

NEW CASTLE UNDER THE DUKE OF YORK:  
A STABLE COMMUNITY

BY

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## PREFACE

The following pages contain a microscopic history of the town of New Castle, Delaware, concentrating on the Duke of York period. Derived from an intimate, rather journalistic reading of the records, and from a close look at landholding patterns, this paper describes a stable community.

Certain inconsistencies appear from time to time, particularly in the spelling of proper names. There were three or four languages current in New Castle during the period. In the seventeenth century, spelling was a creative art. The record-keepers wrote what they heard, not necessarily what was said. Thus Alricks may be Alrighs or Alrichs; De Ring may be DeRingh or deRing or Dering. Tayne appears as Teine, Tyne, deTine, and Fynes in different records;

Tayne was also known as Lapierre. The author has made no attempt to standardize names in either the title traces or in direct quotations; only in the narrative body are proper names subjected to modern orthography.

The land title traces appear in the body of the paper, and not in an appendix. Because this body of maps and data is so important to an understanding of the town, it was deemed best to include it with the rest of the description.

The author has refrained from trying to draw broad conclusions about seventeenth-century life from this study. An examination of one town during a very restricted period cannot yield much on its own about other towns in other times. The comparisons may be made, and they will be valid, when equally close explorations of other places are available.

The frequency of quotations in this paper is a reflection of the author's belief that the records, where they can, should speak for themselves. Through a simple rearrangement process, putting records of like events together, the story has emerged on its own.

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## INTRODUCTION

Delaware's colonial history is unusual, if not unique in America. The Delaware counties were a colony of another colony; not since the Dutch overcame the Swedes in 1656 did Delaware have a resident governor. And not since the English finally ousted the Dutch in 1673 did Delaware have a resident administrator who corresponded directly with a European authority.<sup>1</sup>

The remoteness from the seat of power seems to have given early Delawareans a sense of independence. The civil strife that swept other colonies during the latter part of the seventeenth century merely grazed Delaware. Peasant revolts, notably Bacon's Rebellion in Virginia and the Antinomian Heresy in New England, had no counterparts in the Delaware colony. Stability was a characteristic.

The Long Finn rebellion of 1669 seems to resemble Leisler's later rebellion in New York. But the Finn's revolt had no similar lasting effect on the populace; within a year or two after the event,

its participants were holding office in New Castle. The strife known as the "Dyke Riot" that shook New Castle for a few days in 1675 was unrelated to disturbances elsewhere. At no time did there develop the enmity between the Dutch settlers and the English that eventually grew up in New York.

The following pages will examine several aspects of community life in the Delaware colony's principal town of New Castle. As the seat of government, New Castle seems to be the most likely place for events of significance to have occurred.

This paper will show that the early Delaware colony enjoyed stability, independence, and a strong sense of self-identity. These characteristics will be demonstrated through a close study of land-use patterns in the town; relationships between the Governor and the Court; the careers of several prominent citizens; relationships with the Native American population; the record of crime; church - state relationships, and what might be termed "neighborliness".

Although the paper will concentrate on the town of New Castle, the countryside around the town and the other courts on the river offer valuable supplementary material.

The information is nearly all found in public documents. Very few of Delaware's earliest citizens kept private diaries or memoirs; none are known to exist. A few travellers described New Castle



to a greater or lesser degree, but not in much detail.

Fortunately for the historian, Delaware's early public servants were a wordy bunch. What should be dry and formulistic records are crowded with glimpses of social life. The lack of private records has hardly hindered our understanding of the lives of private citizens. A judicious reading of public records, looking for peripheral details, should be standard practice in any history. In the absence of private records, this is the only feasible approach.

This paper cannot be considered a definitive study of Delaware in the seventeenth century. Limitations of time preclude more than a cursory look into certain fascinating questions. Among them are the relationship between Delaware's three counties and her neighbor colonies; road building and the growth of land transportation throughout the seventeenth century; the place of women and blacks in the early colony; the amalgamation of several ethnic groups into a cohesive population; the impact of the founding of Pennsylvania on Delaware's political and economic fortunes, and a comparison of individual careers in New York, Philadelphia and the Delaware.

## I

### THE LAY OF THE LAND

Delaware Bay is a fairly narrow drowned estuary. Although it offers promise of a safe anchorage, it guards its channel jealously with shifting shoals and sandbars. Shoaling, and the accompanying mudflats and marshes, restrict anchorages in the lower Delaware Bay to a very few small rivers. The bay offers no high ground at all on its west bank for its first hundred miles.

Compounding the navigational difficulties, the bay shore offered no substantial Indian population to the earliest traders.<sup>1</sup> Other drainages were therefore easier to settle and more lucrative. Thus settlement on the Delaware was relatively late developing.

When Peter Stuyvesant moved the Dutch settlement from the east bank of the Delaware to the west bank in 1651, he incurred the

wrath of the West India Company. But Stuyvesant, who had visited both sites, was sure that he had made the right choice. Later years proved that his judgment was sound.

Santhoek, the site of New Amstel, which later became New Castle, is in effect a moated hill. Marshes surround the hummock upon which Stuyvesant founded his fort and its town; even today, in spite of three centuries of drainage, the marshes <sup>and their counterparts in New England</sup> severely limit access to the townsite. These wetlands must have held promise of both easy defense and readily prepared farmland; after all, these men came from a long tradition of polders.

The land around New Castle almost certainly looked much as it does today, for the Common has never been developed. The terrain in the vicinity is virtually flat, broken by occasional low sandy hills and shallow drains. The soil, while fertile, supports primarily scrub trees and marsh grasses. There are no hills to hide an enemy, nor are there rocks and outcroppings to interfere with farming.

Moreover, the site of New Castle is the first place where the river channel comes close to shore. Sitting on a point in the river just above the Delaware's first major bend, the town commands a view of both banks for many miles. Shipping coming upriver could not slip past the town unnoticed. The proximity of the channel to the shore made it easy for customs officials and military officers to perform their duties.

It also made the loading and unloading of goods relatively easy.

Another consideration in locating the principal town at Santhoek must have been its proximity to the portage across the peninsula between the Delaware and the Chesapeake. A fort and a town at this point could control overland north-south transportation throughout the Middle Atlantic. Without access to the portage, the English on the Chesapeake and their compatriots in New England were restricted to ocean communications. In fact, New Castle's prominence as a portage point lasted until well into the nineteenth century.

Finally, the New Castle site was near the southern range of the Susquehannocks, with whom the Dutch wanted to trade. This fur trade had been disrupted in 1638 by the founding of a Swedish colony at Christina; Stuyvesant finally calmed his superiors in Holland by pointing out that the new townsite gave him better access to the Indians, and would enable him to keep an eye on the Swedes. The site, he argued, was at once more accessible and more defensible than the older Fort Nassau.<sup>2</sup>

## II

### THE FIRST SETTLEMENTS

In 1609, Henry Hudson visited the mouth of Delaware Bay, helping to establish the Dutch claim to the waterway. For the next decade, explorers, primarily Dutch and English, sailed in and out of the bay and river. Several made abortive attempts at settlement.

