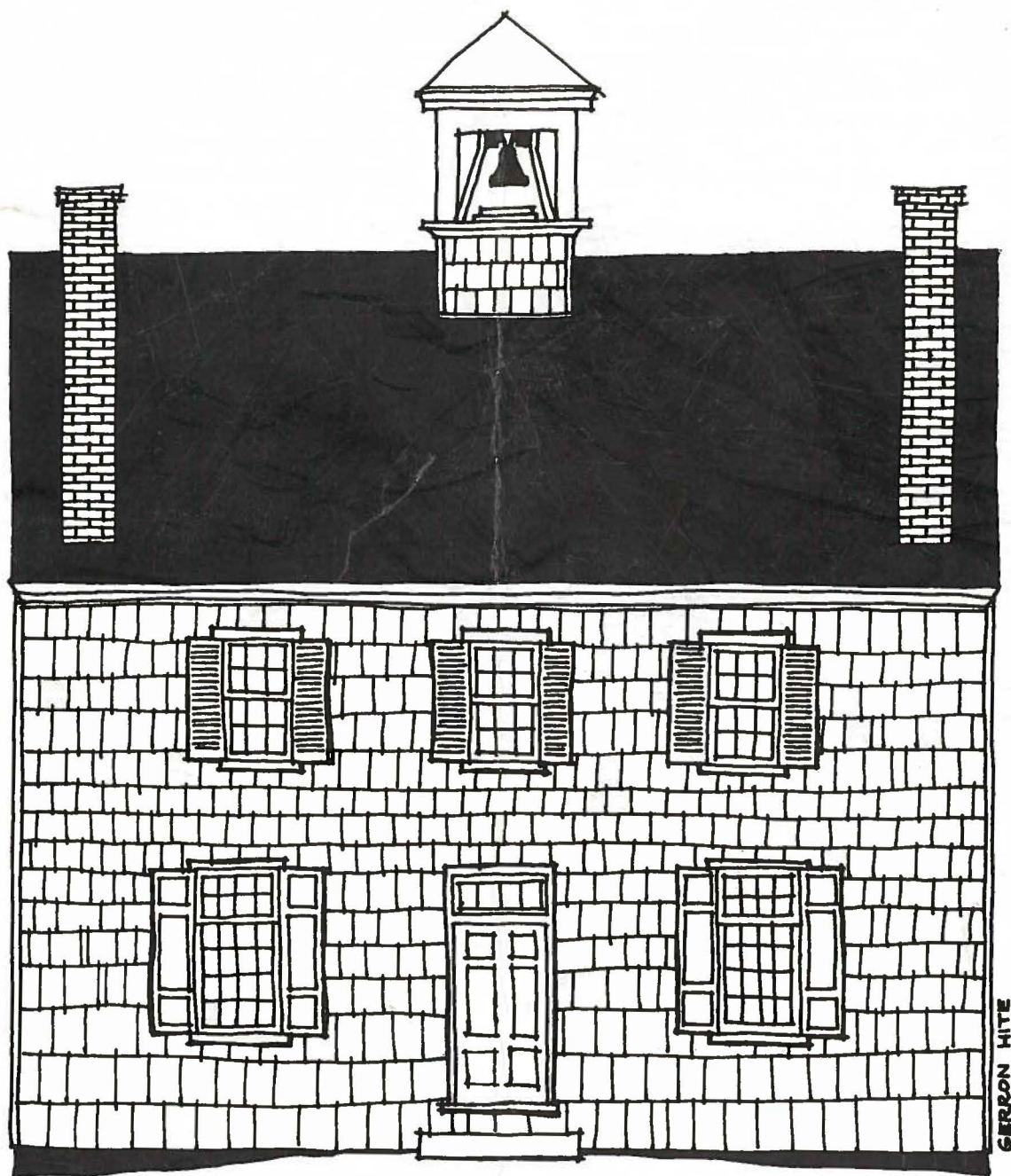


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VOLUME XXIX, No. 1

# THE ARCHEOLOG

PUBLICATION OF THE SUSSEX SOCIETY OF ARCHEOLOGY AND HISTORY



1791 Sussex County Court House  
Ink Sketch

Price \$2.25



THE ARCHEOLOG  
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Documentary History of Sussex County

Court Houses 1673 - 1839

by

Madeline - Elizabeth Dunn Hite

Edited by

Susanne N. Fox

Sussex County, settled by the Dutch in the seventeenth century, is the largest and southernmost county in Delaware. The town of Lewes, situated on Lewes Creek near Delaware Bay, served as the seat of justice for the region before the counties were established in 1683. The actual construction date of the first court house at Lewes (Whorekill) is unknown. Petitions emphasizing the need to establish courts of justice were, however, submitted by the inhabitants of the South River (now the Delaware) as early as 1673.

By September 1673, Jacob Benckes and Cornelius Evertse, Jr., deputies from the South River, had petitioned for the establishment of courts of justice to insure the "...maintenance of good order, police, and so forth, ...." According to the petitions, the inhabitants of the South River wanted to nominate and select by a plurality of votes eight magistrates whose provisional jurisdiction would extend as follows:

One Court of Justice for New Amstel, to which provisionally shall resort the inhabitants dwelling on the east and west banks of Kristina kill unto Boomties Hook, with those of Apoquenamins kill inclusive.

One Court of Justice for the inhabitants of Upland, to which provisionally shall resort the inhabitants both on the East and West banks of Kristina kill and upwards unto the head of the river.

