

**THE FIGHT AT BIG SPRINGS CAVE
IN ROCKCASTLE COUNTY, KENTUCKY**

(An Investigation of the Haley Murder Trials 1859-1866)

By

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Shirle Cumming Burke and the late Joan McKahan Dillon originally discovered references to the fight at Big Springs Cave while researching the Haley family in Kentucky several years ago. Their notes laid the groundwork for this project and sparked the authors' interest in learning the truth regarding the varying accounts of the tale. Jane-Rives Williams, CGRS, of Bardstown, Kentucky provided the archival research. Without the work done by these three ladies, this article could not have been written.

Jill Adami
Sue Green
Betty L. Haley

Gift 5/7/03

DEDICATION

We are grateful to all our Haley ancestors...those from past generations who created our history and the recent generations who got us interested in examining it. Some Native Americans say the memories of old souls float like whispered dreams. This article is dedicated to learning the truth about one of those whispered dreams...

THE FIGHT AT BIG SPRINGS CAVE

For over one hundred and forty years, tales of the fight that occurred in 1858 have intrigued family researchers, history buffs, and local storytellers alike. The altercation took place on July 27, 1858 at the Big Springs Cave, near the Great Saltpetre Cave¹ and Mullins' store in Rockcastle County, Kentucky. The result was three known dead and several serious injuries.

The late John Lair, whose newspaper column, "Rockcastle Recollections" was published in the *Mt. Vernon Signal and Observer*, on several occasions featured accounts of the event by descendants of some of those present at the time. As is always the case when violence occurs, these accounts varied with one another, up to and including disagreement on the names of the victims, as well as the identity of the perpetrators and their supposed fates.

One of the more colorful accounts was the following, which Mr. Lair put in verse form:

Old Calloway Mullins

Old Calloway Mullins, he was a "Hoss"
A regular ringtailed mountain man.
He was he "Ole He-Coon" and Boss
Of all the upper creek Mullins clan.

He was the head of their fighting men
'Til his fighting days were over the hill,
His big stout sons and the others then
Took good care of the old man, still.

When a neighbor started to shove him around
In one of these old fence-line disputes
"Biggie," his son, knocked the neighbor down
And stomped him to death with his cowhide boot.

Old Calloway still held up alright
But he was getting old and weak
By the time they had the terriblest fight
That ever was known on Crooked Creek.

The Mullinses gathered for folic and fun.
Old Calloway said to them all, says he,
"Don't nobody bring nary gun;
We'll have just a soshible family spree."

¹ Tales from the Hills: Compiled and Edited by Ann Lair Henderson; page 40; "Trouble at Big Springs."

With a cedar churn full of "Mountain Dew"
And a dipping gourd to drink it from,
The Mullinses gathered to heist a few
And be plumo ready, whatever come.

They were gathered by the Big Cave Spring
And they were getting a little high.
They sure were making the hillsides ring
When three strange men come a-riding by.

Old Calloway Mullins invited them in,
Being one of the neighborly sort,
He says, "Lite down frum yer critters, min,
Rest your saddles an' have a snort."

They hitched their mules to a top fence-rail
And acted sociable as could be.
They said they had never been known to fail
To drink good likker when it was free.

And then the three of them started in
Drinking likker and talking loud.
One of 'em says "We're dangeris min
An' we haint a-skeered of yer whole damn crowd.

Our best foxhound, he dissapeered;
Bin huntin' him now fer about a week,
An' somebody tole us they thought they heerd
Our old houn' runnin' on Crooked Creek.

This haint no joke and' hit haint no bluff.
We're over here fer to run him down
An' we'll sho make hit might rough
On ennybody thet's got that houn."

Another one says, "Enny man that steals
A houn' of ourn's in plum bad fix."
Then he jumps straight up and pops his heel
And claims he's "one o' th' Blue Hen's Chicks."

Says he "Bill Haley's my rightful name.
Ez "Wild Bill Haley" I'm sometimes knowed,
An' me an' my boys ez just ez game
As enny three roosters 'at ever crowed.

On Scaffol' Cane Ridge our nabors say
We handle our Booie knife so well
That we kin take 'em an' carve our way
Plum thoo th' middle kittles o' hell."

And then they out with them long sharp knives
Cutting and slashing from left to right,
The Mullinses running to save their lives
For they hadn't come prepared to fight.

Old Calloway Mullins took his stand
And says, "What's all this runnin' about?
I'm a-standin' here on my own land
An' they haint nobody kin run me out."

Then he picked up a club and he says "Alright,
Come on, yew Haleys, an' start the fun.
I may be a leetle too ole to fight
But I'm just a leetle too mean to run."

Then he pitched right into 'em, swinging blind
And putting up one of the prettiest fights
'Til somebody got to him from behind
And stabbed him right through the liver and lights.

When the Mullinses saw Old Calloway's fix
They thought they would give it one more try
And grabbing up fence-rails, rocks and sticks
Came circling back with blood in their eye.

The Haleys were drunk but they sure weren't fools.
When they saw the Mullinses charging back
The two boys got to their saddle mules
And rode like the devil was on their track.

Old Wild Bill, tho, had a closer shave,
They headed him off and run him around
'Til he took to the Great Saltpetre Cave
Like a ground-hog hunting a hole in the ground.

Says Calloway Mullins' son-in-law,
(Being a man unknown to fear)
"Y'all go back and look after Paw
An' I'll take keer of this bizness here."

They said to him, "Ash, hits dark in thar
An' a mighty good chanst fer to lose yo' life
Ole Haly's ez mean ez a sore-tit bar,
He'll cut ye in two with thet booie knife."

But Ash speaks up and he tells them, "Yes,
I know hit's dangeris ez kin be,
But my hatchet's ez sharp ez his knife, I guess,
An' I'll see him ez quick ez he sees me."

Well, he stayed in Saltpetre Cave all night
And didn't come out till late next day.
He was some cut up, but he called for a light
To lead 'em to where Bill Haley lay.