The Dutch established their first Delaware River outpost at Fort Nassau, on the east bank, in 1626. In 1631, a group of patroons, including the adventurer and sea captain David Pietersen de Vries, established a small whaling station at Zwaanendael, near Cape Henlopen.<sup>1</sup>

Indians destroyed Zwaanendael some time in 1632. When de Vries visited the little colony in late 1632, he found the buildings and palisade burned, and the remains of the settlers lying about the ruin.

A friendly local Indian explained what had happened.

The Dutch put the arms of Holland up on a pole outside the compound. One of the natives, apparently not aware of the diplomatic breach he was committing, took the arms to make tobacco pipes of the metal. The angry Dutch demanded that the wrongdoer be punished. The Indians brought them the guilty man's head.

The Dutch, who had not intended quite that much punishment, were shocked, and offended the Indians with their puzzling apparent ingratitude. Some days later, friends of the beheaded Indian approached Zwaanendael under the guise of friendship, and killed every living creature in the settlement.<sup>2</sup>

For twenty years, there were no more Dutch attempts to settle the west bank. In 1651, Stuyvesant moved the Fort Nassau garrison to a new site, at Fort Casimir on Santhoek.

The English had been rather less enthusiastic about settling on the Delaware. Lord Baltimore's 1632 charter to Maryland included the west shore of the Delaware. But Baltimore was more interested in developing the lucrative Chesapeake tobacco lands. In 1634, and several times during the 1640's, Englishmen, primarily dissatisfied New Englanders, tried to settle on the eastern side of the Delaware. The Dutch drove them off each time.<sup>3</sup>

The only successful early rival to the Dutch in the Delaware

was Sweden. In 1638, under the leadership of Peter Minuit, the Swedes established a colony at Christina, now Wilmington. Within the next few years, through Indian purchases, the Swedes extended their claim from the falls of the Delaware to the mouth of the bay.

Minuit, who had already been in the New World as an employee of the Dutch West India Company, chose his site well. Christina was in a good position to siphon the lucrative inland fur trade from the Dutch. It was considerably closer to the prime trapping grounds than the Dutch installations. The area's hilly terrain offered a more hospitable place for year-round occupation than did marshy Fort Nassau. And the Christina River, one of the major navigable tributaries of the Delaware, provided safe and comfortable anchorage.

Peter Stuyvesant acted rather on his own when he moved the garrisons from the established forts on the east bank to his new fort at Santhoek. He clearly realized, as his distant employers could not, that the Swedes were a serious threat to the Dutch claim on the Delaware.

In 1654, after many protests against the Dutch fort, the Swedish governor Johann Rising, took Fort Casimir without firing a shot. Loyal Dutchmen who escaped to New Amsterdam reported that their commander had opened the gate and allowed the Swedish troops to occupy the installation without the slightest attempt at defense.<sup>4</sup>

Stuyvesant was incensed; the next year he mounted an

expedition to recapture Fort Casimir and drive out the Swedes.

According to Stuyvesant's boastful narrative, the Swedes were so intimidated by his show of force that they put up hardly any more of a fight than had the Dutch the year before. He then proceeded to Fort Christina, where he forced Rising to surrender.<sup>5</sup>

The terms of the surrender were light, allowing those Swedes who were willing to swear allegiance to the West India Company to stay and keep their farms.<sup>6</sup>

Without competition on the river, New Amstel, the town that grew up around Fort Casimir, developed into a viable community. In 1659 administrator Jacob Alrichs reported that it contained 110 houses.<sup>7</sup> In 1664, Captain Robert Carr captured Fort Casimir in the name of the Duke of York. Once again, the conquered people were allowed to remain on their lands in exchange for an oath of loyalty. Most stayed.<sup>8</sup>

The Dutch took Santhoek once again, in 1673, but held it only a few months. This action was part of a larger war; the Dutch surrender of the fort so quickly was not a result of action on the Delaware, but part of the Treaty of Westminster.<sup>9</sup>

For the next nine years, the colony thrived under its English name of New Castle. Although the Duke of York's title to the west side of the Delaware was shaky, the Delaware colony looked to New York, not to Maryland, for government.



The court at New Castle was the principal court in the river, and in all but the most extreme cases, the seat of final authority. Although the justices at New Castle reported to the government in New York, on more than one occasion the Governor trusted their judgment in matters of some importance.<sup>10</sup>

In 1682, William Penn assumed control of the territory. The Three Lower Counties, as they came to be called, were to prove troublesome to Penn; accustomed as they were to a degree of self-government, they did not submit willingly to rule from Philadelphia. Thus in 1704, the Three Lower Counties were administratively separated from Pennsylvania. They existed for the next seventy years as a semi-independent sub-colony of Pennsylvania, with their own assembly, which in turn answered directly to Pennsylvania's Governor.<sup>11</sup>

### III

#### THE GOVERNMENT

The structure upon which the fabric of society hangs is government. Whether that fabric fits well or ill depends upon many factors, but the government and the laws describe the basic shape of society.

##### Establishment

In March 1664, Charles II granted to his brother James, Duke of York, all the territory from Maine to the east bank of the Delaware.<sup>1</sup> James promptly dispatched a loyal supporter, Richard Nicholls, as Deputy Governor, to administer the territory.

James' charter contained no mention of the west bank of the Delaware, but it was apparent to Nicholls and the other commissioners, Samuel Maverick, George Cartwright, and Robert Carr, that their master's authority would always be in some jeopardy from the Dutch

settlement at New Amstel.<sup>2</sup>

In September of 1664, after they had occupied New Amsterdam, Nicholls, Cartwright, and Maverick commissioned Carr to go to the Delaware and subdue the Dutch. Carr's instructions required him to act with great restraint, to use force only as a last resort. He was to offer the people of New Amstel all the liberties enjoyed by the English on English lands, freedom of conscience in religion, and a continuance for at least six months of their civil government, provided that they take an oath of allegiance to England.<sup>3</sup>

Only Alexander D'Hinojossa, the commander of the Dutch forces in Fort Casimir, and a handful of soldiers, resisted. Carr reduced them handily.<sup>4</sup>

The Articles of Agreement under which Carr took command of New Amstel indicate that he followed his instructions; the transition from Dutch to English rule passed quietly, if not entirely peacefully. The articles contain eight points:<sup>5</sup>

1. That all the Burgers and Planters will submit themselves to his Majesties authority without making any Resistance
2. That Whoever of what Nation soever doth submit to his Majesties Authority shall be protected in their Estates reall and personall whatsoever, by his Majesties Lawes and Justice
3. That the present Magistrates shall be continued in their Offices, and jurisdictiones to exercise their Civill Power as formerly.
4. That if any Dutchman or other person shall desire to depart from this River, that it shall be lawfull for him so to doe, with his Goods within six Months after the date of these articles.