One Court of Justice for the inhabitants of the Whorekill to which shall provisionally resort the inhabitants both on the East and West sides of Cape Hinloopen, unto Boomties Hook, aforesaid.<sup>1</sup>

In June 1680, Luke Wattson, John Roades, John Kipphaven, William Clark, and Otto Wolgart, magistrates of Whorekill, wrote a letter to Governor Andros regarding a prison and court house. They requested authority to build "...A prisson stocks and wheeping post,..." at a cost of 3,000 or 4,000 pounds of tobacco. They also discussed their "...greate want of a Court house,..." which would cost approximately 5,000 pounds of tobacco to build.<sup>2</sup>

The magistrates of Whorekill submitted another petition to the Governor on November 13, 1680, again emphasizing the need for a court house, prison, whipping post, and stocks. They requested that they be

...Impowered to rate the Inhabitents then to pay for the same; Having already Agreed for the building of the prisson stocks and wheping post; which they Alledge will Cost Betwene three or four Thousand pounds Tobacco;....



The magistrates also noted that

...if the prisson be not allready done and finished; Then to make it Two storyes High the upper story to Jutt over and to be made A court house; the Charge of both not to exceede six Thousand pounds of Tobacco; but if for the prisson and without Court Roome; then not to exceede three Thousand five hundred pounds of Tobacco; for which to make an Equile rate According to Law.<sup>3</sup>

By January 1, 1680/81 Governor Andros had authorized the construction of "...A Lodg house... for the Servises of the countrey...." The Governor appointed Luke Wattson, John Kipphaven, William Clark, and Otto Wolgart to be commissioners. Revised specifications for the erection of the court house, stocks, whipping post, and prison were contained in the following court record dated January 1, 1680/81:

The Court house stocks and wheping post and prisson which the Governor of new york ordered to be build for the servises of thesd Countrey is this day ordered to be forth with built sixteene foot square in the Clear be Low; and Twenty foot square in the Clear the upper room; and to be A Lodg house Raise sixteene foot high; And to be three roomes be low; the Ground floore to be Laid with plank of spleet Trees of foure Inches thick; and the Court house floore to be an Inch and halfe thick; the doors to be made of plank of Two Inches Thick; and A good strong Roofe Tite and well Covered; Two good windows in the Court house of three foot square Apeese; the Loggs for the said house to be Laid none Lesse then Eighte Inches thick; And all the Loggs to be lett in one in to the other; And a good paire of staire made up to the Court house; with plank of an Inch and halfe thick; the staire to be in the out side of the house; the Iorn worke and nails to be provided for the said work at the Charge of the Countrey; the said house to be finished by the first day of next May; Also A good pair of stocks of nine foott Long; And A wheping post at the End of them to be also forth with made and sett up; The said house stocks and wheeping post is taken to be done and performed by Luke wattson According to the dementicons Above Expressed; for which the Comiconers doe oblidge themselves to pay unto the said Luke wattson Seaven Thousand pounds of good sound Marchantable Tobacco In Casks; And samwell Gray have taken the Carting all the said Loggs and wood work to the place whar the house is to be sett up of Luke wattson for which Luke wattson is to pay the said samwell Gray Twelve hundred pounds of Tobacco; good and Marchantable; the staires not to be Less then foure foott wide; with Rayls on both sides; six Thousand pounds of Tobacco; to be Raise by A rate on the Inhabitents of the said County; And the other Thousand pounds with what the nails and Iorn worke shall Cost to be paid out of the fines;<sup>4</sup>

By June 7, 1681, George Young had agreed to do half the work on the court house, whipping post, and stocks. Luke Wattson had agreed to pay him the sum of 2,900 pounds of tobacco.<sup>5</sup>

The fate of the 1680 court house is unknown. It may have been replaced one or more times during the ensuing ninety years. Scharf's History of Delaware, however, notes that by March 10, 1688, court was being held at the house of Henry Streitcher, a Lewes tavern keeper. By 1769, however, a "...very Olde..." court house had fallen into a state of disrepair. Members of the Levy Court, therefore, proposed that a new court house be built at a suitable location in the town of Lewes. With the consent of the majority of magistrates and the grand jury on November 14, 1769, the sum of £200 was appropriated for the construction of a new court house. John Rodney, John Wiltbank, Parker Robinson, Rhodes Shankland, Daniel Nunez, Peter Wright, and Henry Neil were appointed by the Levy Court to be managers for the project. The new public building was to be constructed in a manner determined by these seven men, as trustees.<sup>6</sup>

Although a record of the actual dimensions or descriptions of the proposed 1769 court house have not been located, documents indicate that a separate jury room existed. The 1783 proceedings for the Court of Common Pleas and the 1788 records for the Court of Quarter Sessions indicate that as many as twenty-four jurors "...received their charges and retired to their room."<sup>7</sup>

A docket for the Court of Oyer and Terminer and General Jail Delivery dated October 22, 1787, may indicate that a jury room existed at the second floor level. According to this reference, the petit jury had been called and after having attended a ten-hour trial, "...went up to their room..."<sup>8</sup>

The 1769 court house appears to have been in a constant state of disrepair. According to the 1772 Levy Court Proceedings, Jonathan Rodney, Esq., received the sum of £171/12 for serving as manager for court house repairs.<sup>9</sup> On November 10, 1778, the sum of £18/7/6 was allotted by the county sheriff for repairing and cleaning the court house.<sup>10</sup>

The records contain little information regarding the furnishings of the Lewes Court House. The public charges submitted to the Levy Court on November 9, 1773, indicate that a sum of £20 had been received for the furnishings of the court house. Jonathan Rodney, Esq., had purchased six windsor chairs, four pairs of andirons, three pairs of tongs, three shovels, and three fenders.<sup>11</sup> These quantities of equipment seem to indicate that the building contained at least four fireplaces.

