

JULIUS McCURDY- 1986

JULIUS McCURDY: [Recording begins mid-sentence] . . . and I don't remember that capacity being exceeded or being crowded more than two or three times. Today the capacity of the jail is 709 people, and they have 752 inmates in there now. Now, of course, a lot of that may be caused by the increase in population. In round numbers our population has increased since 1940 about five times. Our prison population has increased almost twenty times. That may give us something to think about.

Going back to the Superior Court, the first judge that I remember of the DeKalb Superior Court was Judge Charles Reid, who lived on Sycamore Street just east of Commerce Place. He was soon elevated to the appellate branch, and Judge Charles Whiteford Smith succeeded him. Judge Smith lived on Whitefoord [sic] Avenue near Edgewood in DeKalb County. Some of you may remember Miss Katie Frances Smith, who was principal of the Decatur High School for a number of years. She was an adopted daughter of Judge and Mrs. Smith. Upon Judge Smith's retirement the next judge was Judge John B. Hutchison, who served for a long time; he was a very distinguished judge. And he was succeeded by Judge James C. Davis, and Judge Davis decided to seek a seat in the House of Representatives—national House. He was succeeded by Judge Frank Guess, and that brings us down to about the modern era. I think Judge Guess, during his time, there was a second judge appointment, Judge Clarence Vaughn. That's another judge for the Stone Mountain Circuit. Judge Vaughn lived in Conyers.

Going back to the solicitor general, the first solicitor general that I remember was Colonel George M. Napier. Now, we might get the title straight; he hadn't served in the army. Back then some lawyers got some respect; and when they got a little older, they give them the title of colonel. So his title was Colonel George Napier for that reason. He was a very distinguished orator. He predominated in the Masonic circles in the state of Georgia and was in a few years was named attorney general for the state of Georgia and served in that position, I think, until he died. He was succeeded by Major Claude C. Smith. Now, that is a typical army title, because he served in World War I. Major Smith had one assistant, an investigator; some of you may remember him, Johnny Jones, who was a mighty interesting character. He was a small fellow, was a little man; but he was a real good investigator. Judge Smith retired, and then we had

Roy Leathers. Now, Roy was a colorful character who came from down in the country; but he was a real good prosecutor, probably the most aggressive prosecutor I guess we've had in our solicitor generals. Of course, that term, solicitor general, is now known as the district attorney. After Roy Leathers retired, the next solicitor general was Judge [Richard] Bell, who's now on the [Georgia] Supreme Court.

Going now to some of the other officials that served in the early years, the clerk of the Superior Court here was Mr. Ben F. Burgess, who succeeded his father, Mr. H. H. Burgess, who held that office. And Mr. Ben F. Burgess was succeeded by his nephew, Mr. Ben B. Burgess. And I believe Mr. Ben B. Burgess was succeeded by his brother, Mr. Theron Burgess, which gave that office of the clerk of the Superior Court to the Burgesses for a term of about fifty years, I think it was.

The next officer of the Superior Court was the sheriff's office. The first one I knew was Mr. Charles Morris, who came from a large family of Morrises in southwest DeKalb, although he had built his home and established a good farm near Tucker on then what was known as Idlewood Road. He served a term of two years—that was all you could serve at that time; they had elections every two years. And he decided he didn't want a second term, and he told my father about it. And my father decided that he would seek the office, and he was elected; and we moved to Decatur in 1913. And he held the office until he died in 1928. He was succeeded by a deputy of his, Mr. Jake Hall, one of the most colorful characters I think we've had in this county in a long time. He was a real character. When Jake Hall retired, I think the next sheriff was Sheriff Broome; and that takes it down to about the modern day.

We go back now to the ordinary. When we moved up here, Judge James R. George was the ordinary; and he'd been ordinary for a long time and state ordinary until he died, a very distinguished-looking man and a very efficient ordinary. He was succeeded by, I believe, Fess [spelling?] Morgan, who came from the Ingleside [now Avondale] section of the county; and he was a very efficient ordinary. And when he retired, he was succeeded by Ms. Catherine Edelman Mann, who is probably the first woman elected to a public county office that I can remember. Ms. Mann was very efficient and served for a long time. That brings us down to the modern era.