5. That the magistrates and all the Inhabitants (who are included in these articles) shall take the Oaths of Allegiance to his Majesty and of Fidelity to the present Government.

6. That all the People shall Enjoy the Liberty of their Conscience, in Church Discipline as formerly

7. That whoever shall take the Oathes is from that time a free Denizen, and shall enjoy all the privileges of Trading into any of his Majesty's Dominions as freely as any Englishman, and may require a Certificate for so doing.

8. That the Scout, the Burgomasters Sheriffe and other Inferior Magistrates shall use and Exercize their Customary Power in administration of Justice, within their precincts, for six monthes or untill his Majesties pleasure is further knowne.

The officials who signed the Articles of Agreement for the Dutch were Fop Outhout, Henry Johnson, Gerritt Sanders Vantiell, Hans Block, Lucas Peterson, and Henry Costurier.<sup>6</sup> Much later, in 1682, a list of 117 Dutch and Swedes appears in the court records as desiring to be naturalized. Many of these men had been on the Delaware since the Dutch occupation.<sup>7</sup>

Each of the Duke of York's administrators dealt with the Delaware colony slightly differently. The relationship between the court of New Castle and the governor in New York is the clearest during the time between 1668 and 1682; Francis Lovelace, who was governor from 1667 to 1673, was a conscientious administrator who left copious records. Much of his correspondence with the Delaware magistrates survives. From the 1674 restoration of English rule to Penn's 1682 grant, Edmund Andros was governor; both his records and the local court records exist for this period. Close comparisons

between official pronouncement and local enforcement are possible.

The government of New Castle continued in the Dutch mode as had been promised under the Articles of Agreement, until the town was incorporated as a baliwick in May 1672. "That for the better Government of the Towne of New Castle . . . ." begins the governor's order in Council<sup>8</sup> which goes on to describe the new governing body as a "Bayly and six Assistants". The "Bayly" or bailiff was to be chosen each year from two candidates submitted to the governor, and the assistants were to serve staggered terms.

The Dutch office of Schout was at last to be converted to the English office of High Sheriff. This actually involved little more than a change of name; the officer's jurisdiction extended to the whole river. The two terms were, in fact, interchangeable for some time. In 1676, Andros addressed a letter to "Edmund Cantwell, High Sherriff or Scout. . ."<sup>9</sup>

The war with the Dutch interrupted Lovelace's reordering of town government. The second period of Dutch rule was too brief, however, to have any lasting effect on the town's administration. In fact, not until 1676 did Sir Edmund Andros undertake to finish the task of Anglifying the town's administration. Andros sent twelve "Rules for the Government at Delaware" to the court at New Castle in September of 1676. In slightly condensed form, they specified:<sup>10</sup>

1. The Duke of York's laws, as had been established in Long Island, were to be the laws of Delaware as well, "except the Constables Courts, Country Rates, and some other things peculiar to Long Island".

2. The three court towns were to be New Castle, Whorekill, and Upland.

3. The courts were to consist of Justices of the Peace; three would be a quorum. The eldest justice would preside, unless the justices agreed among themselves otherwise. The courts were to have power to hold a Court of Sessions, and jurisdiction over matters of £ 20 or less without appeal. Matters involving more than £ 20, life, limb, or banishment, could be appealed to the Court of Assizes in New York.

4. Matters of equity and cases involving less than £ 5 could be tried without a jury unless the parties requested a jury trial.

5. New Castle court was to meet monthly, while the other two were to meet quarterly. If occasion required, the courts could meet more often.

6. Court orders were to be valid for one year, provided the court sent an account of its orders to the governor. The courts were given sole power to impose fines.

7. Officers' fees were to be regulated by the local courts, provided they were not more than specified in the Duke's laws, nor less than half that amount.

8. The sheriff for the town, river, and bay was to be a responsible person approved by the court, " . . . but the Sherriffe as in England . . . (is) to act as a Principall officer for the execution of the Lawes, but not as a Justice of the Peace or Magistrate."

9. "That there bee fitting Books provided for ye Records . . ." and the records were to be kept in English and open to public inspection.

10. The clerk was to be nominated for the governor's approval when the office fell vacant.

11. Writs, warrants, and proceedings were to be issued in the King's name, as was the custom in other English territories " . . . and it being his Royal Highnesses special Pleasure and Order."

12. No rates (taxes) were to be levied without the governor's approval, "unlesse upon extraordinary occasion, in Case of Necessity, of which the Governor to have a present Accompt sent to him . . . ." Accounts of all levies were to be kept and sent to the governor.

Andros' instructions included some specific directions for tailoring administration to the distant Delaware. In the important matter of dispensing lands, grants were to be made upon application to the court which met once a month within whose jurisdiction the parcel lay. In the case of the Delaware, the monthly court was at New Castle. The court was to certify that the claim did not conflict with prior claims, and could allow 50 acres per person, except in extraordinary cases.

The court's certificate was to constitute a sufficient warrant to the surveyor to lay out a tract, and was to be sent with the surveyor's return to the governor for confirmation. Each parcel was to contain proportionate amounts of meadow and high ground. In Delaware, "Meadow" effectively meant marsh.

The second point concerned the settlement of petty disputes.

Whereas by this Regulacion there are no Overseers appointed, nor Constables Courts, but all matters to be determined by the Justices, I doe therefore Recommend the composure or referring to Arbitracion as many matters (particularly under the value of five pounds) as may properly bee determined this way: Provided it bee by the Consent of Partyes.

The twelve rules contain no mention of Lovelace's bailiff and six assistants. Moreover, the Court of New Castle was concerned with such municipal matters as the licensing of taverns in the town; draining, fencing, and maintaining the town's commons; and forbidding the hunting of partridges in the town on the Sabbath. If the bailiff form of town government persisted after 1674, there is no record of it.

The government Andros prescribed for the Delaware bears a distinct resemblance to the Dutch form of colonial government. The conditions offered by the City of Amsterdam to settlers on the Delaware, drafted in 1656, contain several provisions for the structure of local government.<sup>11</sup>

Articles 12 and 13 specify that the Schout was to be "head of



justice" and was to be confirmed by the director in New Amsterdam. This compares with Andros' Rule 8, describing the sheriff as the principal officer in charge of execution of the laws.

Articles 14, 15, 17, and 18 of the Dutch conditions prescribe the appointment and powers of the burgomasters and schepens. These officers were to be appointed from a list of nominees submitted by the townspeople. While Andros' rules do not describe the method for appointing the justices, he followed much the same procedure in making his appointments.<sup>12</sup>

The schepens court, as the later justices of the peace, had jurisdiction over matters under a certain sum; in the case of the schepens it was 100 guilders. This sum was raised to 600 guilders in 1663 on the eve of the English conquest. Moreover, both the English and Dutch courts had authority to pronounce sentence in criminal matters, with appeal to a higher court.

