

Proof statement, David M. Clay as the son of Peyton Clay

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Summary of the Problem

David M. Clay was born 25 December 1837 in Wilkinson County, Georgia, and died 9 September 1889 in Shreveport, Caddo Parish, Louisiana.¹ There are no Wilkinson County birth records that would list his parents,² and his parents are not named in his death record.³ The only Wilkinson County census where David Clay is enumerated in a household as a minor is the 1850 Peyton Clay household. Unfortunately, the 1850 census does not give relationships of the household members.

A Clay biography in L. W. Rigsby's *The Georgia Branch of the Virginia Clays*, names David Clay as the son of Peyton Clay.⁴ Unfortunately, sources are not given for this information, and discrepancies noted in the biography put the remaining facts into question.

“Peyton Clay, son of David Clay and Eve (Harden) Clay, and who is identified as 6 of this line, was born December 25, 1800, in either Washington or Wilkinson county GA. [*Note: Wilkinson County was not established until 1803.*] On December 19, 1830, [Peyton Clay] was married to Nancy M. Jones, a sister of Judith Jones, who married Lewis Clay. She was born December 31, 1805, died September 19, 1851. [*Note: she is found in censuses after this date, and the death year taken from her tombstone is 1881.*] Peyton Clay was a man of unusual business ability and appears to have been the only son of David Clay, who died in Wilkinson County, Ga. [*Note: other children of David Clay are named in other portions of this book.*] He was a large slave holder, one of the stock holders in the construction of the Central Railroad through that section of

¹ “Resolutions on the Death of Dr. Clay,” *Shreveport Times*, 22 September 1889, page 5, col. 3.

² Johni Cerny and Robert S. Davis, “Georgia,” *RedBook: American State, County, and Town Sources* Third Edition (Provo, UT: Ancestry, 2004), 160.

³ Caddo Parish Register of Deaths, Book B: 21, line 9, citing David M. Clay, M.D.

⁴ L. W. Rigsby, *The Georgia Branch of the Virginia Clays and Their Celebrated Cousins* (NP, 1926), 66.

the state, and the largest land owner in Wilkinson county at the time of his death, which occurred on the 11th day of November, 1880, in Wilkinson county, Ga. He and his wife are both buried in the Peyton Clay Cemetery, northwest of Toombsboro and their graves are marked by a handsome monument.”

“Children:

1. Lawrence W. Clay [*Note: in censuses, Lawrence does not have a middle initial.*]
2. Martha Clay
3. David Melton Clay [*Note: Dr. D. M. Clay’s middle name is not given in other documents, and no source is given for this name.*]
4. Edmond William Clay
5. Narcissa Clay
6. Sarah Clay”

With the above discrepancies direct evidence and the lack of other evidence, we must look at indirect evidence to prove that David M. Clay of Shreveport was the son of Peyton and Nancy (Jones) Clay of Wilkinson County. The more reliable sources are usually those created close in time to an event and by people who had direct knowledge of the event. This means that original sources are what we should seek – even if they do not tell the entire story.

Probates

Wills provide direct evidence of relationship when a person declares that they are leaving something to a son or daughter. Unfortunately, no Wilkinson County will exists for Peyton Clay.⁵ Upon his death, Edmund W. Clay, a son, was appointed administrator of his estate and sold his land.⁶

An 1867 “Deed of Gift” between Payton Clay and E. W. Clay shows that Peyton Clay gave a tract of land to E. W. Clay. It was the South or South East of lots 236 & 237 in the 4th District of [Wilkinson] County being one hundred and one four acres more or less of each lot amounting to two hundred and two and one half more or less.” The purchase price was “the maternal love and affection which the said Peyton Clay hath . . . and for the better maintenance, support and livelihood that E. W. Clay hath given.”⁷ Presumably E. W. Clay, the son, is the Edmund W. Clay who was appointed Peyton Clay’s administrator. This document does not speak to David Clay’s parentage, but it does prove E. W. Clay was a son of Peyton Clay.

