A Biographical Sketch

of

Judge Charles Seton Henry

History 300
Research Methods
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Charles Seton Henry was born in 1797, and came to Savannah from Albany, New York. He was an attorney, a city alderman, Commissioner of the United States Customs House, a judge, and a founding member of the Georgia Historical Society. He married Sarah R. Aborn in 1827, and died in Savannah on August 19, 1864. Judge Henry is buried in Laurel Grove Cemetery.
Charles Seton Henry was born in Albany, New York, in 1797.\(^1\) His father was Robert Henry, an attorney from Albany, but no name for his mother can be found. Whereas it is not certain when or why Charles Henry came to Georgia, he is first found in the Georgia Census of 1820 as a resident of Elbert County. By newspaper accounts, Charles Henry was in Savannah by March, 1826.\(^2\) He married Sarah M. Aborn in Savannah on May 31, 1927.\(^3\) However, there is a Sarah M. Henry in the 1830 Georgia Census in Elbert County, while Charles S. Henry is in Chatham County. Sarah Henry does not appear in the 1840 Census, so she was apparently living in Savannah with Charles. This paper is a biographical sketch of Charles Seton Henry, who died in Savannah in 1864.

We first find Charles Henry in Savannah on March 23, 1826. He is recorded in the newspaper as giving a talk on the republics of South America, and says "in their struggle for national liberty may they never forget the principles of '76."\(^4\) Here he is a young patriot, just twenty years younger than the republic he is setting as an example. By November of that year, there is the first evidence of Charles S. Henry as a professional. He is the solicitor general of the grand jury.\(^5\) This is the first evidence of a long and apparently dedicated and prosperous public career. A year later, in December of 1827, Charles Henry goes into law practice with William Hogan.\(^6\)

Although Charles Seton Henry was a judge as young as age 41, the United States Customs House Commissioner, and involved...
in many other projects (which will be discussed later in this paper), he maintained an active law practice until at least 1860. As mentioned before, he opened his practice in Savannah in 1827. (Charles's father had also been an attorney.) In January of 1828, there is an ad in the Savannah Georgian for the rent or lease of property belonging to a client of the Henry and Hogan law firm. According to one newspaper account, Charles Henry was also a prosecuting attorney. The two most recurring aspects of his legal jobs were those of power of attorney and executor of wills. Courthouse documents show Charles S. Henry, Esquire being stated as attorney with power of attorney for James C. Booth of Philadelphia, Pennsylvania, Barton S. and Sarah Alexander of Massachusetts, R. C. Bolton and his wife, and a Mr. Jackson and his wife. Both James Booth and the Alexanders had land "east of Bull Street and the City Exchange" referred to as Moore's Wharf lot no. 10. He is listed as co-executor of the will of Ann M. Hardee, wife of Noble A. Hardee, along with his nephew and brother-in-law, Robert and John N. Lewis. He is also executor of the wills of his sister, Charlotte E. Henry McAllister and her husband Colonel George W. McAllister. He is given power of attorney for Norman Wallace and is the executor of his will. Wallace owned stock in several Georgia banks and Charles Henry also had charge of Wallace's slave Adam Doller, who was blind, after Wallace's death.

Charles Seton Henry was very active on the Savannah Board of Health. We first find him on the Board of health in 1828. He is board representative for South Oglethorpe Ward. That was a position he kept until 1831, when he became representative for Reynolds Ward. South Oglethorpe Ward covered the area in west
Savannah bordered by Harrison Street on the north, New Street on the south, West Broad Street on the east, and Boundary Street on the west. Reynolds Ward was bordered by Bay Street on the north, Brough-ton Street on the south, Lincoln Street on the east, and Drayton Street on the west. (I could find no evidence of Henry ever living in either of these districts.) In June of 1832, he was elected Chairman of the Board of Health. Newspaper articles about the Board of health under Charles Henry's chairmanship appeared almost daily in the Georgian and the Savannah Georgian. The Board of Health was not Charles Henry's only involvement in municipal government. He was also a city alderman during the 1834-35 term.

