

THE EPONYMOUS MR. PRINCE

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An eponym, the dictionary tells us, is a name formed from the name of a person to designate a place, and an eponymous person is someone for whom a place has been named. Prince Avenue, the wide Athens street which stretches west almost exactly two miles from Pulaski Street to the Jefferson Road, is an eponym. Described as “once one of the nation’s finest boulevards” by Frances Taliaferro Thomas in her excellent book *A Portrait of Historic Athens and Clarke County* (1992), but now dotted with professional buildings, fast food businesses, and parking lots, Prince Avenue was named after a renowned Georgian, now nearly forgotten, who lived in Athens for less than two years. This man, Oliver Hillhouse Prince, may, therefore, appropriately be called the eponymous Mr. Prince.

Oliver Hillhouse Prince, the man for whom Prince Avenue was named, was a transplanted Connecticut Yankee who became such a great Georgian that *Men of Mark in Georgia* (1974), an elaborate, multi-volume history of this state, rightfully labels him “one of the brilliant figures in Georgia in the first half of the nineteenth century.” “Mr. Prince,” a Georgia newspaper wrote in 1913, “was one of that splendid galaxy of men who came equipped with education and inspired by ambition and patriotism from New England and the Middle States to Georgia and in deed ‘illustrated’ Georgia, as much as did her native sons.”

Oliver H. Prince has been justly called “a man of many talents” and “something of a renaissance man.” He was a U. S. Senator. He was a newspaper editor, a journalist, and a story writer. He was the author of a humorous sketch brazenly plagiarized by a distinguished English novelist. He was a highly respected lawyer. He wrote a law book that became a Georgia legal classic. He was instrumental in bringing railroads to Georgia. He even laid out the streets of one of Georgia’s major cities.

Oliver Prince died at age 55, a victim of what Lucian Lamar Knight, in his *Georgia’s Landmarks, Memorials, and Legends* (1914), calls “one of the saddest catastrophes in the history of the State.” He had the enormous misfortune to board a ship which unknowingly sailed into the middle of what historian Jay Barnes describes as “one of the most infamous hurricanes of the nineteenth century.”

Prince was born on July 31, 1782 in Montville, Connecticut, about 40 miles from New Haven. In 1796, when he was 14 years old, he moved with his family to Washington, Georgia, the county seat of Wilkes county, where he would live for the next 26 years. In 1790 Wilkes county was the largest county in Georgia, and about half the state’s population lived in Wilkes county and the surrounding area.

Although he was well educated and widely read, Prince received very little formal schooling. From 1803 until 1806 he was an assistant editor of *The Monitor*, a Wilkes county newspaper. In 1806 he was admitted to the bar and began a career as an attorney. For the next 16 years he rode circuit with the judges and other lawyers of the Northern Circuit, traveling from county to county

on horseback to try cases in log cabins and other makeshift courtrooms. When the day's legal work was done, Prince and his colleagues traveling the circuit would sit around a crackling fire at night and gossip, tell jokes, and exchange stories. Prince's storytelling was so entertaining that he soon "acquired a reputation for the brilliance of his refined, classically turned wit," according to Virginia King Nirenstein in her inspiring book *With Kindly Voices* (1984), half of which is devoted to a biography of Prince. "[Prince's] sense of humor," *Men of Mark in Georgia* tells us, "is said by contemporaries to have been coupled with great kindness of heart, which made him not only a delightful companion, but a most popular man."

In 1813 Prince rode on horseback to Connecticut to visit his mother, who had moved back to her home state. In 1817 he married 18-year old Mary Ross Norman, of Lincoln county. In his book *Sketches of the Some of the First Settlers of Upper Georgia* (1855), Georgia Gov. Georgia Gilmer, who was a close friend of the Princes, remembered Mrs. Prince as "a very pretty and exceedingly amiable woman," and the marriage was a love match that endured.

In 1822 the couple's two young children died, and, perhaps out of grief, the Princes moved to newly created Bibb County. While living in Bibb county, the Princes had three more children, one son and two daughters. Prince's daughter Virginia, born in 1825, was his favorite child, and his last recorded words on earth were for her.

In early 1823 Oliver Prince was one of five commissioners who selected the site, and actually drew the plat, of the city of Macon. As an old Macon newspaper column says: "It was to Oliver Hillhouse Prince's wisdom and foresight that Macon owes her wide streets." In March 1823 Prince bought a piece of land at Fifth and Plum Streets in Macon and soon opened his law office there.

Men of Mark in Georgia recounts that Prince was "a brilliant and strong lawyer," and, according to Ms. Nirenstein, Prince's law practice "was very successful."

In 1828 the General Assembly by a one-vote majority elected Prince to fill the unexpired term of U. S. Senator Thomas W. Cobb, who had resigned. Prince served in the Twentieth Congress as one of Georgia's two Senators from November 1828 until March 1829.

