

The disappearance of Estill Representative Berry Stone

One of the greatest mysteries during the early days of Estill County, Kentucky was the disappearance of the elder of several Berry Stones, who was one of the county's more prominent citizens and one who figured highly among Kentucky's political ranks. He was a farmer, a school teacher, a county clerk, an orator, and a state legislator who served three terms in the Kentucky Legislature in 1841, 1843, and 1845. He also is reported to have served in the United States Mexican War, 1846-1848, as a 1st Sgt. in the 3rd Kentucky Infantry, Unit F.

Almost as intriguing as his disappearance are the many conclusions as to what might have happened to him. Some believed he took a herd of horses or mules to sell them and was robbed and killed on the way back. Even that story has different destinations including North Carolina and New Orleans.

Some people alleged that he had married a second wife in North Carolina, several hundred miles away. There were claims that he had been seen in Cincinnati and other places. Some thought he became a captain for the southern army and fought in the Civil War. Although he seemed fairly wealthy for the times, there was also suspicion that Berry Stone had just fled the county after borrowing money from several different people.

Either way, some time in the mid-1850's Berry Stone disappeared and no exact trace of him has ever been found.

Estill County was much different then than now and was much larger which led it to being referred to in latter days as "Old Estill." Geographically, it began in the north and west much as it is today with a westward boundary of Drowning Creek and the Kentucky River and a northern boundary at the Red River. But eastward, "Old Estill" stretched many more miles and encompassed present day counties of Powell, Wolfe, Lee, Owsley, Jackson and Breathitt, from which parts of Estill were taken for their formation.

Most of the activity in the early 1800's had spread from Boonesborough up the rivers and creeks, and the Red River Iron Furnace was quite prominent in the Clay City area. From Log Lick in Clark County, settlers originally from Orange County, Virginia, had spread out and crossed the Red River into Estill County by means of the Lilly Ferry or by crossing a low water ford downstream from the ferry, which was known as Vienna Crossing. Both led to an area in Estill County which was far more inhabited then than now and is still known as Twin Creek. That's where Berry Stone eventually settled with his large family on a 300 or so acre farm there.

Berry Stone was born in Woodford County, Kentucky around 1804 to Thomas and Elizabeth Miller Stone. They married in Bourbon County. Thomas was born in Virginia and had served in the Kentucky militia. They farmed in Woodford County; then Clark County, and he died in Estill County.

Berry and Sarah "Sally" Finnell were married September 30, 1830 in Estill County. She was born in 1807 in Orange County, Virginia and reportedly of

French descent, possibly from the Huguenots who fled to America through England because of religious persecution. Her parents were John and Catherine Finnell who had migrated from Orange County, Virginia to Clark County. According to family tradition, they came up the Red River in a canoe and settled in the Clark and Estill County area.

When the 1840 census was taken, Berry and Sarah had a family of eight, with three boys and three girls. They seem to be quite wealthy for the time with \$2500 worth of real estate. They eventually became parents of a total of 12 children with eleven listed by the 1850 census and one more coming later.

Berry's name came up several times in Estill County for suing and being sued, and he even is listed as the legal counsel in one case. On June 4, 1847, he is mentioned as one of the workers erecting a water sawmill on Red Lick Fork of Station Camp Creek. A later court case indicated that in 1844, Stone had come to the house of one of the mill builders where he was asked about John French's mill. "I wrote him if he could draw up a running of a sawmill gear," said the builder.

On March 16, 1850, Hiram Stevenson sued Berry Stone and eight other defendants for \$5,000, saying he, Stevenson, had been "assaulted with sticks, switches, cow hides, horse whips; dragged him from his bed at night, and ducked him in the creek."

On October 31, of the same year, Berry sued Hezekiah Oldham, the captain of a group called the "Whomers," for \$10,000. "Stone a(n) upright citizen," the suit goes, said that "Oldham was the captain of a crowd that pulled down divers of houses, whipped several men, put out one man's eye, whipped another until he died, insulted a woman until she went into fits, and tore down the house and took off property." The jury found for Stone and awarded him \$83.00 and 34 cents.