While Andros' rules safeguard the English concept of a jury trial, the governor specifically recommended submitting to arbitration. Whether these similarities were the result of a conscious desire not to disturb the governmental structure of the Delaware colony, or simply the result of expedience and a basic similarity between Dutch and English forms is a matter of speculation. The result, though, was a comfortable continuity in the construction of government on the Delaware.

Andros did respect custom. As late as 1678, in answer to an inquiry about the system of measurement to be used in the weigh-house, he replied that although the law specified English measures, " ... antient Custom may bee lookt upon as Lawe." <sup>13</sup>

The government in New York was quite slow in providing New Castle with a copy of the Duke's laws. Not until some time in 1678 did the court finally have access to the laws it was to adjudicate and enforce. The court had persistently petitioned the governor for a copy of the law book and a seal of office. In 1679/80, Ephraim Herman wrote to Mathias Nicholls, " ... as for the Lawe book Its Yett in Captain Cantwell's hands, and I hope the Court wil find out Some way for your Sattisfaction. ... " <sup>14</sup>

New Castle's court displayed a wide authority in its day-to-day functioning. While it made regular reports to the Governor, and requested several alterations in the prescribed rates, systems, and procedures, most of these requests were granted.

### Jurisdiction

The jurisdiction of the New Castle court changed little from its inception. The southern boundary under the English was marked by the north limits of the grant to Samuel Blommaert and Samuel Godyn, for their ill-fated Zwaanendael colony a half-century earlier. This line was at Bombay Hook.

Jacob Alrichs repeatedly urged establishing some sort of settlement between Bombay Hook and Cape Henlopen; evidently he realized that the Bombay Hook line was the limit of his jurisdiction also.<sup>15</sup>

The northern boundary seems to have remained unspecified for some time. In 1678 the New Castle and Upland courts agreed that their boundary would begin at Ole Fransen's Creek and extend across the river to Singletree Point. Fransen's Creek is Naamans, very close to the modern northern boundary of Delaware.<sup>16</sup>

The distance from the upper limits of the Whorekill jurisdiction to the Whorekill court (Lewes) proved increasingly annoying -- inconvenient -- to the populace. In 1680, the New Castle court petitioned the governor to extend its jurisdiction below Bombay Hook to St. Jones, but the governor took no action.<sup>17</sup>

In the same year, the residents of the central part of Delaware themselves petitioned for the creation of a fourth court in the St. Jones, to have jurisdiction between Bombay Hook and Cedar Creek. The several petitions evidently swayed the governor for he allowed the new court that same year.<sup>18</sup>

#### Appointments and Responsibilities

There are few records of appointments made under the bailiff and assistant form of government. Carr was the first bailiff, and

probably the only one. In 1671, he requested appointment of a corn-meeter, who would also have charge of viewing exported beef and pork for quality. In granting the request, Lovelace noted that "the laws to be altered."<sup>19</sup> What the laws were, we do not know, but the 1676 law specified different persons for the various tasks.<sup>20</sup>

Much later, in 1678/9, Cornelis Post was appointed viewer and packer of tobacco for the town and "precincts thereof."<sup>21</sup> This seems to have been a local appointment. There is no record of the court checking with the governor first, although absence does not constitute proof. It is likely that the court made the appointment and the governor confirmed it.

Although the 1676 laws charge the sheriff with policing the measurements, the task of checking the accuracy of the schipples used throughout the jurisdiction was assigned to the churchwardens and constables in 1678/9.<sup>22</sup>

In 1672, Francis Lovelace appointed Walter Wharton to be a justice of the peace at Appoquinimink, a community at the southern end of the New Castle court's jurisdiction. He was to have power "to nominate or cause to be Elected a Constable for the preservation of his Majesties Peace, and two other Persons as Overseers." The jurisdiction of this little court was to extend to matters of less than five pounds in value.<sup>23</sup> This is precisely the kind of small court that

Andros would proscribe in 1676; for some reason as yet undiscovered, the constables court did not work on the Delaware.

The office of surveyor was one of the governor's direct appointments. As the person most directly responsible for dispensing land, the surveyor had one of the most important positions in the colony. His fees were set by the governor, although Andros looked to local conditions in establishing the rate. Because there was some fear that people would bypass Delaware and settle in Maryland if the surveyor's fees were too high, Andros specified in 1676 that the fees were to be as in the neighbor colony.<sup>24</sup> The records contain correspondence describing the Maryland fees from both Augustine Herman and John Blomfield, Clerk of the Provincial Council and Court of Maryland.<sup>25</sup>

Walter Wharton was appointed surveyor during or before 1671. He received a list of ten matters that the governor wanted either clarified or addressed. Among the matters were instructions for Wharton to fix a time by which patentees were to seat their lands, and to inform Governor Lovelace "What sort of Government will best suite with them when seated as to Ecclesiastick, or Civil matters . . . In the meane time they have one of the Law Books, . . . and that they conform themselves to that, as farre as is practicable." Wharton was also to provide the governor with an accounting of the names and numbers of

settlers, a map of the plantations, suggestions for public improvements, suggestions for town sites, a list of vacant tracts, and information concerning "Whether to associate with thos already seated at the Whore Kill be not best to strengthen their party."<sup>26</sup>

Edmund Cantwell was appointed surveyor for the river in 1675. Despite complaints from the Whorekill about his altering surveys, he retained his post. We do not know from the records if he was guilty of this abuse, but he apparently was able to convince the governor of his innocence.<sup>27</sup>

At least by 1679/80, the surveyor's office had been broken into smaller offices conforming to the court jurisdictions. In that year, one Philip Pocock was appointed surveyor for the New Castle jurisdiction.<sup>28</sup>

Although the office of surveyor was a direct appointment from the governor, it was subject to an informal local review. Cantwell's problems were relatively mundane; Walter Wharton was brought to task for more colorful transgressions.

Wharton arrived from Virginia in 1670. He received his appointment as surveyor about 1671 and as a justice in 1672. In June 1678, he was presented before the court for "Marrying himself contrary to Lawe."<sup>29</sup> At the same session, he was fined for failing to appear in his office of justice for five months preceding. In their report to the governor, the justices described these offenses and accused Wharton of

overcharging for surveys and neglecting his duties, " ... To the End the Reproach may bee taken away from the River and that such notorious breaches of the Lawes and disorders may for the future not passe unpunished ... " the court asked that Wharton be severely punished. The court was concerned especially that if Wharton's behavior went unpunished " ... whoe is in Commission and beares the office of a Justice of the peace ... " it would serve as a bad example to the lesser sorts.<sup>30</sup> The report to the governor is endorsed "To bee out of the Commission Justices and Left to the Law. " , What the law did with Mr. Wharton is not known; he died within the year, possibly without punishment. In July of 1679, two prominent citizens of New Castle, Ephraim Herman and Johannes de Haes, "tendered themselves to bee security for the Administration of Capt. Cantwell upon the Estates of Mr. Tom and Mr. Wharton Deceased."<sup>31</sup>

Another direct appointment of the governor was that of the military commander.

