



Cortland Rural Cemetery

110 TOMPKINS STREET • CORTLAND, NEW YORK 13045

WINTER 2009

The Dual Duells and Then Some

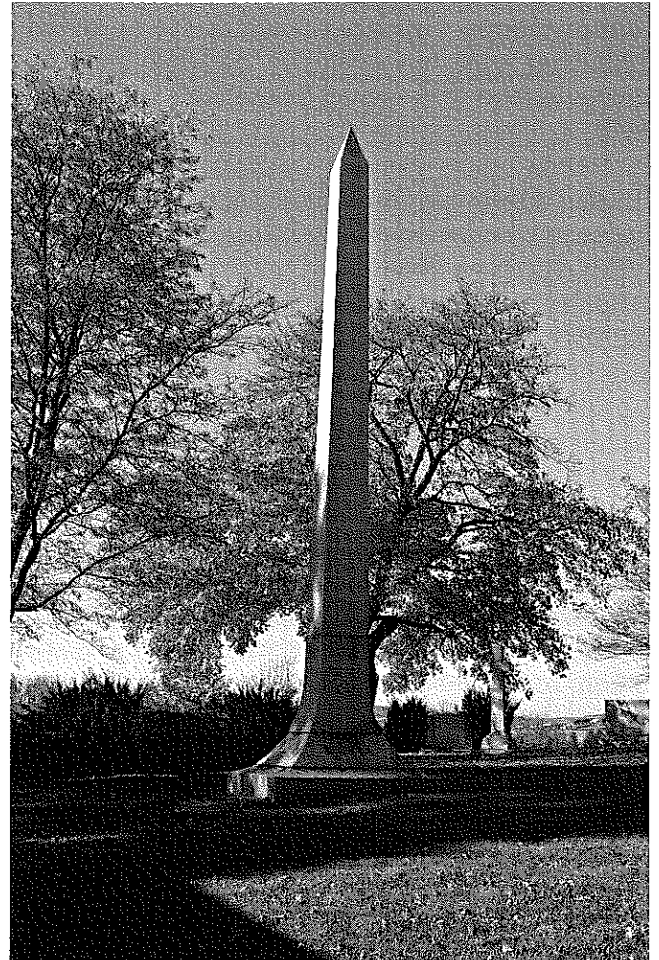
By Andrew Palm and Sandra Baden

Among the most prominent monuments in the Cortland Rural Cemetery rises the slender spire on the lot of Charles Holland Duell. To any observer, it resembles the Washington Monument, and why not? For Charles Holland Duell was a political powerhouse having spent much time in Washington DC.

First in the line was Rodolphus Holland Duell, born in Warren, Herkimer County, NY in 1824. He was the father of Charles Holland Duell. R. Holland Duell studied law with the Hon. Charles B. Sedgwick of Syracuse and commenced his own practice of law in 1845 in Fabius, NY before moving to Cortland County in 1848. Among the highlights of a long career in law and politics, he served as the elected Cortland County District Attorney from 1850 to 1855, and Cortland County Judge from 1855 to 1859.

Originally a Whig, R. Holland Duell was an early convert to the new Republican Party serving as a delegate to Republican National Conventions in 1856, 1864 and 1868. He was elected to the United States Congress for four terms, serving from 1859 to 1863 and again from 1871 to 1875. Appointed the Commissioner of the US Patent Office, he served from 1875 to 1877. Following his long political service, he returned to the practice of law in Cortland, NY where he died on February 11, 1891 and was buried in his lot in Section U in the Cortland Rural Cemetery.

R. Holland's son Charles Holland Duell, the monument builder, was born in Cortland in 1850 and graduated from Hamilton College in 1871 and Hamilton College Law School in 1872. He provided for two Hamilton College scholarships, one for a student studying German and another



Duell Monument - Section C2

for a first year student, which exist to this day. Entering the practice of law in New York City in 1873 he stayed there until 1880 when he moved his practice to Syracuse, NY for another 18 years. Following in his father's footsteps, he was elected to office serving in the NY State Assembly from 1878 to 1880 and then was named Commissioner of Patents from 1898 to 1901. He returned to a New York City patent law practice from 1891 to 1894 when he was nominated by President Teddy Roosevelt, and confirmed by the Senate, to a seat on the US Court of Appeals for the Washington, DC Circuit in January 1905. Resigning a year and

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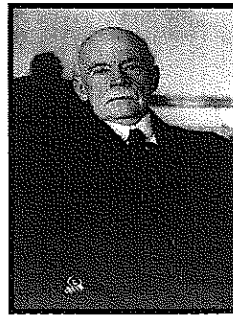
(Dual Duells Continued)

a half later, he again practiced law in New York City until 1915. He died in Yonkers New York on January 29, 1920 and is buried adjoining his wife Harriet in the lot with the impressive Duell monument in Section C2 in Cortland Rural Cemetery.