They found ole Haley a-lying dead
In a way that showed how he'd come to die,
With a hatchet stuck in the top of his head,
Socked plum up to the hatchet eye.²

In one of Mr. Lair's newspaper articles, the names of the victims were cited by two sources as having been Quince and Locke Jones and a man named Moore, while another source stated they were the Foley boys and a man named Baker. The perpetrators were listed as being Bill Haley, age 34 at the time and his brother, Arch Haley, age 36. This source also said they were sent to the penitentiary where both died. Bill Haley supposedly died in the prison pump box not long after his arrival and Arch died of old age in 1879. All versions of the story agreed that Calloway Mullins was injured in the fight and that Ashley Owens and a Jackson County deputy sheriff had arrested the Haleys where they were hiding in a cave.³

Another article states that a group of Haleys, from near Scaffold Cane, some Maupins from Madison County and perhaps some others, stopped by Mullins' store while searching for stray hounds that had wandered away from a fox hunt. After the group had indulged in some of the free moonshine available at the store, a fight broke out and Calloway Mullins was stabbed. The person who did the stabbing fled into a nearby cave where Ashley Owens, a son-in-law of Mullins, reportedly found him and killed him with a hatchet. This article also indicates that Egbert Moore, Quince Jones and a man named Locke were killed in the fight and that two of the knifemen were tried and sentenced to the penitentiary where one later died in the prison "Water Cure."⁴

John Lair was not the first to publish contrasting versions of the fight at Big Springs Cave. Even newspapers of the era did not agree on details of the fracas:

"MORE TRAGEDIES. -- Stage passengers from Richmond report that on Wednesday last, in the county of Madison, a difficulty occurred, originating in a scuffle between two youths, and resulting in the death of at least *five persons*. Five persons were shot and cut by a man named Wm. Haley and his two sons. Three died immediately, and another on yesterday and it is stated that a mob seized and hung the elder Haley, his sons saving their lives by flight. We cannot vouch for the accuracy of these statements, but give them as we received them."⁵

² Tales from the Hills: John Lair; Compiled and Edited by Ann Lair Henderson. Pages 12-15.

³ "Rockcastle Recollections": John Lair, dated 1973. Loose paper files of Haley research; Joan Marie McKahan Dillon.

⁴ Ibid. Undated.

⁵ *Kentucky Statesman*; Lexington, Kentucky, dated July 30, 1858.

A second article read:

"A painful story was afloat in this city yesterday afternoon. It was reported that a difficulty occurred in Madison county on Wednesday last, which resulted in the deaths of four men. A man named Haly, assisted by his two sons, did all the killing. It was also reported that the father was afterwards seized and hung by a mob---the sons saving themselves by flight. We sincerely hope that the rumor is unfounded, or at least greatly exaggerated."⁶

The above accounts and varying stories led three friends and fellow Haley family researchers down a merry path in their Rockcastle County research. Then in the summer of 2000, more factual information was found in an old Mortality Schedule. Beneath the entry for the death of William T. Moore on 17 July 1858, in the State Vital Statistics and Mortality Schedules,⁷ Daniel G. Colyer, Clerk of Rockcastle County Court, inserted the following statement, to wit (misspellings included):

"William murdered by design: Wm. T. Moore, William A. Jones & James H. Jones were all murdered by designed and a conserted plan contrived by a set of demons, William, James and Archibald Haley and Wiggins and other scoundrels at the Big Spring in Rockcastle County, Kentucky, July 27, 1858. Thus they were hurled into dark Eternity in the spring time of life while in the bloom of youth. They were peaceable in all there walks of life. Against whom naught could be said. They were honest upright men, beloved by the people where they lived. Though belonged to no Church and they are now gon to try the reality of another world and there parents now mourn and cannot be comforted.

"Two of the Haleys and Wiggins fled the country and were brought back by the authorities of the state government at a cost of \$1500 and confined in the Mt. Vernon jail to await there trial. Two of whom, James Haly and Wiggins, were acquitted by a bribed jury of there county and corrupt witnesses and now to greater deamons, blood thirsty men, has never been permitted to go at large under such murder as art upon there hands."

The information included in the Mortality Schedule seemingly implicated members of the Haley family and the three friends decided, with the help of a professionally certified researcher from Kentucky, to try to learn what really happened all those years ago. The following is the result of their search for the truth:

As best anyone has been able to find out, a gathering of the Mullins family was being held at the store owned by Calloway Mullins, near Big Springs Cave, which some have said was a political rally. That fact may be in doubt. But it is generally conceded by all that a churn filled with moonshine was involved and all present at Mullins' establishment had been imbibing prior to the arrival of the Haleys who had been fox hunting and

⁶ *Lexington Observer and Reporter*; Lexington, Kentucky, dated July 31, 1858.

⁷ Rockcastle County Kentucky State Vital Statistics and Federal Census Mortality Schedules, Official Records from the 1800's: Jeanne Snodgrass Bonham and Patricia Heylmann Hiatt; High Grass Publications; Deaths; page 216.

stopped by the store while searching for stray hounds that had wandered off during the hunt. From later accounts of what eventually ensued, it would appear the Haleys were strangers to the Mullins. Nothing could be farther from the truth as both families had been among Rockcastle County's earliest settlers and had lived less than thirty miles apart for over fifty years. Therefore, when Calloway Mullins invited members of the Haley group to share in his family's festivities, he not only was inviting friends, but in some cases members of his extended family to join in the festivities.

Then, as today, some of the best fox hunting hounds in the U.S. were raised in Eastern Kentucky, and as any hunting dog owner knows, tempers can flare when the merits of such dogs are discussed. On that fatal day, besides the presumed usual bragging regarding dogs, the effect of the liquor everyone had been consuming undoubtedly began to evidence itself. Harsh words were exchanged and a fight broke out. It is not known who else was armed, but the Haley party had been hunting and so they naturally would have been carrying both guns and knives. This would explain how a knife could easily have found its way into the hands of one or more of the group during the brawl. In the melee that followed, Calloway Mullins sustained a serious back wound; and it is likely that others, including some in the Haley party, may also have been injured.

As previously mentioned, according to Mr. Lair,⁸ Ashley Owens, a son-in-law of Calloway Mullins, was visiting in the area, and since he was a lawman of sorts, was called to the scene to arrest one of the Haleys who allegedly had been hiding in a cave about half a mile from Mullins' store. Legend has it that Owens went into the cave after the culprit and killed him with a hatchet. No evidence has been found to indicate any of the Haleys were killed in the fight, so if Ashley Owens did kill someone, that person's identity is questionable. Nor has evidence been found to support the newspaper accounts that the father of the Haley boys was hanged as reported.⁹ Mr. Lair, did state,¹⁰ however, two others from the Haley hunting party were killed during the fight, and their families came by ox cart the next day to claim their bodies. Another member of the Haley group had supposedly sustained a broken jaw and hidden out. Lair did not mention the names of these victims in any of his articles, so it is presumed he could not verify their identities.