Deeds

Deeds can provide proof of relationship. Unfortunately, Wilkinson County lost courthouses to fire in 1829, 1854, 1864 and 1924.⁸ All deeds prior to 1854 were destroyed. Some were re-recorded, but the remaining deed indexes do not reveal a deed that connects Peyton Clay to David M. Clay.⁹

⁵ [Wilkinson] Will Books Vol. 1 1873-1946; FHL Film #1,737,806.

⁶ Wilkinson County Deeds C187; FHL Film #1,738,337; citing Edmund W. Clay to N. B. Bannon
Wilkinson County Deeds C199-200; FHL Film #1,738,337; citing Edmund W. Clay to Henry Clay.
Wilkinson County Deeds E: 274; FHL Film 1,758,337; citing Edmund W. Clay to W. C. Carlisle.
Wilkinson County Deeds E: 273; FHL Film 1,738,337; citing Edmund W. Clay to Nathaniel Hughes.

⁷ Wilkinson County Deeds E: 273; FHL Film 1,738,337; citing Edmund W. Clay to Nathaniel Hughes.

⁸ “Welcome to the Wilkinson County Assessors Office Web Site!” Board of Tax Assessors, Wilkinson County, GA, (<http://www.qpublic.net/ga/wilkinson/> : accessed 17 April 2008), para 6.

A deed from David M. Clay to George H. Reed can be found, but there are no other David M. Clay deeds. On 29 December 1867, Clay sold property in Irwinton known as the Hudson Lot where “David Clay now lives” for \$2,500. The land was “bounded on the east by Dublin Road, South by Lewis L. Peacock, North by P. B. Coldans, running back west to the Spring back of said lot.” It included one office lot in Irwinton that had been occupied by Clay as a medical office.¹⁰ This deed does not connect David to Peyton Clay, but it shows that the David M. Clay of Wilkinson County was a medical doctor and that he sold out at the end of 1867.

Marriage

A biography for David M. Clay is included in the *Biographical and Historical Memoirs of Northwest Louisiana*. The book was published in 1890, one year after Clay’s death. The informant for the biography could have been Clay himself because his death is not mentioned. A year of marriage, but not a place, is given in the biography. As will be shown, Clay is enumerated in the 1860 Wilkinson County, Georgia census, the same county where he was born. It is likely that David was still living in his parent’s home when he married in 1859. Unfortunately marriage records from this era in Wilkinson County do not name parents.

“[David M. Clay] was married in 1859 to Miss Fannie O'Bannon, and by her became the father of a son and daughter: David M. Jr., and Fannie H. The son was born in 1866, received his education in Shreveport, and in 1889 graduated from the medical department of the Tulane University of Louisiana, at New Orleans. He is now practicing his profession in Shreveport, and gives every promise of revealing his eminent father in the practice of the "healing art".¹¹

Censuses

Censuses are an often used as vital record substitutes, but the first census that gives the relationships of the members of the household is the 1880 census. David M. Clay was married, out of his birth home, and living in Shreveport, Louisiana, by that time.

The 1860 Wilkinson County census contains three Clay households: D. M. Clay, L. W. Clay, and Peyton Clay. Peyton Clay, aged 58, was a farmer with real estate valued at \$8,800 and personal estate valued at \$22,000.¹² L. W. Clay was 28-years-old and had real estate valued at \$2,500 and personal estate valued at \$4,400.¹³

⁹ Wilkinson County, Georgia Deed Indexes; FHL film #1,738,238, items 5-8: Grantor indexes to deeds and mortgages 1854-1900; Grantee index to deeds and mortgages 1856-1900.

¹⁰ Wilkinson County Deeds E: 273; FHL Film 1,738,337; citing Edmund W. Clay to Nathaniel Hughes.

¹¹ *Biographical and Historical Memoirs of Northwest Louisiana* (Chicago: Southern Publishing Company, 1890) digital transcription *Caddo Parish GenWeb* (<http://files.usgwarchives.org/la/caddo/bios/claydm.txt> : last accessed 20 April 2008), citing Dr. D. M. Clay (deceased).

