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HON. DANIEL DULANY. 1722-1797
(The Younger)

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Among the prominent lawyers of the Province of Maryland, just before the War of the Revolution, no one stood higher for intellectual ability, for profound classical and legal learning, or for the charm of eloquence than Daniel Dulany, the younger.

He was born in Annapolis, Maryland, June 28, 1722,¹ the eldest son of that able lawyer, Daniel Dulany, the elder, who was so successful in the controversy over the right of the people to the benefit of the English Statutes, and who for many years was Attorney General of the Province, and a member of the Council during the successive administrations of Governors Bladen, Ogle and Sharpe. His mother was Rebecca Smith, born 1696, died 1737, the fourth daughter of Col. Walter Smith and Rachel Hall, his wife, of Calvert County.

He was educated at Eton College and Clare Hall, Cambridge University, England, where he was well grounded in English and classical literature, and was entered at the Middle Temple in January, 1743.² Like his father, he chose the profession of the law, but he was soon destined to outshine him in legal attainments and to become the great oracle of the law in the Province.

Returning to America, he was admitted to the bar in 1747, and in 1751, he was practicing before the Provincial Court, where he continued to practice, with marked success, until the fall of the Proprietary Government.

There were no reports of the decisions of the Courts of Maryland until 1809. (1 Harris & McHenry). In that volume, the legal opinions of Daniel Dulany, the younger, on various subjects, bearing the impress of his commanding abili-

¹ *St. Anne's Parish Register*. Annapolis.

² *Dulany Papers*. Letter from Daniel Dulany, the younger, to his father January 22, 1743.

ties, are published along with the decisions of the Provincial Court and the Court of Appeals. An unparalleled honor. In a note to one of his opinions, page 248, the reporters say: "It is well known by the contemporaries of Mr. Dulany, that his legal talents were held in such high estimation by the Court and the gentlemen of the bar, that they were constantly in the practice of taking his opinion on litigated points of importance."

It is said that frequently questions were withdrawn from the Courts in the southern counties of Virginia adjacent to Maryland, and even from the Chancellor of England for submission to his award.

The eminent lawyer John V. L. McMahon says: "For many years before the downfall of the Proprietary Government, he stood confessedly without a rival in this colony, as a lawyer, a scholar and an orator; and we may safely hazard the assertion that in the high and varied accomplishments which constitute these, he has had amongst the sons of Maryland, but one equal and no superior. . . . Thus unrivalled in professional learning, according to the representations of his contemporaries, he added to it all the power of the orator, the accomplishment of the scholar, the graces of the person and the sauvity of the gentleman. Mr. Pinkney himself, the wonder of the age, who saw but the setting splendor of Mr. Dulany's talents, is reported to have said of him that 'even among such men as Fox, Pitt and Sheridan, he had not found his superior.'" ³

Dr. Tyler, in his Memoir of Chief Justice Taney, says: "The opinions of this great Maryland lawyer had almost as much weight in Maryland, and hardly less with the crown lawyers of England, than the opinions of the great Roman jurists, that were made authority by edict of the Emperor, had in Roman courts. . . . The high reputation of this great lawyer stimulated the ambition of the Maryland bar, while his opinions were models of legal discussion for their imitation." ⁴

³ *Historical View of the Government of Maryland.* By John V. L. McMahon, 1831.

⁴ *Memoir of Roger Brooke Taney, LL. D.* By Samuel Tyler, LL. D. Pp. 132, 133 (1872).

In acknowledging our indebtedness to the Roman Jurists, it has been said that "The law in general, and equity jurisprudence in particular, are under manifold obligations to the eminent legal expounders of ancient times. In methodical arrangement, in brevity, in simplicity, in conciseness, in purity of diction, in lucidity of statement, in comprehensiveness of grasp, in force of argument, in aptness of comparison, in array of precedents they find no parallel in the modern law book."

In the year 1751, Mr. Dulany represented Frederick County in the Lower House of Assembly, at which time he was appointed a member of the Committee on Laws, his colleagues being Dr. Charles Carroll, Colonel Robert Jenkins Henry, Philip Key, Matthew Tilghman and Major Henry Hall.