Until 1772, Sussex County was divided into only four coastal hundreds: Slaughter Neck and Cedar Creek, Broadkill, Indian River and Angola, Lewes and Rehoboth. When the boundary with Maryland was firmly established in 1775, six new hundreds were added to the county: North West Fork, Little Creek, Broad Creek, Nanticoke, Dagsboro, and Baltimore. Because of the expansion of Sussex County, the long-established seat of justice near the mouth of the Delaware Bay had become obsolete. Several groups of inland residents asked the General Assembly to remove the county seat to a more central location. They complained that it was a great inconvenience to hold court in a "...remote corner..." of the county. They hoped that by removing the seat of justice from the "...verge of the Earth..." it would be placed "...in the midst of the People..."<sup>12</sup>

Others, however, were opposed to removing the seat of justice and also petitioned the General Assembly. They expressed these views in a petition dated June 1, 1786:

...that a compliance with its prayer, (for the removal of the county seat) would be repugnant to the general Interests of the County and fraught with dangerous consequences, to the peace dignity and happiness of the Community.

...

That it is necessary for the Ample administration of Justice that its Seat should be in a place, where its Officers Suitors & other attendants, may be supplied during their stay with decency and Convenience.

...

That in the center of this County,...the Court could not be decently accommodated; since a sufficient number of Taverns could not be supported, during vacation-time; as the annual Income from the Courts, would be but a moderate Support for one single House of Entertainment... Justice cannot be so fully executed, in a place so thinly inhabited; as it is in the present situation of the Seat of Justice.<sup>13</sup>

Early in the 1786 session, a General Assembly committee reported that the "...present situation of their Seat of Justice is very inconvenient..." The committee, therefore, recommended

...that the Prayer of said Petitions be granted and that a Committee be appointed to prepare and bring in a Bill agreeably to the prayer of the same....<sup>14</sup>

In 1788, the General Assembly enacted a bill that permitted

...the Freeman & Inhabitants of the said County of Sussex, to meet at the House of Robert Griffith at Deep-Creek Furnace, usually called Vaughan's Furnace, on the first Day of October next (1789); and then and there choose Representatives to the General Assembly, Sheriffs and Coroners for the said County, in as full and ample Manner, to all Intents & purposes, as if the same Election had been held at the Court House in the Town of Lewis,....<sup>15</sup>

On January 25, 1791, the General Assembly authorized the removal of the seat of justice from the town of Lewes to the central part of the county. The decision was made in response to many petitions. George Mitchell, Robert Houston, William Moore, John Collins, Nathaniel Young, William Perry, Rhoads Shankland, Woodman Stockley, Daniel Polk, and Thomas Batson were appointed commissioners to purchase land near the center of the county. James Pettijohn's "Old Field" in Broadkill Hundred was selected by the commissioners as the site for the new court house and prison.<sup>16</sup>

According to the 1791 act, the court house was to be constructed of wood and was to be "...at least the same size and dimensions with the old Court House and prison now at Lewes,..." The act also specified that until the new court house was completed, county elections would be held at the house of James Pettijohn near the proposed site.<sup>17</sup>







[illegible]

A copy of a 1786 petition against the removal of the courthouse  
from Lewes (cont.).  
Courtesy Delaware Archives

Dear Sir,  
 I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. I am sorry to hear that you are unable to attend to the business of the office at present, and I am sure that you will be able to do so as soon as you are able to do so. I am, Sir, very respectfully,  
 Yours, &c.  
 J. W. Aldrich



On Wednesday, September 7, 1791, the General Assembly unanimously resolved to alter and to amend Delaware's Constitution at a convention in Dover on November 29, 1791.<sup>18</sup> They requested that each county elect ten deputies to attend the convention. The gentlemen freeholders of Sussex County met in accordance with the resolution at the new court house on October 1, 1791, and chose the following conventional representatives: Rhoads Shankland, Charles Polk, Isaac Beauchamp, John Collins, William Moore, Daniel Polk, Peter Robinson, George Mitchell, Isaac Cooper, and John Wise Batson.<sup>19</sup>

Pettijohn's "Old Field" was later renamed Georgetown in honor of George Mitchell, one of the commissioners. Georgetown was surveyed by Rhoads Shankland in May 1792. The survey indicates that the central public square was surrounded by 275 common lots, each measuring 60 by 120 feet. A number of larger irregular lots surrounded the town. Eighteen one-acre lots had also been laid out at the north end of the town. According to the Georgetown commissioners' specifications, streets were 60 feet wide while alleys were 12 feet wide.<sup>20</sup>

The funds for purchasing the land for erecting the court house and prison and for furnishing each came from the sale of the town lots, not from county taxes. According to the 1791 Act, the Levy Court was prohibited from taxing the county inhabitants to pay for the new court house and prison.<sup>21</sup>

For the next forty-six years, the 1791 structure served as the county court house. On Thursday, February 9, 1837, the Sussex County Levy Court Commissioners adopted a petition for a new court house. This petition was signed by Spencer Phillips, chairman of the Levy Court, and submitted to the General Assembly by J. L. Layton. It stated:

