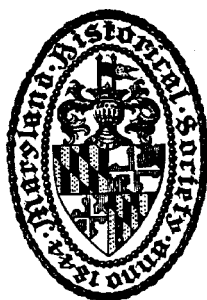


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HON. DANIEL DULANY, 1685-1753  
(*the Elder*)

RICHARD HENRY SPENCER

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The Province of Maryland was fortunate, indeed, when at the beginning of the eighteenth century an ambitious young Irishman of eighteen, Daniel Dulany, the elder, came into its beautiful bay to seek his fortune in a foreign land. Relying entirely upon his own resources, but with a strong heart, a resolute will, an exalted ambition and studious habits, which enabled him to rise above circumstances, to achieve great success in his chosen profession, and which brought him in after years honor and happiness.

Of his coming to America, the following was written a little over one hundred years afterwards, on the first leaf of a Prayer Book, by his grandson, Daniel Dulany, Jr., then residing in London. The book had been his mother's, who was a Tasker, who died in Brighton, England, in 1822, in the 98th year of her age:

“Of my father's family, my grandfather, Daniel Dulany, the elder, was born in Queen's County, Ireland, and until the year 1710, wrote his name Delany, and afterwards Dulany. He was a cousin to Dr. Patrick Delany, the friend of Dean Swift, Dean of Down, Head Master of Trinity College, Dublin. I have several letters from Dr. Delany to his cousin, my grandfather. The father of my grandfather married a second wife, when my grandfather's home became uneasy to him, and the little aid he received from his father made him quit the University while yet a youth, and leave his country for Maryland, where he arrived almost penniless and would have been indentured for a term of years to pay his passage, but for the kind aid of Mr. Plater.”

The gentleman referred to was Col. George Plater, of St. Mary's county, who had been Attorney General of the Province 1691-1698, an office which was subsequently held for many years by the young settler himself.

One biographer, without giving any authority for the statement, says: "He was a student of Trinity College, Dublin, when a quarrel with his stepmother induced his father to withdraw his allowance, and he was compelled to seek his fortune in the new world. To defray the expense of his passage, he indentured himself to the captain for the cost of the trip, and was transferred on his arrival in Maryland to Col. George Plater, (formerly) Attorney General of the Province, who soon discovered that he was well educated and a gentleman, and made him his clerk. He afterwards studied law in Col. Plater's office."

("One Hundred Years Ago," the Life and Times of the Rev. Walter Dulany Addison (1769-1848), by his grand-daughter Elizabeth Hesselius Murray, pages 17 and 18, 1895.)

In that historic region of the Kingdom of Ireland, known as Ossory, and especially in that portion of it which is comprised in the western half of Queen's County, the patronymic of Delane, and its more ancient forms of O'Dullany, O'Delany, Delaney, Delany and Dulany, are of great antiquity. As early as 1178 Felix O'Dullany, a Cistercian monk, was Bishop of Ossory. Of this family also was the late John Thadeus Delane, from 1841 to 1877, the distinguished and accomplished editor of the *London Times*.

Daniel Dulany was born in Queen's County, Ireland, in 1685, and arrived in the Province of Maryland in 1703. At that time the population was only about 33,000 and no settlements of any consequence had then been made in that portion of the Province now embraced in the counties of Frederick, Washington, Allegany and Garrett; and only a part of the territory now known as Howard and Carroll counties had then been settled.

Presumably established in Colonel Plater's office in St.

Mary's county, he was doubtless admitted to the bar of that county in due time, but the records no longer exist. He was admitted, however, to the bar of Charles county in 1709,<sup>1</sup> in which year he served as clerk to the Committee on Laws<sup>2</sup> in the Lower House of Assembly and of which he was in later years Chairman.

In 1710, he removed from St. Mary's County to Prince George's County,<sup>3</sup> where he was admitted to the bar, and in the same year he was also admitted to the bar of the Provincial Court. In 1716 he was enrolled as a student at Gray's Inn, London,<sup>4</sup> so that he added to his knowledge of books and to his practical training before the bar in Maryland, the direct contact with the law schools of England.