It should be mentioned here the elaborate description of the deaths of William T. Moore, William A. Jones and James H. Jones in the Rockcastle County, Kentucky State Vital Statistics¹¹ entered by Rockcastle County Clerk, Daniel G. Colyer, was somewhat less than objective, as his wife was a member of the Mullins family, and through them, had ties to the Moore family. William T. Moore was a constable for the town of Mt. Vernon,

⁸ Tales from the Hills: John Lair; compiled and edited by Ann Lair Henderson; pages 40-42, "Trouble at Big Springs." Page 41.

⁹ *Kentucky Statesman*; Lexington, Kentucky; dated July 30, 1858 and *Lexington Observer and Reporter*; Lexington, Kentucky; dated July 31, 1858.

¹⁰ Tales from the Hills: John Lair, compiled and edited by Ann Lair Henderson; pages 41-42, "Trouble at Big Springs."

¹¹ Rockcastle County Kentucky State Vital Statistics and Federal Census Mortality Schedules, Official Records from the 1800's: Jeanne Snodgrass Bonham and Patricia Heylmann Hiatt; High Grass Publications; Deaths; page 216.

but it is believed he and the Joneses were present at the store on the day of the fight as extended family members or guests of the Mullins family rather than in any official capacity.

Despite its bias, Mr. Colyer's statement that two of the Haley family and a man named Wiggins fled the country and were brought back at the rather high cost of \$1500 to the Commonwealth points to the possibility these men may have left the state and had to be located before being returned to face trial. Feelings would have run deep on both sides following the fight; and it must have been felt only a change of venue would guarantee a fair trial, as well as the safety of the accused.

The original Mt. Vernon jail was erected in 1811 and stood behind the old courthouse, with both being enclosed by a fence (the big iron gates of the jail were later moved to the entrance of the Great Saltpetre Cave). In his youth, John Lair's father had once taken him there, and when he was an adult, Lair said he had "never encountered, before or since, such a damp, dark foul-smelling dungeon," and that he dreamed about it long after having seen it.¹² It was to this jail the Haleys and Wiggins were taken and held until they were moved to the Barbourville jail in Knox County following change of venue for their trials. It may be assumed conditions at the Barbourville jail were similar to those of the Mt. Vernon jail and the prisoners would have received few human comforts while incarcerated there.

The courthouse at Mt. Vernon burned in 1873, so there are no records regarding the change of venue for the trial of the accused, but since the trial was moved to Knox County, records *are* available and we are able to learn that three Haleys and a man named Wiggins were tried there over a period spanning 1859-1866. The names of the accused, their jurors, witnesses for both sides, and those who posted various bonds over the years are documented in these records, the summaries of which the reader will undoubtedly find dry and tedious. Shorthand was not used by court reporters of that era, so no direct testimony is cited and there is no elaboration of the details of the crimes of which the above were accused, consequently, what was recorded is completely void of "color." Since all of the court records were written in longhand, it was necessary to transcribe them in order to present an accurate summation of their contents, a task that was often daunting for ladies wearing bifocals. Despite their dryness, much of the basic contents of the records has been retained in this report, as they verify who was charged, the crimes with which they were charged and the outcome of the various trials, putting to rest many of the stories that have proliferated over the years.

The trial opened on the second day of the April Term of the Knox County Court, and in the case of the Commonwealth vs. William Haley and others, on a motion filed by the defendants' attorney and agreed to by all the defendants, the court ordered that Archibald

¹² Rockcastle Recollections: John Lair; compiled and edited by J. Allen Singleton, Berea, Kentucky; Polly House Publishing, 1991; page 51.

Haley be tried separately and the other defendants tried together by the same jury.¹³ This is the first time we have confirmation of the names of any of the accused, with William Haley and Archibald Haley being named. It should be noted here that throughout the April 1859 Term of the Knox County Court, no specific date is listed regarding when an event occurred, only that it was the "second day" or "third day," etc. of the April Term.

On the third day of the term, William Haley, James Haley and Noah Wiggins waived arraignment and pleaded not guilty¹⁴ to the charges against them, which were not specified in the record. Defendant Archibald Haley waived arraignment and pleaded not guilty.¹⁵ This is the first time we learn the names of all four defendants. Jurors were then selected to serve at the trial of William Haley, James Haley and Noah Wiggins, with the following being named: Green Templeton, Jonathan Parrott, Edward Frederick, John F. King, William Williamson, Saling Parrott, William King, James M. Kincaid, _____ Bryant, Nelson Carnes, James Mill, Thomas Mill and David Syans (?). According to the record, "several indictments" were read and a portion of the evidence heard before court was adjourned until the following day.¹⁶

The attorney for the Commonwealth of Kentucky was unable to conclude his presentation of evidence on the fourth day; court was adjourned with the jurors being placed in the care of the Sheriff and the prisoners remanded to jail.¹⁷ Apparently no evidence was heard in this particular case on the fifth day, but on the sixth day, arguments of counsel for the Commonwealth were heard, but not concluded; and court was adjourned until the following Monday at 8:00 A.M., with the jury being placed in the care of the sheriff and the prisoners being returned to jail.¹⁸

By the end of the seventh day, arguments by counsel had been closed and the jury retired to their room to consider their verdict. The prisoners were remanded to jail.¹⁹ This same day, a motion for continuance was filed for Archibald Haley, the statements of the affidavit being admitted by the attorney for the Commonwealth to be true, and the Court overruled the motion. Because of the lateness of the hour, court was unable to proceed further and adjourned until the next day.²⁰

On the eighth day of the April Term 1859, in the case of the Commonwealth, against Archibald Haley regarding the murder of William Moore, Archibald Haley swore to and filed a second affidavit and moved the Court grant him a continuance which motion was overruled. The defendant (Haley) excepted the opinion of the court; and waived arraignment, and pleaded not guilty to the murder of William Moore. This is the first

¹³ Knox County Kentucky Order Book I, 1856-1860; 2nd Day of April Term. 5 Apr 1859; page 434. Kentucky Archives Microfilm Roll No. 7004112, Archives Research Room, Kentucky Department for Libraries and Archives, Frankfort, Kentucky.