Charles Henry was appointed commissioner of the United States Customs House early in March, 1828. However, the only evidence that I found of Mr. Henry's work as commissioner was late 1858 and early 1859, when he was hearing a case (as the commissioner, not as a judge) of a ship named Wanderer. He is also listed in the 1859 City Directory as being United States Customs House Commissioner.

The first evidence of Charles Henry's career as a judge is found in a newspaper article in 1838. Although he is referred to as "Judge Henry" the article was confusing and probably had no real bearing to him as a judge (at least none that I could understand). In June of 1853, Charles Henry is a candidate for judgeship of Superior Court or the Eastern Circuit. Apparently he won this position, though there was no newspaper documentation on that. Also, courthouse records show that Robert Habersham was to pay $8,268.43 to Charles Seton Henry, judge of the Superior Court of Chatham County. In other accounts, such as newspaper
accounts and others, he is referred to as "the honorable" or
"Judge" Charles S. Henry. In 1856, he is listed as clerk of sixth
district U. S. Court²² and is referred to other accounts as court
clerk and judge.²³ In 1856, he was on the board of inquiry to
fix a date for the election of judges.²⁴ Then in 1861, he became
a judge for the confederate States of America for Georgia.²⁵

Charles Henry had many other activities in addition to his
work. The speech he gave on the republics of South America was
not the only tribute to his patriotism. At a meeting in July, 1835
(presumably a Fourth of July dinner), he was quoted as saying,
"The United States of America, our beloved country. Liberty was
the cord, but Union was the knot that bound and still binds them
together, may the knot never be cut by unconstitutional State in-
terposition."²⁶ Later in July of that year, he was present at
a Union and States Rights meeting²⁷ and in September, 1835, in
stating that he cannot attend a dinner of the Union Democratic
Party of Liberty County, he expresses "immovable attachment for
our glorious Union."²⁸ In August of 1850, Charles Henry is on
a committee to make arrangements for a memorial honoring the
late President Zachary Taylor.²⁹ By 1856, however, this man
from New York must have become southernerized, for he is at a meet-
ing about Kansas and signs a petition along with citizens feeling
a "deep interest in the cause of the South."³⁰ As mentioned be-
fore, he was a Confederate States' judge and in August, 1863, he
contributed to a fund for soldiers engaged in the defense of Charles-
ton.³¹ (In 1862, Mrs. L. S. Henry contributed to a soldiers'
relief fund.)³²

Charles Seton Henry was involved in two other organizations.
The first was the Literary and Debating Society, of which he was President in 1828. Apparently his involvement in this organization was shortlived. He became involved in another organization and this involvement continued throughout his life. On May 24, 1839, Charles Seton Henry became a founding member of the Georgia Historical Society and was elected curator. He was elected curator again in 1850. He was first vice president of the Society in the years 1851, 1853, 1854, 1858 (second vice president), and 1860. In 1859, he was elected president and again in 1862. In May of 1862, he received a letter from an A. Roper, concerning a Mr. A. A. Smets who was a prominent Savannah citizen who had died a few days previously. Mr. Roper was requesting that Judge Henry or a Judge Hardee present that information at the next Society meeting which was to be held the following Monday evening. Charles Henry remained president of the Georgia historical Society until his death in 1864.