The first commander on the river was Robert Carr, whose son John succeeded him. John Carr died in late 1674 or early 1675,<sup>32</sup> and was followed by John Collier. Collier was commander in 1676,<sup>33</sup> but some time between that year and 1678 the command passed to Christopher Billop.<sup>34</sup>

Each settlement on the Delaware was responsible for raising

a citizen militia company of foot soldiers. In 1672, Edmund Cantwell was appointed "... Captain of the Foot-Company risen or to bee risen within the Towne of New Castle in the Delaware and Parts Adjacent ...". In his captaincy, he was responsible only to the governor and to his superior officers. There was no mention of responsibility to local civil authorities in Cantwell's commission.<sup>35</sup>

In 1675, Andros commissioned a captain, a lieutenant, and an ensign for the town, and unspecified officers for Cranehook, Verdrietege Hook, and Upland, upstream from New Castle. The form Andros used for his commissions was virtually identical to Lovelace's only the phrase, "... composed of the Inhabitants of Newcastle in Delaware River" was substituted for "risen or to be risen ..."<sup>36</sup> In Mathias Nicholls' notes of Andros' 1675 visit to the Delaware, he mentions that the officers for New Castle were to be sworn on May 4, 1675, and those for Appoquinimink and Whorekill were sworn on May 5.<sup>37</sup>

Simply stated, the commander's duties were the defense of the colony against aggression from rival powers and Indians, and against insurrection. In New Castle, the duties included management of the Fort, and its maintenance. A constant lack of funds hindered the latter duty. The Dutch fort had been in a state of disrepair from the time of Jacob Alrichs.<sup>38</sup> Although it had undergone several perfunctory rebuildings, the Dutch fort was not an efficient installation. In 1671, John Carr proposed to Governor Lovelace "As first that a Block-House may be



erected in some convenient Place of the Towne where a Constant Watch may be kept (now the Fort is fallen into Ruine and Decay) for their Common Defence ... " Carr suggests the block house be funded with money raised in a public levy. Lovelace granted the request.<sup>39</sup>

Carr also requested, and was granted, permission to tear down the old buildings in the fort "... being soe greatly decay'd as they cannot stand long ..." to salvage their bricks, tiles, and hardware.

Progress on the blockhouse went slowly, for in August 1672, Captain Cantwell wrote to the governor asking instructions for finishing the blockhouse. He expressed concern about both the impending war in Europe and some local trouble with the Indians.<sup>40</sup> Lovelace responded:

In answer to the first Proposall about the New Blockhouse at New Castle in Delaware; since my former Orders concerning the finishing thereof have been noe better observed, I doe once more enjoyne them the compleating of it, before the first day of November next, and that under the penalty of one thousand guilders Seawant in case of Default; As to the raising a Tax of Contribucion for the Effecting thereof, it shall bee left to the Discretion of the Officers there.

The blockhouse, on the present site of Immanuel Church,<sup>41</sup> was completed, and the fort fell into disuse. The fort finally was granted to Engelbert Lott in 1678, upon the condition that he level the lot and leave room for a road.<sup>42</sup>

While the Duke's laws of 1676 specify that each militiaman was responsible for supplying and maintaining his own arms,<sup>43</sup> the arms

in the fort were the responsibility of the government. In 1676, Cantwell brought up a question concerning "Soldiers, shot or bullet for the Fort, and a Flagg" and was ordered to give an account of the guns, stores, and other items there.<sup>44</sup>

In 1679/80, the blockhouse had begun to show signs of wear. John Moll, one of the justices at that time, wrote to the governor asking money for the repair of the "fort", and to pay the caretaker Evert Brantie, whom Moll described as being sick and old. Brantie had not been paid since Commander Billop's departure the year before.<sup>45</sup>

Since the militia had no civil police powers, there was not much for them to do. Early in the English period, there was some uncertainty about the loyalty of the settlers. Robert Carr's regular soldiers were required to lodge in the fort, and to keep it in repair. Two thirds of the regular garrison of twenty men and their commander were to remain in New Castle at any one time.<sup>46</sup>

It is evident that by 1676, there was no garrison of regulars in New Castle. In November of that year, the magistrates wrote to Andros that it was very inconvenient for the more remote citizens to stand watch in the fort. The justices requested a small garrison, and expressed a willingness on the part of the citizenry to pay for them.<sup>47</sup> Andros answered that none were to be required to stand watch who lived more than a mile from town.<sup>48</sup> This solution seemed worse than the

problem to the justices, for they wrote back that "there is none Lives neare the Towne but Swanwike and in case they are Exemted from watching and warding most part of the Towne will fly theither to bee free from the same . . . " Reiterating their request for a garrison of regular soldiers, the justices went on, " . . . itt hath been allowed of by your honors predecessors for wee humbly Conceive that there is no Keeping of a forte without Souldiers, and that it is better to have no forte, then a forte without some to Keep it."<sup>49</sup>

In February of 1676/7, the magistrates at New Castle further explained to the Governor that his one-mile limit would require some residents of Swanwick to stand watch, while exempting others. A marginal note on the letter says, "None to watch in the town or fort but such as live in or neare the town unles on alarmes or Extraordinary occasions."<sup>50</sup> The New Castle fort did not receive a garrison of regular soldiers.

Perhaps because the military officers were not subject to review by the local civil government, one of the commanders found ample opportunity to overstep his bounds. Christopher Billop, who was commissioned in 1676 or 1677 was also appointed sub-collector for the Delaware.<sup>51</sup>

At the court session of March 1677/8, the justices received reports of what they termed the "severall straynes & unusuall actions"

of the commander.<sup>52</sup> Among Billop's transgressions were keeping his horses stabled in the watch of the fort; storing his hay and fodder in the court room; penning his hogs within the fort wall, and keeping the gate locked; requiring the one soldier in the fort (probably Evert Brantie) to attend to his private affairs; forbidding the court to keep prisoners in the fort; and in his capacity of customs collector, requiring the inhabitants to pay duty on small goods bought in the town.