About 1721, he removed permanently to Annapolis, which as the capital was then entering upon that genial and cultured life which henceforth made it the social and political center of the Province. And by the founding in 1696, of King William's School (the forerunner of St. John's College) it became the center of learning.

From that time on his career was one of uninterrupted honor and usefulness. For nearly forty years Daniel Dulany (the elder) held the first place in the confidence of the Proprietary and the affections of the people. During that period he held the various offices of Alderman, Councilman and Recorder of Annapolis, Attorney-General, Judge of the Admiralty, Commissary-General, Agent and Receiver-General, and Member of the Council, the latter of which he held under the successive administrations of Governors Bladen, Ogle and Sharpe.

He was also for many years, beginning in the year 1722, a member of the Lower House from Annapolis and Anne Arundel county, in which capacity he was distinguished as a leader of

<sup>1</sup> Charles County Court Proceedings, Liber B., No. 2, p. 608.

<sup>2</sup> Lower House Journal, Nov. 2, 1709, p. 229.

<sup>3</sup> Prince George's County Court Proceedings, Liber D., p. 320.

<sup>4</sup> J. I. Foster, *The Register of Admissions to Gray's Inn, 1521-1889*, p. 362. "1716-17, Feb. 21. Daniel Dullany of Prince George Co. province of Maryland, America, gent."

the country party, in the controversy about the extension of the English statutes. His celebrated pamphlet (an original copy is in the possession of the Maryland Historical Society), "The Rights of the Inhabitants of Maryland to the Benefit of the English Laws," addressed to all true Patriots and sincere Lovers of Liberty, published in Annapolis in 1728, while a member of the Lower House, "clear in expression, sound in reason and convincing in argument," showed how heartily his interest and affections were bound up in the welfare of the Province. It was one of the most interesting periods in the history of Maryland, but this contention between the people and the proprietary was not settled until a compromise was made in 1732, when it was finally adjudged and determined that the people of Maryland were entitled to all the benefits of the English Statutes.

During a period of twenty years, when a member of the Lower House and later of the Upper House, there was no question of great importance argued by the two Houses of the Assembly, the Governor and Proprietor in which Daniel Dulany, the elder, did not take an active part, and during this period he was as staunch a supporter of the proprietary's interest, as in the English Statutes controversy he had been loyal to the people's cause.

The office of his Lordship's Council gave him ample scope for the exertion of his benevolent disposition and unblemished reputation.

According to his contemporaries he protected the widow and the orphan, and he advised the ignorant with kindly wisdom. He was equalled by few in ability and excelled by none in integrity.

One of the many important official acts of his life was in 1750 to represent with Benedict Calvert, Benjamin Tasker, Jr., Edmund Jennings, Robert Jenkins Henry, George Plater and John Ross,<sup>5</sup> Lord Baltimore in the fixing of the boundary line between Maryland and Pennsylvania. This vexed question induced a border warfare, continued for several years and

<sup>5</sup> Calvert Papers. (ms.) Nos. 153 and 450.

punctuated with such dramatic incidents as the arrest and wounding of Major Thomas Cresap, who resisted a Pennsylvania sheriff on the ground that he was upon Maryland soil. The establishment of Mason and Dixon's Line in 1763-1766 was the conclusion of the controversy.

Mr. Dulany promoted industries and took an active part in the westward movement in Maryland.

Mereness<sup>6</sup> says: In 1735, Daniel Dulany (the elder) offered sufficiently favorable terms to induce about one hundred families recently arrived from the Palatinate to settle on some of his land in Frederick County. The first results of the movement are stated in a letter written in 1745 by Mr. Dulany to the Hon. Samuel Ogle, in which the writer said: "You would be surprised to see how much the country is improved beyond the mountains, especially by the Germans, who are the best people that can be to settle a wilderness: and the fertility of the soil makes them ample amends for their industry."<sup>7</sup>

Mereness also says: He (Daniel Dulany, the elder) had done much to encourage the settlement of Frederick County and he was the most highly esteemed lawyer in Maryland.