He again represented Frederick County in the Lower House in the years 1752, 1753 and 1754, and in 1756 he was returned from the City of Annapolis. In 1754 he was appointed Deputy Commissary General and Commissary General 1759 to 1761.

In 1757 he was appointed by the Lord Proprietor a member of his Lordship's Council,⁵ and in 1761 Secretary of the Province, which offices he held in conjunction from the latter period until the War of the Revolution.

In 1760 he was appointed by Frederick Lord Baltimore to act as one of the Commisisoners to fix the boundary line between Maryland and Pennsylvania, his colleagues being Gov. Horatio Sharpe, Benjamin Tasker, Jr., Edward Lloyd, Robert Jenkins Henry and Stephen Bordley.⁶

In 1759, the close of which terminated with the Conquest of Canada, with a heavy charge upon the treasury of Great Britain, the subject of taxing the Colonies engaged anew the attention of the British Ministry. The subject of a Colonial Revenue and a demand for taxation of the Colonies by Act of Parliament, had been suggested four years before by General Braddock, under instructions from the British Government, at the Council of Colonial Governors in 1755, convened at the "Carlyle

⁵ *Maryland Archives*, Vol. 31, p. 221.

⁶ *Calvert Papers*, No. 158.

House," in Alexandria, Virginia, just before his disastrous defeat at Fort Desquesne.

The French and Indian wars had entailed a heavy burden of expense upon the mother country, and there were many who thought that since the Colonies shared in the benefits of the wars, they ought also to share in the burden which it brought.

The British Government having finally determined to raise a tax in America on March 22, 1765, Parliament passed the famous Stamp Act, which required all legal documents in the Colonies to bear stamps, upon which a duty should be paid. Everywhere throughout the Colonies the greatest excitement and indignation prevailed. The columns of the *Maryland Gazette* were filled with articles assailing the measure, and it was determined never to use the stamps.

The colonists denied the right of the British Parliament, in which they were not represented, to impose taxes upon them. It was at this time that Mr. Dulany wrote his celebrated essay entitled "Considerations on the Propriety of Imposing Taxes in the British Colonies for the Purpose of Raising a Revenue by Act of Parliament,"⁷ published in Annapolis, October 14, 1765, and which was everywhere acknowledged in the Colonies, as well as in England, to be one of the best defenses of the rights of the Colonies which appeared during the controversy.

In this essay, Mr. Dulany, as a lawyer, pointed out in a clear, simple and forcible manner that the Colonists, as British subjects, were not represented in Parliament, that taxation without representation was a violation of the common law of England, and as a statesman he ably and clearly discussed the principles of the British Constitution.

This essay was republished in London in 1766, and the arguments used by Mr. Dulany in his unanswerable defence of the rights of the people, were not only freely used, but were the basis of Pitt's great speech in the House of Commons in

⁷ Republished in the *Maryland Historical Magazine*, Vol. 6, pp. 374-405 (1911), and Vol. 7, pp. 26-59 (1912).

favor of the repeal of the Stamp Act, and it was in this great debate that Burke made his maiden speech.

Green, in his life of William Pitt Earl of Chatham, says: "The reply that the Americans were 'virtually' represented was a misleading artifice, as was clearly shown in Daniel Dulany's pamphlet 'Considerations on the Propriety of Taxing the Colonies,' one of the ablest American arguments from which Pitt freely quoted in his speech."⁸

And Williams, in his life of Pitt, says: "On this occasion he read what the Americans had to say, notably a well-argued pamphlet by Daniel Dulany of Maryland, 'Considerations, &c.' (Annapolis, 1765). In one of his speeches of the 1766 session, Pitt mentioned this pamphlet with approval and in his great speeches of January 14, 1766, paid it the still higher compliment of reproducing much of its argument and some even of its language."⁹

