

The Skint Chestnut Logs



A Journal of the Douglas County Genealogical Society

Digging up your roots!

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The Murder of Kate M. Hughes Clay

By Claudia Hutchins



Kate & her Dad
James W. Hughes

This is a summation of the events associated with the murder of Kate Hughes Clay. The information was gathered from microfilm of *The Atlanta Constitution* and *The Atlanta Georgian* newspapers archived at the Atlanta History Center. Additional oral history was obtained from Mary Alice (Smith) Jordan, daughter of Jennie Doris (Brown) Smith.

Robert Lee Clay was the son of Johnson and Mattie (Coppage) Clay. Robert Lee was born in 1886. Kate Hughes was the youngest daughter of James W. and Mary Elizabeth (Courtney) Hughes. Kate was born December 19, 1888.

In 1907 Kate eloped with Robert Lee Clay, a scenic painter. They had 2 children – Mary M. (September 5, 1909-July 1, 1910 and Robert Lee Clay, Jr. born in 1910.

Robert Lee and Kate had a tumultuous marriage. In the five years they married they separated nine times. After the last separation Kate was preparing to file for divorce. She had Taken Robert Lee, Jr. and moved in with her sister and brother-in-law, Julia L. and William W. Smith. The Smiths were living at 201 Lee Street in the West End section of Atlanta, near what is now I-20.

On Thursday morning May 9, 1912 Kate was sitting at the breakfast table when she told her sister “I had a horrible dream last night. I dreamed that Bob came here and that we sat in the hall and fussed and he got up, walked to the door and fired three shoots into my breast. I remember the shots struck

here and here and another one right there, and I was carried to the Grady Hospital and died while the Doctors were operating on me.” (*The Atlanta Constitution*, May 13, 1912)

On Sunday night May 12, 1912, Robert Lee came to the Smith home and tragedy played out just as Kate dreamed it would. Robert Lee was 26 and Kate only 24.

Before the murder occurred Julia L. and W.W. Smith were so concerned about Kate and Robert Lee that they rented a home at 8 Murphy Street and the two couples planned to move in together. The Smiths hoped to help the Clays to reconcile.

Shortly before they were to move Robert Lee struck Kate. She swore she would not lie with him and had him arrested. When he appeared in court he was ordered to pay \$3.00 a week for child support, which he failed to pay. After separating Kate went to work at a department store in Atlanta.

The Atlanta Constitution, May 13, 1912, reported that the death of his daughter, Mary, played heavily on Robert Lee. It was also reported that a piece of iron fell on his head causing a deep depression in his skull that injured Robert Lee mentally. His brothers reported that Robert Lee had not been the same since the accident.

Kate had been injured recently in a street car accident and had brought suit against the Georgia Railway Company for \$5,000 in damages. The suit was to be tried on Monday morning May 13, 1912. The Smiths believe that a discussion of the suit was “the real cause of the trouble”.

The Atlanta Georgian newspaper for May 13, 1912 reported that five policemen arrested Clay in front of a drugstore at Lee and Gordon Streets. Robert Lee shot Kate around 9:40 pm. He was taken into custody at 10:02 pm. On Tuesday, May 14, 1912, *The Atlanta Georgian* reported that Robert Lee was indicted for murder in the shortest hearing in the history of the Fulton County Grand Jury. The hearing lasted only three minutes. Only one witness, Julia L. (Hughes) Smith, testified. According to a report in the May 29, 1912 edition of *The Atlanta Georgian* sanity tests for Robert Lee were ordered by Judge L.S. Roan.

The trial for Robert Lee began on June 24, 1912 and only took a day and a half. His defense was a plea of insanity. He had not spoken since his arrest on May 12th, and he refused to speak while on the stand. The Doctors who examined him testified that he was sane. The jury took only two hours to return a verdict of guilty against Robert Lee Clay on June 25th. On June 26th Robert Lee was sentenced to hang for the murder of Kate Hughes Clay. He showed no emotion when the verdict was read or when the sentence was announced. The execution date was set for July 26, 1912.

