

ATHENS HISTORIAN

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ATHENS HISTORIAN

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On The Cover:

First Presbyterian Church, 185 E. Hancock,
circa 1940.

*Photograph courtesy of the Hargrett Rare Book and
Manuscript Library. University of Georgia Libraries.*

A BRIEF HISTORY OF THE WESTERN JUDICIAL CIRCUIT

Donald E. Wilkes, Jr.

Introduction

There are 159 superior courts in Georgia – one in each county. Created 236 years ago by Georgia’s first state constitution in 1777, superior courts are the oldest courts in the state. (By contrast, the Supreme Court of Georgia was established in 1845, and the Court of Appeals of Georgia was created in 1906.)

As the most important trial courts in this state, superior courts have general jurisdiction to try almost any civil or criminal case. The only courts with authority to exercise the powers of a court of equity, to try felonies, or to impose a death sentence, superior courts also have appellate jurisdiction to review certain decisions of probate, magistrate and municipal courts.

For administrative and other purposes, U.S. states group their principal courts of trial jurisdiction into circuits. Georgia is unique, however, because it is the only state whose judicial circuits have geographical names rather than numbers. The subject of this article, the Western Judicial Circuit, currently consists of the superior courts of two counties—a Clarke (part of the Circuit since the county’s creation in 1801) and Oconee (part of the Circuit since the county’s creation in 1875).

History Overview

Created by legislative statute on February 9, 1797, the Western Judicial Circuit was, along with the Eastern and Middle Circuits, one of the first three judicial circuits established in Georgia. The superior courts of eight counties – Elbert, Franklin, Greene, Hancock, Jackson, Lincoln, Oglethorpe, and Wilkes – were combined to create the original Western Judicial Circuit. The circuit received its name because at the time of its creation in the late eighteenth century most of what is now Georgia was still occupied by Native Americans, and these eight counties were then regarded as being in the “western” part of the state.

At one time or another, the superior courts of twenty-four different counties have been part of the Western Judicial Circuit. The most courts in the Circuit at any one time was in 1818, when it contained thirteen counties: Clarke, Elbert, Franklin, Gwinnett, Habersham, Hall, Hancock, Jackson, Lincoln, Madison, Oglethorpe, Walton, and Wilkes. By 1914 the number of counties in the Circuit was down to seven, and in 1923 four of the seven were transferred to the newly created Piedmont Judicial Circuit. The result

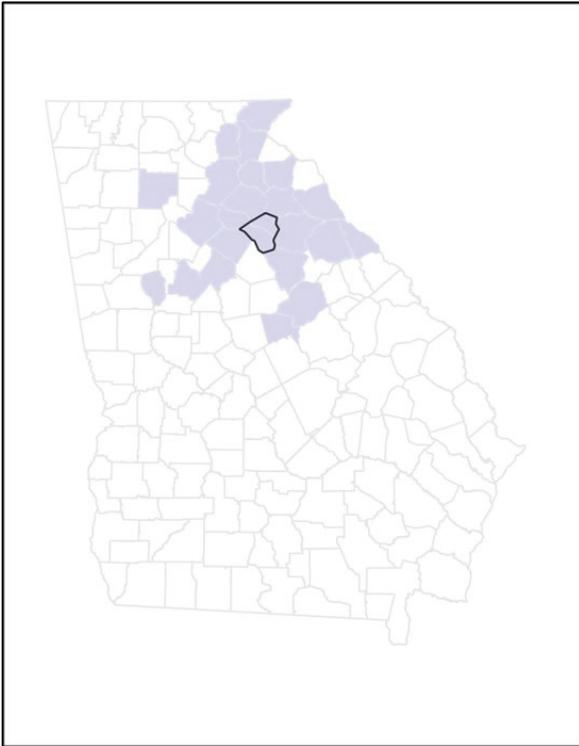


Figure 1. Territory of the counties once, or now, in the Western Judicial Circuit.

The black border denotes the current boundary.

was that from 1924 until 1972 the Western Judicial Circuit consisted of the superior courts of Clarke, Oconee and Walton counties. In 1972 the superior court of Walton County was transferred to the newly created Alcovy Judicial Circuit.

To better understand the rich history of the Western Judicial Circuit, it is helpful to know exactly which superior courts have been part of the Circuit at one time or another, as illustrated in Table 1.

Judges of the Western Judicial Circuit

Since 1789 this state's superior courts have been presided over by superior court judges. Although they were once selected by the state legislature, superior court judges have for many years been elected to serve four-year terms.

From 1797 until 1976 there was never more than one superior court judge of the Western Judicial Circuit at a time. A 1976 statute raised the number of judges to two, and a 1995 statute increased the number to its current level of three.

There have been a total of twenty-nine superior court judges of the Western Judicial Circuit since its creation in 1797, and their names, terms, selected birth/death dates, as well as other information about them, is provided in Table 2. Some of the judges of the Western Circuit are profiled below.

Thomas P. Carnes

It has been claimed that Thomas P. Carnes, the first Circuit superior court judge, died a strange and violent death in 1822, nine years after leaving office. A portion of Carnes' Wikipedia biography once stated that he "was killed as a result of an injury he received while crossing the courthouse steps. Eye-witnesses say he was going to summon law officers from within the building to halt a nearby gun-fight. [Carnes] was not himself involved in the fight. A bullet hit his left leg and he died several days later from complications." It now appears that there is no reliable historical evidence that Carnes died as result of an alleged shooting. What is certain is that Carnes died at his home in Milledgeville, Baldwin County, and that he is buried in that city's Memory Hill Cemetery. (1) Carnesville, Franklin County, is named after him.

Charles Tait & John Mitchell Dooly

In 1780, when he was about eight years of age, future superior court judge John Mitchell Dooly witnessed the murder of his father, Col. John Dooly, by a band loyal to the English crown during the Revolutionary War, or Tories. Dooly County, Georgia is named after the murdered man.

In 1802, future judge Charles Tait challenged future judge John Mitchell Dooly to a duel, (2) but Dooly humorously declined the challenge. Dooly had a "spontaneous wit [which] on many an occasion became legendary even during his own lifetime, and frequent examples of it related especially to his great disinclination to engage in a fight." (3)

Judge Dooly, it is reported, drank too much. "He never went upon the bench drunk, but his red eyes and trembling hands sometimes showed that he had been in his cups the night before...He was kind, and would have been good-tempered, but for the perpetual excitement of whiskey." (4)

Augustin Smith Clayton

The exciting life of Augustin Smith Clayton – jurist, legislator, author, pamphleteer, and states' right militant – is related in the fourth chapter of a classic 19th century book on Georgia judges and lawyers: *The Bench and Bar of Georgia: Memoirs and Sketches* by Stephen F. Miller. (5) Clayton Street in Athens, the city of Clayton in Rabun County, and Clayton County are named after him.



Figure 2. Augustin Smith Clayton. *Image courtesy of the Hargrett Rare Book and Manuscript Library. University of Georgia Libraries.*

James Jackson

James Jackson was born in Jefferson County in 1819, and moved to Athens, Georgia with his family circa 1829. He was the superior court judge in the Western Judicial Circuit from 1849 to 1857. In 1875 Jackson became an Associate Justice on the Georgia Supreme Court, and after serving in that position for five years, he became Chief Justice in 1880. Jackson held this position until his death in 1887. In a Memorial to James Jackson published in the official reports of the Georgia Supreme Court, it was said of him that “he exhibited an ability and spotless integrity dispensing justice alike to the rich and the poor, the elevated and the lowly.” Jackson was notable for his commitment to the rights of individuals; indeed, the same Memorial said of him, “His cradle hymns were the songs of liberty.” (6)

Richard B. Russell, Sr.

Born in Cobb County, Georgia in 1861, Richard B. Russell, Sr. was admitted to the bar in the superior court of Clarke County in 1880. From 1888 to 1897 he was the solicitor general (today’s district attorney) of the Western Judicial Circuit. At about this time Russell and his wife lived in Athens at 628 Prince Avenue, an address which no longer exists. Russell was the superior court judge of the Western Judicial Circuit from 1899 until 1906.

Before there were railroads connecting the courthouse cities of the far-flung Western Circuit, “young lawyers wore out their shoes in getting to and from court.” (7) Russell was one of them. In the early 1880s, “[i]n his earliest days of practice Richard [B. Russell, Sr.] had often walked the twenty-six miles between Athens and Jefferson. In his diary he recorded walking from Carnesville to Harmony Grove [now Commerce], a distance of more than twenty miles, in five hours.”

His judicial chambers were not in the current Clarke County Courthouse (erected 1913), but in the old courthouse, now demolished, which had been built in 1877 and was situated on Prince Avenue near the current Bottle Works building. (8) Russell was a judge of the newly created Court of Ap-

peals of Georgia from 1907 until 1916, serving as the Chief Judge during his last three years on that court (1913-1916). In 1923 Russell became the Chief Justice of the Supreme Court of Georgia, and held that position until his death in 1938.