¹⁴ Ibid. 3rd Day of April Term. April 1859; page 447.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid. 4th Day of April Term. April 1859; page 449.

¹⁸ Ibid. 6th Day of April Term. April 1859; page 452.

¹⁹ Ibid. 7th Day of April Term. April 1859. page 454.

²⁰ Ibid.

time a specific charge is mentioned in court records in relation to the accused, Archibald Haley (the murder of William T. Moore). The following jurors were selected: James R. Fuson, Peter Heinke, John Dickey, Solomon Newman, Granville St. John, Noah Cox, John Leath and James Bracket (Brooke?). Not having time to complete the panel, the selected jurors were permitted to leave and the prisoner was remanded to jail. Court adjourned until the following day.²¹

On the ninth day of the April Term, in the case of the Commonwealth against Archibald Haley in the matter of the murder of William Moore, the jurors who had been selected the day before were seated and the following jurors added to the panel: Daniel Gambrel, James Owens, William Mar (?), and James McDaniel. A portion of the evidence was then heard, but not having time to hear all of it, court was adjourned until the next day and the prisoner remanded to jail.²²

The tenth day of the April term of the Knox County Court, when verdicts were handed down, is the only time the particulars of the indictments that had been brought against William Haley, James Haley and Noah Wiggins become a matter of record. I. e.: In the matter of Indictment No. 1. for the killing of William T. Moore, James Haley was found not guilty²³ and Noah Wiggins was found not guilty.²⁴ In the matter of Indictment No. 2 for the killing of William A. Jones, James Haley was found not guilty²⁵ and Noah Wiggins was found not guilty.²⁶ In the matter of Indictment No. 3 for the killing of James H. Jones, James Haley was found not guilty²⁷ and Noah Wiggins was found not guilty.²⁸ The jury was unable to agree on a verdict regarding the guilt of William Haley regarding the same three indictments; and he was remanded to jail, while James Haley and Noah Wiggins were released.²⁹ As can be seen from the above, William Haley, James Haley and Noah Wiggins had each been charged with three counts of murder for the deaths of William T. Moore, William A. Jones and James H. Jones.

That same day, the jury in the trial of Archibald Haley heard the evidence and a portion of the arguments by counsel, but since arguments could not be completed, the jury was placed in the charge of the sheriff and the prisoner was remanded to jail. Court was adjourned until the following morning.³⁰

When court convened at 7:00 A.M. the following morning, the eleventh day of the April term, the jury finished hearing arguments by counsel, regarding the indictment against

²¹ Knox County Kentucky Order Book I, 1856-1860; 8th Day, April Term, 1859. Page 466. Kentucky Archives Microfilm Roll No. 7004112; Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

²² Ibid. 9th Day, April Term, 1859. Page 471.

²³ Ibid. 10th Day, April Term, 1859. Pages 480 and 481.

²⁴ Ibid. Page 481.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

Archibald Haley for the murder of William T. Moore. Having received instructions from the Court, the jury retired to consider their verdict. The prisoner was remanded to jail. Court was adjourned until 8:00 A.M. the following day.³¹

Having convened on the twelfth day of its April term, 1859, the jury returned its verdict in the matter of the Commonwealth of Kentucky against Archibald Haley for the murder of W. T. Moore. The verdict read as follows: "We of the jury find the deft. Arch'd. Haley not guilty of murder but guilty of manslaughter and assess the penalty at confinement in the penitentiary to three years." James Fuson was foreman of the jury. The defendant was then asked by the Court if he had anything further to say or any legal cause to show why sentence should not be pronounced in accordance with the verdict. The defendant having nothing to say, the Court ruled that Archibald Haley would be taken by the Sheriff of Knox County to the State Penitentiary, where he would be confined at hard labor for the full term of three years and the sheriff would have three guards to guard Archibald Haley while traveling to the penitentiary.³²

That same day, the jury in the case of the Commonwealth against William Haley in the indictments for the murders of W. T. Moore, W. A. Jones and James H. Jones, advised the Court it could not agree on a verdict; the jury was discharged and his case ordered to be continued.³³ Continuation of the case meant it would not be heard again until the fall term of the court. No mention is made of bail having been requested or posted, so the presumption is made that William Haley was remanded to the Knox County jail in Barbourville until the next court session. (This is verified by a statement made in the first document filed regarding his case on September 7, 1859, below.)

On the second day of the fall term of the Knox County Court, September 7, 1859, William Haley, being in custody and charged with the crime of murder, was granted bail, to be posted by A. E. Pogue, Jack Goodin and Alex Sevier of Knox County and Rice Gilbert and W. P. Moore of Madison County and H. H. Scoville of Garrard County, Kentucky. In return, the defendant was to remain in Knox County and to appear on the final day of the next term of the court to answer the charges brought against him and to make himself amenable to all orders of the court until reconsideration of the charges against him should be heard, otherwise those posting his bond would forfeit the sum of \$6,000. In the same document, witnesses for the Commonwealth are named and proffered \$500 bonds to secure their appearance at the next court session; likewise, defense witnesses were also named and bonds proffered to secure their appearance, otherwise warrants would be issued for their arrest.³⁴ The list of witnesses for both sides is extremely interesting, because not only are the majority of them related, but several were from counties other than Rockcastle and prominent in their communities. To wit:

³¹ Knox County Kentucky Order Book I, 1856-1860; 11th Day, April Term, 1859. Page 488. Kentucky Archives Microfilm Roll No. 7004112, Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

³² Ibid. 12th Day, April Term, 1859, page 493.

³³ Ibid.