¹² 1860 U.S. census, Wilkinson County, Georgia, pop.sch., Fork District, Toombsboro Post Office, page 863 (stamped), 15 (penned), dwelling 38, family 38, Peyton Clay; digital image ProQuest *HeritageQuestOnline* (access through participating libraries : accessed 18 April 2008); citing NARA microfilm publication M653, roll 141.

¹³ 1860 U.S. census, Wilkinson County, Georgia, pop.sch., Fork District, Toombsboro Post Office, page 863 (stamped), 15 (penned), dwelling 34, family 34, L. W. Clay; digital image ProQuest *HeritageQuestOnline* (access through participating libraries : accessed 18 April 2008); citing NARA microfilm publication M653, roll 141.

D. M. Clay, aged 23, was living in Irwinton, Wilkinson County, Georgia. He was a physician and had real estate valued at \$2,000 and personal estate valued at \$3,825. Fannie Clay is listed as a housekeeper.¹⁴ This is a match for what we know of Dr. Clay of Shreveport.

17	980 982	D. M. Clay	23	Ma	Physician	2000	3825
18		Fannie Clay	23	F	Housekeeper		
19	981 983	Barj's Shreveport	29	m	Physician		8700
20		Cornelia Shreveport	16	F	Housekeeper		

1850 census

In 1850, the Peyton Clay household¹⁵ and Evey Clay, a single woman,¹⁶ are enumerated in the Wilkinson County censuses. The Peyton Clay household consisted of the following members, all born in Georgia:

433	433	Peyton Clay	42	m			3000
		Nancy	45	F			
		Laurens	18	m	Slave		
		David	12	m			
		Edmond	10	m			
		Mary	8	F			
		Sarah	5	F			

The date that the census enumerator visited the Clay household was 15 September, but the ages were given as of 1 June, the census date. With a birthdate of 25 December 1837, David would have been twelve-years-old on 1 June, and David Clay in the Peyton Clay household is twelve-years-old. The above Laurens Clay is 18-years old and is likely the L. W. Clay in the 1860 census.

This census does not provide relationships of the people in the household; however the census enumerators were instructed to write the names “beginning with the father and mother; or if either, or both, be dead, begin with some other ostensible head of the family; to be followed, as far as practicable, with the name of the oldest child residing at home, then the next oldest, and so on to the youngest, then the other inmates, lodgers and boarders, laborers, domestics, and servants.” The enumerator was also told “Those only who belong to such family, and consider it their home or usual place of abode, whether

¹⁴ 1860 U.S. census, Wilkinson County, Georgia, pop.sch., Irwinton District, Irwinton Post Office, page 863 (stamped), 15 (penned), dwelling 980, family 980, D.M. Clay; digital image ProQuest *HeritageQuestOnline* (access through participating libraries : accessed 18 April 2008); citing NARA microfilm publication M653, roll 141.

¹⁵ 1850 U.S. census, Wilkinson County, Georgia, pop.sch., Ninety-third Subdivision, page 367, dwelling 533, family 433, Peyton Clay household; digital image ProQuest *HeritageQuestOnline* (access through participating libraries: accessed 18 April 2008); citing NARA microfilm publication M432, roll 87.

¹⁶ 1850 U.S. census, Wilkinson County, Georgia, pop.sch., Ninety-third Subdivision, page 366, dwelling 413, family 413, Sarah Hatcher household; digital image ProQuest *HeritageQuestOnline* (access through participating libraries: accessed 18 April 2008); citing NARA microfilm publication M432, roll 87.