Russell was the first person in Georgia legal history to have been both a Chief Judge of the Georgia Court of Appeals and a Chief Justice of the Georgia Supreme Court. In 1931 Russell had the pleasure of swearing in his son, Richard B. Russell, Jr., as Governor of Georgia. The Memorial to Chief Justice Richard Russell in the official reports of the Georgia Supreme Court says that as a judge he displayed an “ideology of mercy, and of sympathy for the poor, the helpless, the unprotected, and the underprivileged.” (9)

Andrew J. Cobb

Born in Athens in 1857, Andrew J. Cobb was the son of famous Georgia politician Howell Cobb (Governor of Georgia 1851-1853; U.S. Secretary of the Treasury 1857-1860). Howell was the brother of the legendary Thomas R.R. Cobb, one of the three co-founders of the University of Georgia School of Law.

Andrew J. Cobb received an A.B. degree from the University of Georgia in 1876, and a B.L. degree in 1877 from the University’s Department of Law (as the School of Law was known prior to 1937). Cobb was a profes-

sor of law at the University of Georgia from 1884 to 1893, and Athens City Attorney from 1887 to 1891. While an Associate Justice of the Georgia Supreme Court (1896-1907), Cobb authored the Court’s opinion in the landmark 1905 case of *Pavesich v. New England Life Insurance Co.*, (10) the first American appellate court decision to recognize a constitutional right to privacy.

Cobb also authored the learned and humane opinion for the Court in the 1903 case of *Simmons v. Georgia Iron & Coal Co.*, (11) arguably

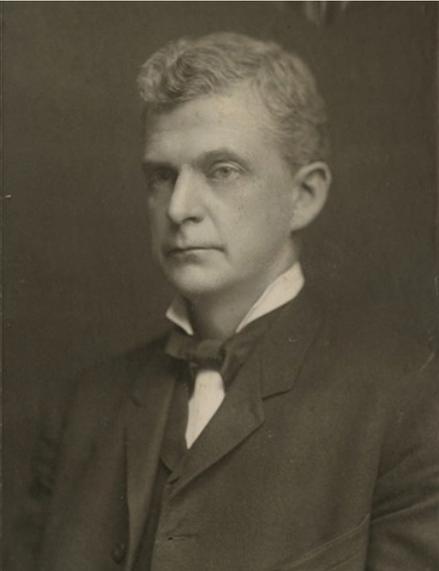


Figure 3. Andrew J. Cobb, photographed 1904. Image courtesy of the Hargrett Rare Book and Manuscript Library. University of Georgia Libraries.

the most important habeas corpus decision ever handed down by this state's highest court.

In 1917, ten years after leaving the Georgia Supreme Court, Cobb became the superior court judge of the Western Judicial Circuit. He held that office until his resignation in 1921.

Andrew J. Cobb was one of the most prominent of the courageous Georgians who publicly condemned lynchings in the early 20th century, which tragically were frequent occurrences in those days in the South. In an address to the Georgia Bar Association in 1918 Cobb said, "There can be no set of circumstances that will ever justify mob violence. I do not care what crime is committed. I do not care who the perpetrator is or what race he belongs to. Any man or set of men who takes the life of another, whether black or white, except in the manner prescribed by law, and according to the due process of the courts, is a murderer in the sight of God and man. You cannot do a base act with a worthy motive." (12)

Blanton Fortson

One of the first instances in Georgia history of mob violence being restrained by court order occurred as a result of an injunctive order issued by Western Judicial Circuit judge Blanton Fortson. "In 1922 Judge Blanton Fortson of Athens granted a temporary injunction restraining certain named persons from doing further mob violence to Asbury McCluskey, a Negro of Statham, Barrow County." (13)

Conclusion

There have been many changes in the composition of the Western Judicial Circuit since its creation in 1797. The superior courts of twenty-four different counties have been part of the Circuit at various times over the years, with the maximum number of superior courts in the Circuit in any one year being thirteen, in 1818. In the 19th century, the trend was to add superior courts to the Circuit; however, since 1881 there has been a marked decline in the number of courts in the Circuit, which since 1972 has consisted of the superior courts of only two counties.

There also has been a corresponding decline in the geographic area within the Western Circuit. Between 1819 and 1861, for example, when the superior court of Rabun County was part of the Western Circuit, the territorial extent of the Circuit stretched as far north as the South Carolina and North Carolina borders. Because the two counties now forming the Circuit are in northeastern Georgia, the Western Circuit can no longer be said to be located in the western part of the state.

The twenty-nine superior court judges of the Western Judicial Circuit

have been men of amazing talent and deserve to be better known. Unfortunately, only one, Richard B. Russell, Sr., has been the subject of a full-length biography.

Several of the 19th century Western Circuit judges had distinguished careers not only as jurists but also as lawyers, legislators, and political figures. Some can justly be described as colorful characters. Two 19th century judges, Augustin Smith Clayton and Charles Dougherty, are the only Western Judicial Circuit superior court judges to have served nonconsecutive terms.

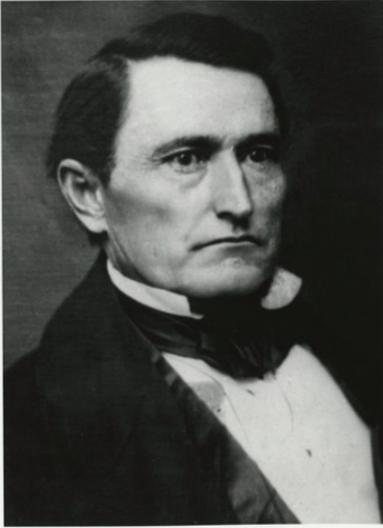


Figure 4. Junius Hillyer, photographed 1848. Image courtesy of the Hargrett Rare Book and Manuscript Library. University of Georgia Libraries.

Every one of the judges of the Western Judicial Circuit has been a respected trial court jurist, and one, the legendary James Barrow, who held office for nearly thirty years, is regarded by some scholars as the finest superior court judge in Georgia in the 20th century. The three Western Circuit judges elevated to the Georgia Supreme Court—James Jackson, Richard B. Russell, Sr., and Andrew J. Cobb—were not only superb trial judges but also distinguished appellate judges. Russell himself is perhaps the most revered judge ever to serve on this state's highest court.

All the judges of the Western Judicial Circuit have been male, and all but one, Steve C. Jones, an African-American who served for sixteen years and then resigned in 2011 to become a federal district judge, have been white. As the years pass, and the history of the Western Circuit continues to unfold, undoubtedly there will be an increasing number of superior court judges in the Circuit who are female, or minority, or both. The history of the Western Judicial Circuit proves that the Circuit never stands still.

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ENDNOTES

- (1) See also: "Friends of Memory Hill" website, www.friendsofcems.org/memoryhill.
- (2) *Georgia Historical Markers*, (Helen, GA: Bay Tree Grove, 1973), page 180.
- (3) E. Merton Coulter, "A Famous Duel That Was Never Fought," *Georgia Historical Quarterly*, vol. 43 (1959), page 366.
- (4) George Gilmer, *Sketches of Some of the First Settlers of Upper Georgia, of the Cherokees, and the Author*, (1855; reprinted 1926), page 164.
- (5) Stephen F. Miller, *The Bench and Bar of Georgia: Memoirs and Sketches* (Philadelphia: J.B. Lippincott, 1858).
- (6) 78 Ga. 807.808, 810 (1887).
- (7) Sally Russell, *A Heart For Any Fate: The Biography of Richard Brevard Russell Sr.*, (Macon: Mercer University Press, 2004), page 68.
- (8) A map showing this portion of Prince Avenue for installation of city sewers can be found in Ms1633, Athens City Records, Hargrett Rare Book and Manuscript Library, Special Collections Building, University of Georgia, Athens, GA. See also: page 7, "Weekly Banner," May 26, 1911 (Athens Historic Newspapers Archive, Georgia Newspaper Project, <http://dlg.galileo.usg.edu/Institutions/gnp.html?Welcome>).
- (9) 188 Ga. 869.873 (1939).
- (10) 122 Ga. 190, 50 S.E. 68 (1905). This milestone decision is still being studied by legal scholars. For a recent example, see Anita L. Allen, "Natural Law, Slavery, and the Right to Privacy Tort," 81 *Fordham Law Review* 187 (2012).
- (11) 117 Ga. 305, 43 S.E. 780 (1903).
- (12) Andrew J. Cobb, "*Report of the Thirty-Fifth Annual Session of the Georgia Bar Association*" (1918), pp. 170 & 175.
- (13) James H. Chadbourn, "Lynching and the Law," *American Bar Association Journal*, vol. 20 (1934). See also: page 4, The Athens Banner, September 26, 1922. Georgia Newspaper Project, "Athens Historic Newspapers Archive," <http://dlg.galileo.usg.edu/Institutions/gnp.html?Welcome>).