That Pitt freely used the pamphlet, in his great speeches in the House of Commons, is confirmed by the Earl of Shelburne's letter to the Earl of Chatham, dated Hill Street, Friday night, February 6, 1767, in which he writes: "But all that I have to say on this head is so much better expressed in a letter from Mr. Dulany, the author of the American pamphlet to which your Lordship did so much honour last session than in any words of my own, that I beg to refer you to that, and enclose it with the other papers with that view."¹⁰

The Stamp Act was repealed March 18, 1766, and it is a fact "that the debates over the repeal contain the first serious discussion of the Constitution of the British Empire which had ever occurred in Parliament. While the Colonists were practically united in the views they expressed, a great variety of opinions was expressed in Parliament. On the question of

⁸ *William Pitt, Earl of Chatham*. By Walford Davis Green, M. P., p. 260 (1901).

⁹ *Life of William Pitt, Earl of Chatham*. By Basil Williams, Vol. 2, p. 182 (1913).

¹⁰ *Correspondence of William Pitt, Earl of Chatham*. Vol. 3, p. 192 (1839).

right Lord Mansfield affirmed the absolute supremacy of Parliament in realm and dominions, while Camden and Pitt drew the sharp line of distinction between taxation and legislation upon which the Colonists insisted and denied the right of Parliament to tax the Colonists."

Mr. McMahon says: "Conspicuous amongst all the essays of that day in opposition to the Stamp Act, is one to the honor of which Maryland lays claim, as the production of her most distinguished son. It came from the pen of one whose name was a tower of strength. Abilities that defied competition, learning that ranged with an eagle—flight over every science, accomplishments that fascinated and gentleness that soothed even envy, all conspired to render Daniel Dulany the fit advocate for such a cause."

Hon. Woodrow Wilson says: "In the literature of the Revolution, forces were released which transformed letters into an instrument of creation and brought nothing less than a nation into self-consciousness. It had its beginnings in the protest against the Stamp Act, grave state papers, the addresses of colonial assemblies and of the Congress at New York, the arguments of jurists, and the letters of observant men of affairs. Here was the structure of an empire to be debated. The very scope and capital significance of such a debate called to the best minds of the Colonies like a challenge. Pamphlets began to come from the press which showed quiet men unexpectedly turned statesmen and masters of style to state the case for the liberties of the Colonies. Mr. Daniel Dulany's 'Considerations on the Propriety of Imposing Taxes in the British Colonies for the Purpose of Raising a Revenue by Act of Parliament,' supplied the great Pitt with the chief grounds of his argument against taxing America. A Maryland lawyer had turned from leading the bar of a province to set up the true theory of the constitution of an empire with the dignity, the moderation, the power, the incommunicable grace of a great thinker and genuine man of letters."¹¹

¹¹ *History of the American People*. By Woodrow Wilson, Vol. 3, p. 87 (1902).

The Charter of the Province of Maryland, granted June 20, 1632, by Charles I to Cecilius Calvert, Second Lord Baltimore, contained the most comprehensive grant of civil authority and jurisdiction that ever came from the English crown. As Absolute Lord and Proprietary, he had the rank of a count palatine. He appointed the Governor and all the civil and military officers of the Province, created manors, etc. He had the power of life and death over the inhabitants as regards punishment for crime, and all writs were in his name.

From a very early period the public officials were not paid salaries for their services, but received definite fees, which were, however, regulated at times by the General Assembly. One of these acts passed in the year 1763, had been continued, from time to time until October, 1770, and then came up again for renewal in September, 1770.

After much heated discussion between the two Houses of Assembly, the session ended without the renewal of the acts fixing the fees of the officers of the government, which were claimed to be excessive, especially those of the Provincial Secretary, the *Commissary General*, the Judges and the Register of the Land Office, who were all members of the Council or Upper House.

In consequence of the failure on the part of the two Houses to establish the fees, Governor Eden prorogued the Legislature, and by virtue of the supposed prerogative of his office, issued his Proclamation November 26, 1770, to re-establish the fee bill of 1763, and ordered a new election returnable February 4, 1771. This aroused strong opposition, involving also the question relating to the provision for the established Clergy and the Vestry Act of 1701-2.