Charles Holland Duell achieved a bit of notoriety for allegedly saying, "Everything that can be invented has been invented" while Patent Office Commissioner. This has turned out to be an urban myth that was debunked by Samuel Sass in an article in the "Skeptical Inquirer" magazine in 1989.

Charles Holland Duell had three sons, all Yale graduates, and a number of daughters, all born in Syracuse. Son William Duell is buried in his father's lot in Cortland Rural Cemetery along with his wife Louise. Son Holland Sackett Duell married into the Charles E. Halliwell family, prominent in the tobacco industry, and his descendants continue to enjoy socially prominent lives in the New York City area.

But it was Charles Holland Duell Jr. who provides the most fascinating piece of their family history. He moved from a mundane life as a Syracuse patent attorney into a career as an early silent screen movie producer and agent. His one and only successful client was the legendary star of stage and silent films Lillian Gish. Besides being her agent, lawyer and financial advisor, he allegedly became involved in what would be a scandalous affair with her that ended not only



Charles H. Duell



Charles H. Duell Jr.

with his wife divorcing him, but also with a series of disastrous lawsuits that Duell directed against Lillian Gish. While the lawsuits alleged breach of contract, he proceeded by threatening to publicize details of their alleged personal relationship. The outcome of all of these legal actions initiated by Charles Holland Duell Jr., stretching from 1924 to 1932, was failure on his part, leaving him disgraced, disbarred and insolvent. Lillian Gish, who never married, continued a prominent acting career spanning 75 years eventually. This long-lived spectacle was the 1920s version of today's tabloid scandals. In 1933 he married again and supervised the manufacturing of his new wife's invention of a dispensing container, eventually returning to practicing patent law. He died in Virginia in 1954. He is not buried in the Cortland Rural Cemetery.

"All the world's a stage, and all the men and women merely players," William Shakespeare once wrote. In the end, perhaps this saga of the rising and falling Duell family is simply proof of it.

How a Cemetery is Funded

We often get asked how the Cemetery is funded. It's a not-for-profit corporation that raises most of its operating revenues by the sale of lots, fees for interments and the installations of markers and foundations for monuments. We are not part of any local government and are not funded by taxes. We have a limited trust fund (Perpetual Care and Permanent Maintenance) which provides only about 15% of the money we need to operate every year.

Costs for labor and energy have been rising substantially. We have been very effective in trying to contain our manageable costs, but our real need is to develop new sources of revenue and build our Trust Funds to the point that they provide support

equal to the percentage of the Cemetery lands already sold. Since 80% of the Cemetery land is sold, then 80% of the maintenance operating cost should be coming from Trust Fund revenues.

The Cemetery Foundation has been the principal source of support for capital items (like tractors and trees) and building maintenance and improvement.

As a shift in public usage to cremation has been occurring, and above-ground interment has been more desirable, the Cemetery has shifted to offering both public mausoleum space and cremation niches. The Cemetery will continue to expand its offerings along those lines along with seeking other new sources of revenue. Meanwhile, your support is greatly needed and appreciated.

ENDOWMENT CAMPAIGN REPORTS RESULT

By James Clark, Chair
Endowment Campaign

Last year the Cortland Rural Cemetery Foundation's first public campaign to raise an endowment generated gifts, pledges, and bequests from friends and foundations to total over \$312,000. As explained to potential donors in campaign materials, this endowment is invested so that its annual earnings may be turned over to the cemetery for maintenance and improvements. The Foundation's Board of Directors is grateful to members of the local community and the cemetery's extended family who responded so quickly and generously to its plea for help.

As regular readers of this newsletter may know, in 1996 a number of community leaders, concerned about the deteriorating condition of the cemetery, created a foundation to accept gifts and bequests and to solicit funds to help maintain this historic asset. Annually since then, the Cortland Rural Cemetery Foundation has sought gifts for specific projects such as road repair and chapel renovation.

In 2007 the Trustees asked the Foundation to undertake a special, limited fund-raising campaign to create an Endowment Fund to supplement the cemetery's small permanent maintenance fund. The nine volunteers who compose the Foundation Board accepted the challenge and planned for a campaign lasting several months. The campaign began in late Spring 2008.

The Foundation decided that the campaign would seek pledges and gifts that could be realized over a three-years period. Given local conditions and limited resources the Board decided not to spend money on professional staff or consultants but to have its members do most of the work. This position allowed the Board to inform potential donors that ALL proceeds would be placed in the Endowment Fund except for the cost of the campaign in the form of secretarial assistance, postage, printing, and materials.