Table 1: County Superior Courts Comprising the Western Judicial Circuit

County	Dates as part of the Circuit
Baldwin	December 7, 1805 – December 10, 1810
Banks	December 11, 1858 – August 8, 1923
Barrow	November 3, 1914 – August 8, 1923
Cherokee	December 26, 1831 – December 3, 1832
Clarke	December 5, 1801 – present
Elbert	February 9, 1797 – December 19, 1818
Fayette	December 14, 1821 – December 23, 1822
Franklin	February 9, 1797 – August 19, 1911
Greene	February 9, 1797 – December 10, 1807
Gwinnett	December 19, 1818 – August 8, 1923
Habersham	December 19, 1818 – August 8, 1881
Hall	December 19, 1818 – August 8, 1881
Hancock	February 9, 1797 – December 19, 1818
Henry	December 24, 1821 – December 23, 1822
Jackson	February 9, 1797 – August 8, 1923
Lincoln	February 9, 1797 – December 19, 1818
Madison	December 5, 1811 – December 14, 1819
Newton	December 24, 1821 – December 23, 1822
Oconee	February 25, 1875 – present
Oglethorpe	February 9, 1797 – December 19, 1818
Rabun	December 14, 1819 – August 8, 1861
Walton	December 19, 1818 – April 1, 1972
White	December 22, 1857 – August 8, 1881
Wilkes	February 9, 1797 – December 19, 1818

Table 2: Judges of the Western Judicial Circuit

Name of Judge	Term Years	Birth / Death
Thomas P. Carnes	1798 – 1803; 1809 – 1813	1762 – May 5, 1822
John Griffin	1803	
Charles Tait	1803 – 1809	Feb. 1, 1768 – Oct. 7, 1835
Young Gresham	1813 – 1816	
John Mitchell Dooly	1816 – 1819	1772 – May 25, 1827
Augustin Smith Clayton	1819 – 1825; 1828 – 1831	Nov. 27, 1783 – June 21, 1839
William H. Underwood	1825 – 1828	
Charles Dougherty \$	1831 – 1837; 1845 – 1849	1801 – Nov. 26, 1853
Thomas W. Harris	1837 – 1841	
Junius Hillyer *	1841 – 1845	April 23, 1807 – June 21, 1886
James Jackson	1849 – 1857	Oct. 18, 1819 – Jan. 13, 1887
N.I. Hutchins I	1857 – 1868	
C.D. Davies	1868 – 1873	
George D. Rice	1873 – 1878	
Alex S. Erwin *	1878 – 1883	July 19, 1843 – June 7, 1907
N.I. Hutchins II	1883 – 1899	
Richard B. Russell, Sr.	1899 – 1906	April 23, 1861 – Dec. 3, 1938
Charles Hillyer Brand	1906 – 1917	April 20, 1861 – May 17, 1933

Table 2: Judges of the Western Judicial Circuit

Name of Judge	Term Years	Birth / Death
Andrew J. Cobb #	1917 – 1921	April 12, 1857 – March 27, 1925
Blanton Fortson	1921 – 1940	
Stephen C. Upson *	1940 – 1942	Feb. 4, 1871 – July 4, 1942
Henry H. West *	1942 – 1953	Sept. 10, 1893 – Dec. 12, 1953
Carlisle Cobb *	1953 – 1962	Sept 20, 1886 – Nov. 24, 1970
James Barrow *	1962 – 1990	July 26, 1917 – May 30, 2000
Joseph J. Gaines *	1976 – 2002	Sept. 21, 1927 – Sept. 22, 2007
Lawton E. Stephens	1991 – present	
Steve C. Jones %	1995 – 2011	
David R. Sweat	2002 – present	
H. Patrick Haggard	2011 - present	
<p>* Portrait on display in Courtroom No. 1, Athens-Clarke County Courthouse, Athens, GA.</p>		
<p># Portrait on display in Courtroom No. 2, Athens-Clarke County Courthouse, Athens, GA.</p>		
<p>% Portrait in the conference room of Judge Lawton Stephens, Athens-Clarke County Courthouse.</p>		
<p>\$ Dougherty Street in Athens, and Dougherty Co., Georgia are named after him. See also: “The Charles Dougherty Family: Marriage and Death in 1853 Athens,” <i>Athens Historian</i>, Charlotte Thomas Marshall (Fall 2001).</p>		

Table 2: Judges of the Western Judicial Circuit, continued

Charles Tait served as a U.S. Senator (1809-1819).
At least five of the judges served in the U.S. House of Representatives (Carnes, Clayton, Hiller, Jackson, Brand)
At least fifteen of the judges attended the University of Georgia (Jackson, Clayton, Hillyer, Russell, Brand, A.J. Cobb, Fortson, Upson, West, Carlisle Cobb, Barrow, Gaines, Stephens, Jones and Sweat).
At least seven of the judges are buried in Oconee Hill Cemetery, Athens: Clayton, Erwin, A.J. Cobb, Upson, West, Carlisle Cobb, Barrow and possibly Dougherty. See <i>Oconee Hill Cemetery of Athens, Georgia</i> by Charlotte Marshall (2009) for more information.

Greek Revival Suburban Villas in Athens, Georgia

Mark Reinberger, Ph.D.

Architectural historian Kingston Heath has written that vernacular architecture is regional architecture, (1) a generalization I'd like to modify to: 1. almost *all* architecture is regional; and 2. almost *all* architecture is, in fact, local, due to the nature of conception and construction. Thus it seems reasonable to talk about the history of architecture in a given place; here, of the Greek Revival in Athens, Georgia. Although the Greek Revival movement appears nationally (even internationally), it will have a peculiarly local and unique story.

We often quite rightly associate the Greek Revival in the South with the plantation. Architectural historian Talbot Hamlin, who wrote the earliest book on the Greek Revival, evoked "plantation society" in discussing the movement in this region. (2) But others have long recognized that Greek Revival buildings, including houses, appear more plentiful in towns than in the countryside of the South. As early as 1954, cultural geographer Wilbur Zelinsky pointed out that in Georgia the Greek Revival was foremost an urban phenomenon, found largely in the towns about the Fall Line, from Columbus to Augusta, Athens being one of the them. (3) For these towns, including Athens, we should amend Zelinsky's observation to say that Greek Revival houses, at least very large ones, occurred almost exclusively as suburban dwellings, consciously located away from the center of town on open land and surrounded by gardens and lawns. In fact, they constituted suburban villas, part of a growing phenomenon in the Anglo-American world.

Narrowing the category to large Greek Revival houses suggests a breakdown in types that occur in Athens. This first category, what is called here the "big Greeks," forms the primary subject of this paper. These very substantial mansions have two-story porticos that stretch across their entire facades. A second class can be called "little Greeks," not because the houses are necessarily small but because the porticos are only one story high. Finally, a third category includes miscellaneous examples that fit into the Greek Revival style but have side-hall plans, are small cottages, or otherwise do not fit into the first two categories. Figure 1 illustrates the distribution of these categories around Athens. Circles designate the "big Greeks." About a dozen of these, extant or demolished but recorded in photographs, can be identified in Athens, all built exclusively west of the old town and the University. The "little Greeks" (indicated by squares) appeared almost exclusively in and around the University of Georgia campus,

many having associations with faculty. The miscellaneous category (shown by triangles) has random locations: in the western suburbs; near campus; or even in the old part of town.

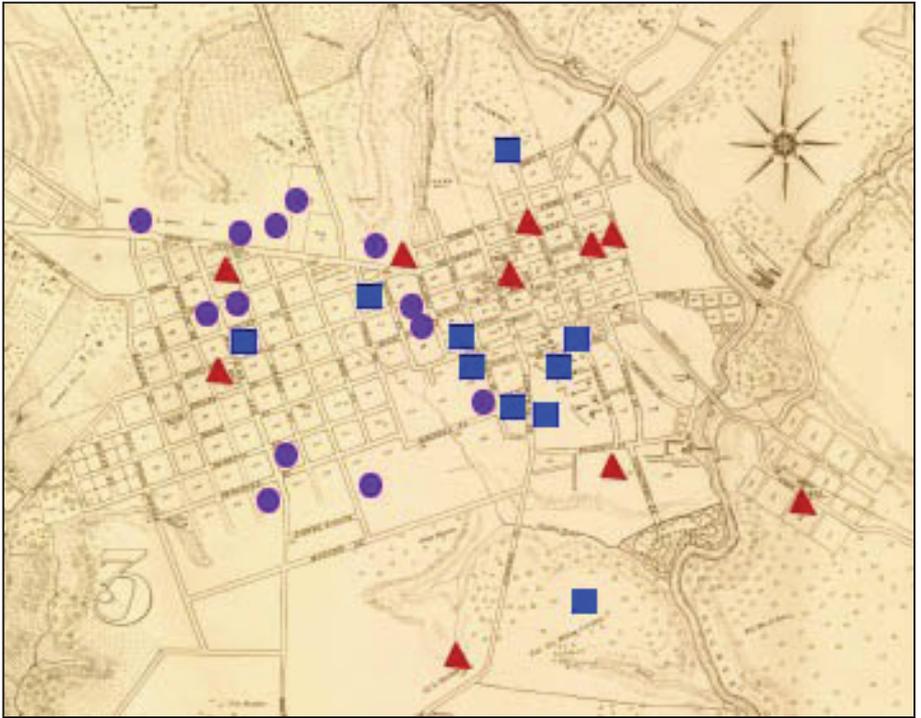


Figure 1: Distribution of Greek Revival villas in Athens, Georgia. W. W. Thomas map of October 1874, pub. 1974 Athens Historical Society.