In 1745, Mr. Dulany laid out Frederick Town (now Frederick City) on part of the survey called "Tasker's Chance," patented by Benjamin Tasker in 1727, and sold to Daniel Dulany in 1744. This property containing over 7,000 acres of land, afterward came into the possession of his eldest son, Daniel Dulany (the younger) and was confiscated and sold October 10, 1781, for £60,555.

From London, after his death, Cecil<sup>8</sup> Calvert, brother of Charles, Fifth Lord Baltimore, wrote April 17, 1754, to Daniel Dulany's son, Walter Dulany, to express the great loss occasioned by his father's death to both the Proprietor and the Province.

<sup>6</sup> *Maryland as a Proprietary Province*, by Newton D. Mereness, 1901, p. 122.

<sup>7</sup> Dulany Papers.

Mr. Dulany's first wife, Charity Courts, daughter of Colonel John Courts of Charles County, died childless.

He married secondly Rebecca Smith, second daughter of Colonel Walter Smith of Calvert County, by whom he had,

1. Daniel Dulany the younger, the accomplished lawyer and Secretary of the Province for many years, who married Rebecca Tasker, second daughter of Hon. Benjamin Tasker, For thirty-two years a member of the Council.
2. Rebecca Dulany, who married James Paul Heath of Maryland.
3. Rachel Dulany, who married first, November 7, 1741, William Knight of Cecil County, and secondly, Rev. Henry Addison, M. A.
4. Dennis Dulany, who entered the British Navy in 1743, and in 1754 was made Clerk of Kent County.
5. Margaret Dulany, who married first, May 29, 1747, Dr. Alexander Hamilton of Annapolis, formerly of Scotland, and secondly, William Murdock of Prince George's County.
6. Walter Dulany, Commissary General of the Province of Maryland, who married Mary Grafton, daughter of Richard Grafton of New Castle, Delaware.

Mr. Dulany married thirdly, Henrietta Maria (Lloyd) Chew, widow of Hon. Samuel Chew and daughter of Philemon Lloyd of Talbot County, by whom he had Lloyd Dulany, born December 10, 1742, who married Elizabeth Brice, daughter of John and Sarah (Frisby) Brice, of Maryland, and died June 21, 1782, in Park Street, Grosvenor Square, London, of a wound received a few days before in a duel fought in Hyde Park with Rev. Bennett Allen, formerly rector of St. Anne's Church, Annapolis. His widow afterwards married Major Walter Dulany, Jr., the son of Lloyd Dulany's half brother, Walter Dulany, and his wife Mary (Grafton) Dulany.

Daniel Dulany (the elder) died in Annapolis, December 5, 1753, in the sixty-eighth year of his age, and his tomb may

be seen in the churchyard of St. Anne's at Annapolis. His second wife is also buried there and the spot is marked by an altar tomb bearing the Dulany escutcheon quartered with the Smith armorial bearings. His pall was supported by the Governor of Maryland (Sharpe), four members of the Honorable Council and the Worshipful Mayor of Annapolis.

“I looked through the rails at the quiet green graves,  
 And thought of the world, with its care that enslaves;  
 I looked through the gates of this city of rest  
 Where the shadows fall sweet when the sun's in the west;  
     Asleep in St. Anne's, asleep in St. Anne's,  
     And the thunder of cannon may roar,  
 But here the unwaking shall know not the breaking  
     Of the waves on the Severn's shore.”