The Georgia historical Society was apparently something Charles Henry dearly loved, due to the span and scope of his involvement. Even though I could find no evidence on why he was so involved in the Society, it is nice to speculate that it was because he was a lay historian himself. (It is not too difficult to believe.) He also apparently loved his adopted city. In 1854, Charles S. Henry, Esquire published A Digest of All the Ordinances of the City of Savannah Which Were of Force on the 1st July 1854 together with an Appendix and Index, compiled and Alphabetically Arranged. It was published by Order of Council and printed by Savannah Purser's Print. Since quite a few ordinances dated back to the late 1700s, this was no small undertaking.
Charles Seton Henry married Sarah M. Aborn on May 31, 1827. The Reverend Samuel Howe performed the ceremony. Sarah Aborn was born in Rhode Island in 1803. She was the daughter of Thomas Aborn, who was also a lawyer. They were married in Savannah, yet a Sarah Henry was listed in the 1830 Census as living in Elbert County, where Charles had been in 1820. There is only one newspaper account of Sarah and that is the previously mentioned account of her contribution to the soldiers' relief fund. The 1850 census mentions a Sarah Jane Aborn, age twenty, who lived with Charles and Sarah Henry. Whereas Charles was listed as being from New York, and Sarah from Rhode Island, Sarah Jane Aborn was listed as being from Georgia. I assume she is Sarah Henry's niece and although I could find no documentation to prove it (except for the fact that Sarah Jane was from Georgia), I feel that Sarah Henry must have had family in Georgia. She went back to Rhode Island after Charles died and remained there until her own death on March 29, 1879, at the age of 76. She was buried in Laurel Grove Cemetery on April 6, 1879, next to her husband. The headstone gives her age as 77.

Charles's sister Frances also lived in Savannah. According to census records and cemetery headstone dates, Frances S. Henry was born in Albany in 1808. She was the youngest of the three Henry sisters I found. She married John N. Lewis in 1833. Frances and John had five children: John Adams, Robert H., Isabella C. S., George C., and Margaret N. Lewis. Isabella was the only one of their children who married and she did so to Jacob Spivey around 1865. Jacob, Isabella, and both their sons died at fairly early ages. Isabella was a witness to her uncle Charles Henry's will.
This was in 1864 and she signed her maiden name; her first son was born in 1866 according to his headstone, so I deduced she married Jacob in 1865.

Charles and Sarah Henry lived at the same address as Frances and John Lewis. The City Directory listed their address as the southwest corner of Bull and Charlton Streets. (The building that is there now is the Scottish Rite temple.) The 1860 Census lists Charles and Sarah as members of John Lewis's household. The 1850 Census lists another Henry, sister, her children, and Robert Henry as living with John Lewis. He was a prominent Savannahian and a member of the city council and an alderman from 1840–42 and from 1852–55. He was co-executor of Charles’s will and apparently very close to his brother-in-law throughout his life. Frances died in 1895 and John died in 1896.

The oldest Henry sister was Charlotte who was born in 1802. She married Colonel George W. McAllister of Bryan County and they had four children: Joseph, Emma, Rosa, and Clementine. Charlotte died in New York (according to her headstone) on February 25, 1856, and is buried in Laurel Grove Cemetery next to her brother. The middle Henry sister, also named Isabella, was born December 6, 1806 and died June 21, 1890 (headstone dates). She married John Hais Hardee and they had five sons: Robert H., John, Sydenham, and Benjamin are listed in the 1850 Census as living with John Lewis. Charles Hardee was also a co-executor of Charles Henry’s will.

There is a Noble A. Hardee who turned up quite a few times and I assume he was the brother of Isabella Hardee’s husband. Interestingly, the name on her headstone is "Isabella Seton."

Charles’s father was Robert R. Henry. He (or at least a
Robert Henry is listed in the 1790 New York Census. He lived in the first ward, Albany County, Albany city, New York. While that information certainly fits, he is listed as having under his roof five white males over sixteen, two under sixteen, three free white females, and three slaves. This is confusing since this was before the oldest Henry that I found—Charles—was born, but I did not discount it since all of the other information fit so nicely.

Robert Henry was a lawyer and at some time became involved in a dispute over the will of a Samuel Downing of Lancaster County, Pennsylvania. A copy of the will was sent to Charles in Savannah apparently by his father, but it was unclear as to what the problem was. None of that material was dated. Robert Henry lived with Frances and John in 1850 (according to the Census), at the age of 80. That is the last time I found him. He is not buried with the rest of the family at Laurel Grove.