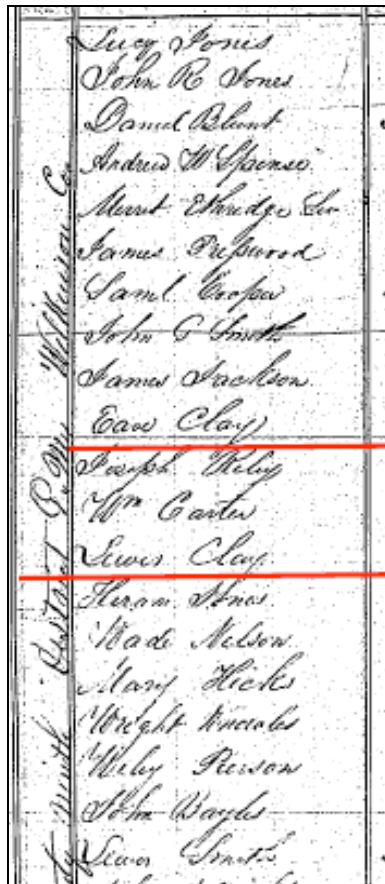
present or temporarily absent on a visit, journey, or a voyage, are to be enumerated.”¹⁷ The census enumerator’s legible handwriting and the neat appearance of the census pages suggest he was conscientious and probably would have followed these instructions.

1840 Wilkinson County, Georgia, census

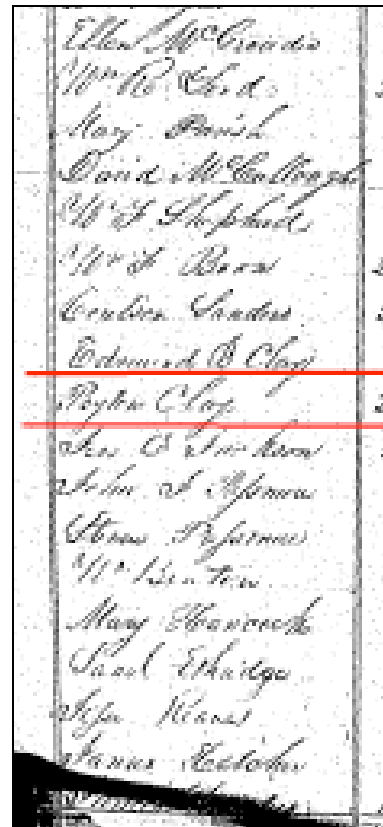
Censuses prior to 1850 did not name all members of a household, and ages were reported in groupings (how many males less than five years old, etc.). Even with these limitations, the early censuses provide us with indirect evidence that we can link to other pieces of evidence to form a proof statement.

David M. Clay was born on 25 December 1837, in Wilkinson County. On the census date of 1 June 1840, he would have been two and a half years old. Children of that age are usually living with their mothers.

The 1840 Wilkinson County census was searched for all Clay names, and the following were found: Eave Clay, Lewis Clay, Edward B. Clay, and Peyton Clay. They were all in the 329th District, and they were on two census pages, suggesting geographic proximity. The 1840 census is listed in the order that the census enumerator visited the houses. Eave Clay is close to Lewis Clay, and Edmund B. Clay and Peyton Clay are adjacent to each other.



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¹⁷ “1850 Census: Instructions to Marshals and Assistant Marshals,” IPUMS USA; digital article (<http://usa.ipums.org/usa/voliii/inst1850.shtml> : accessed 29 April 2008); citing Explanation of Schedule No. 1. – Free Inhabitants.

The Peyton Clay household was the only household with male children under age five.

1840 Wilkinson County census, 329th District.

*Page 311, Line 10, Eave Clay*¹⁸

1 female aged 70 & less than 80

Total in household: 1

Number of white persons age 20 or over who cannot read or write: 1

*Page 311, Line 13, Lewis Clay*¹⁹

Note: Lewis Clay married Judith Jones.²⁰ She was the daughter of John L. Jones and sister to Nancy Jones wife of Peyton Clay.²¹