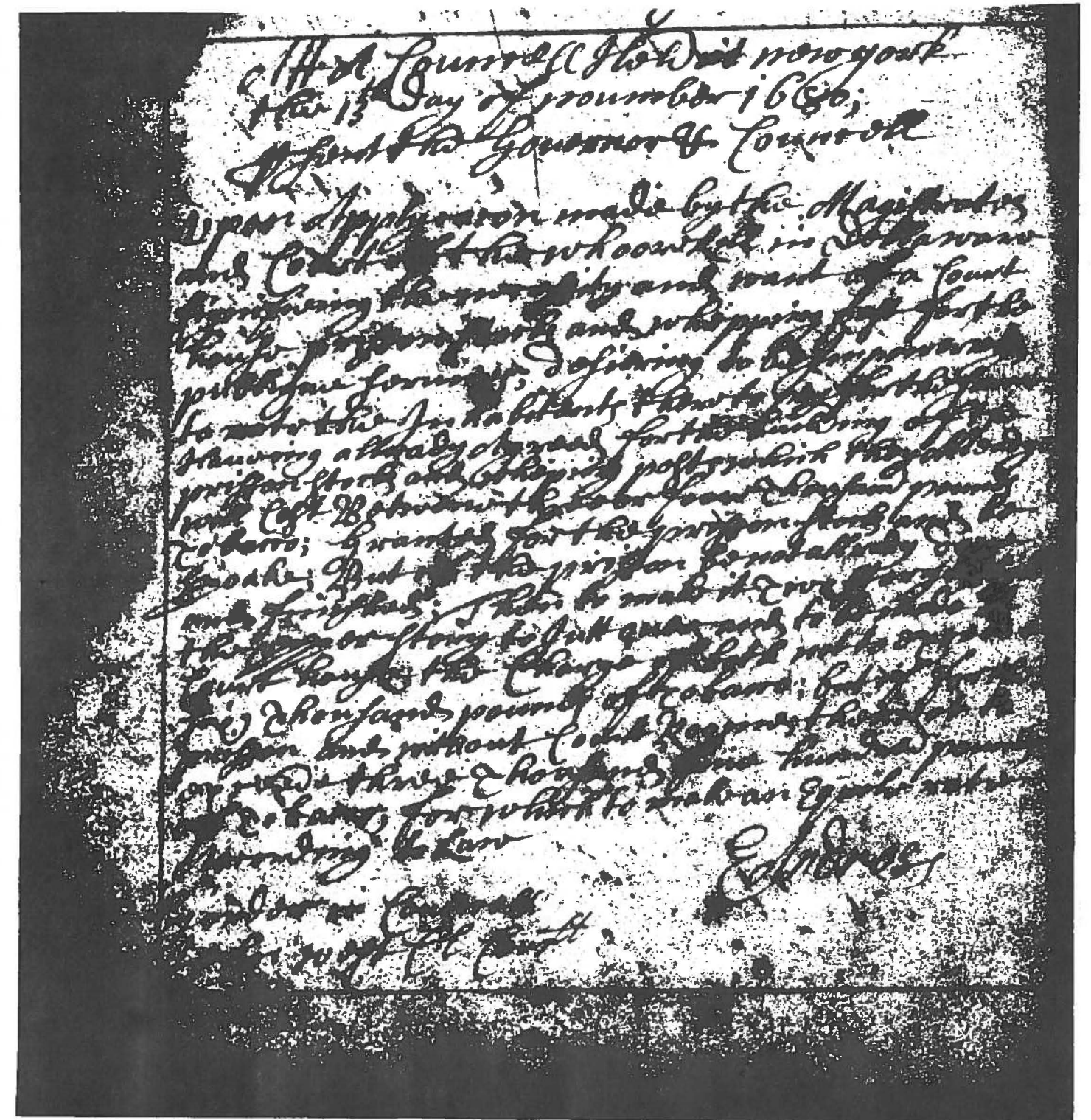
That the Court House in George Town is in A ruinous and irreparable Condition and is A wooden Building-That the Several Offices are also in frame buildings private property, and scattered in various directions in said Town that great fears are entertained that at some time great loss may arise by A destruction of one or more of the public Offices, and desire that A law may be passed authorizing and requiring the Levy Court of said County to build A good and sufficient Court House and fire prooff Offices to be paid for out of the funds of said County at such times as the Levy Court may deem right and proper....<sup>22</sup>

"An Act to authorize the building of a Court House and Fire-Proof offices at Georgetown, in Sussex County." was passed by the General Assembly on February 16, 1837. According to this act, the new court house was to be

...built erected and finished of the best materials and in a workman like manner, upon the public square....

It also stipulated that the new court house was to be a substantial two-story brick building, 60 feet by 50 feet. According to the 1837 Act, the court house commissioners were authorized to

...make Contracts procure materials, employ workmen and labourers, and to do all other things which may be deemed by them necessary to effect the objects of this act.<sup>23</sup>



Copy of the original 1680 petition for a Sussex County Courthouse  
Courtesy Delaware Archives



to finance the project, the 1837 act appropriated \$10,000, provided

five thousand dollars out of the surplus fund belonging to this state shall upon the application of the Levy Court of Sussex County be set apart by the state treasurer to the said County, upon the said Levy Court being by a resolution to be entered on their book of records...the interest of said sum of five thousand dollars be annually deducted out of such share of the income of said surplus fund, as shall be allotted to the said County of Sussex.... And the residue of the said sum of five thousand dollars, to wit, the sum of five thousand dollars shall be paid over to the said Commissioners by the treasurer out of the one fourth part of the money to be applied to the use of this state, as the same shall from time to time arise and be received by virtue of an act passed the 11th of February 1835 entitled 'An Act authorizing a lottery for the benefit of Delaware College and for purposes therein mentioned'.

enacted that

it shall be the duty of the Levy Court of Sussex County aforesaid to provide some suitable building for the use of holding therein the Courts of this state, in the said County, during the progress of the work aforesaid, and until the said brick building shall be completed.

was authorized

to sell or otherwise dispose of the present Court House at Georgetown for the benefit of said County, the proceeds arising from said sale or disposal to be paid over to the County treasurer.<sup>24</sup>

appropriated sum of \$10,000 were insufficient, Sussex County would be by a "...County rate or levies of taxes."<sup>25</sup> At the Levy Court's 1837 March meeting, George R. Fisher was appointed Court house commissioner

to Cause to be removed all and singular the Buildings and other impediments of any nature or description whatsoever, on the said Court house lots on or before the first day of October next,....

authorized to

advertise the old Court House & sell the same after ten days Notice being given of the sale for the best price that can be had for the same and the proceeds of said sale shall be paid over to the County Treasurer....

