

1752

1844



Gabriel Duvall

Comptroller of the United States
(1802-1812)

Justice of United States Supreme Court
(1812-1835)

A SHORT BIOGRAPHY
by Shirley Baltz

THE SOCIETY OF MAREEN DUVALL DESCENDANTS



Gabriel Duvall (1752-1844)

When Mareen Duvall, French Huguenot immigrant and patriarch of that family in America, died in 1694, he left a lengthy will disposing of his hundreds of acres of land. To his youngest son, Benjamin, he devised 200 acres, or the southern half, of Howerton's Range, a tract stretching along the western side of the Patuxent River in what is now Prince George's County. In 1720, by which time he had married the former Sophia Griffith and fathered a number of children, Benjamin arranged an exchange of land: he conveyed his portion of Howerton's Range to Robert Tyler and, in return, received from Tyler 150 acres filling the northwest corner of Darnall's Grove, a huge grant originally totalling 3800 acres and situated a few miles to the westward. The 150 acres of Darnall's Grove became the dwelling plantation for that line of Mareen Duvall descendants.

Benjamin junior inherited that land from his father and it was there that he and his wife, Susanna Tyler Duvall, raised their family. Their second son, and sixth child of ten, was Gabriel, born 6 December 1752.

Little is known about the boy's early life. Making a success of a plantation only recently carved from the wilderness required a great deal of time and effort and perhaps Gabriel, during his youth, was expected to do his share. There were no towns nearby so the family's social ties were with relatives and neighbors living on the surrounding plantations. They were members of Queen Anne Parish but rather than in the parent church, St. Barnabas, they probably worshiped at the nearby Chapel of Ease known as Henderson's Chapel.

Before he was twenty, Gabriel Duvall left rural Prince George's County and moved into Annapolis, the provincial capital. There he came in contact with the early stirring of anti-British feelings and, from that vantage point, he watched, over the next decade, as Maryland inched toward war and finally joined with the other colonies in their struggle for independence.

His first position in the city, in 1771, was that of Clerk of the General Court under the supervision of Reverdy Ghiselin. A 1774 notice in the Maryland Gazette of his being located "at Mr. Hall's Office," in Annapolis, raises the possibility of his having received his law training under the guidance of John Hall, Esquire, a distinguished barrister who practiced in the General Court both before and after the Revolution.

When the Maryland Convention replaced the Assembly as the province's governing body and met in April 1775, Gabriel Duvall was chosen as its Clerk. He also became Clerk of the Council of Safety and over his signature were issued the many letters, resolutions, reports, notices, etc., which emanated from those proceedings. At the first session of the House of Delegates under the new state constitution he was appointed Clerk and served at "several subsequent sessions until the autumn of 1778, when he resigned to practice law."

By that time two of his brothers were officers in the military and, unfortunately, both were killed: Edward on 16 August 1780 at Camden, S.C., and Isaac on 8 September 1781 at Eutaw Springs, S.C. In a letter of sympathy to his father, following the death of the second, he wrote, "I can truly say that no one more sincerely laments their Fate than I do. At times, I could almost die to let them live, and scarcely have a Wish to survive them. . . ."

In the July prior to Isaac's death, Gabriel had been selected by the Governor's Council to replace Colonel Forrest as one of the three Commissioners for the Preservation and Sale of Confiscated British Properties and, for the next several years, he was involved in carrying out the tasks inherent to that post. Simultaneously, he was functioning at several levels. By 1781 he was admitted to practice in the General Court and, from 1783 through 1792, he represented various clients in the Anne Arundel County Court. He was also paid by the Corporation of Annapolis for acting as Prosecutor in the Mayor's Court for the years 1781 and 1782.

In November of 1782, and again in 1783, he was chosen as a member of the Governor's Council, resigning in August 1784 only to be reelected in November 1785. When, during the subsequent session, an act was passed vesting what he considered excessive powers in the Governor and Council, he resigned a second time.

At the October 1787 election, Duvall won a seat in the House of Delegates representing the city of Annapolis. That same month, when Thomas Stone resigned, he was elected Recorder in the Mayor's Court. Twice, in 1788 and 1789, he was returned to the legislature.

On 24 July 1787 Duvall, almost 35 years of age, had married Miss Mary Bryce, daughter of Captain Robert Bryce and his wife, Frances. The happy occasion of the birth of a son, Edmund Bryce Duvall, on 25 January 1790 was diminished two months later by the tragic death of his wife at the age of 29. His intense grief was revealed in a letter sent to his father shortly

afterward. "May God, of his great goodness and mercy," he wrote, "preserve me, and enable me to bear the affliction with fortitude and patience . . . so great was my affection for her, and I had so uniformly experienced the goodness of her heart, that were she now living . . . and I had my choice of all the world I would prefer her." The motherless infant was sent to live with his grandfather in the country.

Although Benjamin Duvall was still the chief occupant of Darnall's Grove, by that time he had actually sold his land to Gabriel. During the next few years the latter continued to buy adjoining tracts—i.e., Holliday's Choice, Orphan's Gift, Hill's Choice and Plague Enough—until his land holdings encompassed over 600 acres. Annapolis, however, remained his place of residence.