Free White Persons, including heads of families: Males

2 aged 5 & less than 10

2 aged 10 & less than 15

1 aged 40 & less than 50

Females

1 aged 5 & less than 10

1 aged 15 & less than 20

1 aged 50 & less than 60

Slaves: Males

1 under age 10

1 aged 24 & less than 36

Total: 11 in household

Number of Persons in each Family Employed in agriculture: 4

Number of white persons age 20 or over who cannot read or write: 1

*Page 312, Line 21, Edmund B. Clay*²²

Note: Edmond Clay married Sally Jones on 7 July 1831.²³

Free White Persons, including heads of families: Males

1 aged 5 & less than 10

¹⁸ 1840 U.S. Census, Wilkinson County, Georgia, 329th District, page 311, line 10, Eave Clay; digital image ProQuest, *HeritageQuestOnline* (access through participating libraries : accessed 17 April 2008); citing NARA M704, roll 53.

¹⁹ 1840 U.S. Census, Wilkinson County, Georgia, 329th District, page 311, line 13, Lewis Clay; digital image ProQuest, *HeritageQuestOnline* (access through participating libraries : accessed 17 April 2008); citing NARA M704, roll 53.

²⁰ Victor Davidson, Esq., *History of Wilkinson County* (1930; reprint, Spartanburg, SC: Reprint Co., 1978), 311

²¹ Joseph T. Maddox, *Wills and Cemeteries of Wilkinson County Georgia, 1817-1920* (Irwinton, Georgia: The author, 1971), 192; citing John L. Jones will.

²² 1840 U.S. Census, Wilkinson County, Georgia, 329th District, page 312, line 21, Edward B. Clay; digital image ProQuest, *HeritageQuestOnline* (access through participating libraries : accessed 17 April 2008); citing NARA M704, roll 53

²³ Victor Davidson, Esq., *History of Wilkinson County* Macon, GA: J. W. Burke Co, 1930), 311.

1 aged 30 & less than 40

Free White Persons, including heads of families: Females

1 aged 30 & less than 40

Slaves: Males

1 aged 10 & less than 24

Slaves: Females

2 under age 10

2 aged 24 & less than 36

Total: 9 in household

Number of Persons in each Family Employed in agriculture: 4

Number of white persons age 20 or over who cannot read or write: 1

Line 22, Peyton Clay²⁴

Note: Peyton Clay married Nancy Jones on 19 December 1830.²⁵

Free White Persons, including heads of families: Males

2 aged less than 5-years of age

1 aged 5 & less than 10

1 aged 30 & less than 40

Free White Persons, including heads of families: Females

1 aged 5 & less than 10

1 aged 30 & less than 40

Slaves: Males

2 aged less than 10

2 aged 24 & less than 36

Slaves: Females

2 aged 10 & less than 24

1 aged 36 & less than 55

Total: 13 in household

Number of Persons in each Family Employed in agriculture: 7

Number of white persons age 20 or over who cannot read or write: 1 [Note: this would be Peyton Clay. If he could not read or write, the family did not have a Bible where they would record births.]

Comparison of the 1840 and 1850 censuses.

Edmund B. Clay and Lewis Clay are not in the 1850 Wilkinson County census. The question that must be resolved is where are they and is there another David Clay enumerated in their 1850 households.

²⁴ 1840 U.S. Census, Wilkinson County, Georgia, 329th District, page 312, line 22, Peyton Clay; digital image ProQuest, *HeritageQuestOnline* (access through participating libraries : accessed 17 April 2008); citing NARA microfilm M704, roll 53

²⁵ Victor Davidson, *History of Wilkinson County* (Macon, GA: Press of the J. W. Burke Company, 1930), 311.

Household wealth

The following statement from the 1890 biography of D. M. Clay suggests the family had sufficient wealth to send him to a prestigious medical school:²⁹

“and at an early age entered and graduated from the medical department of the University of New York, leaving that institution as an M. D. in 1857.”

Wealth would be measured by the possession of property, both real and personal. The only deed that can be found for Peyton Clay is an 1836 land purchase from the estate of John Hatcher, Sr.³⁰ This year was one year before David M. Clay was born. A father with a growing family would want to have a house of his own where his family could grow.