The first Assembly held after the issuing of the Proclamation was convened October 2, 1771, but the proceedings of the Lower House being in direct opposition to the Proclamation, the Assembly was prorogued from time to time for two years.

A new election was, however, ordered for May 20, 1773. In the meantime the contest was carried on in the columns of

the *Maryland Gazette*, by anonymous correspondents under various names or pseudonyms.

On January 7, 1773, a communication appeared in the *Maryland Gazette*, by an unknown author, in which two citizens under the respective titles of "First Citizen" and "Second Citizen," discussed Governor Eden's proclamation; the "First Citizen" argued against the action of the Governor in establishing the fees, while the "Second Citizen" defended it, and was made to get the better of the argument. Charles Carroll of Carrollton, who proved himself a powerful antagonist, replied on the part of the people on February 4, and afterwards published a series of articles under the name of "First Citizen," involving also the question of taxation for support of religion which were replied to by Daniel Dulany, the Provincial Secretary, and the ablest lawyer in the Province, under the pseudonym of "Antilon," who naturally being an office holder opposed the reduction of fees. These articles, eight in number, four on each side, were masterpieces of legal learning, full of classical quotations, powerful arguments and courteous vituperation.

A traveller from New England (Hon. Josiah Quincy, Jr.), a great student of books and of political institutions, visited the southern Colonies at this time (1773), and recorded in his journal an account of the political agitation then going on in the Province of Maryland. He writes:

"I spent about three hours in company with the celebrated Daniel Dulany (author of *Considerations*, etc.); the Attorney General of the Province (Edmund Jennings); and several others of the bar and gentlemen of the Province. Dulany is a diamond of the first water, a gem that may grace the cap of a patriot or the turban of a Sultan. A most bitter and important dispute is subsisting, and has long subsisted, in this Province touching the fees of this Colony, and the Governor's proclamation relative thereto, which I have in print. At the conference of the two houses, the dispute was conducted with good sense and spirit, but with great acrimony, by Daniel Dulany of the Council and the Speaker, Mr. Matthew

Tilghman of the Lower House. The same dispute is now kept up in the public papers by Daniel Dulany, on one side, and Charles Carroll of Carrollton on the other, with mutual bitterness. The signature of Dulany is 'Antilon,' that of Carroll is 'The First Citizen.' Carroll and Dulany are both men of great fortune."

Hon. J. H. B. Latrobe, in a biographical sketch of Mr. Dulany, says: "It was the fortune of the writer of this sketch to hear from Mr. Carroll's lips his recollection of the controversy, and to hear him bear witness to the rare talent, the distinguished abilities, and high position, socially and politically, of his opponent in 1773."

The election in May, 1773, which was held under great excitement, and during the progress of this controversy, resulted in the complete triumph of the anti-proclamation party. At this time the members of the Proprietor's Council were Richard Lee, Benedict Calvert, Daniel Dulany, John Ridout, Walter Dulany, John Beale Bordley, George Steuart, William Hayward, William Fitzhugh, Daniel of St. Thomas Jenifer and George Plater.¹²

On July 2, 1773, the Lower House resolved that the "Proclamation of Governor Eden of November 26, 1770, was *illegal, arbitrary, unconstitutional and oppressive.*"¹³

The election in May was the last ever held under the Proprietary Government, and the last session of the Assembly commenced March 23, 1774, and ended April 19, 1774. In that year the Provincial Convention, members of which were elected by the people, began to direct the revolutionary movement, it gradually assumed charge of the Government, and became the sovereign power of the people of Maryland.

In 1775 a temporary form of government for the Province was established and articles of association, known as the "Association of Freeman of Maryland," were drawn up and

¹² *Upper House Journal*, 1762-1774, Vol. 36.

¹³ *Lower House Journal*, 1769-1774, Vol. 54.

signed by all the members of the Convention. In November, 1776, a Declaration of Rights and a Constitution were adopted, and in March, 1777, the new Government of the State of Maryland was organized. This first Constitution of the State of Maryland was of an aristocratic rather than of a democratic nature.