Billop replied that " . . . the Co<sup>rt</sup> should not sitt in the fort, and that itt Conserved not the Co<sup>rt</sup>"; that the letter of the law required his collecting customs on all purchases, and he would not remit the money without direct order from the governor. However, after "a long dispute" Billop backed down.<sup>53</sup>

Edmund Andros was out of the country in July of 1678. Apparently Billop continued his high-handed behavior, for the New Castle court sent the governor a bill of particulars concerning ". . . the actions and proceedings of the Commander Capt. Billop here sence his honors departure . . . ." Besides including a copy of the accusations made in March of that year, they went on to accuse him of defaming the governor and taking up with Mayor John Fenwicke,<sup>54</sup> of trying to overrule the court, of expropriating people's possessions in the name of enforcing fines, and of selling unmarked livestock for his own profit. Capping these excesses, the court "further desire his

honor to know whether the said Commande(r) hath power to grant  
 Lycenses for marriage, as to severall persons hee hath done, where  
 by the Common Course of 3 proclamations in the Church or beannes  
 setting up is Laid aside . . ." <sup>55</sup>

In August, upon his return, Andros removed Billop from  
 his position as sub-collector of customs, and assigned the job to  
 Peter Alricks as collector with Thomas Wollaston as clerk. He  
 instructed them to "take care of the Customs according to acts of  
 parliamt and former practice . . ." <sup>56</sup>

Some time before October of that year, Andros relieved  
 Billop of his command, for in a letter to the court he says, "The  
 Late Commander is here and to give an acct. of his acting in yor.  
 parts, and if any have been wronged by him they shall have Right  
 & alsoe any publick mattr. wch. may further acrew Rectified as soon  
 as may be . . ." <sup>57</sup>

It would seem that even in the matter of military affairs the  
 inhabitants of the Delaware were self-reliant. The 1676 Law Book for  
 Staten Island specified that the local militia officers were to be chosen  
 from men nominated by the constables and overseers. <sup>58</sup> The New  
 Castle book is not known to exist, but it seems safe to assume that  
 even in the absence of constables, some form of local nomination  
 was followed.

The governors' military presence could hardly have been called oppressive. One commander and one elderly soldier do not constitute much of a garrison. Christopher Billop's excesses were not tolerated for long; Andros' readiness to listen to the magistrates in Billop's case indicates that he had trust and confidence in the court. Moreover, one cannot overlook Andros' willingness to bend the letter of the law, even the laws concerning the collecting of customs, to accommodate local practice.

The most influential of the civil offices was that of justice. These officers had jurisdiction in both civil and criminal matters, within the range described by the Rules for Government. They also had the responsibility of regulating church and municipal matters.<sup>59</sup>

From early in the English period, the authorities respected the influence of leading local citizens. In his orders concerning the Delaware, Robert Carr was instructed to consult certain prominent men regarding both civil matters and disputes with the Indians.<sup>60</sup>

Under the Duke of York's laws, justices were exempted from paying most taxes, and from military service.<sup>61</sup>

Two of the men with whom Carr was instructed to consult remained on the bench for some time. Peter Alricks, probably the most prominent citizen of New Castle, retained his seat throughout the Duke of York's proprietorship. Hans Block, a substantial resident of the neighboring community of Swanwyck, held his seat until

his death in the late 1670's.

There was some attempt to represent all sections of the court's jurisdiction on the New Castle bench. Fop Outhout, who lived on the east side of the river, and Gerrit Otto, who had a large tract at Appoquinimink, both held seats from at least 1676 to 1681. Other persons held office for shorter periods of time. There were six justices until 1678; in that year the justices requested that their number be doubled.<sup>62</sup> It was not doubled, but the number was raised from six to seven.

In the late 1660's, the New Castle court had been reaffirmed as the superior court on the Delaware. When Lovelace instituted the bailiff form of town government, some doubt about the court's position must have arisen. At the request of the New Castle court, he issued an order that the alteration of the form of government in the town was to have no effect on the court's privileges as a high court on the river.<sup>63</sup> Andros' rules reaffirmed the court's primacy once again.

The court handled a wide variety of problems. By far its most usual duty was hearing and deciding lawsuits involving debt. Small crimes were heard in regular sessions; the few major crimes were heard in special session. When the justices sat as the Court of Oyer and Terminer in the Long Finn trial, 1669, and again in a manslaughter case in 1671, Governor Lovelace sent detailed instructions on how to





conduct the trial.<sup>64</sup> These instructions were almost scripts, indicating that the governor recognized how unfamiliar his civil officers on the Delaware were with English court procedures.

The legally recognized language under the Duke of York was English, but there was no attempt to force English on the people. Not until Andros sent his rules to the New Castle court was there a clear requirement that the records be kept in English. In 1669, Lovelace sent a commission and letter of introduction "in Dutch undr ye gov<sup>rs</sup> hand & seale" to Whorekill, naming the Schout and Commissioners.<sup>65</sup> All four officers were Dutch. The New Castle court appropriated money to pay interpreters after 1670.

In their function as the governing body for the town of New Castle and its environs, the court justices carried on a regular correspondence with the governor. Moreover, the justices seem to have made regular trips to New York. Possessing the sole power to levy taxes, the court was responsible for seeing that the roads and dykes were maintained, that quitrents were collected, and that public debts were discharged. The expenditure of money had to be reported to the governor, and levies required his approval.

The statutory method for levying taxes in New York was by the monetary value of the estate.<sup>66</sup> This settlement on the Delaware did not lend itself to property assessment too easily. "The people live so far distant and their Estates for the most part soe

Inconcienderable; that wee can find no Convenient way to discover the vallue ..."<sup>67</sup> The magistrates asked permission to levy by the poll as was customary in Virginia. This was granted.

There are very few mentions of municipal facilities in either the correspondence with the governor or in the court records. In 1676, the court requested permission to construct a prison.<sup>68</sup> They were apparently slow in building it; two years later, Captain Billop refused the court access to the fort for use as a prison, which had been the custom. The prison in the fort must have been a grim and makeshift affair, for in 1677 a drunk was put in the "prison hole".<sup>69</sup> In 1677, William Tom, a prominent citizen who had suffered severe financial reverses, was imprisoned for debt in a chamber "for want of a prison."<sup>70</sup> Apparently the "prison hole" was intended for another class of prisoner.

There was no court house, but the court maintained a room in the fort. In 1677 John Moll was reimbursed for making the court room fit to use in winter. The entry specifies that the chimney was built that year.<sup>71</sup> In 1679, the court allowed 21 gilders to Thomas Wollaston for using his house as a courtroom during the winter of 1677/78, when Christopher Billop had locked the court out of the fort.

Both a weigh house and stocks are mentioned in the records, but no mention is made of money for upkeep of either facility. Likewise the records are silent on the streets and anchorage; it is probably safe

to surmise that there was no real effort to build wharves during the seventeenth century. The streets probably were dirt.

Aside from dykes and causeways, the only mention of streets in town occurred in 1680, when "upon ye Request of Mr. John Moll as being att present Cheefly Interested, the Court ordered that Doctor Spry and huybert Hendricks shall open ye Streets wch. by them are att present closed up, betweene this and next Court day."<sup>72</sup>

Roads in the countryside received a little more court attention. Roads were to be at least ten feet broad, and cleared of standing and fallen trees; stumps were to be cut close to the ground; trees bordering the roads were to be marked each year on both sides; and bridges and causeways were to be built over "all marshy swampy & difficult dirty areas ..."<sup>73</sup> The road district for the town of New Castle included land from Red Lion Creek to the south bank of the Christina, and included the communities of Swanwyck and Cranehook.<sup>74</sup>

A number of petty officials were responsible to the court. There is mention of constables,<sup>75</sup> but their function was that of a minor law officer. New Castle town had a crier, who published local notices, such as lost articles.<sup>76</sup> Some minor offices lasted only for the duration of a specific project, such as the overseer of roads and dykes, who was responsible for seeing that public ways were maintained.

