

Hanmer, Daniel ^[1]

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by Jon G. Crawford, 1988

fl. 1733–43

Daniel Hanmer, colonial chief justice and councillor, was described by Governor [George Burrington](#) ^[2] as "bred to the profession of the Law"; he was a nephew of Sir Thomas Hanmer, the leading Tory member of Parliament who was speaker of the House of Commons in 1714–15. Hanmer probably served as chief justice from the death of his predecessor, [William Little](#) ^[3], in late August or early September 1734, although he was sworn into office on 28 September. Burrington wrote to the duke of Newcastle on 7 Oct. 1734 to inform him that the colonial council had been purged of several members. It was this political dismissal that led to Hanmer's appointment as councillor on 28 Sept. 1734, although neither the governor's instructions nor custom granted an ex officio seat on the council to the chief justice. During his brief tenure as councillor and chief justice, Hanmer administered the oaths of office to legislators and introduced a bill for promoting trade in the province.

Because Hanmer owed his political fortune to Burrington, he was not in the favor of Burrington's replacement [Gabriel Johnston](#) ^[4]. Hanmer was removed from his posts shortly after the arrival of Johnston late in 1734. Among those who had been purged from the council in September 1734 was the new chief justice, William Smith. Although Hanmer claimed he was "suffering innocent," Smith believed Hanmer was partly responsible for the new chief justice's earlier disgrace. Consequently, Hanmer was imprisoned and his property sequestered. A citizens' petition of 1735 charged Smith with "trampling liberty underfoot," and it appears that Hanmer was the somewhat reluctant champion of the colony against the governor and his agents. Hanmer may have left the colony for England soon after his dismissal from office.

On 15 Oct. 1736, *The Virginia Gazette* ^[5], reporting news from [Edenton](#) ^[6], noted that the brigantine *Inverness* from London had arrived with a cargo of European goods belonging to "Colonel Hanmer, who was sometime ago, Chief Justice of this Province, by the appointment of the late Governor Burrington, but remov'd by the present Governor. He is come in her, with his Wife and Family, and has brought a Cargo of European Goods, with which, 'tis said, he intends to purchase Tobacco, to load her back again, and so to continue that Trade, as long as it will answer."

Hanmer petitioned the [Assembly](#) ^[7] in 1740, claiming that he had earlier been libeled and that the decision against him was unfair and illegal. But the Assembly, with William Smith as its president, conceived this charge to be a libel against the chief justice and censured Hanmer. A last petition to the king in council in 1743 went unheard, and we may accept Hanmer's claim that he was financially ruined by the conflict. His political eclipse was mirrored in the fortunes of his more famous uncle, Sir Thomas Hanmer, who withdrew from political life at about the same time. His death must have occurred soon afterwards as the estate of Eliza or Elizabeth Hamner, presumably his widow, was sold between January 1744 and October 1745.

References:

Robert J. Cain, ed., *Records of the Executive Council, 1664–1734* (1984).

John L. Cheney, Jr., ed., *North Carolina Government, 1585–1974* (1975).

William L. Saunders, ed., *Colonial Records of North Carolina*, vols. 3, 4 (1886).

Additional Resources:

Petition from Daniel Hanmer concerning his dispute with William Smith. Hanmer, Daniel, fl. 1733-1743, September 1743. Volume 04, Page 623. Documenting the American South, UNC Libraries:

<https://docsouth.unc.edu/csr/index.html/document/csr04-0190> ^[8]

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