Maryland did not at first contemplate or favor independence and had so instructed her delegates to the Continental Congress, and it was not until her delegates were found almost alone in holding back that their instructions not to vote for independence was rescinded, for many of her best citizens (among them the Dulanys), desired the continuance of the Proprietary Government, especially Daniel Dulany, the younger. He was not only the Secretary of the Province, but he was also a member of the Proprietary's Council, and "no doubt was universally consulted by the Governor in all important cases coming before the Governor, who acted as Chancellor."¹⁴

Had Mr. Dulany espoused the Revolutionary cause he would have added much to his brilliant career, for undoubtedly additional honors would have been conferred upon him.

William Eddis, an Englishman, who was Surveyor of the Customs, at Annapolis, in his published letters, gives a vivid picture of Maryland's social life in 1769, up to the War of the Revolution, tells how he found refuge, when Annapolis became too revolutionary for his comfort, at Daniel Dulany's beautiful country seat "Hunting Ridge," about six miles distant from Baltimore.

"I write to you" (he says to his wife), November 1, 1776, "from one of the most delightful situations on the continent of America, where I have obtained an occasional retreat from the noise, the tumult and the miseries of the public world. From the back piazza of our habitation we command a truly picturesque view into several fertile counties; a distant prospect of the Eastern Shore; the magnificent waters of the Chesapeake, and the river Patapsco, from the entrance at the Bodkin Point, to

¹⁴ 1 *Harris and McHenry Reports*. Note a, p. 352 (1809).

its apparent termination at the town of Baltimore. After this inadequate description, I need not observe, that we reside on a lofty eminence, where

“ the air
Nimble, and sweetly recommends itself
Unto our gentle senses.”

On May 1, 1777, he writes: “I have taken my leave of Hunting Ridge, and trust I am on the point of bidding farewell to Maryland.” On June 7, 1777, he writes: “I have taken leave of the few faithful friends still residing in Annapolis. Perhaps a final one. . . . I shall embark in a few minutes. So will Mr. Dulany, as his vessel is likewise in the harbour and ready for sea.”¹⁵

Upon Mr. Dulany's return from England he gave up his residence in Annapolis, and with his wife and only daughter, Ann Dulany, retired to their country seat, “Hunting Ridge,” and where they resided until the iron heel of public opinion deprived them of their property.

From “Hunting Ridge,” Ann Dulany on February 3, 1781, writes to her cousin, Miss Lowndes, who lived near Bladensburg, Md., as follows: “In all probability we shall not have it in our power to remain here much longer, as I believe there is little doubt of the Confiscation Bill passing.”

“Hunting Ridge” could have been no cheerful home for her, with the anticipation of immediate loss of her father's property, yet her letters to her relatives at that time are playful even when she indulges in satirical comments upon her political opponents, both French and American, and yet after all in the end she married a Frenchman.

At the May Term, 1781, of the General Court, of which Hon. Robert Hanson Harrison was Chief Judge, Hon. Nicholas Thomas and Hon. Alexander Contee Hanson were Associate Judges, the following persons were presented for High Treason,

¹⁵ *Letters from America, Historical and Descriptive.* By William Eddis, pp. 334, 359, London, 1792.

viz: Rev. Jonathan Boucher, Henry Addison, Rev. William Edmiston, John Montgomery, Rev. Bennett Allen, Anthony Stewart, Daniel Dulany of Daniel, Daniel Dulany of Walter, Lloyd Dulany, Henry Riddle, Philip Key, Daniel Addison, Charles Gordon, Thomas French, George Chalmers, Nathaniel Richardson, George Howard, Leigh Master, David Carcand and Daniel Stevenson. The actions were struck off, however, at the May Term, 1872, the property of many of these Maryland Loyalists having been confiscated and sold.

On August 25, 1781, Daniel Dulany's real and personal property, consisting in part of ten lots in the City of Annapolis, upon one of which stood a "commodious and finely situated house in which Mr. Tasker formerly lived, with other buildings," was sold under the Confiscation Act.

