of Adam Preuss was kind enough to post these.







The church could have been standing right beside the road, because it appears from the pictures that the cemetery lays back a ways from the road. It was probably a nice church, because they had a pretty nice house, which was still standing in the Spring of this year, but they had to tear it down then. It stood for 160 years. They don't build 'em like that anymore. There would have been no problem about lumber as this was the time the big lumber companies came in, and Missouri's Ozarks were famous for very tall stands of straight yellow pine. What you see in the pictures are second or third growth timber.

Just to prove my point, here's another picture of the cemetery.





There's just one thing I must say about this little trip through Missouri's pioneer days. As soon as they got settled, the very next thing they did was to build a church to worship in. The circuit riding preachers were faithful in making their rounds, and the Gospel was preached. If they didn't have a church, Sundays found them gathered in someone's home and at least reading the Scriptures and fellowshiping together. There were little white churches with steeples in every small community. They needed the Lord to get them through daily life on the Frontier.

Life on the Frontier anywhere was hard. Medical help was hard come by. Infant mortality was high and there were many tiny tombstones in the cemeteries. Food had to be grown. Cattle had to be raised. Wood and water had to be carried. It is possible that on the English Farm, they probably had slaves to do all this. If they did, let us hope they were good to them.

Praise the Lord, that time is behind us.



As a result of a Google Image Search, here is the exact house as it was in 1896 and the house as it was in the Spring of 2021. This was corroborated by the Wayne County Historical Society.



This old house once knew my children  
This old house once knew my wife  
This old house was home and comfort  
As we fought the storms of life  
This old house once rang with laughter  
This old house knew many shouts  
Now it trembles in the darkness  
When the lightning walks about

Chorus

Ain't gonna need this house no longer  
Ain't gonna need this house no more  
Ain't got time to fix the shingles  
Ain't got time to fix the floor  
Ain't got time to oil the hinges  
Nor to mend the window pane  
Ain't gonna need this house no longer  
I'm getting ready to meet the saints

This old house is getting shaky  
This old house is getting old  
This old house lets in the rain and  
This old house lets in the cold  
My old knees are getting chilly  
But I feel no fear or pain  
'Cause I see an angel peeping through  
The broken window pane

This old house is afraid of thunder  
This old house is afraid of storms  
This old house just groans and trembles  
As the lightning flings its arms  
This old house is getting feeble  
And it needs a coat of paint  
Just like me it's turtled out  
I'm getting ready to meet the saints

Ain't gonna need this house no longer  
Ain't gonna need this house no more  
Ain't got time to fix the shingles  
Ain't got time to fix the floor  
Ain't got time to oil the hinges  
Nor to mend the window pane  
Ain't gonna need this house no longer  
I'm getting ready to meet the saints  
Ain't gonna need this house no longer  
I'm getting ready to meet the saints

•  
Stuart Hamblen