Delays occurred and the execution date postponed. Finally, on November 11, 1912, after a second trial Judge Roan sentenced Robert Lee to hang on December 13, 1912. On November 21, 1912 Robert Lee spoke for the first time in six months. Speaking to a jailer he said “This coffee is not hot. Get me some more”. Then he lapsed into silence once again. (*Atlanta Constitution*, November 22, 1912)

The Clay family, Robert Lee’s sister, Mrs. W.H. Whitaker, two brothers, John and Julius Clay, and their father, Johnson Clay, met with Governor Joseph M. Brown on December 10, 1912 to make a plea to save Robert Lee’s life. “The Governor quietly asked questions of the family as they sat before a bright blaze in the open fireplace in the reception room just outside his office”. He promised to look into the case. (*Atlanta Georgian*, December 10, 1912)

On December 11, 1912 *The Atlanta Georgian* reported that Governor Brown would not interfere in the case against Robert Lee Clay. He declared that he could find “no justification for mercy or clemency in the case”.

At the request of the defense attorney, William M. Smith, Dr. James N. Ellis examined Robert Lee's mental condition for a second time. His finding was the same as it was in June. Robert Lee's "mental condition was normal and he could break his silence if he would".

Robert Lee Clay went under the death watch on December 12, 1912. The Fulton County Sheriff, Wheeler Mangum, was besieged with hundreds of requests from Atlantans who wanted to witness the hanging. They were disappointed because only a few chosen people were allowed to be present. Among those were members of Kate's family including six year old Jennie Doris Brown, daughter of Mary Melissa (Hughes) Brown, one of Kate's sisters.

At 9:00 am, on the morning of December 13, 1912, after seven months of silence Robert Lee began to speak. "He made a complete confession of his crime and professed religion. He admitted he had been shamming insanity since the crime" *The Atlanta Constitution* for December 14, 1912 reported.

All during the morning he was visited by friends and family. He talked constantly and sang hymns of his childhood. Two year old Robert Lee, Jr. was brought to the jail to see his Father for the last time.

When Sheriff Mangum came to take Robert Lee to the gallows Robert Lee asked the Sheriff to pray for him. For fifteen minutes the two men knelt together in the death cell with the Sheriff praying for Robert Lee, for his family and for Kate and her people, then Sheriff Mangum led Robert Lee to the death chamber in the Fulton County Tower.

As Robert Lee stood on the gallows manacles were placed on his wrists, but before the black hood was placed over his head he asked to speak to someone behind him. Clay turned completely around to face his father-in-law, James W. Hughes, "a tall, gaunt man in his seventies who stood with back to wall, hands folded, gazing upon the scene". Clay made two requests. The first was for his father-in-law's forgiveness. James Hughes answered "I forgive you, Bob". Clay's second request was another matter. Robert Lee asked to be buried beside Kate. There was a tense moment of silence. "No", answered James Hughes in a "terse and crisp voice". "Your body shan't lie within a mile of hers. You shot her down in cold blooded murder. I hope you go to heaven, Bob. I'd wish that for everybody. You took the life of the fairest creature on earth and, God grant my will, you bones shall not lie beside her bones". (*Atlanta Constitution*, December 14, 1912)

To Sheriff Mangum Robert Lee requested that his body be taken to his home instead of to the "undertaking shop" so that his family and fiends could gather around it. Then he asked for a glass of water and began to sing an old hymn - "Coming Home".

Clay's family did not enter the death chamber. They were so overcome with grief that they stayed just outside surrounded by friends. When told that his father and brothers were not in the room Clay asked that a message be given to them. "Tell him (J. Clay) and my folks I said goodbye and for them to be good and meet me in Heaven. Tell them to take my death as an example and shun temptation". (*Atlanta Georgian*, December 13, 1912)

The death warrant was read and Robert Lee was told that his last chance to speak was at hand. This is what he said: "God doesn't hold me to account for killing Kate. I did it in a moment of insanity. I didn't kill her so I could live with another woman. No others figured into the crime. We both will meet in Heaven and become reconciled to an eternal state of happiness that I am anxious to meet. I don't mind dying. My way is clear to God and I would rather die than live the life of torture I am enduring on earth". (*Atlanta Constitution* December 14, 1912)