And on October 10, 1781, "a number of lots in Frederick Town, with the improvements thereon; also several tracts, containing about seven thousand (7,000) acres of very valuable land, lying contiguous to the said Town, most of which is improved," were sold under the Confiscation Act.

And also on December 7, 1781, at Baltimore Town, "that elegant and well improved seat, called Hunting Ridge," was sold under the said Confiscation Act.¹⁶

All of the above property sold for £84,602, "the estates of a man who had never breathed an unfriendly breath and had never raised his hand in one overt act."

In the fall of 1781 the Dulanys removed from "Hunting Ridge" to Baltimore. Mr. Dulany did not actively engage in the practice of the law after his removal to Baltimore, but on account of his great eminence in his profession he was constantly consulted by other lawyers in the preparation of their cases.

From Baltimore, Ann Dulany dates the rest of her letters to her relative, in one of which in 1782 she shows the kindness of her heart by her sympathy for Mrs. Washington in the loss of her son. She writes: "I am very sorry for the death of Mr. Custis, but much more so for the sufferings of poor Mrs. Washington. Does not this prove, had we wanted proof, that

* *The Maryland Journal and Baltimore Advertiser*, 1781.

there is no such thing as perfect happiness in this world of uncertainty."

Daniel Dulany, the younger, married September 16, 1749, Rebecca Tasker, born in Annapolis, November 4, 1724,¹⁷ died in Brighton, Sussex, England, in September, 1822, having nearly completed her 98th year.¹⁸ She was the second daughter of Hon. Benjamin Tasker, for 32 years a member of the Council and Acting Governor of the Province from May 3, 1752, to August 10, 1753, and Ann Bladen, his wife, the only daughter of Hon. William Bladen, of Annapolis, who was the son of Nathaniel Bladen, barrister, Hemsworth, Yorkshire, England, and Isabella Fairfax, his wife, second daughter of Sir William Fairfax of Steeton, Yorkshire, and his wife, Frances, daughter of Edmund Lord Sheffield, Earl of Mulgrave. Sir William Fairfax commanded a brigade at the battle of Marston Moor, under his cousin, Sir Thomas Fairfax, the great Parliamentary General. He fell covered with wounds in the moment of victory at the siege of Montgomery Castle, Wales, September 19, 1644.¹⁹

The children of Daniel Dulany, the younger, and Rebecca (Tasker) Dulany, his wife, were:

1. Daniel Dulany, Jr., born in Annapolis in 1750, died unmarried, in Downing Street, Westminster, August 12, 1824.²⁰

2. Benjamin Tasker Dulany, born in Annapolis in 1752, died 1816; married February 10, 1773, Elizabeth French of Virginia, leaving many descendants.

3. Ann Dulany, born in Annapolis, married M. de la Serre, and died at Grand Parade, Brighthelmstone (now Brighton), October 2, 1828.²¹ Her only child, Rebecca Ann, the heiress of her uncle, Daniel Dulany, Jr., assumed the name of Dulany and married Sir Richard Hunter, and died, without issue, at Brighton, Sussex, England.

¹⁷ *St. Anne's Parish Register*. Annapolis.

¹⁸ *Gentleman's Magazine*, London, Vol. 92, Part 2, p. 286.

¹⁹ *Pedigree of Yorkshire Families* (Fairfax Chart), Vol. 1, West Riding. By Joseph Foster, 1874.

²⁰ *Gentleman's Magazine*, London, Vol. 94, Part 2, p. 189.

Daniel Dulany, Jr., the eldest son, was taken to England by his father in July, 1761, and was educated at Eton. He never returned to America but once after he was taken abroad to be educated, and that was in 1785, when he paid a visit to his family. General Washington in his diary thus writes: "Thursday, December 22, 1785, at Mount Vernon, went a fox hunting with the following gentlemen who came here yesterday, Daniel Dulany, Jr., Benjamin Dulany, Samuel Harrison, Thomas Harrison, Philip Alexander, together with Ferdinando Fairfax and a Mr. Shaw."