The Levy Court specified that the

... Court House shall not be delivered to the purchaser nor any authority to remove the same be given, until the Commissioners, appointed to build the new Court House and fire proof Offices shall determine that the same Cannot be of any use on its present site either for holding the Courts therein, or for the purposes, of a work shop to aid in erecting the new building,....

The same resolution also stipulated that if the new court house were to be built on the original court house lot, George R. Fisher would be authorized to move the 1791 structure to the public square at the county's expense. If the county sold the court house, it could be moved only by an order from the commissioner ten days after the sale.<sup>26</sup>

By April 18, 1837, the county treasurer had received \$5,000 from the state treasurer.<sup>27</sup> On the same day, Layton & Sipple, a local trading firm, agreed to erect the new court house for \$20,000.<sup>28</sup>

The Levy Court Proceedings for Tuesday, August 1, 1837, indicate that:

Several proposals were received to furnish a suitable place for holding the Courts during the progress of the new Court House....

The Levy Court accepted Burton C. Barker's proposal

...to furnish A suitable place for holding the courts for this County (the place to be fitted up by him in a suitable manner for the same) for the following sum (viz) For each and every Superior Court \$50----Chancery Court Nothing---Levy Court Nothing---Provided that all the Courts be held at his House....<sup>29</sup>

Minutes for Tuesday, November 7, 1837, indicate that the Sussex County Levy Court was meeting at Barker's hotel on the Public Square.<sup>30</sup>

On March 7, 1837, the Levy Court chairman, Spencer Phillips, signed a resolution whereby

...the state's Treasurer, shall from time to time, upon the order of the said George R. Fisher William D. Waples and David Hazzard or A Majority of them or their Successors in office pay all said sum or sums of Money set apart aforesaid by the state of Delaware for the building and finishing said Court House and fire proof Offices In Testimony of which the said Levy Court of Sussex County sitting at Georgetown as A Levy Court and Court of Appeal on Tuesday the Seventh day of March Eighteen Hundred and Thirty Seven have Caused this resolution to be signed by their Chairman and attested under the hand and seal of the Clerk of the Peace....<sup>31</sup>

William Strickland designed the new Sussex County Court House. On March 27, 1837, Strickland wrote to William D. Waples, enclosing



(1) To the Honorable the Representatives of the  
 Senate of the United States, the third day of June  
 1864.  
 I have the honor to acknowledge the receipt of your  
 letter of the 28th inst. and in reply to inform you  
 that the same has been forwarded to the  
 proper authorities for their consideration.  
 Very respectfully,  
 J. M. Smith, Secretary.

[illegible]

A copy of a 1786 petition for the removal of the Courthouse from Lewes to a more convenient place. Courtesy Delaware Archives



The commissioners, therefore, proposed to sell the property and to contribute the proceeds to the county treasury.<sup>35</sup>

On February 1, 1839, the Assembly passed a supplement to the act entitled "An Act to authorize the building of a Court House and Fire Proof offices at Georgetown in Sussex County." It specified the following interior arrangement:

The Prothonotary of the Superior Court Shall occupy the office fronting on the Public square and Market Street. The Recorder of Deeds Shall occupy the office adjoining the Prothonotary's office, on Market Street, the Clerk of the Peace shall occupy the office adjoining the Recorder's office, on Market Street, The Register of Wills & c shall occupy the office fronting on the Public Square and Court House lots, the Register in Chancery shall occupy the office adjoining the office allotted to the Register of Wills, and the Clerk of the Orphans' Court shall occupy the office adjoining the office allotted to the Register in Chancery = Provided however, that When the offices of Register in Chancery, and Clerk of the Orphans' Court are held by the same person, then and in that case The said Register in Chancery and Clerk of the Orphans' Court shall occupy only one of said fire proof offices to be selected by the then incumbent, and the Sheriff of the Said County may occupy the office not used or occupied by the said officer---.<sup>36</sup>

The 1839 Sussex County Court House, refurbished in 1914, has continued to serve the county for 135 years.

#### FOOTNOTES

<sup>1</sup>E. B. O'Callaghan, Documents Relative to the Colonial History of the State of New York (Albany, 1858), 605.

<sup>2</sup>C. H. B. Turner, Some Records of Sussex County, Delaware (Philadelphia, 1909), 19.

<sup>3</sup>Court Records, 1680-1699, Sussex County, November 13, 1680, Delaware Archives, Hall of Records, Dover, Delaware.

<sup>4</sup>Court Records, 1680-1699, Sussex County, January 1, 1680/81, Delaware Archives.

<sup>5</sup>Court Records, 1680-1699, Sussex County, June 7, 1681, Delaware Archives.

<sup>6</sup>Levy Court Proceedings, Sussex County, November 14, 1769, Delaware Archives.



<sup>7</sup>Court of Common Pleas Proceedings, Sussex County, May Session 1783, August Session 1783, November Session 1783, Delaware Archives; Court of Quarter Sessions Proceedings, Sussex County, May Session 1788, Delaware Archives.

<sup>8</sup>Court of Oyer and Terminer and General Jail Delivery Docket, Sussex County, October 22, 1787, Delaware Archives.

<sup>9</sup>Levy Court Proceedings, Sussex County, November 10, 1772, Delaware Archives.

<sup>10</sup>Levy Court Proceedings, Sussex County, November 10, 1778, Delaware Archives.

<sup>11</sup>Levy Court Proceedings, Sussex County, November 9, 1773, Delaware Archives.

<sup>12</sup>Legislative Petitions, "Petition for the Removal of the seat of Justice...", January 1786, Delaware Archives.

<sup>13</sup>Legislative Petitions, "Petition against the Removal of the Courts...", June 1, 1786, Delaware Archives.

<sup>14</sup>Legislative Papers, Resolutions & Reports, Committee Report, January 23, 1786, Delaware Archives.

