

The Hanging of William Kirby

William Kirby was a 31-year-old carpenter from Pickens County who came home one day in April of 1859 and found his drunken father severely beating his retarded brother. Angered by what he saw, he picked up a gun and began unloading it at his father. A ricochet bullet hit his brother, killing both father and son. Realizing what he had done, Kirby quickly grabbed a few necessities and fled to Mississippi.

According to the May 1860 *Vincent's Semi Annual U. S. Register* in an article entitled "The Doom of Parricide", Vincent reported, "A man named Kirby killed his father and brother in Alabama about one year ago, then fled to Mississippi. When captured, he cut his throat desperately, but was after some time completely cured. He has since been tried, convicted and sentenced to be hung on the 16th day of June."

While he was on the lam, a Pickens County Grand Jury met in Carrollton on the 25th day of April, 1859, and returned an indictment against William Kirby for one count of murder. The State did not charge him for the death of his brother, although, many people felt he should not have been charged at all or should only have been charged in the death of his brother, since his father surely deserved what he got.

After Kirby was finally captured and returned to Pickens County, his murder trial was scheduled for the April session of court. Because of a long-standing feud with the family that most people in the county were aware of, Kirby asked for a change of venue to Fayette County and the change was granted.

The trial was held on April 19th, 1860. Men of Fayette County who were selected to serve as trial jurors were: William B. Jefferies, Sylvester Baker, Owens Woods, James M. Taylor, John Walden, Maston Fowler, F.O. Davis, James M. Montgomery, Thomas Willingham, Louallen Yerby, and Mose Sykes.

A hand written copy of the verdict and sentence for William Kirby still exists. It reads:

The State of Alabama Fayette County: To any sheriff of said county: Know yea that a circuit court began and held at the court house for said county on the 16th day April 1860, the following proceedings were had: The State of Alabama vs murderer William Kirby:

Thursday April 19th 1860. Now at this day came the solicitor William S Earnest the prosecutor for the State, as well as the defendant in his own proper person, as well as by his counsel. The Defendant having been heretofore arraigned & charged upon the indictment herein, and having pleaded not guilty thereto. Thereupon came a jury of good and faithful men to wit. Wm B Jeffries and Eleven others who being Elected Empowered Sworn & charged well & truly to try the issue joined upon there (their)oaths do say we the jury find the Defendant guilty of murder in the first degree, and that he must suffer Death.

It is Therefore considered by the court that in accordance with the Verdict of the Jury so rendered, The said Defendant William Kirby be hanged by the neck until he is dead. It is further considered appointed by the court that the Sheriff of Fayette county Shall on Friday the Fifteenth day of June, proceed to Execute the sentence & judgement of the court & conform to the requirements of chapter 11 Title 2 Part 4 of the code of Alabama.

Given under my hand at office This 12th day of June AD1860. Arty A. Summers, clerk of the circuit court of Fayette Co. Ala

In interviews by reporters, Kirby later confessed and gave details of the murder. Numbers of people visited the jail and talked with the condemned man. It was reported that he was tough and defiant to the end. His every word and comment was news to eager ears and related for years to come. "Every woman who can sell a dozen eggs and buy a yard of calico to make a dress will come to see old ___ ___ Kirby hung, and, by God, they'll see it," he remarked to one visitor.

Hangings were open to the public in those day and people described a much more somber William Kirby on that day. The sheriff had designated the location of the hanging to be across the street from the Courthouse (located where the Roy D. Couch - now Davis Couch residence sits). The site (in the hollow behind the Episcopal Church) was chosen because the high embankments on all sides would allow better viewing by those who attended the event. Eyewitnesses described the hanging as a most horrible and unforgettable experience.

William Kirby's hanging is the only "official" hanging on record of a white male in Fayette County. There were many other murders that occurred, however, the guilty parties were unknown or they were suspected but there was not enough proof to convict them. In some cases, everyone knew who committed the murder but the murderer "left the country " and was never caught.

William Kirby had been correct. Everyone who could get to Fayette Court House town on June 15, 1860 was present for the hanging. Kirby had no relatives present except a sister. The Rev. John H. Davis was the minister who supported the prisoner in his last hour and who offered up the last prayer. However, preachers from all over the county loudly lifted their voices in earnest prayer and with special zeal as they sought to prepare for eternity a man condemned to die. The screams of the women were almost unbearable and lived on as haunting memories of those telling the story.

"Old Town" merchants were paid a few dollars by the county to furnish a wooded casket and a shroud for the deceased. According to Ned Smith, no church in the county would allow a murderer to be buried in their cemetery. His grandfather, John D. Smith, thought every man need a last resting place to lay his head and allowed Kirby to be buried in some woods on his land located between Highway 43 and the Hopewell Church. Ned remembers seeing the mound from the grave and hearing the tale about the man's grave when he was a child but the grave has long ago disappeared.

Some information for this article was taken from Fayette Co. Historical Society's "Sesquicentennial" book.