Concentrating on the big Greeks, their locations follow a quite clear pattern. Two rose just west of the old part of town, on open land that allowed them to have large lots. In the antebellum period, when Greek Revival houses were built, land just emerging from agricultural use was plentiful and most of the streets in the neighborhoods that would grow west of old Athens had not yet been laid out. Just to the north Jefferson Road (now Prince Avenue) began, an important thoroughfare. No fewer than five “big Greeks” stood spaced out along this road where land was open and plentiful. Finally, four more “big Greeks” occupied sites along Milledge Avenue, then a road running south out of town.

All of these houses originally had lots at least a square block (approx-

mately five acres) in extent and sometimes more, clearly leading the way in the suburbanization of Athens. Moreover, they had the earliest suburban landscaping in Athens, with expansive gardens, groves, and lawns. Some were described in the terminology of the time as picturesque settings, though most had formal gardens as well.

In Athens, what landscape architect A. J. Downing (who favored the Gothic and Italianate revival styles in architecture) (4), half-jestingly called America's Greek Revival disease had two phases, a prodromal one in the 1830s and early 1840s and the full-blown fever that lasted from the mid-1840s until just before the Civil War.

The first outbreak in Athens began with the University Chapel, a hexastyle, prostyle temple built in 1832 and designed by Ross Crane, an architect-builder from New Jersey. The Chapel shows a fairly fundamental knowledge of Greek architecture: correctly proportioned columns and proper fluting with arrises and full entablature. The only thing with which one could



**Figure 2: Chapel, North Campus, University of Georgia.
Image courtesy of the UGA Grounds Department.**

quibble is the lack of entasis (the columns have a straight taper), and perhaps the lack of any kind of Greek enframing of the doorways. The Chapel was followed by a wonderfully naïve example of the Revival, Phi Kappa Hall, home to a debating society, whose columns appear much too slender, their capitals extremely crude, and the entablature missing a frieze and about half its cornice.



Figure 3: Phi Kappa Hall, North Campus, University of Georgia.
Photograph taken by the Historic American Buildings Survey (HABS) in 1936.

The first Greek Revival houses in Athens followed immediately upon these two University buildings. Somewhat expectedly, the earliest did not show Greek architecture fully digested. As also might be suspected, the earliest also had connections with the University.

The very earliest Greek Revival house in Athens for which we have any evidence was built for William Lehmann in 1834. Lehmann, a German who had come in 1831 to teach languages at the University, sited his house on the brow of a hill facing east and overlooking a creek valley and University hill. The newly-created botanical garden at the University lay in the valley below. Given its setting, Lehmann's house perhaps best represents a garden temple; indeed it alone among the Greek Revival houses in Athens has an actual pedimented temple front, appropriate for its plan — a side hall with its narrow end forward. All subsequent examples would be broader than deep, so that a stoa type façade was more appropriate. The Doric columns on the Lehmann house are also unique in Athens: anything but properly proportioned, they have a very slender 1:10 ratio of diameter to



Figure 4: Lehmann House, 392 South Pope Street. Image courtesy Mark Reinberger.

height, a proportion more correctly applied to the Corinthian order and perhaps a leftover of the Federal style with its attenuated proportions. The spacing, or intercolumniation, also tends toward the light and airy, being 4 diameters or what Vitruvius called *araeostyle*, the widest that Asher Benjamin recommended. (5) The entablature had only two members; the frieze had disappeared a solecism also appearing at Phil Kappa Hall. The simple doorway has vaguely Greek elements, and the window surrounds are flush, again with nothing particularly Greek.

The Howell Cobb House, of circa 1835, represented another major step forward in the establishment of the “big Greek” type but still did not have all the details worked out. The Cobbs, typical of wealthy families in this era who forsook the land where they had made fortunes and sought the greater gentility of life in town, left 6000 acres in Jefferson County (about 50 miles southeast of Athens) and moved to Athens to raise their children. Athens offered male and female schools and the University, and was also far more cosmopolitan. It allowed the Cobbs to leave behind the enormous slave population of the black belt, a concern as slave revolts occurred with some frequency in the antebellum period.

Howell Cobb was one of the most promising young men in Georgia at the time, and he (or more properly his family) supposedly built the house for his bride, Mary Ann Lamar, of the wealthiest family in Georgia. Cobb



Figure 5: Howell Cobb House, 425 Hill Street. Image courtesy Mark Reinberger.

Served in the United States Congress, as Governor of Georgia, and later as United States Secretary of the Treasury under James Buchanan. Like the Chapel, the Howell Cobb House had a hexastyle, prostyle portico and its columns had better proportions (1:8) though still not properly Doric. They stood closer together than those of the Lehmann House, three diameters or diastyle. Moreover, the columns had Tuscan bases, inappropriate to the Greek Doric; the capitals are crude with only a flare instead of a true echinus; the entasis is also crude (tapered with only a little curve near the top); and no antae graced the walls behind the columns. However, the entablature has correct Doric features, including a tenia with continuous guttae, a treatment that appears also in the Greek Revival when there are not triglyphs with guttae and which had appeared at the University Chapel. The house also possessed a demonstratively Greek doorway with a very heavy transom and corner blocks that Asher Benjamin showed, but no window surrounds.

A chronological gap occurs in the story at this point, due no doubt to economic conditions following the Panic of 1837. Not until the middle 1840s did prosperity resume. When it did, Ross Crane, architect of the University Chapel, built his own house in a very prominent location, the termination of the axis of what was then Market Street. Crane chose to build his house of brick and opted not to have columns but rather square piers, which must have saved him enormous expense. The piers' proportions creep even closer to authentic Doric (here 1:7.5), though there is still no entasis, only a taper, perhaps Crane did not understand classical entasis. Asher Benjamin gave the option of diminution with or without entasis. The

Intercolumniation appears strangely arbitrary, varying randomly between 2-1/2 and 3 diameters except for the wider central bay, an element which would become normative on all later examples. Like all the houses dealt with so far, there were no antae behind the columns. The entablature is correct, again with continuous guttae. The doorway is a simplified variation of Asher Benjamin's plate 28; however, the windows have no distinguishing Greek elements, just flush surrounds that could have been found on a Federal style house.

At this point the disease reinfects Athens from the outside by way of the Taylor-Grady House, which introduces more elements of the normative big Greek. Robert Taylor, a wealthy Savannah cotton planter and merchant, built this grand structure as a summer house in 1845. His house introduced a partly peripteral portico to Athens, that is, it had columns returning down the sides, a feature which would become very common from here on. Also, the columns finally have the correct Doric proportion (1:7), although they still have Tuscan bases (a feature which will subsequently disappear for good), and fillets separate the flutes, not the proper Doric arrises. The intercolumniation varies and follows none of the proportions recommended by authorities: 2 diameters at the corners (making them appear stronger and establishing the width of the side porticoes); 3 1/2 diameters for the next bays in; and 4 1/2 for the center. Also, antae appear for the first time, indeed here behind every column (not correct by Greek precedent and never repeated again in Athens). The entablature is also incorrect for the Greek Doric, with a three piece architrave and no guttae, actually a simplified Ionic. The doorway also has self-consciously Greek forms, with stylized anthemion ornaments, an element not appearing in Benjamin but often in Minard Lafever's *The Beauties of Modern Architecture*. Only this house in Athens shows demonstrable influence from Lafever (Athens builders



Figure 6: Ross Crane House (Sigma Alpha Epsilon fraternity), 247 Pulaski Street. Photograph taken by the Historic American Buildings Survey (HABS) in 1936.

Clearly preferred Benjamin), perhaps another indication that the house originated outside Athens. Also for the first time in Athens appear Greek window surrounds with pilasters support an entablature.



Figure 7: Robert Taylor House (Taylor-Grady House), 634 Prince Avenue. Photograph taken by the Historic American Buildings Survey (HABS) in 1936.

About the same date as Taylor, Joseph Henry Lumpkin built a large Greek Revival house. Representing another prominent family who shifted from planting in the country to business and professional pursuits in the city, Lumpkin practice law, served as a Georgia Chief Justice, and co-founded the University of Georgia School of Law. In his house some more details of the normative form appear, including the correct 1:7 proportion, entasis, a steady intercolumniation of $2\frac{1}{2}$ diameters (called eustyle), an-tae only at the corners, correct entablature with guttae, and truly Greek doorway (with massive elements) and window surrounds. Partially peripteral, the porticos terminate at the sides in small wings. The eight columns (octastyle) make the house unusual in Athens and render it even more like a stoa. The main block of the house extended only one room deep, but stretched broadly and so eight columns fit across it.