<sup>15</sup>Legislative Papers, Bills & Rates, "An Act for altering the Place of holding the general Election...", May - June 1788, Delaware Archives.

<sup>16</sup>Legislative Papers, "An Act for removing the seat of Justice...", January 25, 1791, Delaware Archives.

<sup>17</sup>Legislative Papers, "An Act for removing the seat of Justice...", January 25, 1791, Delaware Archives.

<sup>18</sup>Minutes of Assembly, File 252, "Resolutions for the New Constitution," September 5-8, 1791, Delaware Archives.

<sup>19</sup>State Constitutional Convention, "Return for Convention for Sussex County 1791," October 1791, Delaware Archives.

<sup>20</sup>Rhoads Shankland, surveyor, "Plan of Georgetown, Sussex County Delaware State," May 1792, Map Collection, Delaware Archives.

<sup>21</sup>Legislative Papers, "An Act for removing the seat of Justice...", January 25, 1791, Delaware Archives.

<sup>22</sup>Levy Court Proceedings, Sussex County, February 9, 1837, Delaware Archives.

<sup>23</sup>Legislative Papers, "An Act to authorize the building of a Court House...", February 16, 1837, Delaware Archives.

<sup>24</sup>Legislative Papers, "An Act to authorize the building of a Court House...", February 16, 1837, Delaware Archives.

<sup>25</sup>Legislative Papers, "An Act to authorize the building of a Court House...", February 16, 1837, Delaware Archives.

<sup>26</sup>Levy Court Proceedings, Sussex County, August 1, 1837, Delaware Archives.

<sup>27</sup>Loose Papers, Sussex County, December 5, 1837, Delaware Archives.

<sup>28</sup>Deed Book, Sussex County, 49, 187-188, April 18, 1837, Delaware Archives.

<sup>29</sup>Levy Court Proceedings, Sussex County, August 1, 1837, Delaware Archives.

<sup>30</sup>Levy Court Proceedings, Sussex County, November 7, 1837, Delaware Archives.

<sup>31</sup>Levy Court Proceedings, Sussex County, March 7, 1837, Delaware Archives.

<sup>32</sup>General Reference, File 533, Sussex County Court House, March 27, 1837, Delaware Archives.

<sup>33</sup>General Reference, File 533, Sussex County Court House, March 27, 1837, Delaware Archives.

<sup>34</sup>Treasurer's Report, Sussex County, March 5, 1838, Delaware Archives.

<sup>35</sup>Miscellaneous Legislative Papers, "Petition to Senate & House of Representatives...", January 15, 1839, Delaware Archives.

<sup>36</sup>Legislative Acts, "A Supplement to the act entitled, 'An Act to authorize the building of a Court house...', February 1, 1839, Delaware Archives.

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## APPENDIX I

The following outlined information, pertaining to court house repairs and furnishings, was abstracted from Sussex County Levy Court Proceedings, Dockets, Public Charges, and Treasurer's Reports.

### COURT HOUSE REPAIRS

- 1794, November 11 - A belfry was ordered to be built and a bell was purchased for £35.
- 1796, October 16 - Nathaniel Mitchell, authorized to withdraw money from the county treasurer to make court house repairs, was paid £23/33.

Estimate of the cost of Building a Court house and fire proof office 60 feet Square According to the accompanying Plans & Elevations, 1839

Digging out foundation 120 cubic yds \$44.24

Building Stone = 150 perches including freight - laying - lime and Sand 450.00

Bricks - 350,000 @ .10¢ including laying - lime and Sand 3500.00

Lumber for floors, Roof, frame Scaffolding 1800.00

Carpenters Work 2300.00

Plastering Work and Materials 520.00

Painting and Glazing 450.00

Ironmongery, Nails, Shingles, Spikes 380.00

Lime 3900 feet at 14¢ including Salar and putting on 546.00

Copper 750 feet of Copper for cupola 275.00

Stone Window Sills 28 112.00

Stone Steps front & Back doors 60.00

Joiner Work 10.417.00

Added 5 per cent for contingencies

William Strickland Architect

Philadelphia March 26 - 1839

A copy of the estimated costs for the 1839 Sussex County Court House.  
Courtesy Delaware Archives



- 1806, February 14 - William Harris repaired the court house for \$158.70.
- 1807, February 3 - The court house was repaired for \$50.
- 1808, February 2 - James Maul was appointed by the Levy Court to repair the court house and jail.  
- Blacksmith work was done on the court house by Liston A. Houston for \$1.47.
- 1809, February 7 - The Levy Court appropriated \$250 to repair the court house and gaol.
- 1811, February 15 - The court house was repaired by James Maul for \$10.
- 1817, February 4 - Isaac Tunnell was appointed to paint and to repair the court house.
- 1818, February 3 - Isaac Tunnell repaired the court house for \$136.
- 1819, February 2 - Gustavus A. Ewing worked on the court house for \$9.07.
- 1820, February 2 - James Maul repaired the court house for \$4.
- 1821, March 7 - James Maul repaired the court house for \$2.60.
- 1826 - James J. Purnell repaired the court house for \$1.80-1/2.
- 1830, February 2 - Edward Marvel worked on the court house for \$4.15.  
- Purnal Johnson repaired the court house and jail for \$38.46.
- 1831 - Purnal Johnson repaired the court house and jail for \$130.32.
- 1835 - George Harris repaired the court house for \$8.76.  
- Matthew Rench repaired the court house for 40¢.

#### COURT HOUSE FURNISHINGS

- 1794, November 11 - Three court house armchairs with cushions were bought for £3/7/6.  
- Twenty-four good windsor jury stools were bought for £9.
- 1798, February 6 - Three cushions for the judges' chairs were bought for £12.
- 1799, February 6 - William Dickerson bought three panes of window glass for the court house for three schillings.  
- Six bound books for continuance dockets were bought for £6/15.
- 1800, February 4 - Two staffs were bought for 25¢.
- 1801, February 3 - Joram Griffeth made a small vote box and a lid for the large vote box for 30¢.  
- Court house window glass was purchased and glazed for 75¢.