Clay than called for Sheriff Mangum. Robert Lee threw his arms around the Sheriff, kissed his brow and thanked him for being so good to him. Clay resumed his position on the trap. His body, legs, and feet were secured with ropes, the black cap placed over his face and the noose fitted around his neck. "Goodbye Bob" called the Sheriff as he pulled the trigger. The trap opened quickly and body shot down swiftly. "Goodbye Daddy called the dropping man, I'll meet you in Heaven". (*Atlanta Constitution*, December 14, 1912)

Twelve men stood on the platform. Among them were jail personnel, ministers, and reporters. Only one man peered into the open trap at the body dangling at the end of the rope. That man was James W. Hughes. "I'm satisfied", he remarked to a reporter. "He has paid for the death of my little girl and I'm glad". (*Atlanta Constitution*, December 14, 1912)

According to *The Atlanta Georgian* December 14, 1912 edition "10,000 people viewed the corpse of Robert Lee Clay as it lay on a slab in an undertaking establishment on South Pryor Street".

Before his death Robert Lee had anticipated that his father-in-law would refuse his request to be buried beside Kate. He asked two preachers, Rev. H.F. Fraser, a Methodist Minister, and Rev. Hugh Wallace, a Baptist Minister, to plead with James W. Hughes to change his mind about the burial. The two promised Robert Lee that they would try. They kept their promise by calling at the Hughes home at 218 Berean Avenue on the afternoon of the 13th. There they found out that Kate's mother, Mary Elizabeth (Courtney) Hughes, had spent the hours before the execution on her knees praying that Robert Lee's soul would be saved before he was hanged. Mary Elizabeth readily agreed that Robert Lee could be buried beside his wife, but Kate's Father "would not waiver in his refusal". (*Atlanta Georgian*, December 14, 1912)

Robert Lee Clay is buried in an unmarked grave in Section 8 of Westview Cemetery in southwest Atlanta. Kate lies between her Father and Daughter in Cool Springs (Marvin) Cemetery in southwest Atlanta.

The final irony of the story – "Friday morning Clay told of a dream he had several months ago in which he saw himself executed on the 13th of the month. That was several weeks before Judge Roan had set the date for the hanging". (*Atlanta Constitution*, December 14, 1912)

Sources: *The Atlanta Constitution*: May 13, 1912; June 25 & 26; November 11 & 22, 1912; December 12, 13, & 14, 1912.

The Atlanta Georgian: May 13 & 29, 1912; June 26, 1912; December 10, 11, 13 & 14, 1912.

Mary Alice (Smith) Jordan

News About Our Members

Claudia Hutchins has a new grand daughter, Kathryn Virginia Warren, born July 6th.

Marcia Atkins has a new great grandson, Michael Connor Atkins, born Jul 12th.

Birthdays in September

Karen Cosby: September 7th

Gerald Teal: September 3rd

Sandy Whittington: September 7th

My Story

By Chuck Jackson



I was born in Atlanta, at the Georgia Baptist Hospital. During the early years of my life, we lived in and around Atlanta, many places I cannot remember, but I do remember an old farm house in Red Oak Georgia, where we have been told by both our parents, my wife and I first met at age 3 or 4. Neither of us remember it. For a while we lived in Kenwood Georgia in an old house that sat on top of a high bank above the highway. My mother was always terrified that I would roll down the bank onto the highway.

I also remember living somewhere in East Atlanta when I first started school. This is where I broke my leg one afternoon, wrestling after school. Not knowing any better, I just got on my bike and rode the 7 or 8 blocks home. I ended up in a cast from my toes to my hip, and the older boys had to carry me up and down the stairs at school for a month or two. I also remember a house on Cascade Road and an apartment on Lucille Avenue. There was a small grocery store across the street, and they had the absolute best chocolate chip cookies I ever ate!

My formative years, from about age 8 to age 16, we lived in a one room house my dad built in Riverdale, Georgia. It was more a shack than house, as it had no insulation, no coverings on the interior wall (bare studs), no running water, and only after a couple of years did we have electricity. Ask Irene about it – she’s been there. Riverdale was nothing like what it is today. There was only one paved road, Georgia Highway 85, a two lanes blacktop, and only one traffic light. Everything else was dirt.