³⁴ Knox County Kentucky Order Book J, 1860-1865; 2nd Day September Term, 1859. Page 535. Kentucky Archives Microfilm Roll No. 7004112, Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

Witnesses for the Commonwealth were A. J. Mershon (Mershaw?), Ben Chestnut, Jonathan Abney, Daniel Roberts, John Warnicut, R. P. Gresham, James A. French, Calvin Mullins, William Carson, John Jones, Newton Whitehead, Elijah Abney, D. G. Colyer (the aforementioned county clerk of Rockcastle County), William Payne, Jackson Mullins, C. A. Redd, B. K. Beckuson, Napoleon Price, G. W. Taylor, Isaac Jones, M. C. Miles, John French and Isaac Whitehead. And warrants of arrest were issued against Commonwealth witnesses John Clemmons and William Henderson of Jackson County and against Solomon Taylor, P. Singleton, R. Deaton, Mordecia Mullins and Neal Mullins, Jr., all of Rockcastle County for nonappearance in court as had been previously ordered. Witnesses for the defense were G. W. Taylor, Henry Snyder, William Carr, Robert Cook, Uriah Albright, Fred Haley, Peter Miller, Joseph Houk, H. H. Scoville, Rice Gilbert, Rice Newland, Spud Clark, William P. Moore, Samuel H. West, William Estes, S. A. McCollum, Hugh Forbes, James D. Ballard, William Ballard, James Haley, James Crewes, William M. Clenahan and C. D. Gooch. Warrants of arrest were issued against defense witnesses who had not appeared as ordered.

On the third day of the Knox County Court, September Term, 1859, in the case of the Commonwealth against William Haley, the defendant, being in custody and charged with murder, was admitted to bail in the sum of one thousand dollars (\$1,000), with A. E. Pogue, Rice Gilbert, Jack Goodin, Alex Sevier, William P. Moore and H. H. Scoville having posted his bond. Court was adjourned until 7:30 A. M. the following morning.³⁵

No further records appear in relation to the murder indictment against William Haley until April 10, 1860, the second day of the April 1860 Term of the Knox County Court, wherein an affidavit was filed and cause shown that the case should be continued until the first day of the next term, with the persons having posted security for him being present in court and agreeing. On motion of attorney for the Commonwealth, A. J. Mershaw, Benjamin Chestnut, Jonathan Abney, Daniel Roberts, R. P. Grisham, Jones A. French, Caloway (sic) Mullins, Wm. Carson, Newton Whitehead, Elijah Abney, D. G. Collier (sic), William Payne, Jackson Mullins, C. A. Redd, B. K. Beckuson, Napoleon Price, Isaac Joplin, Robert Deaton, Mordecia (sic) Mullins, W. B. Mullins, John Gentry, Phillip Singleton and John Clemmons acknowledged themselves indebted to the Commonwealth in the sum of five hundred dollars each which would be void on condition that they appear in court on the first day of its next term on behalf of the Commonwealth. The court ordered the obligation of John Warnicut, John Jones and G. W. Taylor be forfeited and a Warrant of Arrest be issued against John Warnicut and John Jones in Rockcastle County and against G. W. Taylor in Jackson County for nonappearance as witnesses, with \$500 bail the result. The matter of the obligation of Elisha Jones, Milton J. Frazier and Harrison Carpenter was postponed until the first day of the next term of the court. And on motion of the defendant, Robert Cook, James Crewes, James Vannoy, Fred Haley, Peter Miller, H. H. Scoville, Silas Newlin, Spud Clark, Sidney C. Broadus, Samuel Hibbard, John Rimel, John McClany (?), Wm. P. Moore, Samuel H. West, S. A. McCollum, William Estice, Hugh Forbes, James D. Ballard,

³⁵ Knox County Kentucky Order Book J, 1860-1865; 3rd Day of September Term; September 12, 1860. Page 536. Kentucky Archives Microfilm No. 7004112, Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

William Ballard, James Haley and W. A. Coffee acknowledged themselves indebted to the Commonwealth in the sum of \$500 each which would be void if they appeared in court on the first day of its next term to testify in behalf of William Haley. On further motion of the Defendant, Warrant of Arrest was issued in Rockcastle County against Wm. C. Fish, Wm. C. Wilmot, Jesse Barnett, William Carr, John Butner, John Cates and Wm. Newcum (sic) for non-appearance on behalf of the defendant; and that defendants in said warrants would be admitted to bail in the sum of \$500 each. Warrant of arrest to be issued against John Y. Myers and Sidney Myers for non-appearance and defendants in said warrants be admitted to bail in the sum of \$500. Warrant to be issued against C. D. Gooch, of Madison County for the same offense and Gooch to be admitted to bail in the sum of \$500. Warrants previously issued against John H. Slaughter, D. I. Roland, J. B. Francis and William B. Mullins were dismissed.³⁶

The 12th of September 1860, on the third day of the September Term, the Commonwealth and Defendant announced themselves ready for trial and the jury comprised of Alexander Ohler, William Cunningham, Hiram Helton, Joseph Miller, Pallas Walker, James Marsh, Marion Walker, William J. Caloway (sic), Joel Hampton, William Bull ____ (illegible), Green Turner and Levi Powell heard a portion of the evidence and were admonished by the court and permitted to disperse until the following morning. The defendant was placed in the custody of the jailer.³⁷

The jury heard more evidence on the 13th of September 1860, 4th day of the term, but did not hear it all before it was necessary to adjourn and they were admonished by the court and given permission to break up until the following day. The defendant was placed in custody of the jailer.³⁸ The Defendant was brought to the bar in custody of the jailer on the 14th of September and the jurors assembled to hear the evidence, and again, not being able to hear same in full, were charged and allowed to disperse until the following day at 8:00 A.M. with defendant placed in custody of the jailer.³⁹ On the 15th of September 1860, on the 6th day of the term, the defendant was brought to the bar in the custody of the jailer, the jurors empanelled and having heard the evidence in full were admonished by the court and permitted to disperse until Monday morning at 9:00 A.M., with the defendant being placed in custody of the Jailer.⁴⁰

In the matter of the Commonwealth against William Haley, through several indictments, the defendant was brought to the bar in custody and the jurors again assembled, heard a portion of the argument of counsel and were permitted to leave until the following morning at 8:00 A.M. The defendant was placed in custody.⁴¹ The same occurred on Tuesday, the 18th of September 1860 on the 8th day of the term.⁴²

³⁶ Knox County Kentucky Order Book J 1860-1865. 2nd Day of April Term; April 10, 1860. Page 17. Kentucky Archives Microfilm Roll No. 7004112. Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

³⁷ Ibid. 3rd Day of September Term; September 12, 1860.

³⁸ Ibid. 4th Day of September Term; September 13, 1860.

³⁹ Ibid. 5th Day of September Term; September 14, 1860. Page 153.

⁴⁰ Ibid. 6th Day of September Term; September 15, 1860. Page 157.