The Board initiated a formal fund-raising campaign soliciting donations from the widest possible donor base including individuals, businesses, foundations, and groups such as neighboring College faculty and relatives of those whose remains are in the cemetery's care. The Board drafted a document which professional fund-raisers call a "case statement" to explain why the cemetery needed an endowment fund. It was professionally printed for inclusion in

all mailings. The Board held several evening workshops for the purpose of signing and annotating letters of solicitation and stuffing them in envelopes. Over 1,000 letters were mailed. Inquiries were addressed to a dozen foundations known to make grants in our region. Members of both the cemetery's Board of Trustees and the foundation's Board of Directors (and sometimes their spouses) made telephone calls to selected individuals and businesses. Ithaca radio station WHCU interviewed the campaign chair. A large banner was erected at the cemetery in an effort to raise public awareness.

The Trustees and the Directors kicked off the campaign with generous gifts and pledges of their own, nearly matching the \$50,000 bequest of Charles Gibson, whose recent death deprived the cemetery of one of its finest Board members. An early pledge of \$50,000 from his sister Margaret Gibson gave a huge boost to the nascent campaign. Several local foundations made generous gifts, including a very early one for \$25,000. The largest single gift (\$60,000) came from the J.M. McDonald Foundation whose continuous benevolence has benefitted so many projects in Cortland County. In all, Marilyn Barnes, the part-time secretary who was employed to open the mail and process the gifts, prepared over 150 letters of acknowledgment and appreciation.

By the end of the campaign gifts and pledges totaling \$281,918 had been received. But this is not the end of the story. Professional fund-raisers include in their campaign reports amounts which have been written into in wills as a consequence of their efforts. With this approach it is reasonable to include in the campaign's total another \$30,000 of known new bequests which brings the campaign total to over \$312,000. The Foundation Board is very grateful for the support it has received from the Cortland community.

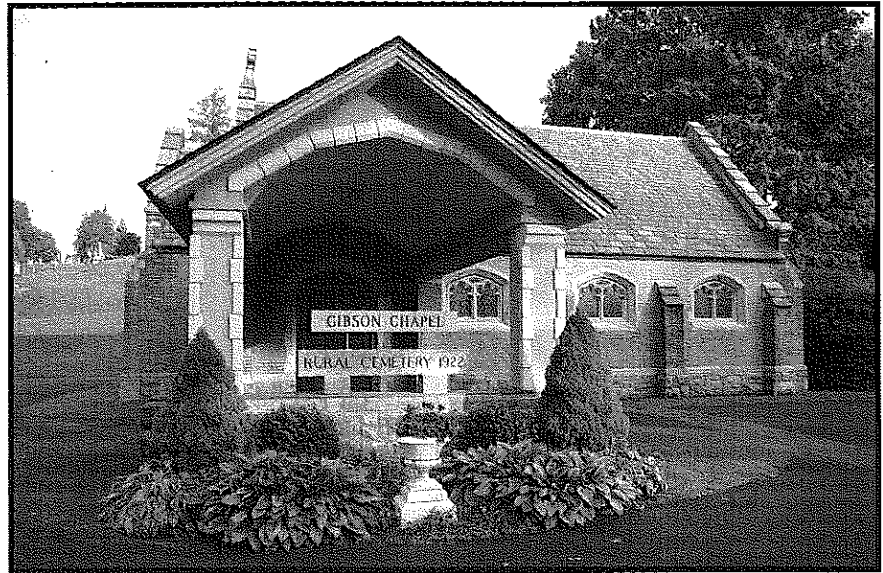
The Board adopted a conservative investment approach for the endowment, transferring funds gradually from a temporary money market account to a local investment account which, because of dramatic changes in the American economy, has yielded gratifying results. As of September 30, 2009 the Board had deposited \$225,000 in the investment management account. The September statement showed a portfolio value of \$251,086, an increase of \$26,086. The Board has been advised that although no one can predict precisely what the new endowment will generate, its members expect that they will be able to allocate about \$8,000 annually for cemetery maintenance and improvements.

Bequests are an excellent way to benefit the cemetery. Friends and relatives are encouraged to consider including the Cortland Rural Cemetery Foundation in their wills.

Leaving a Legacy

Individuals and families who are considering the inclusion of the Cemetery in their wills should remember to use the official name of the organization expressly created for its support through gifts, grants, and bequests, the Cortland Rural Cemetery Foundation, Inc.

Such thoughtful legacies will continue to be important in maintaining the functionality and beauty of this historic Cemetery for future generations of Cortland citizens.



Helping Us Now

The Cortland Rural Cemetery Foundation needs your support in our efforts to maintain roads, plant trees, repair buildings and educate others about our beautiful historic cemetery.

Last year, while we were involved in our endowment campaign, our operational fund raising was put on hold.

We need your support. Please consider using the enclosed envelope.



Cortland Rural Cemetery Foundation

Post Office Box 288

Cortland, New York 13045-0288