There, the pace of his public life continued unabated through the 1790's. When the Vestry of St. Anne's undertook the running of a lottery to raise money towards completing their new church in Annapolis, Duvall acted as one of the managers. Beside serving as Recorder in the Mayor's Court and for the Corporation and as a member of the House of Delegates, he was appointed a major in the Anne Arundel County Militia. Then, in May 1794, he was named to fill the vacancy created by the resignation of the honorable J. F. Mercer, one of Maryland's representatives in the Third Congress. By November, when the House began its second session, he was in Philadelphia to take his seat.

Along with some of his fellow-members of Congress he took up lodgings in the city at Mrs. John Gibbon's boarding-house. There he met her daughter Jane, or Jenny, and, after a fairly short acquaintance, the two were married on 5 May 1795. From that second marriage there were no children.

Duvall was present when the Fourth Congress opened its first session in December 1795 but he resigned in March 1796, having been elected Judge of the Maryland Supreme Court. Later that year he supported Jefferson in his first, and unsuccessful, attempt to win the Presidency.

When Jefferson gained that office in 1800 Duvall was one of the electors who had favored his candidacy. A debate about Jefferson's qualifications for the office had erupted into print and all summer and fall Duvall had contributed lengthy articles, defending his candidate's character and actions, to the Maryland Gazette. Shortly after he was inaugurated, Jefferson offered the chair of the Chief Judge of the District of Columbia to Duvall but he declined.

A year and a half later, however, when he received a letter from the President stating, "The place of Comptroller of the U.S. is vacant. . . . I shall be very happy if it shall appear acceptable to you, and shall think I have well performed my duty if I can get the office placed in hands who enjoys and who has so much merited the public confidence. . . ." he accepted. The records of the Corporation noted in December 1802 that the

Office of Recorder had been vacated "by the removal of Gabriel Duvall Esquire to the District of Columbia."

In the young national capital, not only did he take up the duties of his office but he and his wife became participants in the city's busy social life as well. They entertained frequently and, in turn, were among the guests at teas, dinners and balls given by others. Soon their circle of friends included the most prominent figures in government and extended all the way to the White House and the diplomatic corps.

From Jefferson's administration on into Madison's, Duvall continued as Comptroller, handling conscientiously and competently the myriad financial details under his jurisdiction. When a vacancy occurred on the Supreme Court in 1811 and Madison looked for a likely Marylander to fill it, he nominated Duvall. His appointment was confirmed by the Senate on November 15th and he was on the bench when the Court opened its new session in February 1812. It was the beginning of a long association and friendship with Chief Justice Marshall.

At that period, Supreme Court Justices also sat as Judges of the United States Circuit Courts and so, during part of the year, each man traveled. Duvall's territory covered Maryland and Delaware and he presided over the Circuit Court Terms held in Baltimore and Wilmington.

Located in Washington, the Duvalls could easily reach the farm in Prince George's County. The area was now more densely populated, roads were better and travel easier and quicker. Sometime in the first quarter of the 19th-century a new house was built on the 600 acres which had combined into one large tract and renamed "Marietta." Living was divided between the country and city.

As in all long lives, Duvall's, in later years, was marked by the deaths of loved ones. the greatest blow was the loss of his only child, Edmund Bryce Duvall, in 1831. The next year his daughter-in-law passed away and, in accordance with her will, Gabriel was named as guardian of his two grandsons, Marcus and Edmund Bryce Junior. And finally, in April 1834, Jane Gibbon Duvall died.

As the years passed observers of the Court commented not only about Duvall's aged appearance—one recorded that "his head was as white as a snow-bank, with a long white cue, hanging down to his waist."—but about his deafness which grew ever worse. Unable to hear the proceedings, at times he dozed on the bench, giving everyone the impression of incompetency. Yet his letters of the time reveal his sharp awareness of the existing political situation and a reluctance to step aside to be replaced by someone of whom he did not approve. It was only after he was assured that Roger Brooke Taney, another Marylander, would be his successor that, in January 1835, he resigned.

He spent the last decade of his life at Marietta, tending the farm, administering his son's estate, closely supervising the education of his

grandsons and now and then submitting an article or letter to the "American Farmer" or the "American Turf Register." For years his contributions to the latter publication displayed his remarkable talent to reach back, even to colonial times, to recall the blood-lines of many of the famous thoroughbreds of the day. Occasionally he traveled into Washington to attend the Jockey Club races, riding on horseback the twelve miles into town and back out again in a single day.

He was in his 93rd year when he died at Marietta on 6 March 1844. Announcement of his death in the Chambers of the Supreme Court brought forth a number of tributes to his fine character and his many years of devoted service. According to Justice Story, who had been sworn to the highest bench the same day as Duvall, "His urbanity, his courtesy, his gentle manners, his firm integrity and independence, and his sound judgment, so eloquently and truly stated at the bar, are entirely concurred in by all of us who had the pleasure of knowing him." He lies—his grave unmarked—in the family burial ground located on a section of Marietta later renamed The Wigwam.

AUTHOR'S NOTE:

My thanks to Mr. John Walton Jr., historian for the Maryland-National Capital Park and Planning Commission, for permitting me to use the extensive research material that we have gathered about Gabriel Duvall.

A SHORT biography of the man results, regrettably, in little more than a chronology of the many public posts he occupied. There is no opportunity to portray in depth his generally conservative political outlook, his strict constructionist approach to first the state and then the federal constitutions, the esteem with which he was regarded by his peers and the deep affection felt for him by all the members of his family. To date, no such detailed work has been undertaken.

Shirley Baltz