The last trace of Berry Stone in Estill County was in the spring of 1855. By June 12, 1855, Ezekiel Puckett sued him for a note dated in June, 1854 for \$100. An attorney is appointed for Stone who reportedly had been out of state for four months. Suits of several other people are attached to the consolidated case. Land attached in the action is sold to the highest bidder at the courthouse door.

In July, 1856, James Lilly and Duane Hall sue Berry Stone. A deposition of Robert Fluty in October, 1855, said a note to John A. Hampton in February says Stone left to North Carolina, leaving a promissory note to Hall for \$200, promising to pay Fluty \$70. Stone was security on a note of Othenile King. A deposition of William Lilly says Stone took a team of horses with him.

Zachariah Crow stated that Stone told him he had intended to take 18 horses with him and that he was taking the horses to Virginia and had bought the horses for that purpose. Three persons claimed a debt of \$495 total by Stone.

By all accounts Stone had left this area around the spring of 1855 with several horses. Stone's family, including his son, George Stone, who in 1870, said Berry

took a "drove of horses on the south fork of the Red River." His son-in-law, Joab Morton was hired to go with him. Morton claimed in 1872 that he "went with him to South Carolina, took horses as not too from from the seas shores." Morton said, "I left Stone in South Carolina and passed through North Carolina."

James H. Hodges, Benjamine L. Hull and Mrs. Retta J. Woods, all of North Carolina claimed in depositions about 1870, that they were acquainted with Berry Stone in Washington, Beauford County, North Carolina in 1860. They said he joined the Confederate Army and they were daily associates of him; that he came from Estill County, Kentucky to Beauford County, North Carolina, with a drove of horses and mules and sold them.

Stone was described by those in North Carolina as "about 60 years old, was 6'3" or 4" tall, stood erect, tolerable stout, spoke very good. His neck was long and his feet was big. Complexion was light and had blue eyes." They said Berry Stone had mentioned his son, William Stone, as being a relative and