⁴¹ Ibid. 7th Day of September Term; September 17, 1860; page 161.

⁴² Ibid. 8th Day of September Term; Tuesday, September 18, 1860. Pages 166 and 167.

The defendant was brought to the bar in custody; the jury heard the arguments of counsel both for and against the defendant and retired to consider their verdict. Not being able to agree, they were admonished by the Court and placed in custody of the sheriff and the defendant was placed in custody of the jailer.⁴³

On the 9th day of the April term, 1860, in the case of the Commonwealth against William Haley, John G. Myers appeared in court in answer to a warrant issued for his arrest earlier in the court session for failure to appear in court on behalf of William Haley as ordered. On his promise he would appear as so ordered, his \$500 bond was not forfeited.⁴⁴

At the next session of the Court in the matter of the several indictments brought against William Haley by the Commonwealth, the parties appeared, and the jury retired to its room, but it was still unable to agree on a verdict and Haley was placed in custody of the sheriff. Court was adjourned until the next morning at 8:00 A.M.⁴⁵

Friday the 21st of September 1860, the 11th day of the court term, the defendant was brought to the bar in custody and the jury appeared in the charge of the sheriff and not yet having agreed on a verdict, it was discharged and the defendant was admitted to bail in the sum of six thousand dollars, James Nolan, William W. Pope, James Pope, Milton Baker, George W. Hawn, Nelson Berry, Josh Ridgall and Ambrose Suth (Smith?) undertook his bond with the understanding defendant would appear in court on the first day of its next term to answer the charges against him and that he would at all times render himself amenable to the orders and processes of the Court in the prosecution of said charges, otherwise the above gentlemen would forfeit the sum of six thousand dollars. The Commonwealth ordered that John French, Jonas H. French, B. K. Beckerson (?), John Clemmons, Harrison Carpenter, William Carson, Jackson Mullins, Caloway (sic) Mullins, Benjamin Chestnut, Mordicai Mullins, Anderson Redd, Philip Singleton, William Payne, John Jones, David Roberts, Newton Whitehead, John N. Warnicut and A. J. Mershon, witnesses for the prosecution, be respited until the first day of the next term of the court. And on motion of the defendant, James Vannay, James Turner, John G. Myers, James Haley and Fred Haley acknowledged themselves indebted to the Commonwealth in the sum of \$500 each to be void on condition they appear in court on the first day of its next term as witnesses in behalf of William Haley and would not depart without leave of the court.⁴⁶

The next two entries in the court documents are also dated Friday, 21 September 1860, and they appear to be almost identical in nature and somewhat confusing. After careful reading, it becomes evident the clerk of the court misunderstood the amount of bail and originally listed the amount as six thousand dollars, the responsibility of which was to be

⁴³ Knox County Kentucky Order Book J, 1860-1865; 9th Day of September Term. Page 173. Kentucky Archives Microfilm Roll No. 7004112, Archives Research Room; Kentucky Department of Archives Libraries and Archives, Frankfort, Kentucky.

⁴⁴ Ibid.

⁴⁵ Ibid. 10th Day of September Term. Page 175.

⁴⁶ Ibid. 11th Day of September Term; September 21, 1860. Page 201.

shared among the eight men named. The first of the next two entries amends the amount of bail to one thousand dollars,⁴⁷ and the second entry is a correction to the *first* amendment, in which the charge against William Haley (murder) was omitted.⁴⁸

On the second day of the spring term of the Knox County Court, April 1, 1861, the case of the Commonwealth against William Haley was re-filed on three indictments for murder and the case continued until the first day of the next court term. No other action was taken that day other than the iteration of witnesses and the amounts of bonds posted.⁴⁹ No action was taken in the fall term of the court regarding the above, but on the second day of the spring term, April 8, 1862, the case was continued until the first day of the September term.⁵⁰

Because of the Civil War, most courts in the South and in many of the "border states" did not meet, or else met sporadically. It is believed this is what happened in Knox County, Kentucky, as there is no further mention of the case of the Commonwealth against William Haley until the second day of the spring term, 1864, at which time two very similar entries are made in the records. The first entry is undated, but states the case of the Commonwealth against William Haley was filed away.⁵¹ The second entry is made on the following page of the records and appears to be a correction of the first as it includes the information the case was filed away on the 2nd day of the April term, April 12, 1864.⁵² And on the fifth day of the April term, April 15, 1864, attorney for the Commonwealth filed a motion requesting that all known murder weapons previously held in relation to the charges be delivered to William Haley.⁵³

No further action was taken in this case until April 10, 1866, on the 11th day of the April term of the court, when attorney for the Commonwealth filed an affidavit and the court ordered that a reply be made by the defendant, William Haley, returnable on the first day of the next term of the court to show cause why the indictments against him should not be reinstated on the court docket.⁵⁴ On Tuesday morning the 11th of September 1866, in the case of the Commonwealth against William Haley, defendant filed and submitted his answer to the above.⁵⁵ And on April 16, 1866, the attorney for the Commonwealth moved on written affidavit to reinstate the case on the court docket. The Court, not

⁴⁷ Knox County Kentucky Order Book J, 1860-1865; 11th Day of September Term; September 21, 1860. Page 202. Kentucky Archives Microfilm Roll No. 7004112; Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

⁴⁸ Ibid.

⁴⁹ Ibid. 2nd Day of April Term, April 1, 1861. Page 229.

⁵⁰ Ibid. 2nd Day of Spring Term, April 7, 1862. Page 353.

⁵¹ Ibid. 2nd Day of Spring Term, April 12, 1864. Page 468.

⁵² Ibid. 2nd Day of Spring Term, April 12, 1864. Page 469.

⁵³ Ibid. 5th Day of Spring Term, April 15, 1864. Page 493.