On the eve of Penn's grant, in 1680/1, Andros was summoned

to England. He called a general meeting of the justices in his colony at New York in December 1680, to introduce the royal auditor, John Lewin, and to inform them of his impending departure. He excused the New Castle justices because of the distance and the time of the year. Instead he introduced Lewin by letter.<sup>77</sup>

One is struck by the breadth of the responsibilities of the justices at New Castle. Charged with everything from overseeing church affairs to granting lands, from road maintenance to hearing capital crimes, they engendered little opposition. Governor Lovelace visited the Delaware only once, to meet with the Indians. His successor Andros visited only to introduce himself in 1675. The justices must have been satisfied with the royal governors, for there were few conflicts; in only two cases does Andros express dissatisfaction with the behavior of individual justices.

More important, perhaps, is the fact that there was little discontent among the populace. Between 1663 and 1681, there were only two instances of popular dissatisfaction that bordered on rebellion. One serious case of slander against the court occurred in 1678. Only in 1681, when the Penn grant was rumored, was there any serious open opposition to the court.

### Dissent

The first serious instance of popular dissatisfaction was the

"Long Finn's Rebellion". The Swedish and Finnish population around Upland and Christiana had never really amalgamated into the Dutch and English population of the rest of the country. While Swedes appeared at court, very few of them lived in the town of New Castle.

In 1669, a Swede or Finn variously known as John Binkson, Matheus Hencks, and Marcus Jacobson, appeared in the colony claiming to be the son of the famous Swedish general Coningsmark. He and one of the Finnish settlers on the Delaware, one Henry Coleman, went about the Swedish community during the summer of 1669, spreading dissatisfaction and fomenting a rebellion. The apparent purpose was to reassert the Swedish claim to the river. Coleman was reported to be fluent in the Indian language. He and Binkson/Hencks/Jacobson hid among the Indians.<sup>78</sup>

Armgart Printz, daughter of the former Swedish governor, was somehow involved in the plot. This involvement may have given some legitimacy to Binkson's claim among the Swedes. In a letter to Captain John Carr, Governor Lovelace said,<sup>79</sup>

I thought Jaffe Papegay, Armgart Prins had beene so discrete not to have intermedled in so unworthy a designe, for though what she hath Comitted was not of any dangerous Consequence yet it was a demonstration of their Inclynation & temper to advance a strange power & a manifestation of her high Ingratitude for all those Indulgences and favours she hath received from those in Authority over her.

Somehow the authorities learned of the uprising, and arrested the participants before they could do any harm. The governor ordered a

special commission, including his secretary Mathias Nicholls as president, and at least four other persons to hear the case. Because the other correspondence concerning punishment for the rebels is addressed to Captain John Carr, the Schout, and the Commissaries, one might surmise that these were the other commissioners for the trial.<sup>80</sup>

Thirty-six persons are listed as "confederates" of the Long Finn, while thirty-eight more are listed as "delinquents". Two of these people were widows. The punishment for the "simpler sort of those who have been drawne into the comotion" was recommended to be a stiff enough fine that they would not have time to think about rebellion in the future. The Long Finn himself was to be branded and transported to the Barbados where he was to be sold into servitude.<sup>81</sup>

Nothing in the record gives much insight into the cause for dissatisfaction among the Swedish settlers. However, the Swedes were a cohesive and rather close community, who maintained their language and religion well into the eighteenth century. The presence of someone claiming to represent the Swedish crown, and his encouragement from Armgart Printz, must have awakened some smoldering sense of nationalism. Once the rebellion had been subdued, the Swedes gave the government no more trouble. However, no Swedes sat on the court at New Castle from at least 1676 to 1680. Nor did any of the rebels serve on the Upland court.<sup>82</sup>

In 1675 a civil disturbance of some proportion disturbed New Castle's tranquility for a few days. In May of that year, Andros, at a special court held at New Castle, ordered that roads be built and maintained between the colony's settlements, and that the marsh above town be drained. He gave the inhabitants three months to complete the works.<sup>83</sup>

The following month, the court ordered that, in order to follow the order to build the required roads, the town would condemn the marsh above town, dyke it, and drain it. Moreover, the dykes belonging to Justice Hans Block of Swanwyck would have to be repaired and strengthened. Townspeople and residents of the countryside as well were ordered to begin work on the project immediately or face a fine.<sup>84</sup>

The order was read at a public meeting in the church on June 4, 1675.

According to the magistrates' report of the ensuing disorder, there were three ringleaders. The first to voice his opposition was John Ogle, a 27-year-old farmer. The magistrates reported, "John Ogle said, 'We neither intend to build Hans Block's dike nor the other dike,' Capt. Cantwell answered: 'you John Ogle are an Englishman and it does not become you to make such commotion among so many people.' and he took him by the arm and shoved him out of the church."

One Mathias Smith took up the battle, and Captain Cantwell

called for the constable to put Smith in the stocks. When the constable did not appear, Cantwell "was forced to strike him with his cane."

Dominy Jacob Fabricius then jumped into the fray on the side of the protestors. This was too much for the magistrates, who ordered Ogle and Fabricius placed immediately on a boat bound for New York. This reaction excited the crowd still further, "... some of the people who gathered near the boat shouted 'sieve it, sieve it,' while some milled around with swords and clubs. Since it appeared as if a great disorder was about to erupt, we resolved, at the request of several people, to have the aforesaid John Ogle and Magister Fabritius brought back ashore." William Tom, in a separate account of the riot, quotes the protestors as shouting "fatt them on, fatt them on". Dr. Charles Gehring of New York has read this as an attempt to render the Dutch, "Vatt hem aen", or sieve it.<sup>85</sup>

If one is to believe the magistrates, the dykes were a long overdue public improvement, which would serve the interest of the countryside as well as the town. New Castle was the only substantial market town for miles; although the settlements at Swanwyck and other nearby areas had some self-identity, the court was held at New Castle, and the market was there. Also, the colony's main defense post was in New Castle. New Castle is connected to fast land by only one neck. The river and the marshland around the northeast and southwest sides of town were nearly impassable during the long, rainy Delaware winters.