In 1783 the British Parliament appointed a Commission to investigate the claims of the American Loyalists. Their report was afterwards made with an account of the compensation allowed them by Parliament in 1785 and 1789. A volume in the Public Record Office, London, written on vellum, contains a list of all the claimants under the commission, showing their claims and the amounts allowed. Mr. O. Locker Lampson, of Norfolk, England, a lineal descendant of the Rev. Jonathan Boucher, who was Rector of St. Anne's Church, Annapolis, June 12, 1770, to June 4, 1771, very kindly sent to the writer in January, 1908, the following amounts allowed to Daniel Dulany, Jr. (£24,130); and to his mother, Mrs. Rebecca Dulany (£5,000), on account of the property of Daniel Dulany, the younger, confiscated and sold by the State of Maryland in 1781, under the Confiscation Act.

Daniel Dulany, Jr., never married, and at his death, in 1824, he left his large fortune to his niece, Rebecca Ann de la Serre, whom he had adopted and who had taken the name of Dulany. She married, July 21, 1829, Sir Richard Hunter.²² Lady Hunter dying childless at Brighton, March 29, 1835,²³ left one-half of her fortune to her cousin and namesake, Rebecca Ann Dulany of Virginia, and the other half to her husband, Sir Richard Hunter, who married a second time, July 24,

²² *Ibid.*, Vol. 98, Part 2, p. 381.

²³ *Gentleman's Magazine*, London, Vol. 99, Part 2, p. 74.

²⁴ *Ibid.*, N. S., Vol. 3, p. 670.

1837,²⁴ Frederica Emma Bishop, daughter of Charles Bishop, Esq., of Sunbury, Middlesex, Procurator General to His Majesty George III.

On the death of Sir Richard Hunter of Dulany House, Sussex, March 16, 1848,²⁵ his widow married secondly. November 24, 1851, the fifth Earl of Lanesborough.²⁶

Benjamin Tasker Dulany, the second son, before the War of the Revolution, went to Frederick County to live, residing at "Prospect Hall," near Frederick Town. He married, February 10, 1773, Elizabeth French, daughter of Daniel French of "Claremont," Fairfax County, Virginia, and the ward of General Washington, who gave her away at her marriage.

Not long after this event Mr. Dulany presented to General Washington the celebrated horse Blueskin, which he rode during the War of the Revolution. The horse was returned to Mrs. Dulany with the following note after the close of the war:

"General Washington presents his best respects to Mrs. Dulany with the horse Blueskin, which he wishes was better worth her acceptance. Marks of antiquity have supplied the place of those beauties with which the horse abounded in his better days, nothing but the recollection of which and of his having been the favorite of Mr. Dulany in the days of his courtship can reconcile her to the meagre appearance he now makes. Friday, past 2 o'clock."

Benjamin Tasker Dulany and Elizabeth (French) Dulany, his wife, had six sons and six daughters, many descendants of whom are now living in Maryland, Virginia and elsewhere.

Daniel Dulany, the younger, died at his residence, No. 6 St. Paul's Lane (now St. Paul Street), Baltimore, March 17, 1797.

The following obituary notice is copied from the *Federal Gazette and Baltimore Daily Advertiser* of Thursday, March 23, 1797:

"Departed this life on Sunday Morning last, DANIEL

²⁴ *Ibid.*, N. S., Vol. 8, p. 302.

²⁵ *Ibid.*, N. S., Vol. 29, p. 558.

²⁶ *Burke's Peerage* (1912).

DULANY, Esq., barrister-at-law, in the 76th year of his age. In his professional character few men have obtained a greater reputation than Mr. Dulany. After a long course of pleadings, conducted with honor and talents, and attended with success, he was appointed to the honorable office of Secretary of Maryland, a station which he filled with a character the most unblemished. In all the duties of husband, father, friend and master, he was affectionate, tender, kind, and humane.

“His remains were on Tuesday interred in St. Paul’s burial ground, attended by a concourse of long-known friends and acquaintances; when a sermon, appropriate to the occasion was delivered by the Rev. Mr. Bend.”