But about age 9, I managed to acquire a little .22 rifle (paid some kid \$2 as I remember it), and we were so isolated I could sit on the back steps and shoot squirrels, and no one cared. A box of 50 cartridges was a quarter. And there were hundreds of acres of woods behind the house for me and my buddies to play in. There was a creek with a wide swimming hole almost directly underneath the Georgia Power cable crossing, which we would dive off to swim. Sometimes we would have to scramble out of the water as a water moccasin asserted his right of passage down the creek.

When I was 14 I got my first car – a 1946 Chevy sedan, cost my dad \$50. It lasted two days before I wrapped it around a tree. The next summer, I found an old beat up 1940 Ford sedan for \$25 (had to pay for this one myself and drove that until it just died. Then I found a 1935 Ford rumble seat coupe for \$30 and drove that for a couple of years. Mechanical brakes – a steel rod going out to each wheel to operate the brake shoes. Might as well just drag a foot. But I would dearly love to still own it. All this time, I had no drivers license and only whatever tags came on the car. No one seemed to care back in those days.



When I filed the 10th grade even though I had showed up for all the tests and passed them (they were ticked about “participation” and homework), I dropped out of school. I worked various jobs for a year – farm work, harvesting, making hay, etc., then well digging, auto body shop, sheet metal assembly. Finally realized I was going no where, and that was when I joined the US Navy. Shortly after I finished boot camp, my future wife ran into my mother at Church, and my mother asked her to write to me. She did, and now we’ve been happily married for more that a half century.



Irene Daniel

On Thanksgiving Day, 1959, we eloped – sort of. We went to the Preachers house in College Park and were married in his living room. A couple of days later, we took and placed all our earthly possessions in a suitcase and boarded a train for Virginia Beach, where I was stationed. No place to live, very little money. We managed a hotel room that first night – thank goodness tourist season was over! The next day we found a little furnished three room apartment for \$50 a month and the landlord let us move in with no cash changing hands. It even included some dishes, silverware, pots and pans. We scrimped and ate beans and rice, collected empty coke bottles to buy bread, and generally had a wonderful time. Things were really not as bad as that sounds.

In those days, electricity was so cheap they billed you quarterly – and our typical bill was about \$7. I would hitch hike to work every morning and back home each evening. In those days it was easy – we were in a Navy town, so all I had to do was step outside in uniform and the next car would stop.

After my first tour of active duty, I left the Navy and went to work for IBM, here in Atlanta, as what they called a “Customer Engineer”, a glorified service technician. During this time, our first daughter, Becky was born, again at Georgia Baptist Hospital, which cost me a whopping \$25 (IBM had some pretty good benefits).

Eventually, I became disenchanted with IBM, as they were worse about being in “uniform” than the Navy was. You had to wear a suit (non matching jacket and trousers not allowed) and they didn’t mind a bit telling you, you needed a haircut or a shoeshine. Even though you were up to your elbows in greasy machines all day long, you had to wear a long sleeved shirt and it had to be white. They even had to approve the automobile you drove and part of town you lived in.



I finally said enough, and went back in the Navy, who took me right back at the same pay grade and specialty as I left. There I stayed until October 1980, when I retired as Senior Chief Petty officer. They treated me well, especially after I became a Chief. While I was in the Navy, our second daughter, Brenda, was born at the Villa Rica hospital (Irene came home to have her, as I was deployed overseas).

In 1977, Irene flew over to Italy and I took some leave from the ship, and we had a glorious vacation. I met her in Naples, and we spent a few days on the Isle of Capri (in the bay of Naples), also visiting the famous Blue Grotto. We then took a train to Rome, touring the Vatican and the Colosseum, seeing the Trevi Fountain (of Three Coins in the Fountain fame) and the Spanish Steps and many, many, other landmarks. Then we went to Florence for a few days and toured cathedrals, tombs and museums. Then back to Naples so she could catch her flight home and I could get back on the ship when it returned to Naples.