We now come to two houses built at nearly the same time (1849-50) by the same builder, Washington C. Yoakum, and which represent the normative “big Greeks” of Athens. The first, the Stevens Thomas House was



**Figure 8: Joseph Henry Lumpkin House (Lumpkin-Barrow-Childs House),
248 Prince Avenue.
Photograph taken by the Historic American Buildings Survey (HABS) in 1940.**

originally adjacent to and aligned with Ross Crane's house overlooking downtown. It possessed a famous garden of boxwood and magnolias. The house was subsequently turned 90 degrees and moved so that it now faces a side street. In the process it was lowered close to the ground. Thomas' father had run the first hotel and tavern in Athens; this house, built by his son (a merchant with interests in banking, insurance, and railroads) represents a move up the social ladder of gentility. The house has all the features of the canonical big Greek in Athens: hexastyle, prostyle, with stout columns; fairly narrow intercolumniation (2 diameters or systyle except for the wider central bay which is 2 1/2 diameters or eustyle); a correct entablature but now without guttae; antae at the corners only; a fairly elaborate Greek Revival doorway; and window hoods on the first story. The house \$2,500 to build.

The Stevens Thomas House was specifically referenced in the 1849 contract for Yoakum's second house, the Howell Cobb-Leathers House, a contract which fortunately survives and which stated that "the workmanship, style and general appearance, in and out" should closely imitate the Thomas House. This second house cost \$3,200. True to the contract, Yoakum made the house very similar to the Stevens Thomas House in size, proportions and details. For example, the columns have exactly the same diameter and height, and the details of entablature, doorway, and windows are nearly identical.



**Figure 9: Stevens Thomas House, 347 Hancock Street.
Photograph taken by the Historic American Buildings Survey (HABS) in 1936.**

And thus we come to the two last, biggest, and grandest antebellum Greeks in Athens, houses comparable in scale but very different in style and sophistication. Albion P. Dearing built his mansion on a large lot on Milledge Avenue, the only survival of several Dearing family houses in the vicinity. Dearing built the largest Greek Revival house in Athens, with columns 27 1/2 feet tall and nearly 4 feet in diameter. The scale, along with a unique column placement suggest that Dearing aimed more at image and uniqueness than finesse and correctness, a forceful reminder that no two Greek houses in Athens are identical; each has something unique and individual. Most unusual about houses in Athens are identical; each has something unique and individual. Most unusual about Dearing's house is the intercolumniation: closely spaced at the corners (systyle), slightly wider at the center (eustyle), and much wider in between (araeostyle). The window placement determines this spacing: although the plan belongs to the type known as Georgian (double pile, or two rooms deep, with center hall), only one window fills the wall on each side of the door, hence the wide bays flanking the center. The corner bays correspond to the returns of the portico down each side. Lining up column spacing and fenestration is never easy in a classical building. The result here is completely uncanonical (and



**Figure 10: A. P. Dearing House, 338 South Milledge Avenue.
Photograph taken by the Historic American Buildings Survey (HABS) in 1936.**

surprising given the date); so is the lack of entasis—the columns merely have a taper.

No such incorrectness attends the climax of our procession, the Grant-White (now UGA President's) House, the grandest house in Athens from any period. Its original owner was John T. Grant, the son of planters from Greene County (about 30 miles south of Athens) who moved to Athens about 1830. Grant forsook planting and turned to the newer pursuit of industry, especially railroads. The construction of his house cost the staggering sum of \$23,000. (6) It along of the Greek Revival houses in Athens departed from the Doric order, using instead the magnificent Corinthian, properly proportioned at 1:10 diameters, with proper flutes and fillets instead of the Doric's arrises, with entasis, and graced with finely modeled cast iron capitals and bases made in New York City and no doubt shipped to Athens at least in part on Grant's railroads. The builders cheated slightly on the bases, which follow Benjamin's Ionic, though the capital quite finely exemplified the Corinthian. The intercolumniation belongs generally to the diastyle (3 diameters) except for the araeostyle center. The scale and grandeur of the house also appears from the breadth of the octastyle portico. The house adheres to the Athens norms in being partially pripteral,



**Figure 11: Grant-Hill-White-Bradshaw House (UGA President's House),
570 Prince Avenue.
Photograph taken by the Historic American Buildings Survey (HABS) in 1934.**

in having antae at the corners only, and in the Greek window surrounds and doorway; the latter, however, is extremely ornate, as befits the Corinthian order.

The argument advanced in this article is certainly subject to attack for being unabashedly teleological; a history aimed, perhaps falsely, at an end point, in this case “correctness” in the use of the Greek orders in Athens. However, in the case of a revival, with rules handed down from ancient times (albeit somewhat variable ones), this approach has some justification, and certainly the “big Greeks” of Athens demonstrate an evolution towards greater correctness. They also evolved towards a norm: a stoa, with accurate column and entablature and fairly closely-spaced columns, which crossed the front and sometimes ran part or all the way down the sides. Even within this norm, however, there was room for and perhaps even a demand for individuality, a reminder perhaps that a house can be an expression of individuality and of what John Archer (7) called the “creation of the self.” Finally, the big Greeks of Athens were the work of a new generation whose parents had worked the land but who themselves found greater promise in commerce and industry and greater amenity in town and suburban life.

Postscript

After presenting this paper at a conference of architectural historian, several colleagues who specialize in vernacular architecture told me they felt uncomfortable with what they saw as a judgmental tone implied by the use of the word “correct.” “Bookish” or “academic” were okay, but “correct” or “incorrect” implied that the builders were somehow deficient in knowledge or skill. Against this may be placed the concept of artistic self-correction, the process of improvement over time that many, if not all, artists or artisans go through during their working life. In the case of the “big Greeks” of Athens, this process worked over a 25 year period among a group of builders, certainly aware of what the others were doing, guided by owners who would have been aware of evolving fashion, and open to influences from outside in the form of pattern books and house designs. Given the nature of a rule-based system of design (here the Greek orders), greater of lesser “correctness” seems a reasonable concept to evoke.

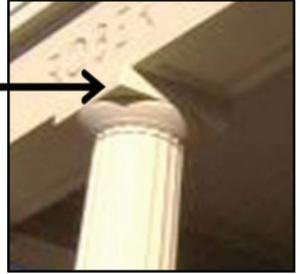
Mark Reinberger, Ph.D. is a professor of Architectural History at the University of Georgia’s College of Environment and Design. He has chaired UGA’s Masters of Historic Preservation program since 2011. The author of numerous books and articles, Dr. Reinberger’s research interests include Colonial architecture in the Mid-Atlantic region, and the architecture of sharecropping in the South.

ENDNOTES

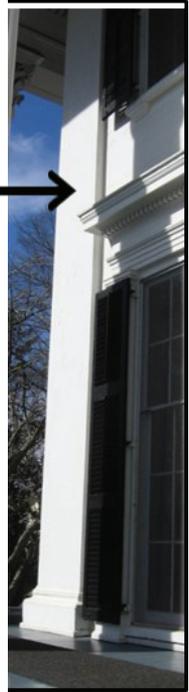
- (1) Kingston Heath, *The Patina of Place: the Cultural Weathering of a New England Industrial Landscape* (Knoxville: University of Tennessee Press, 2001).
- (2) Talbot Hamlin, *Greek Revival Architecture in America* (New York: Oxford University Press, 1944).
- (3) Wilbur Zelinsky, "The Greek Revival House in Georgia," *Journal of the Society of Architectural Historians*, 1954, pp. 9-12.
- (4) Alexander Jackson Downing (1815-1852) was an American landscape designer, horticulturist and an advocate of Gothic Revival architecture. See also: Living Places website, www.livingplaces.com/people/Andrew_Jackson_Downing.html and Wikipedia, http://en.wikipedia.org/wiki/Andrew_Jackson_Downing.
- (5) Asher Benjamin, *The Architect, or Practical House Carpenter* (Boston, 1830).
- (6) \$23,000 during this period is equivalent to over \$650,000 in current dollars. Dollar conversion obtained via the Futureboy website, <http://futureboy.us/fsp/dollar.fsp>.
- (7) John Archer, *Architecture and Suburbia: from English Villa to American Dream House, 1690-2000* (Minneapolis: University of Minnesota Press, 2005).

Architecture Glossary

Abacus – The uppermost piece of a column's capital; often a plain slab.



Antae – A pilaster or pier formed by a thickening at the end of a wall, and usually projecting into a façade or portico.

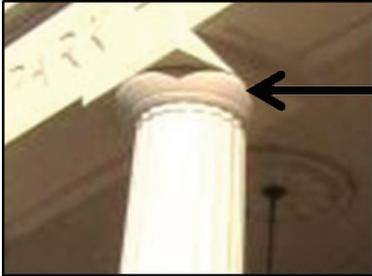


Anthemion – A common Greek ornament based upon the honeysuckle or palmette.