He was buried first in the churchyard of old St. Paul’s Protestant Episcopal Church, which was in the rear and around the side of the present church edifice, corner of Charles and Saratoga streets. When this ground was built upon, his body was removed to St. Paul’s cemetery, at the corner of Lombard and Fremont streets, where it now rests.

The inscription on the altar tomb is as follows:

In Memory of
The Honble DANIEL DULANY, Esqr,
BARRISTER-AT-LAW,
Who with great INTEGRITY and HONOR
for Many years
Discharged the important Appointments
of
COMMISSARY-GENERAL,
SECRETARY OF MARYLAND,
and one of
The PROPRIETARY’S COUNCIL,
In private life
He was BELOVED,
and
DIED REGRETTED
March 17th, 1797,
Aged 75 years and 8 months.
REBECCA, his widow,
Daughter of the late Benjamin Tasker, Esq., of Annapolis,
Caused this TOMB to be erected.

After her husband's death, Mrs. Dulany went to England to live, residing at first with her eldest son, Daniel Dulany, Jr., and where she was joined by her daughter, Mrs. de la Serre, and her daughter. The family afterwards lived at Brighton, where Mrs. Dulany died in 1822, at an advanced age, having outlived her husband more than twenty-five years.

Among the contemporaries of Daniel Dulany, the younger, practicing before the Provincial Court up to the overthrow of the Proprietary Government, were Edward Dorsey; Stephen Bordley; James Tilghman; Charles Goldsborough; Thomas Johnson, Jr., afterwards first Governor of Maryland and one of the Associate Justices of the United States Supreme Court; John Hall; James Hollyday; Thomas Jennings; William Paca, afterwards one of the Signers of the Declaration of Independence and Governor of Maryland; Samuel Chase, afterwards one of the Signers of the Declaration of Independence and one of the Associate Justices of the United States Supreme Court; and Robert Goldsborough.

Daniel Dulany's name, with that of other distinguished lawyers who have left the impress of their strong personalities upon the laws and legal practice of Maryland, is perpetuated in the frieze of the Supreme Bench room in the Court House in Baltimore City.

"The conjecture may be hazarded," says Mr. McMahan, in writing of Mr. Dulany, "that had he not been thrown into collision with the leaders of the Revolution in this State, by the proclamation controversy (Governor Eden's proclamation regulating the fees), and thus involved in discussion with them, which excited high resentment on both sides, and kept him at a distance from them until the Revolution began; he would most probably have been found by their side, in support of the measures which led to it."

Dr. Steiner says: "The popular opinion has been that Charles Carroll had much the better of the argument with Dulany. In this opinion I do not join, though I admit most readily that in Carroll, Dulany found a worthy antagonist and that Carroll's success in arousing the people was most note-

worthy, especially when we consider his religious faith. . . . My conclusion is that Dulany's arguments found their best refutation in the paper written by William Paca, Thomas Johnson (Jr.) and Samuel Chase."²⁷

But when the roll is called, one by one, of Maryland's most distinguished sons, the name of Daniel Dulany, the younger, the leader of his profession and the champion of the constitutional rights of the people, as British subjects, gathering "golden opinions from all sorts of men"; with his splendid talents, his profound learning, his masterly pen and his engaging eloquence, the great Quintilian of the day, will not be forgotten.

TANEY LETTERS.

(From the Society's Collections)

ROGER BROOKE TANEY FROM THE PRESIDENT

Feb. 9th, 1831 [1]

The President with his respects to chief justice Taney, and being informed by M^r Blair that the Supreme Court will adjourn on Saturday next. The President requests him to come and take a room with him during his stay. The President will have the room warmed on Saturday if M^r Taney will be here on that evening to occupy it.

February 9th, 1831.

Novb^r 22^d 1833 [6]

My D^r Sir

My old and faithful friend, M^r Moses Dawson of Cincinnati will hand you this, and I beg leave to introduce him to your acquaintance. He has always sustained the character of an honest man, free from speculations of any kind. The within

²⁷ *Life and Administration of Sir Robert Eden*. By Bernard C. Steiner, Ph. D., p. 64 (1898).