- A lock was purchased for the judge's desk for 33¢.
- Constable staves (staffs) were bought for 87¢.
- 1802, February 2 - Joram Griffeth installed 13 panes of glass in the court house.
- 1806, February 4 - Two pairs of andirons and one pair of shovel and tongs were bought for the court house for \$10.
- 1806, February 6 - Joseph Copes received \$24 for three record books.
- 1807, February 3 - The court house desk was repaired by James Maul for 50¢.
- 1808, February 2 - Court house stoves were bought for \$50.
- 1810, February 7 - The court house desk was repaired by James Maul for \$30.50.
- 1813, February 2 - Five half-bound books were purchased for \$5.
- William Harris bought assessors' books for \$1.
- 1814, February 1 - Jehu Stockley bought one Chancery Court record book.
- 1816, February 6 - Jehu Stockley bought court record books for \$12.
- 1820, February 2 - Perry Prettyman (Georgetown chairmaker) was paid \$10 for four court house armchairs.
- 1822 - Purnal Johnson was paid \$8 for court house chairs.
- 1829, February 3 - Court house candles were purchased.
- 1829, March 6 - Missing court house shutters were replaced.
- Banton Harris was paid \$3.38 for court house candles.
- 1828, March 5 - Cast iron plates (firebacks) were bought for the court house chimneys.
- Court house fireplaces were repaired.
- 1831, March 4 - Purnal Johnson procured twelve good, strong chairs for the jury room.
- 1833 - Quire books were bought.
- 1834 - Layton & Sipple were paid \$1.12 for furnishing the court house with candles.

#### APPENDIX II HISTORY OF LOT 42

Georgetown's 1791 court house was sold in 1838 and moved to lot 42 on South Bedford Street. This lot was one of 275 original town lots, each 60 by 120 feet, shown on Shankland's survey of May 1792.

George Mitchell, Robert Houston, William Moore, John Collins, and Rhoads Shankland were the court house commissioners under "An Act for removing the seat of Justice..." dated January 25, 1791. The Act authorized the commissioners to lay out and sell town lots.

- 1791, September 13 - The court house commissioners conveyed lot 42 to Thomas Marvel of Dagsboro Hundred. Marvel bought the property for five schillings. Title passed to his son Abram Harris Marvel at the age of twenty-one. The twenty-six-square-perch lot was bounded by Bedford Street, Strawberry Alley, and by lots 107 and 43.  
(Sussex County Deed Book 14, 573)
- 1811, January 5 - Abram Harris Marvel of Sussex County, conveyed the lot to Joseph Russel, yeoman, for \$75.  
(Sussex County Deed Book 33, 381)
- 1831, July 6 - Joseph Russel and his wife Sarah, then of Gurnsey County, Ohio, conveyed lots 5 and 42 to Perry Prettyman of Georgetown for \$700.  
(Sussex County Deed Book 42, 238-239)
- 1837, July 25 - Perry Prettyman and his wife Elizabeth of Georgetown, conveyed lot 42 to Elias James of Georgetown for \$200.  
(Sussex County Deed Book 47, 104)
- 1838 - The assessment book for 1838 lists a \$50 assessment for "one small house and lot deducted from Perry Prettyman," which undoubtedly refers to the sale of lot 42.  
(Sussex County Assessment, 1838)
- 1869, November 4 - Elias James' will was probated. The residue of his estate was bequeathed to his wife Eleanor H. James, after his debts and funeral expenses were paid.  
(Sussex County Probate Records, will of ... Elias James, November 4, 1869)
- 1888, July 11 - Eleanor H. James, the widow of Elias, conveyed lot 42 to Lavinia E. Johnson, for \$650.  
(Sussex County Deed Book 112, 153)
- 1926, January 20 - Lavinia E. Johnson conveyed the portion of lot 42 with her two-story dwelling house to Olin D. Johnson, her son, for \$1800.  
(Sussex County Deed Book 342, 25)
- 1943, March 30 - Lavinia E. Johnson died and Olin D. Johnson inherited the remaining portion of lot 42 with its dwelling house and outbuildings.  
(Sussex County Inventory - Lavinia E. Johnson, 1943)
- 1962, September 20 - Olin D. Johnson conveyed lot 42 to the State of Delaware.  
(Sussex County Deed Book 552, 457)

## APPENDIX III

On July 16, 1873, the following article was printed in the Delawarean. It noted that "...the frame building now occupied by Mrs. James..." was Georgetown's 1791 court house. According to this article, the lightning from the "...severe storm..." which passed through Georgetown on July 16, 1805, struck the belfry of the old court house, passed down the building, killed Dr. Jacob Wolfe, and injured Dr. Olive Jump, of Dover.

SIXTY-EIGHT YEARS AGO.--On the 16th of July, 1805, a severe thunder storm passed over this town, (the town was then only about 12 years old, having been laid out in 1792). The Court House then was the frame building now occupied by Mrs. James, and stood where the Court House now stands. The lightning struck the belfry and passed down the building, killing instantly Dr. Jacob Wolfe and injuring Dr. Olive Jump, father of Dr. Jump, of Dover. One man's watch was melted in his pocket and several persons were stunned by the shock. James Anderson, Esq., was then a boy twelve years of age and witnessed the scene. Mr. Anderson and Mr. Kollock are the only persons now living here who were living at that time.--Georgetown Journal.

## APPENDIX IV

A study of Morris L. Radoff's The County Courthouses and Records of Maryland, Part One, and the Cecil County Minute Book 1791-1794, have revealed structural and historical similarities between Sussex County's 1791 court house and several Maryland court houses.