Areostyle – Alternate spacing of 2 column diameters and 4 column diameters.

Column proportion = diameter to height. The larger the second number, the more narrow the column. (e.g., a 1:10 column is more narrow than a 1:7 column.)

Diastyle – Column spacing of 3 diameters.



Echinus – A flared protective molding between the top of a Greek Doric column and the abacus.

Entablature - An elaborate horizontal band and molding supported by columns. It is divided into three horizontal elements: cornice (uppermost), frieze (middle) and architrave (lowest).

Entasis – The intentional slight curving of a column used to overcome the optical illusion of concavity which characterizes straight sided columns.

Eustyle – Column spacing of 2 ½ diameters.

Fenestration – The arrangement of windows in a building.



Guttae – Pendant ornaments in a rectangular arrangement usually found on the underside of a Doric entablature. The rectangular base is called a “mutual”. (A mutual with guttae resemble a Lego.)

Hexastyle – A portico with six columns, at one end, or at each end, of a building.

Intercolumniation – The clear space between two adjacent columns.

Octastyle – A portico with eight columns, at one end, or at each end, of a building.



Pediment – A triangular gable over a door or window, usually with a horizontal cornice.

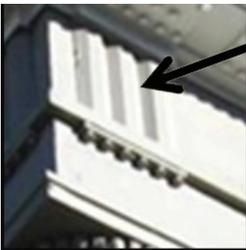
Peripteral – A classical building surrounded by a single row of columns.

Prostyle – A portico of columns only at the front of a building.

Stoa – A portico which provides a sheltered promenade or meeting place.

Systyle – Column spacing of 2 diameters.

Tenia - A narrow raised band at the top of a Doric architrave.



Triglyph – Standard ornamentation on a Doric frieze made of slightly raised blocks of three vertical bands separated by V-shaped grooves.



Greek Doric columns with a pedimented entablature. The building name and wreath details are in the frieze.



Variation of Roman Doric columns.



Variation of a Tuscan column base.

**“A HEAP OF PERSONS CALLS ME CHARLES,
BUT I HAVE THE NAMES CHARLEY AND HICKS”**

Al Hester, Ph.D.



**Figure 1: Portrait of Charley Hicks.
Image courtesy of Patricia Wooten.**

It was January 10, 1911, and an ex-slave living in Athens, Georgia, was giving his sworn statement to obtain a Civil War Union military service pension. He wasn't certain of his exact age, and his rheumatism was a severe disability. (1) In his deposition, he describes himself as about 5 feet 5 inches tall, with black hair, black eyes and a brown, not black, complexion. "My color is not black," Charley said in one of his pension applications. "Deponent [Charley] is brown," the pension examiner wrote. (2)

If we look at Charley's photo, we see a dignified man who seems comfortable with himself. (3) "My full name is Charley Hicks. A heap of persons call me Charles, but I claim my name is Charley. Folks write my name Charles H. Hicks, but I don't know what the first 'H' is for," he told the pension official. (4) In references to Charley in public records, we find him called Charles H., Charlie and Charley; he was illiterate and officials recorded his name in various ways. (5) His headstone indicates he was born in 1841, though Hicks' exact birthdate is unknown. Other birth dates in censuses and military records range up to as late as 1848.

Charley, as he liked to be called, left his plantation late in April, 1865, making a dangerous 60-mile trip to Macon from near Oak Hill, Newton County, to be sworn in as a volunteer private in the Union Army. (6) Charley never mentioned how he traveled to Macon or how long it took, but he was there by May 1, 1865. (7) We can speculate that Charley and his fellow slave Green Scott walked from the Hicks residence to Macon by less-frequented roads. They may have paddled a boat down the South and Okmulgee rivers to the Macon area. (8) He did this even before the Yankees, who had just conquered Macon, were ready to assign him to a military unit.

Hicks had to wait until the 138th Infantry Regiment, U. S. Colored Troops, was officially mustered in Atlanta to be assigned to a unit. (9) It would be one of the three new black regiments to be stationed there and one of the last colored regiments organized during the war. (10) "I was a soldier in the United States Army in the last year of the Civil War. I served under the name of Charley Hicks in Co. K, 138th Regiment, Colored Infantry," he said in his pension statement. (11)

In 1865, the plantation where Charley Hicks worked was owned by Hester Keefer Hicks, widow of Harmon H. Hicks. (12) The Hicks plantation was



Figure 2: Harmon and Hester Hicks home and inn, on their plantation near Oak Hill, Newton County, GA. They are pictured at the front door, with two of their daughters at the right. The Greek Revival building was constructed in 1835. Image courtesy of Jimi Hicks [Bowen] Forward.

located near Oak Hill, a village about nine miles southwest of Covington, Georgia. In 1835 the Hicks family built a log home and used it additionally as a stage coach inn. (13) The Hicks Inn was a stop on the way from the Oak Hill area to McDonough and Macon, to the southwest.

In November and December 1864, Union Maj. Gen. William T. Sherman's huge army marched through Georgia from Atlanta to Savannah. (14) The left wing, under the command of General H. W. Slocum, went from Atlanta east through Newton County, arriving there about November 15, 1864. (15) We don't know if it specifically was despoiled, but the Hicks plantation was within reach of Sherman's men, who were foraging on both sides of the line of march.

Less known, but also catastrophic for much of Georgia, was the 1865 Union cavalry raid by Brevet Maj. Gen. James H. Wilson. His Cavalry Corps began what author James Pickett Jones called a "Yankee blitzkrieg" through parts of Tennessee, Alabama and Georgia. With about 13,000 troops, General Wilson accomplished a 500-mile raid and captured Selma, Alabama, Columbus and Macon, Georgia in less than a month. (16) In April 1865, Wilson's cavalry, plus about 1,400 colored troops (many of whom had enlisted in Selma, Alabama in early April) came through Newton County, Georgia. (17) Many of the African Americans accompanying General Wilson's cavalry would be organized into three new, black 1,000-man regiments commanded by white officers. (18)

Charley Hicks may have worked in the Hicks Inn in addition to his field tasks. General Wilson's rush to capture Columbus and Macon may have been why Charley decided to leave the plantation and join the Union Army, though we can't know for certain the circumstances which led to his departure from the Hicks farm. Military and civic organizations were falling apart in the South in April, 1865; food was in very short supply and slave owners' controls were slipping, so it is plausible that he left with his owner's knowledge and consent.

Charley Hicks enlisted as a private in the Union Army on May 1, 1865, in Macon and was discharged, still a private, in Atlanta on January 6, 1866. (19) Charley's enlistment papers show he was examined and sworn in by Capt. John A. Pickler of the 3rd Iowa Cavalry and that he enlisted for three years, "unless sooner discharged" (20). "I do solemnly swear, that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whomsoever," Charley swore. (21) His enlistment record indicates he had black hair, black eyes, and a brown complexion. He stood 5 feet 4 inches tall. Capt. Pickler, on his part, wrote on the enlistment papers: "I certify, on honor, that I have minutely inspected the Volunteer Charles Hicks previously to his enlistment, and that he was entirely sober when enlisted." Pickler

also wrote that Charley was of lawful age to join, stating he was 19 years old, two years older than Charlie had told them. (22)

Although Charley and Green Scott enlisted, there seem to be no official military records available showing either what they did or the name of their unit they served with in Macon from May through mid-July 1865; however, Charley's pension deposition states he repaired damaged railroads and helped herd Union cavalry mounts along a route through Covington and near Oak Hill (Newton County) on the way from Atlanta to Augusta. (23) The official records state that the 138th Infantry Regiment, Colored Troops mustered for new duty in Atlanta on July 15, 1865.

In 1912, Charley's sister Rachel Gleason testified about his military career in her deposition to help him obtain his military pension: "I have known him from his birth. He is a younger brother to me. Our mother was Violet Hicks. We were born in Newton County, this state. When he became free, he went right off with the Yankee army. I heard that he was in the army here and I came here to Atlanta and I found him in a camp on Peachtree St. I stayed with him in parts of Sunday and Monday and I saw him drilling and on guard. He was there a soldier." (24) Charley's records reveal that he never fought in a military engagement. (25) He was paid about \$10 per month, including his clothing allowance, less than the pay of the white Union soldiers; however, the pay was eventually equalized.

Charley was mustered out of the 138th Infantry Regiment, Colored Troops in Atlanta on January 6, 1866, and received an honorable discharge. (26) His regiment was also disbanded on that date. (27) Charley testified in his pension deposition that he then "...settled in Atlanta, and I remained here until 1870..." (28). "After five months spent in Alabama following my leaving Atlanta I came here [Athens] and my home has been here ever since, Charley stated. (29)

We have no specific information concerning the reason why Charley decided to come to Athens, either from public records or from his descendants. Charley Hicks wasn't enumerated in the 1870 censuses for Clarke and Fulton counties, Georgia, or in Alabama, where his mother was living. The reason Charley came to Athens may be unknown, but as early as 1867 he was connected with the city. It was here that he swore his loyalty oath to the union. (30) This would pave the way for him to vote in upcoming elections during early Reconstruction.