The City Court of Decatur was established sometime in the early 1920s to try to relieve the burden of the courts. And Judge Dailey from the Inglewood section was appointed judge, and I think Judge Frank Guess was named solicitor. [NOTE: McCurdy

later corrects this statement to say that Robert T. Ramspeck was the first solicitor of this court.] And they moved up from that office; after Judge Dailey died, Judge Guess was made the judge. And Dave Phillips from Lithonia was named the solicitor for that court. And after that, Dave Phillips was named judge; and my brother Walter was named solicitor. And that court is misnamed, because it was really a county court; it had county-wide jurisdiction. It handled misdemeanor cases only and on the criminal side; and on the civil side the jurisdiction [sic] was limited to a reasonable amount—I've forgotten just what the limits were on the Superior Court.

We might talk for just a minute, and then we'll open this thing up, about the lawyers that were practicing here when I started. I guess the dean of the bar at that time was Colonel Leslie J. Steele. He was a very sound, good lawyer; and he gave up the law practice to seek a place in the House of Representatives—in the national House of Representatives—and was elected. But unfortunately, he died in his second term. And then Robert T. Ramspeck was elected to succeed him.

[Aside, to Mr. Mackay]: By the way, I made a mistake in that other—Bob Ramspeck was the first solicitor of that court [and not Frank Guess, as previously stated].

The other lawyers that were practicing then—I'm trying to come by age now, and I guess Pierce K. Bern [spelling?], who had an office on Sycamore Street in Decatur. He was an old bachelor, had been a professional baseball player, and had large landholdings in the northern part of the county. He didn't care whether he practiced law much or not, but he did keep a law office open. The other was Mr. Carl T. Hudgins, who was really the founder of the DeKalb Historical Society. He was responsible. He wrote the first letter inviting people to come together and decide whether we ought to have a society or not. Carl Hudgins, when I knew him, had his office in the Masonic Temple Building. I don't think he ever had a secretary. He had a roll-top desk, and he had all his papers filed in that; and he knew where it was, but I don't know anybody else could have found anything. Carl practiced law for I guess as long as anybody has ever practiced law in this county.

Probably the next two, and they come along about the same time, would be Bob Ramspeck and Hugh Burgess. Hugh was the son of the clerk of the court, Mr. Ben Burgess; and his office, when I knew him, was in the Masonic Temple Building. And he

was kind enough to let me have an office adjoining him when I started out to practice law.

That gets most of the lawyers that were practicing at that time with offices in Decatur. I don't have any idea how many there are now. I see the Bar meetings that they have in the [Decatur Federal] Sky Room, and it looks to me like there's seven or eight hundred. I told this—told somebody this one day, when I started, there was about seven or eight lawyers; and all of us were starving to death. Now there's seven or eight hundred, and they all seem to be getting rich [laughter].

There were other lawyers that practiced and lived in the county. For instance, Lithonia supported three lawyers for a while: Abe Phillips, Alon Brand [spelling?], and Lem Norton. Stone Mountain had two lawyers: [inaudible—sounds like “Lon Field” or “Ron Peale”?], who was a very well-known criminal lawyer, and Senator Carl Guess, who was the father of Judge Frank Guess. Then Mr. Paul Lindsey [spelling?] was at Tucker. Those are the only ones I remember with offices in the county.

Now, of course, there were a number of lawyers who lived in Decatur and DeKalb County who had offices in Atlanta. Among them are the Candler, starting with Colonel Milton Candler, whom I never knew; but he started the law firm of Candler, Thompson & Hearst [spelling?]. I think that firm is still going under some other name but it's still been continuously operated as a law firm. Mr. Murphey Candler, his son, I remember very slightly. He was interested, in his early years, in the convict system that operated the railroads; and he was anxious to eliminate that. And he passed some legislation in the legislature which eventually resulted in the railroad commission, and he was appointed the first railroad commissioner for the state.