⁵⁴ Knox County Kentucky Order Book K, 11th Day of April Term; April 10, 1866. Page 109. Kentucky Archives Microfilm Roll No. 7004112. Archives Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

⁵⁵ Ibid. September Term 1866; September 11, 1866. Page 124.

having jurisdiction, took leave.⁵⁶ (It should be noted here that some pages of the court records are out of order, possibly having been renumbered, but the dates of activities regarding the case allow us to follow the sequence in which events took place.) In the case of the Commonwealth's indictment for murder against William Haley, on the 5th day of the fall term, Friday, September 12, 1866, the cause having been submitted and response made, the Court ordered and adjudged the cause against William Haley be dismissed.⁵⁷

Court records do not provide the details included in the affidavits filed and ruled upon by the court, thus there is no way of knowing why attorney for the Commonwealth requested the case be returned to the court docket after its having been filed away two years earlier, or why the Court ruled the case should be dismissed. The families of the deceased could not have been pleased to see the case filed away in 1864 without what they perceived as justice having been done; and it is possible they brought pressure to bear on the attorney for the Commonwealth to reopen the case. But this case had dragged on for a number of years, with three juries unable to establish the guilt of William Haley; and when the case had been filed away, the weapons that had been Commonwealth evidence were returned to William Haley. With so much time having elapsed and a civil war having occurred, it is likely many of the witnesses for both the prosecution and the defense were no longer available. With those facts in mind, the judge possibly felt it even less likely a jury would be able to reach a verdict and saw no point in pursuing the matter further.

Having discovered who was charged in the murders of William T. Moore, William A. Jones and James H. Jones, and having learned the outcome of the trials of those charged, we now turn to who these men were and what happened to them following their trials...

There was only one state penitentiary in Kentucky at the time Archibald Haley was convicted of manslaughter in 1859 and Frankfort prison records indicate that "Arch" Haley, who had been convicted of the crime of manslaughter in Knox County and sentenced to a term of three years, was received at the prison on April 25, 1859. The date of his scheduled release was April 25, 1863. A description of Arch Haley taken from prison records indicates he was a single man, 21 years of age. His education was described as poor. He had been a laborer prior to his incarceration and his personal habits were temperate. He is described as being fair complexioned, with "yellow" eyes and black hair. He had a scar on the long finger of his left hand, one on the right side of the muscle just above his right knee, one on the outside of his right knee, one on his left shoulder blade and one on the back of his left shoulder.

In 1859, a person sent to Kentucky State Penitentiary was not sent there in order to be rehabilitated, but to be punished for whatever crime he had committed, and the expression "hard labor" meant exactly that. The prison at Frankfort was primarily

⁵⁶ Knox County Kentucky Order Book K, September Term 1866; September 16, 1866. Page 56. Kentucky Archives Microfilm Roll No. 7004112. Archives Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

⁵⁷ Ibid. 5th Day September Term 1866; September 12 1866. Page 146.

been a gut-wrenching decision for William Haley to decide to be tried separately from Archibald, knowing full well his son would most likely be convicted.

If one looks closely at the description of the scars described on the entry sheet of Archibald Haley when he was remanded to the state penitentiary at Frankfort, one quickly realizes the scars described were not those the average twenty-one year old farm laborer would have received in the course of his work, but were more indicative of those he might have received in a knife fight. The charge of murder implied Archibald had gone to Mullins' store with the *intention* of killing William T. Moore. Testimony must have indicated, however, that while Archibald had inflicted grievous wounds on Moore resulting in his death, he had not gone to Mullins' store with that outcome in mind. Thus, the jury found him guilty of the lesser charge of manslaughter. His scars indicate that Archibald might have suffered some pretty serious wounds of his own before Moore was killed.

That James Haley and Noah Wiggins were quickly acquitted of all charges points to the fact that testimony by prosecution witnesses probably showed, that like almost everyone else at Mullins' store that day, they were involved in the fight, but neither was responsible for the wounds ultimately causing the deaths of Moore and the Joneses. With no detailed testimony available, there is no way of knowing if either James Haley or Noah Wiggins was injured in the fight; however, from the description of the aforementioned scars on Archibald Haley, it is feasible he was seriously wounded as suggested above and it is possible his brother and Wiggins may have assisted Archibald in his subsequent flight. The only charges filed against James Haley and Noah Wiggins were murder charges, so if neither of them were directly involved in the deaths of Moore or the Joneses, the jury would have had no choice but to acquit them. It most certainly would have been a bitter pill for the families of the victims to swallow. This would explain the vitriolic note written by D. G. Colyer beneath the name of William Moore on the Mortality Schedule, especially if James Haley and Noah Wiggins had assisted Archibald Haley in an escape.

It is not known exactly where James Haley was in 1860, as he has not yet been found on a Kentucky census; but from court records of his father's later trials, it is known James must have stayed within the general area, as he was under \$500 bond to remain within the Commonwealth and to appear as a defense witness on behalf of his father whenever trial dates demanded. The records show that James always made appearance as requested and did not forfeit bond, so despite the fact that some researchers have said that he served in the Civil War, in view of the above it is doubtful.

Court records clearly indicate that no credibility whatsoever can be given to the rumor that has persisted over the years that "Bill" Haley drowned while undergoing the "water cure" for disobedience while at the penitentiary in Frankfort. The charges of murder brought against William Haley in the county court in Knox County were filed away; so he was not convicted of any crime, ergo, he was not remanded to the state penitentiary in Frankfort, and did not die there. These court records also prove false the reports that

Ashley Owens killed him with a hatchet are false, as are the reports that he was hanged by a mob. These are simply yarns told by old-timers and embellished on in re-telling.

The ultimate question, of course, is the identity of the father of James Haley and Archibald Haley. The Haley family had not been significantly prolific in producing sons, so the list of those in the surrounding area who could have been charged with the deaths of William T. Moore, William A. Jones and James H. Jones is relatively short. A careful search of census and other records indicates the William Haley tried in Knox County was the man who came to be known by subsequent generations as William R. Haley, son of Coleman Haley and Ellender Renfro. There was no other William Haley with sons named James and Archibald who would have been the right age to be involved in the fight at Mullins' store in July 1853.

In the mid-1830s, Coleman and Ellender (Renfro) Haley and most of their family members moved to Missouri from Rockcastle County, Kentucky. Their son, William (R.), and his wife Nancy (Riddle) Haley and their two young sons, James and Archibald, were among those family members who moved to Missouri. And, they can be found residing next to Coleman and Ellender Haley on the 1840 Monroe County, Missouri census. Three of the children of William and Nancy Haley (Elizabeth, Coleman and Dicey Ellen) were born in Knox County, Missouri between 1840 and 1846. William Haley's father, Coleman Haley, died August 17, 1844. Following his death, his widow, Ellender or Eleanor, and several of her children and their families moved back to Kentucky, although not all returned at the same time. Sometime after 1846, William and Nancy Haley returned to Kentucky, as according to later census records, the rest of their children (Matilda, Nancy Ann, Sarah Catherine and Mary Eliza) were born there. No record has been found of the family of William Haley on the 1850 Kentucky census. This is not inexplicable, as they could have moved from one county to another during the time the census was enumerated and missed being counted, or else they might have been staying with relatives and since they were not regular members of the household, were not counted, which would not have been an unusual occurrence in those days.