On July 21, 1871, Charley Hicks submitted depositor's application Number 626 at the Atlanta Branch of the Freedman's Bank on Alabama Street; the application stated that he was 22 years old and a laborer in Athens. (31) Also on his application, he mentions his father, Nelson Hinson "...sold away, or taken away [from the Hicks plantation] to Texas before the War." His

mother was mentioned as living in Coosa County, Alabama...when last heard from.” Charley said he had three brothers, Clarke, Green and John, all living in Alabama. A sister, Harriet, lived about eight miles from Atlanta. Sisters Rachel and Julia lived in Atlanta, he said. Charley signed his usual “X” on the application, which was written by the bank clerk. (32)

In Athens, on February 16, 1872, Charley married Athens native Mary Ann Shaw. (33) Mary Ann stated in her widow’s pension application that she and Charley were married by the Rev. J. W. Randolph. (34) Charley and Mary Ann lived on Finley Street at the western edge of downtown Athens in the 1870s, and would have five children: Julia, Emma Cornelia, Jack, Susan and Isabella. Susan and Isabella died young. (35)

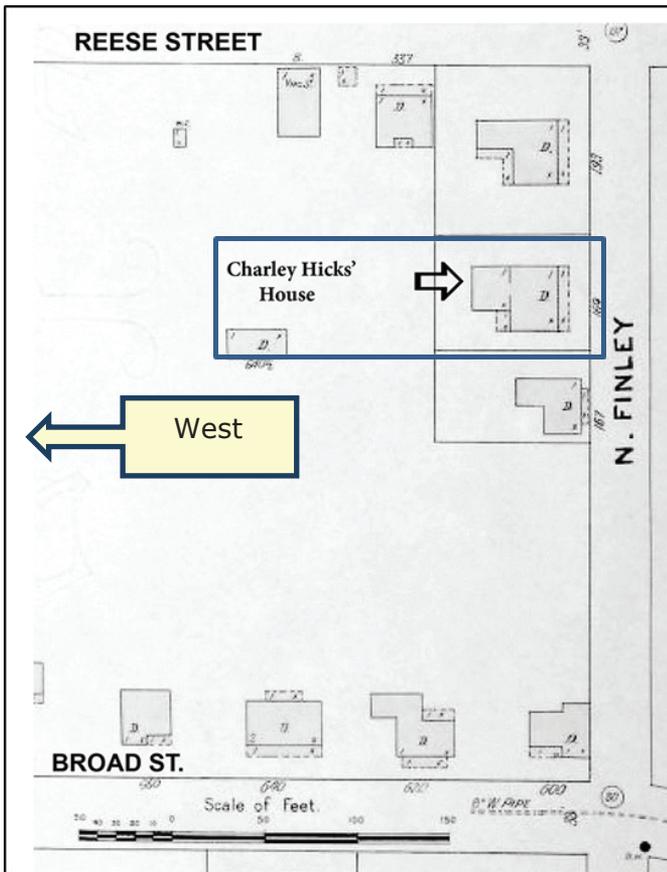


Figure 3: Map showing Charley Hicks' home at 169 North Finley Street, Athens, GA.

Sheet 9, Sanborn Insurance Map for Athens, GA (1908). Digital Library of Georgia.

Charley and Mary Ann's great-granddaughter, Patricia Wooten, says Mary Ann was employed as a companion to Mary G. Camak, wife of Dr. James Camak, (36) between 1870 and 1872, and again in 1880. (37) Patricia Wooten's recounting of the family story indicates Charley also worked for the Camaks as a butler or cook. (38) The 1880 federal census for Clarke County affirms that he was a butler. (39)

The Homeplace

On October 24, 1876, Charley bought a quarter-acre lot on Finley Street from Dr. Camak for \$100. (40) To own a city lot was a real achievement for an illiterate ex-slave in the 1870s. The lot at 169 North Finley Street and two houses on it would remain in the Hicks family until 1987, according to Patricia Wooten. (41) Only a vacant lot is there now. Charley's home on Finley was located immediately south of what is now the Reese Street Historic District.

The family also bought property at 565 West Hancock Avenue, and Mary Ann Hicks lived there with other family members until she died on March 6, 1933. (42) The residence is in the present Reese Street Historic District, which is on the National Register of Historic Places. (43) This hilly district was the site of homes of an increasing middle-class group of African-Americans.

Other members of the Hicks family utilized both the Finley Street home and two West Hancock Avenue houses. The 565 West Hancock Street house is vacant and boarded up. Charley Hicks, however, lived only in the Finley Street home, according to Patricia Wooten. (44) Charley's Finley Street property was conveniently located about two blocks from the hilltop, and the location of the antebellum Camak house. In the Athens Tax Digest of 1890, this property was valued at \$395 (the equivalent of about \$10,015 today). (45)

Athens federal census enumerations and city directories give glimpses of Charley's efforts to support his family. Jobs he listed included being a laborer, a butler and a cook at a hotel. Charley continued working until not long before his death in 1916. Census and city directories reveal other family members labored hard, too. Mary Ann was a laundress, as was daughter Julia. Additionally, Julia taught at one of Athens' black elementary schools, and was employed as a companion for well-known Athens artist, Mary Franklin. (46) Daughter Emma was a young laundress, and then worked for years as an agent and manager for the Atlanta Mutual Life Insurance Co. in Athens. (47) His military invalid's pension was approved. One of the witnesses on his pension application was probably Prof. Samuel F. Harris, a nationally known black educator in Athens. (48) Professor Harris was a

Member of the same church as Charley and his family: Pierce’s Chapel, African Methodist Episcopal Church, later to become First A. M. E. Church in Athens.

Pierce’s Chapel & First A. M. E. Church

Charley and Mary Ann were active members of Pierce’s Chapel, the historic African Methodist Episcopal Church in Athens founded in 1866. (49) Hicks’ descendant Patricia Wooten found that Mary Ann, Julia and Emma were active members of First A. M. E. in 1925, as were two sisters of Mary Ann. (50) Hicks was well regarded in his church community, being named a captain of “the Twelve Tribes” — church leaders who raised money for the new church building in April, 1914. (51) The *Athens Banner* newspaper wrote: “The ‘Twelve Tribes Rally’ for a new church at Pierce Chapel A. M. E. church on last Sunday was the most brilliant success in the history of the church.” (52) Pierce’s Chapel members also floated a successful bond sale to help finance the construction at Hull and Strong streets. (53) The new First African Methodist Episcopal Church’s cornerstone was laid December 17, 1916. (54) Charley Hicks died on December 8, 1916. The church was placed on the National Register of Historic Places in 1980 for its architecture and engineering. (55)



Figure 4: First A. M. E. Church, 521 Hull Street, Athens, GA. Image courtesy Al Hester.

Gospel Pilgrim Cemetery

Mary Ann lived until 1933 and saw several increases in her Union widow's pension. Charley's name is on the wall of the African-American Civil War Memorial in Washington, D.C. to commemorate his military service. Patricia Wooten has a "Certificate of Honor" for Charley Hicks which states in part, "A grateful national finally pays tribute to the 209,145 troops who helped save the nation, end slavery and start America on a struggle for freedom that continues today." (56)

There was no obituary for Charles in the locally-owned white newspaper. It was rare for obituaries of African-Americans to appear.

On the headstone of Charley's grave is the following: "His words were kindness / His deeds were love / His spirit humble / He rests above". No military marker celebrates this ex-slave's service to his country, although Patricia Wooten is working hard to get him one. (57) His headstone is toppled flat, mutely injured by the decay of long years. There are no close relatives living in Athens, and any upkeep of his grave, and other burial sites at Gospel Pilgrim is minimal because of Athens-Clarke County's limited maintenance funds. (58)

Charley would point out, as he did early in his life: he was just plain Charley Hicks, not Charles or Charles H. Hicks. And yet...and yet...his life was an extraordinary life, first as a slave, then as a soldier and finally as an honored and respected citizen of what had become his longtime community, Athens, Georgia. We can agree with Patricia Wooten: Charley deserves something special to mark his life and his grave at Gospel Pilgrim—for example, a fine marble federal military headstone. Or better yet: perhaps a marker of the Grand Army of the Republic, the Civil War veterans' organization, to chronicle his love and service to America.

Al Hester, Ph.D. is Emeritus Director of the James M. Cox, Jr. International Center for Mass Communication Training and Research at the University of Georgia. His latest book, *Enduring Legacy: The Story of Clarke County, Georgia's Two Ex-Slave Legislators—Madison Davis and Alfred Richardson*, won the Athens-Clarke Heritage Foundation's publication prize for 2010. He and his wife Conoly Hester in 2000 co-authored the book *Athens: Celebrating 200 Years at the Millennium*. He has written previously for the *Athens Historian* and made several presentations to the Athens Historical Society.