Of course, Mr. Scott Candler, his [Murphey Candler's] son, succeeded him. And we always remember Scott, I guess, as commissioner of the county and mayor of Decatur; but Scott had a real substantial law practice in Atlanta and some in Decatur. He was an excellent trial lawyer. And Mr. Will Thompson, of the firm I mentioned first, was probably one of the best citizens that I've known in DeKalb County. He sat as chairman of the Board of Trustees for Emory [University] for many years. He was active in everything for the good of the county. Let's see, I've mentioned young Frazier [spelling?], who had an office in Atlanta but lived out here. [Pauses to recall other names]

JAMES MACKAY [to Mr. McCurdy]: Well, you didn't mention Justine Sams.
[Spelling? Pronounced "Justine," not "Justin"; but Mr. Sams was male.]

MCCURDY: Justine Sams—I ought not to forget him.

MACKAY: But your colleague, John Wesley Weekes—

MCCURDY: Now, John started the year after I did. He had money enough to go four years in college, and I didn't have money enough to go but three [laughter]. He got a late start on me. He practiced law here for a short time; but he had also, prior to that, while he was in college, served in the [Georgia] House of Representatives and in the [Georgia] Senate. During the Depression, however, he decided he'd go up to Washington and get a job that paid him a salary; so he really started his law practice a good bit later than I did. That about gets the lawyers that I think were active in the county at that time.

MACKAY: Everybody that's talked about the earlier era has had a story to tell us about Mr. William Schley Howard, and I'm sure that you must have quite a store. But would you tell us your impressions of Mr. Howard?

MCCURDY: William Schley Howard was one of the best trial lawyers I ever knew; and he had a law partner, Mr. Jim Branch, who was one of the best lawyers I ever knew. They made a fine combination. He and my father were great friends. I remember one occasion; he had a camp on an island down on the coast where he fished a lot. He invited my father to go down there, and he took Walter and me, and I think he took his daughter, Jacqueline. And he would come by early in the morning and say, "Gussie, get up! The sheephead are having a convention out here!"

But I remember one other thing about that, about him. We went through Savannah, and my father went in to get a shave. And that was the period when they were having the flu epidemic—a real bad one. My father went in, and the barber was giving him a shave, and a man came in and said, "Well, where's John?" He [the barber] said, "Didn't you know? John died yesterday." He [the man who came in] said, "Yes, but where's Dick?" He [the barber] said, "Well, Dick's home. He's real sick. And I ain't feeling too good" [laughter]. He [Mr. McCurdy's father] couldn't hardly wait to get out of that chair.

But Mr. and Mrs. Howard—she was real active herself in—she was Chairman of the Board of Education in Decatur for many years. And she used to tell one story about it, when they were in Congress, that they had these receptions; and people would come

down the line, shaking hands and saying, "How do you do today?" And she'd say, "I'm doing fine," and pass on down, and nobody was paying her any attention. So she decided she'd change that. At this reception, as they came down the line, she was standing in line, and was asked, "Well, how do you do?"

"Well, I'm not doing so good. My grandfather died today."

"Well, that's nice," and kept going down the line [laughter].

Mrs. Howard was really a pleasure to know.

MACKAY: If this Society does what it ought to do, we're going to—in addition to getting a county history written, we're going to have to get a proper history of Stone Mountain, which has, I think, captured as much interest as anything in the county. And I wanted to ask you if you had any dealings as a lawyer or individually with the Stone Mountain Memorial Association, as I understood started the effort. What are your earliest recollections of the effort to do something with the mountain in terms of a memorial, and also whether you ever met Gutzon Borglum personally?