In the September 1859 Term of the Knox County Court, bond was established for William Haley, with the understanding he was not to leave Knox County.⁶² As his bond was renewed in subsequent trials, this stipulation continued until final disposition of his case in 1866. On the 1860 Knox County Census, only one William Haley was enumerated.⁶³ He and his family resided in the Barbourville District. To be certain there was no error, a check was made to see if inhabitants of the Knox County jail were enumerated separately on the 1860 census; and they were not. Therefore, little doubt remains that the William Haley, listed on the 1860 Knox County Census (whose household included his wife Nancy, age 46; son Coulmand (sic), age 18; daughters Dicey, age 15; Nancy, age 11; Tilda, age 9; Sarah, age 7; and Mary, age 2, along with a Mary Wiggins, age 22), was the same William Haley facing murder charges in Knox

⁶² Knox County Kentucky Order Book I, 1856-1860; 3rd Day, September Term, 1859; page 535. Kentucky Archives Microfilm No. 7004112, Archives Research Room, Kentucky Department of Libraries and Archives, Frankfort, Kentucky.

⁶³ 1860 U.S. Census, Knox County, Kentucky; Barbourville District. Page 56. Dwelling #364.

County. The coincidence of all the members of the above family bearing the same names and being of the same ages as those of William (R.) Haley is too great to be ignored, as is the fact that a Mary Wiggins was also member of that household.

The next question that arises of course is whether or not William Haley was guilty in the deaths of William T. Moore, William A. Jones and James H. Jones. Because there is no evidence to indicate he went to Mullins' store on July 27, 1858 with the *intent* to commit murder, it must be presumed William Haley was *not* guilty. It is known, however, that he was armed when he went there, as on the fifth day of the April term of the Knox County Court (April 15, 1864), counsel for the Commonwealth filed a motion requesting that all known murder weapons previously held in relation to the charges against him be returned to William Haley.⁶⁴ The phraseology of the above motion indicates the weapons were somehow used, but no mention is made regarding *why* they were used. From the outcome of his trials, it is evident some members of three separate juries found reason to question William Haley's guilt in relation to the charges brought against him. Had the weapons been used in defense of his own life after having been attacked, there is little doubt he would have been acquitted in his first trial; and had they been used to initiate an attack against any of the victims, there is little doubt he probably would have faced at least a manslaughter conviction. However, if his weapons had been used in defense of either of his *sons*, some jurors might have found it extremely difficult to return a guilty verdict and send William Haley to prison. There is no evidence to support this theory, yet three juries found reason to doubt the guilt of William Haley and the above would seem to be the most plausible reason for their dilemma.

If there was good reason to doubt the guilt of William Haley, the reader might well wonder why no member of his family came forward to post bond for him? The explanation is uncomplicated...there simply was no one old enough or with the funds to do so. To wit: Barnabas Haley, the patriarch of the family, had died on October 27, 1851; his son George Haley, Sr. had moved to Tennessee before 1830; his son Coleman Haley had died in Missouri on August 14, 1844; and his youngest son, J. J. Haley, Sr. had died on August 1, 1855. The sons of George, Haley, Sr. were all residing either in Tennessee or Missouri by 1860; the other sons of Coleman Haley were residing either in Missouri, Illinois or Iowa, except for Turpin Haley, who had died sometime before June 25, 1860.⁶⁵ And the sons of John J. Haley, Sr. (William Walker⁶⁶, Granville Dee⁶⁷ and John J. Haley, Jr.⁶⁸) were all deceased before January 1859.

⁶⁴ Knox County Kentucky Order Book J, 1860-65. 5th Day of April Term; April 15 1864; page 493. Kentucky Archives Microfilm Roll No. 8004112. Archives Room, Kentucky Department for Libraries and Archives, Frankfort, Kentucky.

⁶⁵ Rockcastle County Kentucky Guardians Bonds, 1857-1899, Revised: Jeanne Snodgrass Bonham and Patricia Heylmann Hiatt, 1991; Guardianship Bond #275, made by E. T. Fish for Granville Haly (sic), a minor of T. Haley, Dec'd. Page 13.

⁶⁶ Rockcastle County Kentucky Cemetery Records: Jeanne Snodgrass Bonham and Patricia Heylmann Hiatt. Page 46.

⁶⁷ Ibid. Page 50.

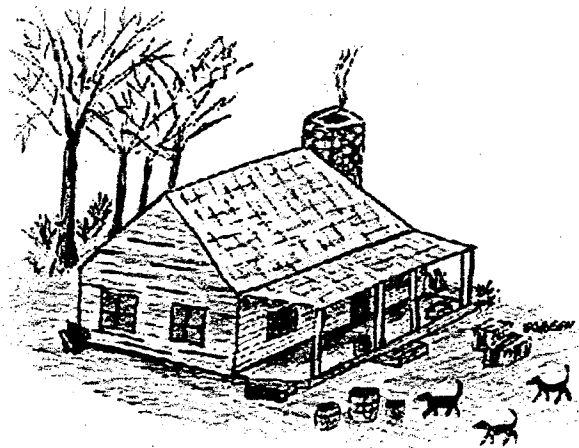
⁶⁸ Ibid. Page 45.

Following the fight at Big Springs Cave, William Haley and members of his extended family left Kentucky and went on to other places, where they led good, decent lives. But if you stand in Renfro Valley just as the sun goes down, you may sometimes hear the pine trees whisper...

"I am a man of constant sorrow.
I've seen troubles all my days.
I bid farewell to old Kentucky,
The place where I was borned and raised...

For six long years I've been in trouble.
No pleasure here on earth I find,
For in this world I'm bound to ramble
I have no friends to help me now...

...My face you'll never see no more..."⁷²



72 "Man of Constant Sorrow": Traditional (authorship sometimes credited to Carter Stanley); excerpted from Soggy Bottom Boys version, soundtrack of "O' Brother Where Art Thou?"