The following obituary notice is copied from the *Maryland Gazette*, Annapolis, of December 6, 1753:

“Yesterday, about Ten O'clock in the Evening, died, at his House in this City, in the 68th Year of his Age, after a long and lingering Illness, the Honorable Daniel Dulany, Esq.: Commissary-General of this Province, one of his Lordship's Council of State, and Recorder of this City. During fifty years Residence in Maryland, he always maintained an excellent Character, strictly agreeable to the Rules of Honour, Justice and Integrity. He came into the Country very young, but by the Strength of his natural Parts (which were extraordinary) and his diligent Application, particularly to the Law, he became very eminent in that Profession. He formerly served this County and City many Years, as a Member of the Lower House of Assembly; and possessed several of the Greatest Offices of Honour and Trust in the Government; specially that of Attorney-General, and Judge of the Admiralty; and in all his several rotations he acquitted himself with strict Equity and unwearied Diligence. He was an humane, generous and charit-



able Gentleman, and a great Promoter of the Public Good, by encouraging all kinds of Industry, towards which he largely contributed, and was very Instrumental in settling the back Parts of this Province. He was a tender Husband, the best of Fathers, a good Provider and Lover of his Family, a steady Friend and kind Neighbour, and truly deserved the love and Esteem of all Mankind. The loss of such a Gentleman to his Family in particular, and the Country in general, is greatly to be Regretted."

Sixteen years before, in 1737, Mr. Dulany had buried his wife, Rebecca, in the graveyard north of the church, and shortly erected over her remains a handsome altar tomb, covered with an Italian marble slab, which is in fair preservation to this day. On this he had placed a loving inscription of fourteen lines, recording his loss and her many virtues.

These lines do not fill the surface, a space having been left at the foot of the stone designedly, doubtless, to receive his own commendatory notice when he died. But this failed of accomplishment for reasons now unknown.

A descendant of his, Rev. Thomas H. Montgomery, of Philadelphia, was moved to supply this omission, and obtaining the consent of St. Anne's Vestry in November, 1899, "to place an inscription on the tombstone of Mrs. Rebecca Dulany," has directed the following to be inscribed to his memory thereon:

"Here lie also the Remains of  
The Honourable Daniel Dulany, Esquire,  
Commissary General of this Province  
one of his Lordship's Council of State  
and Recorder of this City  
who died  
5 December, 1753,  
in the LXVIII<sup>th</sup> Year of his age." <sup>s</sup>

<sup>s</sup> *The Pennsylvania Magazine of History and Biography*, Vol. XXIV, p. 395.

Among Mr. Dulany's contemporaries, practicing before the Provincial Court, were Thomas Bordley, Michael Jenifer, Edmund Jennings, Michael Howard, Richard Francis, author of "Maxims of Equity," and the uncle of Sir Philip Francis, the reputed author of the "Letters of Junius," Edward Dorsey and Philip Key.

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**PROCEEDINGS OF THE COMMITTEE OF OBSERVATION FOR ELIZABETH TOWN DISTRICT [WASHINGTON COUNTY].**

(Continued from Vol. XII, p. 347.)

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Wednesday the 1<sup>st</sup> day of January 1777.

The Committee met according to Adjournment. Members present

	Capt <sup>n</sup> Samuel Hughes in the Chair
Coll John Stull	Mr <sup>r</sup> Young
Coll And <sup>w</sup> Rentch	Mr <sup>r</sup> N. Smith
Mr <sup>r</sup> Jos. Sprigg	Doct <sup>r</sup> Schnebley
Capt <sup>n</sup> Peter Bell	James Clark Clk
Mr <sup>r</sup> Lentz	

The want of a proper Person in Elizabeth Town to provide quarters for Recruits or Soldiers, belonging to the united States is much felt. It is therefore resolved that Mr<sup>r</sup> Frederick Stydinger shall act as quarter master in the said Town, for that purpose, and all officers, Recruits or Soldiers as aforesaid are desired to apply to him.

Whereas many Soldiers of the flying Camp have returned home very sick, and have neither friends nor money to support them therein, and no provision being made, may at this Time much discourage the Service. It is therefore resolved, that this Committee will provide for such sick Soldiers, out of the publick Money in the hands of their Treasurer, and render an Acc<sup>t</sup> thereof to the Council of Safety.