The 1850 population and slave schedules provide a record of both real and personal wealth.

Real Estate

In 1850, Peyton Clay had real estate valued at \$3,000. On the census page where Clay was enumerated, there were seven households. Three had no real estate, and the other three had real estate valued at \$300, \$400, and \$500. In 1850, there were 983 families in Wilkinson County, and the total value of real estate was \$713,307.³¹ The average would have been \$725.64; clearly Peyton Clay’s real estate holdings were greater than average.

Personal Estate

In this Ante-bellum era, personal property wealth was measured by the number of slaves one owned. Peyton Clay is the only Clay named on the 1850 Wilkinson County slave schedule. In 1850, the total value of personal estate in Wilkinson County was \$1,708,105³². There were 2,745 slaves, giving an average value of \$622 per slave. Peyton Clay had twenty slaves, giving him an approximate real property wealth of \$12,440.³³ Peyton Clay is clearly in a position to send a son to medical school. Further, he is the only Clay in Wilkinson County who had the means to do so.

Military Service

The 1890 biography mentions David M. Clay’s service as a Confederate surgeon.

“[David M. Clay] soon began the practice of his profession in his native county, but upon the bursting of the war cloud which had so long hovered over the country, he left his home and

²⁹ *Biographical and Historical Memoirs of Northwest Louisiana* (Chicago: Southern Publishing Company, 1890) digital transcription *Caddo Parish GenWeb* (<http://files.usgwarchives.org/la/caddo/bios/claydm.txt> : last accessed 20 April 2008), citing Dr. D. M. Clay (deceased).

³⁰ Wilkinson County Deeds C: 187; FHL film 1,738,239.

³¹ George White, *Historical Collections of Georgia* (1855; reprint, Baltimore: Genealogical Publishing Co., 1960), 688

³² *Ibid.*

³³ 1850 Wilkinson County, Georgia, slave schedule, The Ninety-third Subdivision, frame 508, column 2, lines 21-40, Paton Clay, owner; digital image, *Ancestry.com* (www.ancestry.com : accessed 18 April 2008), citing NARA M432, no roll given.

entered the service of the Confederate Government as a surgeon, and discharged his duties faithfully and efficiently until the close of hostilities in 1865.³⁴

“At the breaking out of the late war, in 1861, he early entered the service of the Southern Confederacy, and, as a surgeon in the army, did his duty faithfully and efficiently till the close of hostilities, in 1865.”³⁵

There were only three David Clays listed in the Civil War Soldiers and Sailors database.³⁶ Two are obviously the same person – the David M. Clay who served in the 57th Regiments. The 57th Regiment, Georgia Infantry, Company K, also called the “Oconee Greys: was organized in Wilkinson County. Considerable information about the 57th Regiment, Georgia Infantry, has been placed online, and it can be shown that David M. Clay was a member of this unit.

David Clay
29th Regiment, Georgia Infantry
Private, Corporal

David M. Clay
Private, 57th Private, Company K Georgia Infantry

David M. Clay served as a 1st Lieutenant in Company F of the 3rd Georgia Infantry (Confederate) and in the 57th Regiment, Georgia Infantry. E. W. Clay also served from the same units.

57th Regiment, Georgia Infantry³⁷

57th Regiment, Georgia Infantry, Company K, “Oconee Greys”

"In October 1861 two other companies were organized in Wilkinson County, one commanded by Captain R.L. Story and the other by Captain H. K. Byington. These companies were armed with shotguns and other arms as could be borrowed from the citizens of the county. Both companies were sent first to Camp Harrison and then near Savannah for training. Here the men were armed with rifles. These companies having enlisted for only six months, their term of enlistment expiring in April 1862, the companies re-enlisted in toto, but their being an insufficient number of companies in their old regiment, and lacking only one to complete it, it was decided that twenty-five men from each of these companies together with detachments from Laurens County should form another company. This was known as Company I, with Captain Bishop commanding. The original companies were designated as Companies D and K, all three companies being incorporated in the 57th Georgia Regiment." Victor Davidson, *History of Wilkinson County*