The cemetery plot at Laurel Grove is very interesting and intriguing. There are four rows. On the back row by himself is John Adams Lewis (1834–1894), oldest son of Frances and John. Directly in front of him is an obviously empty plot, beside that is Charlotte. (This space may have been intended for Charlotte's husband.) The next two plots are Charles and Sarah Henry's. Charles's headstone reads, "In memory of Charles Seton Henry who departed this life on Aug. 19th, 1864. Aged 67 years." Sarah's headstone reads, "Died at Pawtuxet, R. I. Sarah A. Aborn wife of Judge C. S. Henry in her 77th year. Made perfect through suffering." Both Charles and Sarah have footstones with their initials on them. Isabella Hardee is buried next to Sarah. The second row begins with Jacob Spivey (1820–1868), then his wife Isabella C. S. Lewis (died in 186
at the age of 37). Isabella has the most elaborate marker in the plot. Next to her are her parents, Frances and John, with a double headstone. They were married for 62 years. They out-lived three of their children and one of their grandchildren. The graves of Jacob and Isabella's children Charles H. (1866-1890) and J. Lewis (1869-1909) Spivey are on the front row. They have a double headstone. Next to them is George C. Lewis, son of John and Frances who was killed at the Central Railroad Wharf in 1887 at the age of 42. His younger sister and brother are beside him with a double headstone. Margaret Lewis lived from 1847-1918 and Robert Lewis lived from 1847-1920. The plot was indeed intriguing.

Charles Seton Henry died on August 19, 1864 from consumption, or tuberculosis. He left a will of just over four pages, and with it he apparently left some legal problems for his executors. The will was written on both sides of the paper and his script, though pretty, is not too clear, making the reading a bit difficult. He first assigns his estate to take care of his debts and his "dearly beloved wife." He orders his personal library sold to help pay these debts and funeral expenses. The major part of the will deals with his job as executor of the wills of Charlotte and George McAllister and Norman Wallace. The interest from Charlotte's estate is to go to his "dearly beloved sisters" Isabella (who is a widow according to the will) and Frances. The last item of the will names his brother-in-law Colonel John N. Lewis and his nephew Major Charles S. Mardee as co-executors along with Sarah. (I do not know where the military titles came from. This is the only place I have found them.) The will is witnessed by his niece Isabella C. S. Lewis, her father, John N. Lewis and N. A.
Hardee (the same Noble Hardee mentioned before). The will was probated on August 23, 1864, four days after Charles Henry died. That document is signed by N. A. Hardee, John N. Lewis, Charles S. Hardee, and Sarah R. Henry. Dominick O'Byrne is the Ordinary for Chatham County. In a document dated July 21, 1870, John Lewis and Charles Hardee, appearing as "duly qualified executors" of Charles Henry's will, report that "they have been unable to find any property of said estate upon which to administer, and consequently they have no return to make to the Court of Ordinary, as the law requires." This is the last written evidence of Charles Seton Henry, Esquire.

He apparently died without any money. The only money I found that he had was $100 worth of real estate in the 1860 Census (and I could never locate that) and a $2,000 personal estate in the 1850 Census. I do not know why he received over $8,000 from Robert Habersham or what he did with the money. I could not find where or even if his personal library was sold, how much it was worth, or what it consisted of. I could find no information of the $100 worth of real estate in deed books. Since Charles Henry had been so prominent and held the positions he did, it is hard to understand the problem encountered by John Lewis and Charles Hardee in 1870. I wanted badly to find out why he left nothing and there was nothing left to tell me why. I cannot believe that Charles Henry was an alcoholic or a gambler or had such a vice to pay for. I speculate that perhaps his illness took away his money. I found nothing about how ill he was or how long the final illness lasted, but since he died of tuberculosis, it could have been a long, arduous, expensive ordeal. I also wonder why he did not own
a house or some other property. He and Sarah had no children, so they did not have the expense of rearing and educating a family. For whatever reason or reasons, Charles S. Henry left no estate. Sarah Henry went back to Rhode Island soon after her husband's death and remained there until her own death. I wish I could have found out more about Sarah, especially the odd epitaph on her headstone. I would have liked to have found out exactly who Noble A. Hardee was. I can only assume that he was Isabella Hardee's brother-in-law. He was also apparently a good friend of Charles Henry. He was a wealthy merchant and factor. The 1860 Census listed $50,000 in real estate and $100,000 in personal estate for Noble Hardee. John A. Lewis had $2,000 in real estate and $8,000 in personal estate. In addition to being his brother-in-law, John Lewis appeared to be Charles Henry's dear friend.