After residing in Bibb county for nine years, in early 1832 at the age of 49 Prince closed his law office and gave up the practice of law, moving to Milledgeville, then the state capital, where he purchased and edited an influential newspaper, the *Georgia Journal*. In late 1835 he sold the newspaper and retired. In early 1836 Prince moved to Athens, where he had recently bought a 450-acre farm.

Prince arrived in Athens on Feb. 1, 1836. He left Athens on May 25, 1837, departing on a fatal journey to the North which ended abruptly when on their way back he and his wife were lost at sea in a maritime disaster that was the Titanic of its time. Thus, Prince resided in Athens for only 16 months.

The actual location of Prince's Athens farm is in dispute, but it appears that he owned almost all the land between Hill Street and Prince Avenue, as well as land on the north side of Prince

Avenue. The historic Franklin-Upson house, 1022 Prince Avenue, which was erected in 1847 and now houses Suntrust Bank, was built on land once part of Prince's farm.

The location of Prince's residence is also disputed. It is believed by some historians to have been in the vicinity of what is now the Navy School; other historians think Prince's residence was on the site of the Georgia Power building at the intersection of Prince Avenue and Chase Street.

At the time Prince arrived in Athens the city's streets had no official names. The street leading to Prince's farm was then unofficially known as the Federal road because it was the main road leading through Jefferson and Gainesville to the Cherokee Indian Nation. In 1859 the segment of the Federal road in Athens west of downtown was officially named Prince Avenue. It seems likely that decades before 1859 the portion of the Federal road leading to Prince's farm had already, unofficially, become known as Prince Avenue.

Prince's greatest single achievement was his authorship of a landmark compilation of Georgia laws dating back to the colonial era. In 1819 Prince was commissioned by the General Assembly to compile a digest of all Georgia statutory laws then in force in this state. In 1822, after nearly two years of exhaustive and painstaking legal research and writing, Prince published *A Digest of the Laws of the State of Georgia*. Consisting of 576 pages of text and a 94 page index, the Digest set forth the text of all nonlocal statutes then in effect in Georgia, with the various statutory provisions grouped together under 64 titles alphabetically arranged, beginning with "Affirmation" and ending with "Western Territory." The Digest also contained explanatory notes, a list of repealed statutes, and an authoritative discussion of the writ of habeas corpus. The *Digest*, as stated by Georgia Gov. John Clark, was "finished in a style of great accuracy and perspicuity." It was, in short, the first great law book authored by a Georgian.

Prince's *Digest* instantly became indispensable to Georgia judges and lawyers. Many years later a 19th century Georgia judge, Richard Clark, remembered being a 14-year old spectator at a trial where all the lawyers repeatedly quoted from the Prince's *Digest*, and thinking at the time that whoever this man Prince was, he must be the greatest man in the state! The second edition of Prince's *Digest* was published in 1837; it was similar to the first edition, except that it was even more voluminous, comprising 929 pages of text and 116 pages of index.

It was while he was en route back to Athens from a trip to the North where he had arranged for the publication of the second edition that Prince perished in what a newspaper of the time called "a calamitous and heart rending disaster." This was why Josephine Mellichamp, in her biographical entry for Oliver Prince in her book *Senators From Georgia* (1976), curiously wrote: "A book led to his death."

To distinguish it from the second edition, after 1837 the first edition of the *Digest* acquired the affectionate nickname of Little Prince. The second edition served as the most important collection of Georgia laws until 1851, when it was superseded by a law digest written by an Athens attorney, the legendary Thomas R. R. Cobb. For 30 years Prince's *Digest* had been an absolute necessity for lawyers and judges in this state. Today Prince's *Digest* remains an authoritative source for anyone who wishes to study pre-Civil War Georgia law, and no

respectable Georgia legal library is really complete without a copy of either the first or the second edition.

Prince's greatest claim to literary fame, however, is not his *Digest*, but a witty short story he wrote which, in a case of what has quite correctly been called "palpable plagiarism," was later "lifted" by the writer Thomas Hardy for inclusion in one of his novels.

In the early 1800's, while living in Wilkes county, Prince wrote many humorous articles published in *The Monitor*, the local newspaper. The articles confirm the observation of Kenneth Coleman and Charles Gurrin in their *Dictionary of Georgia Biography* (1983), that Prince was "[r]emarkably gifted with the literary instinct which he possessed with the most delicious sense of humor." "He [Oliver Prince] possessed," Lucian Lamar Knight has written, "a keen sense of humor, associated with rare literary gifts."