The brick Harford County Court House at Bel Air was completed by James Johnson before January 10, 1791. In the same year Sussex County's Court House was erected in Georgetown.

A detailed description of the Harford Court House was provided by Judge Walter W. Preston in his History of Harford County Maryland. There was a court room downstairs and there were two jury rooms on the second floor. An exterior stair provided access to the second-story jury rooms. Georgetown's court house, on the other hand, had two interior staircases.

In 1793, the Maryland General Assembly authorized the building of an Allegany County Court House in Cumberland. Radoff quotes James W. Thomas and T. J. C. William's 1923 History of Allegany County. This court house, like Georgetown's, was two stories high. Its roof was surmounted by a small cupola, in which was suspended a steel triangle, which rang when the court convened. A belfry was built and a bell was purchased for Georgetown's 1791 court house on November 11, 1794.

In 1834 the Maryland General Assembly authorized the building of a new Allegany County Court House. Like Sussex County's nineteenth century court house, Allegany's court house was designed by William Strickland, an eminent Philadelphia architect.

With the removal of county seats of justice and authorizations to build new court houses, old court houses were often sold. On January 25, 1791, when the Delaware General Assembly authorized the removal of Sussex County's seat of justice from Lewes to Georgetown, they made provisions for the sale of the old

court house at Lewes. On February 26, 1793, the old Lewes court house was sold to Thomas McHam, a house carpenter and joiner. In 1838 the Sussex County treasurer received \$22 for Georgetown's 1791 court house.

Calvert County's seat of justice was removed from Battletown to William's Old Field in 1725. Reasons for the removal of this seat of justice were similar to Sussex County's in that the court house was "...too old...too dilapidated... (and) too inconvenient for a large part of the population...."

Cecil County's seat was moved four times between 1692 and 1787. A court house was begun at Oldtown (Jamestown) in 1692. By 1706, Oldtown had become inconvenient and the county seat was moved to Court House Point, near the center of the county. As the center of the county's activity shifted, the court house deteriorated. The Maryland General Assembly, therefore, authorized the building of a new public structure and gave permission for the county to sell the old court house. In 1781 Charlestown became the new county seat although a court house was not erected there. In 1787, the county seat was moved from Charlestown to Elkton, a more convenient site. There a new court house was erected in the 1790's.

By March 10, 1794, the Cecil County Minute Book indicates that the court house at Elkton had been completed. On that date, the Levy Court taxed the inhabitants to raise a sufficient sum of money to buy two good court house stoves. On February 2, 1808, stoves were purchased for Georgetown's 1791 court house for \$50.

The Cecil County Minute Book also indicates that a cupola was built for the Elkton court house by May 14, 1794. On November 11, 1794, a belfry was also built on Georgetown's 1791 court house.

A copy of the original partial construction agreement for the 1681 Courthouse for 12,900 of tobacco Courtesy Delaware Archives



An Act for Removing the Seat of Justice  
 from Lewes ~~Town~~ to a more central  
 part of Sussex County, and for other Purposes.  
 Whereas it appears to this General Assembly  
 that a great majority of the Inhabitants  
 of Sussex County, by Petition have prayed for  
 removal of the seat of justice from  
 Lewes ~~Town~~ to a more central and  
 convenient part of said County.  
 And this Assembly considering the  
 prayer of said Petitioners should  
 be granted.

Copy of the introduction to the 1791 Bill for the removal of the  
 Seat of Justice from Lewes Town to a more central part of Sussex  
 County. Courtesy Delaware Archives

# IN REMEMBRANCE

The Sussex Society of Archeology and History has lost two  
 of its past Presidents during the past few months in the passing  
 away of Dr. Chesleigh A. Bonine and Mr. Avery Ellis. Dr. Bonine  
 was a noted geologist and archeologist at Pennsylvania State  
 University and as a member of the Sussex Society headed a team  
 which investigated the DeVries settlement at Lewes, Delaware.

Mr. Ellis was knowledgeable about Sussex County and had a  
 superb memory of the way "things used to be." He had many tales  
 concerning rural cemeteries, churches, families, historic houses  
 and places which he was often asked to tape.

Both will be sorely missed.

Inland Phil March 27. 1837  
 To Wm. D. Waples Esq

and ch  
 Acquainted to the Request contained in your  
 Letter of the 16<sup>th</sup> Instant I have made all and had in designing to  
 drawing the plans of a Court house and fire proof Office for the  
 County of Sussex. I think I have made a ~~convenient~~ plan  
 for the Hall, Vestibule and other interior Arrangements for the  
 Court, Prison & Jury Rooms. If I have not been so happy  
 in the point & your limits as to funds on the basis of the  
 Brick appearance, and I could have wished to have introduced  
 a few columns and some other decorations. On the exterior  
 but was obliged on account of the smallness of the sum  
 to be appropriated.

I have drawn an Iron Gallery in  
 front on the Court Room lobby floor in the end  
 of the body of the Court. Or for any purpose of  
 enclosing to a multitude beneath it is intended to project  
 about 3 feet from the front of the Court Windows and  
 immediately over the door of entrance in the basement  
 story. I thought you might want a Clock and have  
 perhaps introduced one in the body of the building which  
 is very conveniently placed in front over the Highway  
 entrance door and Court stairs.

As you may at some future  
 day want a Gallery in the Court Room you may  
 be able to the story to a level with the ceiling of the  
 Subj. Rooms which need not be more than 12 feet  
 high. And you will perceive that you can have a  
 large Gallery over these Rooms, as the Court Room is  
 24 feet in height.

My charge for these plans and estimate  
 is \$60.  
 With Great Respect for  
 I am your Very truly & Sincerely  
 William Strickland

A copy of William Strickland's letter describing plans for the 1839  
 Sussex County Court House Courtesy Delaware Archives