McCURDY: Yes, I met Gutzon Borglum—at the jail [laughter]. You remember, the first efforts to create a memorial on the mountain was started by the Stone Mountain Memorial Association, which was a private enterprise, to which the Venables had deeded the—just the face of the steep side of the mountain. And they undertook to raise funds for the carving and selected Gutzon Borglum as the sculptor. And as the years went by, the efforts to raise money began to fail; and the money raised on the Stone Mountain half-dollars failed. Finally they decided that Borglum was not doing anything, not proceeding as fast as he should, and that they ought to get rid of him. And when they did, Mr. Borglum had made some models in a studio down there. And he went down there, and he considered the models his own; and he took a hammer and broke them all up. And so they—he was indicted for it. And I think they arrested him [inaudible; sounds like "in Virginia"?], and I think my father might have—when he came down—I don't think he ever stayed in jail. I said I met him there, but—he was a really colorful character. His carvings always had a unique feature to them. They were large, tremendous things. And after that they secured Augustus Lukeman, I believe was the next carver.

Finally they decided that it just couldn't be done by private enterprise. Mr. Candler had become commissioner by that time, and he began to make efforts to see if

maybe the county could [inaudible]. He had some entree with the Venables, and one of them was represented by Mr. Jim Branch. I remember going to Mr. Jim Branch's office and negotiating with them. But it seemed too big a job for the county to undertake, so he and some others got the state interested; and it resulted in a state-financed undertaking. They had a number of sculptors submit ideas for the memorial, and he—one was selected finally, and the carving is down there; and it's proven to be one of the best things that ever happened. The Memorial Association owns a great deal of property around the mountain now. And I have talked with the Secretary of State, who's now on the Memorial Association, and suggested to him that—they have some money coming in, and that they ought to employ somebody to really write the history of it, of the mountain. And I hope that can be done sometime.

MACKAY: Now, about your own public service: How long did you serve as county attorney for DeKalb County?

McCURDY: From about '36 to '55—about twenty years.

MACKAY: And you did serve in the General Assembly?

McCURDY: Just one term.

MACKAY: You didn't admit it [laughter].

McCURDY: I'll tell you what I found out, Jim, about my service in the legislature. I found out, if I was going to have any friends and pass any legislation, I was going to have to vote for so much bad legislation there just wasn't much point in it [laughter]. And [inaudible; sounds like "consistent"?] with my wife—she had something to do with it, too. I didn't run for a second term.

MACKAY: I have one last question, and then I want to open it up to the floor. I've read your splendid monograph on the McCurdys of Stone Mountain. But just for the video camera, I would like for you to say, as far as you know, when the first McCurdys came to DeKalb County and why you think they came here.

McCURDY: My great-grandfather came here about 1830—in the 1830s. He came here because his father-in-law, Dr. Burford, moved here. And I guess he came here with him, and they located originally down on the Covington Road. He was a

neighbor of Mrs. [Rebecca] Felton—you know, Charles Latimer, her father, had a farm down there; and they were close neighbors of Dad's, but they later moved over toward Stone Mountain and settled in north of Stone Mountain there. He had four sons. Two of them were killed during the Civil War, and the two others were wounded; but those two lived and produced all the rest of us that are here.

MACKAY [to audience]: All right, it's your turn. I'm sure you have some questions that you'd like to ask of our speaker. Any subject.

UNIDENTIFIED AUDIENCE MEMBER: How did Mr. Hudgins get by without a secretary when he wanted assistance in his law practice?

McCURDY: He had a typewriter, and he typed his own papers; and he worked sometimes from after dark and on into the night. He was just a hard worker.

[Inaudible response from audience member]

McCURDY: He just liked it that way. He made a success out of it. [To Mr. Mackay] I think he served in the legislature, didn't he?

MACKAY: Oh, yes, he did. And he had an office in this building. I think somebody told me that shortly before the fire, he was looking for space; and they had some up here. And he took his law books and moved in. And I think Noah Stone or somebody told me that they told Carl Hudgins that they burnt [sic] the building to get him out of it [laughter]. [To Mr. McCurdy] Did he ever have an office in this building?

McCURDY: Not that I know of.

MACKAY: I wish he were here to defend himself. He could do that well. Are there other questions? Yes.

UNIDENTIFIED AUDIENCE MEMBER: Did you live out at Stone Mountain, or you've always lived in town here, or--?