One of Prince's articles, untitled and published anonymously, appeared in *The Monitor* on June 6, 1807. This amusing sketch, the best of all his witty pieces, was a satirical account of the vain, clumsy efforts of a certain Captain Clodpole to drill an unruly, inept detachment of the Georgia militia. The sketch was wildly popular and reprinted many times by various newspapers and even translated into several foreign languages. It also appeared in Augustus Baldwin Longstreet's famous book *Georgia Scenes*, published in 1835 and reprinted ten times during the 19th century.

In 1880, Thomas Hardy published his novel *The Trumpet Major*, which takes place in England during the Napoleonic Wars. Chapter 23 of the novel, "Military Preparations on an Extended Scale," contains passages describing a militia drill, in a small village in rural England, of raw recruits who are supposed to be training for the possibility of a French invasion. Within two years of the novel's publication charges that the militia drill scene in the novel had been plagiarized from an American author were being made in newspapers. In an article entitled "Will Mr. Hardy Explain?", one correspondent wrote in 1882, "It will need no acuteness of vision to see that there is something more than an accidental similarity between the description given by Mr. Hardy ... and the American sketch."

Space limitations prevent reproducing, for comparison purposes, the entire Prince sketch and the relevant passages of the twenty-third chapter of Hardy's novel. However, placing only a few portions of the two works in parallel columns should make it clear beyond any doubt that Hardy appropriated Prince's sketch:

Prince Hardy

"But as every man was anxious to see how the rest stood, those on the wings pressed forward for that purpose, till the whole line assumed nearly the form of a crescent."	"Every man was anxious to see how the rest stood, those at the end of the line pressed forward for that purpose, till the line assumed the form of horseshoe."
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"This was accordingly done; "They dressed forthwith;

but impelled by the same motives but impelled by the same motive
as before, they soon resumed their they soon resumed their former
former figure, and so they were figure, and so they were
permitted to remain.” despairingly permitted to remain.”

* * *

“Tention the whole! To the “Tention! To the right-left
left-left, no-right-that is, the left- wheel. I mean-no, no-right wheel.
I mean the right, left, wheel, march!” Mar-r-r-rch!”

Even though the charges of plagiarism were weighty and repeated over and over again in American and English periodicals, Hardy refused for years to make a public reply. “Hardy combined the activities of ‘Brer Fox’ and the Tar-Baby: he lay low and said nothing,” Carl J. Weber, a leading authority on Hardy, caustically commented. Privately, however, in an 1882 letter to an American book editor, Hardy dismissed the charges, claiming that the novel’s drill scene was “based on a letter of an eyewitness” and that all that had happened was that “a page or two of historical and biographical matter ha[d] been embodied in fiction” Actually, of course, the drill scene was based, not on a work of history or biography, but on a story that was obviously a piece of satirical fiction. Carl Weber has observed that Hardy’s letter “shows either careless reading or an uneasy conscience.”

Fifteen years after *The Trumpet Major* was published literary critics were still complaining that Hardy was ignoring the serious charge of plagiarism against him. Finally, in 1896, in a public reply to the charge, Hardy wrote a published letter to a literary magazine admitting that some of the details of his drill scene had been “suggested” by a description of militia in an 1817 book on the Napoleonic Wars, “a description which I understood to refer to the English peasantry.” Written by C. H. Gifford, the 1817 history book Hardy cited had reproduced Prince’s sketch in its entirety in a chapter entitled “Satire upon American Discipline.” In his book, Gifford explained that he had included the chapter to “give some idea of American tactics.” In view of this, Hardy’s assertion that he had once understood the sketch to refer to English peasants appears dissembling. As for his claim that the sketch “suggested” his drill scene, the fact is, as Carl Weber has noted, that Hardy’s borrowing from Prince amounted to “about two hundred and sixty words, together with the general purport of three full pages of the novel.”

In 1896, when a new edition of *The Trumpet Major* was published, Hardy added a preface in which he again stonewalled. Hardy wrote: “The drilling scene of the local militia received some additions from an account given in so grave a work as Gifford’s *History of the Wars of the French Revolution* But on reference to the History I find I was mistaken in supposing the account to be advanced as authentic or to refer to rural England.” Once again Hardy was struggling to deny the undeniable--that he had been exposed as a common plagiarist. He had not merely “received some additions.” And it is impossible to believe that Hardy was truthful in claiming that he had once believed Prince’s humorous satire about rural Georgia to be “authentic [history]” or to “refer to rural England.”

Hardy is known to have plagiarized other authors, but his lifting of Prince’s sketch is the most notorious. Indeed, it is one of the most clearly demonstrated examples in literary history of a great novelist stealing the intellectual property of another author. Hardy’s weak and evasive

denials of the charge that parts of Chapter 23 of *The Trumpet Major* had been stolen from another author constitute, in Carl Weber's memorable words, "fight[ing] in eggshell armor." Amazingly, therefore, it is a matter of historical fact that Prince Avenue was named after a man who, among his other achievements, wrote a story that incontrovertibly was plagiarized by Thomas Hardy.