Figure 5: Charley Hicks headstone, Gospel Pilgrim Cemetery, Athens.

Image courtesy Al Hester.

- (1) National Archives and Records Administration, Washington, D.C., "Declaration for Invalid Pension" (Chas. H. Hicks) Application 1,397,490, June 10, 1911, Certificate 1,167,831. No page numbers. (Record available in NARA Research Room). [Note: "Invalid" here means in ill health.]
- (2) National Archives and Records Administration, Washington, D.C., "Volunteer Enlistment" (Charles Hicks, May 1, 1865). No page numbers. Record available in NARA Research Room.) [The author is indebted to Col. (Ret.) Wallace B. Eberhard for locating military service records in Washington, D.C.]
- (3) Descendant Patricia Wooten sent copy of the restored photo of Charley Hicks to the author, July 10, 2010.
- (4) "Volunteer Enlistment."
- (5) Examples of variant spellings for Charley Hicks' names are found in military records, property deeds, Athens city directories and U.S. federal censuses in which he is enumerated.
- (6) "Volunteer Enlistment."
- (7) Ibid.
- (8) Ibid. [Hicks mentions Green Scott as a fellow slave on the Hicks plantation and says Scott went with him to join the Union Army in his statement in his "Declaration for Invalid Pension."]
- (9) Ibid. [Hicks was sworn in on May 1, 1865, in Macon, GA, but it would have taken him several days to get there from the Hicks plantation. He did not join the 138th Infantry Regt., C. T., until July 1865, in Atlanta.]
- (10) "United States Civil War Union Colored Troops 85th through 138th." No author given. Family Search website: www.familysearch.org/learn/wiki/en/United_States_Civil_War_Union_Colored_Troops_85th_through_138th. Accessed September 8, 2012.
- (11) "Declaration for Invalid Pension."
- (12) Jimi Hicks Bowen Forward, personal interview with the author on September 7, 2012.
- (13) Ibid.
- (14) A thorough account of Sherman's march through Georgia entitled "The Great March" ran December 20, 1864 on the front page of *The New York Times*.

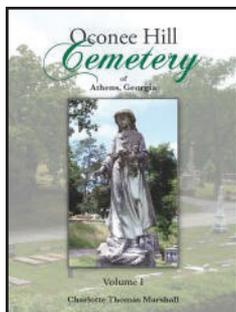
- (15) Ibid.
- (16) *Yankee Blitzkrieg: Wilson's Raid through Alabama and Georgia* (Athens: University of Georgia Press, 1976).
- (17) David E. Paterson, "USCT Recruited in Deep South Alabama and Georgia, 1865," dated August 16, 2005 (no page numbers). Accessed November 10, 2012. AfriGeneas Military Research Forum website, www.afrigeneas.com/forum-military/index.cgi/md/read/id/2298/sbj/usct-recruited-in-deep-south-al-and-ga-1865. [This essay is signed "David," but clicking the author's photo leads to the identification of his full name. This account is a most thorough discussion of the formation of black troop units in Georgia during the Civil War.]
- (18) Ibid.
- (19) "Volunteer Enlistment."
- (20) Ibid.
- (21) Ibid.
- (22) Ibid.
- (23) "Declaration for Invalid Pension."
- (24) Ibid. [Little reporting about black soldiers stationed in Atlanta seems to have been done by the one Atlanta newspaper publishing during 1865 and 1866. This may have meant there was little personal contact of white residents with black troops. An item in the *Atlanta Intelligencer* complained of theft and disorder by colored troops stationed north of town on Peachtree road: "Our informant states that for some time past it has been a common practice with the colored troops and free negroes to plunder not only the cars and wagons but the *persons* (italics in original) of their owners. The outrages have been part of frequent occurrence, and are generally perpetrated by armed squads." December 2, 1865, p. 3 (no headline). Accessed November 12, 2012, Digital Library of Georgia, Georgia Online Historical Newspapers website, <http://atlnewspapers.galileo.usg.edu/atlnewspapers/search>. While perhaps several dozen articles dealt with colored troops stationed in other towns of the South, only two articles were concerned with any problems in Atlanta. The December 2, 1865 article concerned the Peachtree Street or Road area.]
- (25) Ibid.

- (26) National Archives and Records Administration, Washington, D.C., "Widow's Pension," (for Mary Ann Hicks) No. 1091382. No page numbers. (Document available in the NARA Research Room.)
- (27) Rootsweb, an Ancestry.com community, "Colored Troops Regiments," AfriGeneas. Accessed November 15, 2012.
- (28) "Declaration for Invalid Pension."
- (29) Ibid.
- (30) Georgia, Returns of Qualified Voters and Reconstruction Oath Books, 1867-1869," Ancestry.com. Original oath books, Georgia Office of the Governor. Returns of qualified voters under the Reconstruction Act, are in the Georgia State Archives in Morrow, GA. Hicks' oath is on p. 255 of the Clarke County, GA oaths. Also available at: <http://search.ancestry.com/Browse/View.aspx?dbid=1857&path=Oath+Book.Clarke.27.255>. Access November 12, 2012.
- (31) National Archives and Records Administration, Washington, D.C., "Registers of Signatures of Depositors of the Freedman Trust Co., 1865-1875," micropublication M816, 27 rolls. Hicks' depositor application is No. 626 in the Georgia microfilm set for the Atlanta Bank Branch at the Athens Regional Library's Heritage Room. Accessed September 12, 2010.
- (32) Ibid.
- (33) Clarke County, Georgia Marriage Books, Office of the Probate Judge, Athens, Clarke County, Georgia. Marriages are chronologically arranged, and are indexed. Book F, pp. 112-113. (January 1868– March 1872). Mary Ann was the daughter of Jack Shaw.
- (34) "Request for Widow's Pension."
- (35) Patricia Wooten, telephone interview with author, July 26, 2010.
- (36) Additional information about the Camak family and home can be found at the Georgia Trust website, www.georgiatrust.org/what/success/camak.php; Wikipedia, http://en.wikipedia.org/wiki/Camak_house; and Waymarking.com, www.waymarking.com/waymarks/WM60MR_Camak_House_Athens_GA.
- (37) Ibid.
- (38) Patricia Wooten, telephone interview with the author on July 26, 2010.

- (39) National Archives and Records Administration, Washington, D.C., 1880 Federal U. S. Census for Athens, Clarke County, Georgia, enumeration district 013, p. 14, microform T9, record group 29. Accessed October 12, 2012 via Ancestry.com.
- (40) Clarke County, Georgia, Deed Book BB, p. 216. Deed signed October 24, 1876, filed May 18, 1878.
- (41) Patricia Wooten, telephone interview with the author on July 26, 2010.
- (42) Ibid.
- (43) To search the National Register Database: go to www.nps.gov/nr/research; click the Database link, select "Georgia" from the state dropdown and enter "Athens" in the city field. This will return all listed sites, buildings and districts in Athens.
- (44) Patricia Wooten, telephone interview with the author on July 26, 2010.
- (45) Tax Digests for the City of Athens, for 1890 and other years. These digests are located in a vault in the Mayor's office, Athens-Clarke County. Monetary conversion from Futureboy website, <http://futureboy.us>. Site accessed November 12, 2012.
- (46) Patricia Wooten, "Charles Hicks," unpublished, undated biographical manuscript about Hicks' life, p. 2.
- (47) Patricia Wooten, email to author on September 12, 2012.
- (48) "Declaration for Invalid Pension." S. F. Harris signed as a witness.
- (49) Ibid.
- (50) "Charles Hicks," p. 2.
- (51) "The 'Twelve Tribes Rally' Pierce Chapel," Athens Banner, April 29, 1914, p. 5.
- (52) "Negro Methodist Church Has a Big Successful Rally," Athens Banner, May 2, 1914, pg. 2.
- (53) "Notice! First Mortgage Eight Per Cent Coupon Bonds for Sale," Athens Daily Herald, August 18, 1916, p. 2, plus other dates as a legal advertisement.
- (54) "Rally and Cornerstone Laying on December 17," Athens Daily Herald, December 1, 1916, p. 1.

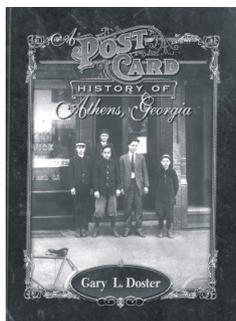
- (55) To search the National Register Database: go to www.nps.gov/nr/research; click the Database link, select "Georgia" from the state dropdown and enter "Athens" in the city field. This will return all listed sites, buildings and districts in Athens.
- (56) Patricia Wooten, copy sent to author April 3, 2012.
- (57) Patricia Wooten, email sent to author on November 14, 2012.
- (58) Author is chair of the History and Research Committee concerned with Gospel Pilgrim Cemetery and is personally familiar with problems of maintenance costs for the 9-acre cemetery. The cemetery is located at Fourth and Bray streets in East Athens, Georgia.

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