McCURDY: No, I was born just a little bit outside of Stone Mountain; and my father moved into the [City of Stone] Mountain after our—our house burned when we—when I was a baby, and he moved into Stone Mountain and worked as a stone-cutter

around the mountain until he was elected sheriff. We moved up here, I say, in 1913, when I was nine years old.

UNIDENTIFIED AUDIENCE MEMBER: You made reference to the Ingleside area. Could you say a bit about it? I don't even know where it is.

[Several audience members respond that the former Ingleside area is now known as Avondale Estates.]

McCURDY: You know where Avondale Estates is. During the—oh, I guess the late 'twenties, the Florida Boom came along down in Florida, and Mr. Willis, the developer [inaudible], had made a lot of money; and he decided he'd double it up here. He came up and he—his idea was to establish a typical English village. Well, it was in Ingleside. It was a little country village of about four or five stores, I think, just a crossroads there at Covington Road and the road going to Stone Mountain. At that time you had to go through Avondale to get to Stone Mountain, because Ponce de Leon wasn't opened up until about 1940. And it was a very small town, and he bought up worlds of property around there. And it went off real good for a long time; and then, as things happen, the economy changed. And I went down there to an auction in the middle of that square, and they put a tent up; and he sold lots off down there for five hundred dollars apiece, a great number of them.

UNIDENTIFIED AUDIENCE MEMBER: How big were the lots?

McCURDY: They were the normal-size lots that they have down there now [inaudible]. I guess a hundred to three hundred feet, a hundred by three hundred.

MACKAY: Jim McCall [spelling?], do you have a question?

McCALL [spelling?]: Mr. McCurdy, how long was your father the sheriff? Where was his office here in this building?

McCURDY: He was sheriff for fifteen years—1913 to 1928. And his office was about where the main office of the Historical Society is now. If you come in from the south side of the building and turn to your left, you'd turn right into his office. And then over on across the hall was the office of the clerk of the Superior Court. Back on

down this way the tax commissioner and the ordinary's office were located. And then the commissioner of roads and revenue was located in the basement.

MACKAY: Mr. Hudgins told me that at the turn of the century they had public hangings in the Lake District [Great Lakes] of Decatur, what we now call the Lake District [Great Lakes]. Do you recall any executions being—lawful executions being carried out in this county?

McCURDY: No, I don't recall any. I have read in the *Georgia Historical*—no, what's the magazine? The Georgia historical magazine?—of a hanging in DeKalb, which occurred about where the [Messiah] Lutheran Church is now. And this paper that was in this magazine was written by a daughter whose father had carried her from south DeKalb up there to witness the hanging. And it was before the 1900s, I think. Fortunately, [inaudible] execution by hanging was John [inaudible]—in my memory—in the jail on the second floor. On the ceiling of the second floor—on the first floor—was a trapdoor. And above that trapdoor was a thing you could run a rope through and tie a knot in. And when you got ready to execute somebody, you put them on that trapdoor and just flung it open; and you dropped down, and that was it.

When we used to have—on the second Sunday in June, I believe it was, the Fa So La [Shape Note; Sacred Harp] singing convention in Decatur, and it was a big affair. A great many people would come. And there wasn't much to see, but all of them wanted to come to the jail and see place where they hung people [laughter].

McCALL [spelling?]: Mr. McCurdy, what was the most famous trial that maybe took place during your time here in this courthouse?

McCURDY: Well, there are two or three. Let me go back just a minute. I mentioned the jail capacity, how that has increased. And we know about how many violent crimes are committed here in a month. I think I was fairly familiar with what went on, say, between 1915 and 1935, twenty years. And I believe I can count on my fingers the number of trials of people for violent crimes that was committed in the county, and I'll name several of them.

One of them was the McDowell sisters, who lived with their father, who was editor of *The DeKalb New Era*, where Wheat Williams Real Estate office is now, just

behind that building there. And they were killed by their brother. But the parents protected him and got him out of the county, and they moved to Florida. He killed them in Florida and was on his way back to Savannah—he thought he some girlfriend, a girl connection in Savannah; and his purpose was to kill her. But he was killed by an automobile truck on that highway that runs along—the coastal highway. That was one.