Upon retiring, we moved to Douglasville, because that’s where Irene’s parents were. I found a job which I didn’t care all that much for, but stuck it out until they really made me mad one day. So, I picked up the paper and found an ad. It said, “Electronic Technician” and gave a phone number. I called it, and it turned out to be a division of Loral Corporation, the company that made a lot of the equipment I had worked on in the Navy. Anyway, they hired me with a 25% pay increase and much better benefits. Within the first year, I was promoted from Electronic Technician to Software Engineer, and a good thing that was, as they pretty much dropped the technician category the next year. I worked there until I retired again in 1999.

After about 3 months, they called me up and pleaded with me to come back to work, offering more and more money, until I finally agreed. So I went back as an independent contractor, and worked in that capacity for 3 and a half years. At excellent pay, I might add. Then corporate found out and raised a stink, as they had some rules about how long a contractor could work (a 6 month limit). So, wanting to finish up the current project (an update to c-17 transport aircraft cockpit displays), I reluctantly agreed to go back on the payroll for a while (a little over a year) before I retired again (for good this time) in 2005. Which was very fortunate, as they had revamped the way pensions were calculated while I was retired. The new system essentially doubled the pension for the same number of years of service. And to think, I almost didn't go back on the payroll.

In 2001 we bought a new home in Villa Rica, mainly to be closer to the grand children, and there we will probably stay.

I suppose you want to know about genealogy. Well, my dad, Vennie Wilson Jackson, was born in Riverdale in 1901, and was raised there. He passed away in April 1968, in Opelika, Alabama. He and my mother, along with my dad's mother and father and grandfather (my great grandfather) and many aunts, uncles and cousins are buried in King Cemetery on Walker Road in Riverdale. Unfortunately, the missing 1870 census has pretty much halted the tracing at my great grandfather, as they were generally poor share croppers and so didn't leave much, if anything, in the way of official records.

Many of you are aware of the mystery woman that was my mother, Beverly Louise Davis. We have at least three different dates for her birth, spread over a dozen or more years, all in her own handwriting. She passed away in June 1982. As I was growing up, she always claimed to have been raised in an unnamed orphanage, run by Dr. Thigpen, in Montgomery, Alabama. We have been unable to find any trace of this orphanage or a Dr. Thigpen. She always listed Charles Davis as her father and Harrison Marten as her mother, as claimed in one hand-written biography submitted as part of an application to nursing school at Grady hospital, that she lived with them on a farm in Center, Alabama, along with several siblings – no names given. This biography also lists the latest birth date, so I suspect she was simply telling them what she believed they wanted to hear. Again, we have been unable to find and trace of the claimed parents. And she never mentioned any siblings as I was growing up. I strongly suspect she was covering something up, but whatever it was, she took it to Her grave.



Vennie Wilson Jackson
Mar 28, 1901 – Apr 6, 1965



Beverly Louise Davis
Nov 15, 1903 – June 22, 1982

Deciding Douglas County's Fate, Book D

By Elaine Steere

(Cont'd from July)

August 1924: Charles Edwards, S.P. McKoy and G. N. McLarty are Road Commissioners residing near where the road intends to pass. They are asked to review the route and report back to the Commissioners.

October 7, 1924: The road commissioners agree with the petitioners and the County Commissioners allow the above road to be built.

December 1927: The Board offers Mrs. Noble Mozley \$75 for the right-of-way across lots 14, 15, and 16 of the J.B. Humphries sub-division to the town of Austell, GA as described in plans for construction and relocation of State Road #8, known as "**Bankhead Highway**". In the event that she refuses by December 26, 1927, they will condemn the land in the name of the Georgia Highway Department. Douglas County is liable for all damages that may occur while the State Highway is being built. The County agrees to get the Right-of-ways and assume all liability. The state will actually plan and build the highway.

November 9, 1929: J.M. Timmons says he is 61 and through an error for 1929, he is charged with a Poll Tax.

January 1930: The Board removes Mr. Timmons Poll Tax on the 1930 taxes.