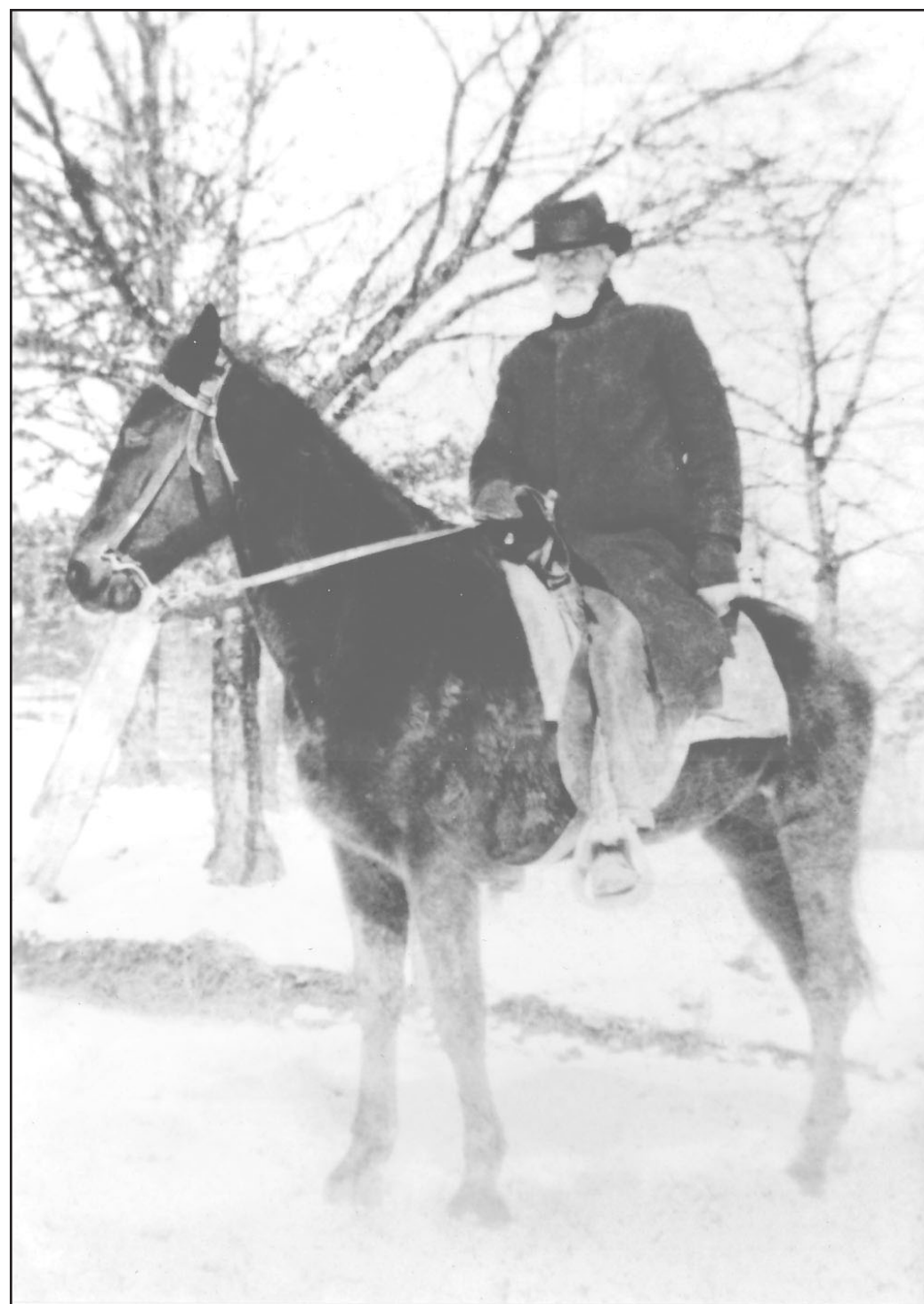
"that he had represented Old Estill in the Representatives three times." They said Berry became fatigued in the War during 1864 and could barely speak.

Mrs. Woods claimed that Berry had married her sister, Mary Howard. She said he died December 17, 1868. A deposition by Hull also stated that he had seen Berry Stone buried "the last of 1868 or the first of 1869." Jesse M. Pringle of North Carolina said that Berry had left a widow, Mary Howard. In fact, a marriage record for November 18, 1868 in Beauford County, North Carolina, shows that a Berry Stone married Mary Howard. William Stone also stated that he had received a letter from Hodges in North Carolina with the writings of his father in 1869, and they were the same as his father, Berry Stone's.

Sarah "Sallie" Finnell Stone died April 7, 1884 and is buried in the Sallie Poer Cemetery near the Red River in Estill County, along with many other members of the Stone family. There is no known burial place for Berry except that he is connected to the burial plot of family members on private land in Woodford County.



ABOVE: Bill Stone stands in the doorway of a store that operated at the corner of what is now the intersection of Racetrack Road and Cressy Road in the northern end of Estill County. The business was operated by a different Berry Stone than the one in this story; then turned over to Frank and Noomie Stone. The building remains today and once housed the Iron Mound Post Office, still within the Stone family. Although the store had been closed for many years, the Stones sold kerosene and rifle shells there to neighbors for many years. This was also the site of at least one shooting that eventually led to the death of the Berry Stone who had operated this store. (Photo courtesy of Jim Stone)



William "Willie D." Allen who lived in the Cressy area of Estill County. He was born in 1849 and died in 1925. He married Prudence Hawkins and was the father of George Jack Allen. (Photo courtesy of Jim Stone)