The other one, I guess, would be the Henry Heinz murder. Mr. Henry Heinz was the brother-in-law of, I believe, Asa Candler. His [Heinz's] wife was, I believe, the sister of Asa Candler. Lived on--that was a beautiful home at the corner of Lullwater and Ponce de Leon, and he was killed there. And his murderer was caught and was convicted. He must have been given a life sentence, because my father didn't have an execution during the time he was in office, during the fifteen years. There was nobody sentenced to die during those fifteen years.

UNIDENTIFIED AUDIENCE MEMBER: I believe the last hanging was in 1911.

MACKAY: Is that right?: Uh-huh.

McCURDY: Well, the last hanging, then, was two years before he took office. And the first person I think that was electrocuted in Milledgeville was a man that was convicted of a crime in this county. So he just barely missed it.

UNIDENTIFIED AUDIENCE MEMBER: Mr. McCurdy, my grandfather, Dan Johnson, I heard him say that he served in the grand jury box down here? What does that mean?

McCURDY: The grand jury?

UNIDENTIFIED AUDIENCE MEMBER: Mm-hmm. "Grand jury box"—that was his—

McCURDY: Yeah, that's the way they referred to it, the grand jury box. In former days we had a jury commission consisting of about five people--they were just the highest type people you could find—that served almost free, and they went through the tax books and selected out the good citizens that they found in there and put them on what they called the [inaudible—sounds like "traverse"] jury. That's the people who try the cases when they're in court. Then they also go through that [inaudible] and pick out the most reputable and highest type people they could get,

and they put them on the grand jury list. That puts them in the grand jury box. And each term of court twenty-three people are impounded [sic; empaneled?] as the grand jury for that term of court. And that grand jury does two things: It first considers all of the people that have been accused of crimes and have been bound over to the grand jury. The solicitor general or the district attorney, as we know him now, presents those cases to the grand jury, and the grand jury has to determine whether or not they feel there's sufficient cause to indict the person and have him stand trial. The other duty of the grand jury was to investigate public affairs--county affairs, city affairs—anything dealing with the public. If somebody had some complaint about the way the county was being run, they would have a right to go before the grand jury and make that complaint. The grand jury then would make whatever decision it elected to do. Their proceedings were entirely secret. They were held in a room—this [room, where the recording was made], I believe, was the old grand jury room. I mentioned in the beginning that we had court two times a year—regular sessions. Later on we had regular sessions four times a year. And also I'll say that in between times, if there was an overload, the judge would usually come out and have a special term of court to take care of that. And on probably one Saturday in the month the judge would come out to get pleas of guilty that people wanted to enter or give a motion that might affect the case one way or another. Did I answer your question?

AUDIENCE MEMBER: Yes. Thank you.

UNIDENTIFIED AUDIENCE MEMBER: Mr. McCurdy, what does the term “box,” though, refer to in “grand jury box”? Is that the selection?

MCCURDY: I think it's the—the only way I can account for that is simply, the names are in a box, and they're drawn out of the box, where you can't see them.

MACKAY: Do we have any other McCurdys here? Yeah, I see Mrs. Douglas McCurdy, our “Mr. DeKalb.” We're glad to have you up here. Glad to see you. Any others? Great.

MCCURDY: I brought my own cheering squad. [laughter]

MACKAY: Are there any other questions? If not, I know you'll want to come up and speak to Mr. McCurdy. I want to thank him for being up here. We're going to have—Dorothy, will we have refreshments?

DOROTHY NIX [from audience]: Yes, we're going to have refreshments in the courtroom.

MACKAY: Thank you. [To Mr. McCurdy] Can you stay with us just a few minutes?

MCCURDY: Just a few minutes.

MACKAY: Well, let me escort you in there, and then you can have a cup and thank you again. [Applauds]

[General applause]

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