Charles Seton Henry was buried in Laurel Grove Cemetery on August 20, 1864. He was respected by his colleagues, for on August 22, 1864, the Savannah Bar adopted a resolution honoring him. On April 6, 1879, the Savannah Morning Telegraph gave the funeral notice for Sarah H. Henry, thus ending the Henry family.
NOTES

1. No exact date can be found due to lack of birth certificate. However, location is verified through census and newspaper records.

2. *The Savannah Georgian* 23 March 1826

3. *Marriages and Deaths* 1820-1830. Also found in courthouse documentation and in the *Savannah Georgian* 2 June 1827

4. *The Savannah Georgian* 23 March 1826

5. *The Savannah Georgian* 23 November 1826


8. *The Savannah Georgian* 23 January through 1 March 1828

9. *Georgian* 9 February 1832


11. Will of Charles S. Henry on file at Chatham County Probate Court. Additional information on Norman Wallace was found in Superior Court Deed Book 3U page 4C.

12. *The Savannah Georgian* 10 May 1828

13. *The Savannah Georgian* 24 April 1829; 11 August 1831

14. *Georgian* 7 June 1832

15. Information found in newspaper indexes and microfilm at the Savannah Public Library. There was no real information about Mr. Henry in these articles and as they were so numerous, I did not find it worthwhile to make any notation of them.


17. *The Savannah Georgian* 5 March 1828

18. *Daily Morning News* 31 December 1858; 1 January 1859; 12 February 1859

19. *Daily Morning News* 16 April 1838


21. Superior Court Deed Book 3B page 63
22. Daily Morning News 3 December 1856
23. Daily Morning News 30 May 1856; 13 May 1857; 27 August 1858
24. Daily Morning News 17 December 1856
25. Daily Morning News 17 September 1861
26. Georgian 7 July 1835
27. Georgian 16 July 1835
28. Georgian 12 September 1835
29. Daily Morning News 1 August 1850
30. Daily Morning News 26 May 1856
31. Daily Morning News 8 August 1863. This is the last evidence I found on Charles S. Henry before his death the following year.
32. Daily Morning News 23 October 1862
33. The Savannah Georgian 20 February 1826. No other references for his involvement in this organization can be found.
34. The Georgia Historical Quarterly March 1917
35. Daily Morning News 15 February 1850
36. Daily Morning News 14 February 1851; 14 February 1853; 14 February 1854; 13 February 1855; 17 February 1860
37. Daily Morning News 14 February 1859
38. Rawson's Collection on file at the Georgia Historical Society
39. The Georgia Historical Quarterly March 1917
40. Rare Books Collection at the Georgia Historical Society
41. Marriages and Deaths 1820-1830 courthouse documentation
42. Laurel Grove Cemetery Index vol. 1
43. The Savannah Georgian 2 June 1827
44. Laurel Grove Cemetery Index vol. 1
45. Charles S. Henry A Digest of All the Ordinances of the City of Savannah which were in Force on the 1st July 1854.
46. Thomas H. Gamble A History of the City Government of Savannah Georgia from 1790 to 1901 (1900) page 15
47. Robert R. Henry rapers Georgia Historical Society

48. Daily Morning News 25 August 1864

49. Records in Probate Court of Chatham County.

50. Daily Morning News 22 August 1864

51. Savannah Morning Telegram 6 April 1879
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The Georgia Censuses 1820-1860

The New York Census 1790

Savannah City Directory 1858, 1859

Marriage and Wills

Marriages and Deaths 1820-1830

Laurel Grove Cemetery Index vol. 1

Chatham County Probate Court Documents

Chatham County Superior Court Deed Books

The Savannah Georgian 1826: 23 March, 23 November, 2 June, 28 December, 1828: 23 January through 1 March, 30 May, 5 March, 24 April 1829; 11 August 1831

Georgian 9 February, 7 June 1832; 7 July, 16 July, 12 September 1835

The Savannah Telegraph 6 April 1879