April 1, 1930: The County is still trying to collect shortages from J.R. Hudson's term as County Treasurer. They attached his property and are suing National Surety Company of New York, NY for \$19,548.73 plus 20% interest.

May 1930: The County has reduced the above amount to \$17,000 and agreed to pay National Surety Company.

July 1930: The County is still trying to get the right-of-way for the highway known as "**Bankhead Highway**" between Austell and Douglasville. The Right-of-way needs to be 40 feet from the centerline.

October 1930: The Board unanimously consents that the present location of the "**Bankhead Highway**" that lands from Winston to Villa Rica, is so far as the same is in Douglas County, should be paved by the State of Georgia and the Federal Government with Concrete where the old road has long been established. (Is this the Atlanta to Tallapoosa Road, now known as Conners Road?) This judgment of the Board is founded upon personal knowledge of the Commissioners together with the character of the citizenry living along the present constructed road, and all other parties petitioning there for.

Signed: T.L. Varner, Chairman, H.R. Barrow and S.H. Croker Commissioners.

Deciding Douglas County's Fate, Book E

By Elaine Steere

I recently read early Douglas County Records for the County Commission Meetings. The following items came from Book E covering 1931-1940. These are events I found not worthy. I have placed emphasis on building roads and bridges. This book also covers the deepest depression years.

January 1931: The Board of Douglas County Commissioners consisted of T.L. Varner, Chairman, H.R. Barrow and S.H. Croker. J. H. McLarty was Clerk to the Board.

The State Highway Department and Douglas County desire to construct a road between Douglasville and Villa Rica.

April 7, 1931: J.A. Sudduth says he is now 63 and paid Poll Tax for 1930 and wants a refund.

Ordered: Each male between 21-50 to pay \$4.00 or work on the public roads for 8 days.

January 1932: Mrs. G.O. Luther says she is NOT a resident of Douglas County but she is charged with a %50.00 tax for household furnishings. She wished to be relieved of this tax.

1933: J. Williw Shadix is Superintendent of Schools and Thad McKoy is Clerk of Superior Court.

1934: W.R. Thomas is the new Superintendent of Schools.

January 1934: The road from Douglasville to Fairburn is 11.95 miles long in Douglas County. The Board submits it to the State to become Highway # 92.

January 1935: Standard Oil of Kentucky sells "Ethyl" gasoline to the County for 1.5 to 3 cents per GALLON, "Kyso" for 1.0 to 2.5 Cents per gallon.

Dr. H. Snow, County Doctor got \$1.25 per trip to the County Poor Farm, Camp and Jail, included in this all medicine except Antitoxin. There is no charge for Office Calls. He gets \$1.00 plus .10 cents per mile for trips made on orders from the Board.

March 29, 1935: The County grants H.A. Wilson the right to construct a dam across Hurricane Creek. This being on the Douglasville and Whitesburg Road, providing that the back waters from said dam does not undermine or injure said road fill or bridge in any manner. Wilson agrees to be responsible for any and all damages that may occur from backwater.

May 7, 1935: The County grants Mrs. Viola Hembree the right to construct a dam across Double Branch Creek. This being on Stewart Mill Road, providing back waters do not undermine or injure the fill in any manner. The County agrees to furnish piping to take care of overflow and piping to go under the bottom of said dam, also to furnish dynamite to be used in case rock is struck in the public road while building the dam.

July 1935: The Board recommends to the Honorable Prison Commissioner of Georgia, Dr. R.E. Hamilton as County Doctor for Douglas. Dr. Hamilton charges \$1.50 per visit and .50 cents per mile. If sutures are needed it is \$3.00.

The U.S. Government has passed "New Public Works" Bill and a large portion of the money is to be used in constructing roads and in elimination of Rail Road grade crossings. Georgia is to get 10 million dollars. Of the 2,909,000 citizens of Georgia, only 378,732 are motor car owners.

June 2, 1936: The Board agrees to lease a sufficient portion of the Poor Farm property in Douglas County to the Boy and Girl Scouts for the purpose of building a lake and a camp. The leased land is on the West side of the Farm and on the main branch. It leases 10 acres more or less.

(continued in September)