David M. Clay Enlisted on 4/26/1861 as a 1st Lieutenant. On 4/26/1861 he was commissioned into "F" Co. GA 3rd Infantry He Resigned on 7/15/1861 (Estimated day of resignation). On 5/24/1862 he mustered into "K" Co. GA 57th Infantry

³⁴ *Biographical and Historical Memoirs of Northwest Louisiana* (Chicago: Southern Publishing Company, 1890) digital transcription *Caddo Parish GenWeb* (<http://files.usgwarchives.org/la/caddo/bios/claydm.txt> : last accessed 20 April 2008), citing Dr. D. M. Clay (deceased).

³⁵ Resolutions on the Death of Dr. Clay,” *Shreveport Times*, 22 September 1889, page 5, col. 3.

³⁶ Soldiers and Sailors database, National Parks Service (<http://www.itd.nps.gov/cwss/soldiers.cfm> : accessed 17 April 2008).

³⁷ 57th Regiment, Georgia Infantry; digital article, Wilkinson County Gen Web (<http://www.georgiagenealogy.org/wilkinson/57thCoK.html> : accessed 18 December 2008).

Edmund W. Clay Enlisted on 4/26/1861 as a 2nd Sergt. On 4/26/1861 he mustered into "F" Co. GA 3rd Infantry He was discharged for disability on 12/15/1863. Buried Toombsboro Cemetery.

Note: David M. Clay and Edmund W. Clay enlisted on the same day, suggesting they were in the same area.

To Shreveport

The 1890 biography provided a final tribute about Dr. Clay.

“[D. M. Clay] then removed westward, settled in Shreveport, La., and being a man of much ability and energy he was not long in securing a good practice and comfortable home in his new location. His skill as a surgeon, and his knowledge of medicine soon won for him a widespread reputation throughout the South, and owing to his own personal worth, he drew around him a confiding populace. The many wonderful cures which he effected brought him prominently before the public as a physician of exceptional merit, and even now his prescriptions are treasured by his patients. He was one of the original members of the medical board, and took part in its organization in July, 1888, and at the time of his death he was president of a medical society a member of the board of health, surgeon in charge of the hospital, and socially belonged to the K. of P., the K. of H., the A. L. of H., and K. of St. J. and M. He combined rare intellectual worth and ability with innate goodness, warm geniality, sociability and true charity, and his death, which occurred on September 9, 1889, was lamented by all whom he had known, for they felt that they had lost a true friend and brother, and one whose place it would be hard to fill.”³⁸

Conclusion

No one piece of evidence proves David M. Clay’s parentage. However, indirect evidence points to the logical conclusion that his father was Peyton Clay.

1. David M. Clay was born in 1837 in Wilkinson County, Georgia.
2. There is only one Clay family with a son of the right age; Paton Clay.
3. Paton (Peyton) Clay purchased land in Wilkinson County in 1836, proving that he was in the county when David was born.
4. David Clay of the right age is in the Paton Clay 1850 census. Census enumerators were instructed to list individuals in family order. The order given in the census was
 - Lawrens, 18
 - David, 12
 - Edmund, 10
 - Narcissy, 8
 - Sarah, 5Edmund Clay, aged 10, can be proven to be a son of Peyton Clay. David Clay was aged 12, and should therefore be an older brother.
5. Peyton Clay was the son of David Clay, a Revolutionary War veteran. It is common for fathers to name a son after their own father.
6. David Clay was sent to medical school. This suggests family wealth. Peyton Clay was the wealthiest Clay in Wilkinson County.

³⁸ *Biographical and Historical Memoirs of Northwest Louisiana* (Chicago: Southern Publishing Company, 1890) digital transcription *Caddo Parish GenWeb* (<http://files.usgarchives.org/la/caddo/bios/claydm.txt> : last accessed 20 April 2008), citing Dr. D. M. Clay (deceased).