"All the inhabitants, country-people and strangers would have to go 5 or 6 English miles through the woods in order to go as far as Zwaenwyck which is not more than one English mile away since Mr Hans Block's dike has been built..."<sup>86</sup>

From the point of view of the administration, the protestors' behavior was as unnecessary as it was unseemly. According to the official estimate, nobody would have had to put in more than ten hours' work to cover his share of the labor, and laborers who had time to work for others could make from 30 to 40 guilders a day -- enough to buy a grindstone. Only the inhabitants of the town would thereafter be responsible for maintaining the dyke. Moreover, the magistrates reported that several persons had privately offered to help Hans Block build his dyke if they could have leave to use it as a causeway to town.<sup>87</sup>

Hans Block had agreed to pay for a substantial part of the cost of building his dyke, including bearing the entire cost of the sluices and gates. He pledged his heirs and assigns the responsibility for the maintenance of the dyke in the future. The magistrates attested that the dyke did not make it easier for Block to harvest his marsh hay, as it could be harvested just as well from an undyked marsh.

William Tom was most eloquent in his assessment of the dyke riot. In a letter to Governor Andros, he complains, "... wee hope your hono'r will not allow of and impossible for us to gett --- Justice

according to the best of our Knowledge when all our actions shalbe disputed by a plebian faction which will not onely force us to leave the bench but will expose the Country to greate charges when upon every occasion there frenzicall braynes pleases ... the Swedes and Fynnes being such a sort of people that must be kept under else they will rebell and of that nation those here are the worst sort as by instance the Long Fynne ... " Tom went on to compare the disturbance at New Castle with such peasant rebellions as Wat Tyler's rebellion, Mazaniello's rebellion in Italy, and John of Leyden. More importantly, he compares it to a Dutch uprising against the English at New York in 1667.

But what of the protestors' side?

The administration had shown poor judgment in ordering a major roadbuilding project in early summer. This is a busy time for farmers, whose every daylight hour during early June is spent planting or cultivating. The work done just as the new crops emerge can determine the success or failure of a crop. Draining marshland was considered important enough to be a requirement in many patents; a landholder who failed to drain his marshes might be subject to the revocation of his patent.<sup>88</sup> And one cannot ignore a certain natural tendency to shortsightedness on the part of the individual where public works are concerned. In two petitions to the governor, people who objected to the dyke project indicated willingness to work on the public

dyke if they would have a share in the common land that would be drained. They protested when it came to Hans Block's marsh.<sup>89</sup> Block's position as a magistrate could not have helped matters at all.

Tom's diatribe against the Swedes and Finns seems especially unjustified in light of the fact that the rioters were shouting in Dutch. The anti-dyke petitioners included fairly equal numbers of English, Dutch and Swedes.<sup>90</sup> All the petitioners lived outside of town. Delegates for all the residents of Cranehook and Christina signed one of the petitions. Thus it seems that the dyke riot stemmed from the rural residents' unhappiness over a tax that would not benefit them directly. For travellers from the more distant parts of the jurisdiction, the four or five miles saved by the dykes must have seemed inconsiderable. The dykes were built, and the leaders of the disturbance were summoned to New York. The degree of their punishment is not known, but some people were fined for failing to work on the dykes.<sup>91</sup>

Late in the Duke of York period, with rumors of change in the wind, some Delaware inhabitants questioned the legitimacy of their government. The problem came to a head in a relatively routine lawsuit between Abraham Mann and Justice John Moll.

In March of 1681 a man named John Smith was a debtor to Moll for a debt payable in wheat or barley. Moll obtained a judgment that gave him permission to sieze Smith's servant. Smith offered to

pay the debt in "cattell pewter brasse bedding or any other goods which hee had." He sought the return of the servant and also accused Moll of undervaluing him. Moll requested a jury trial. With the court's permission, Smith appointed Abraham Mann to be his attorney. The jury found for Moll in a judgment of non-suit.<sup>92</sup>

Mann then "... of his owne accord and in open court declared and Impeached Justice Moll saying that hee ye sd Moll was nott fitt to sitt as a Judge in Court and tendered to proove what he sayed, wch Justice John Moll deseired to be recorded and thereupon withdrew himselfe from ye bench." Mann posted a security bond that he would pursue the case.<sup>93</sup>

Moll refused to sit on the court throughout the summer of 1681, while Mann pursued the impeachment at the Court of Assizes in New York. A number of small suits were postponed that year because of Moll's absence; although most of the time the court was able to muster the quorum of three justices even without Moll.<sup>94</sup>

Moll reappeared in his official capacity in November of 1681. The findings of the October session of the Court of Assizes were read into the New Castle records.<sup>95</sup>

Mann had presented Moll for several unspecified "words and Expressions said to be uttered and spoken in Court and att other times." Moll pleaded innocent but a jury found him guilty on three of several

counts. However, the court reversed the jury's verdict by finding the indictment "Illegal and vexatious and that the said John Moll by what found against him is not Guilty of any Cryme or Breach of Knowne Law therefore Doe acquet the said John Moll ... " Mann was ordered to pay costs. Instead, Mann posted security of £ 1000 and vowed the pursue the matter in England.<sup>96</sup>

Not only did the Court of Assizes acquit Moll of Mann's charges, they also issued an order tightening the procedures for bringing suit. The court ordered that "... noe p<sup>r</sup>son or p<sup>r</sup>sons whatsoever Doe from henceforth presume to Bring ... any accusation or Indictmt against any person or persons whatsoever into any Court within this Govern<sup>mt</sup> Butt the matter Cause and Ground of such accusacon ... to bee first heard and Examined Before two Justices of the Peace ..." The preamble to this order makes it clear that Mann's "vexatious Accusacons ... against severall Magistrates ..." was the cause of the order.<sup>97</sup>

Apparently Mann did not leave for England immediately, but went back to New Castle. He sent his servant to the court with a manifesto declaring the action of the Court of Assizes illegal, and promising to leave for England on the next ship.<sup>98</sup> He ordered his man to mount his manifesto on the court door.<sup>99</sup>

Arnoldus Delagrange and Samuel Land swore in a deposition

before justices Moll, Alricks, de Haes, and Sempill, that they had  
 "... heard Mr. Abram Man, Say thatt all Causes that had bin tryed  
 in the Court of New Castle were Illegall that were tryed withoutt a Jury  
 and that any man which was Cost in Such actions where there was no  
 Jury, the party might take his goods where he found them though taken  
 upon Execution and sieze them as stolen goods and that the power of the  
 Court was of no Validety and their Lawes Likewise becaues they were  
 nott made by an act of Assembly ... " <sup>100</sup>

The court issued a warrant for Mann's arrest. The subsheriff,  
 Samuel Land, and Samuel Berquer, constable of Christina, went to  
 Mann's house in Christina to arrest him. Mann let Land in, but  
 locked Berquer out. After some grumbling and argument, Mann agreed  
 to go with Land, "... butt he must putt his cloaths on first whereupon  
 he went into another Roome to dress himselfe ... he went into the Roome  
 againe for a hatt or cap butt he went his way unknowne to mee which  
 way he got out I know nott; Leaving me Locked up in the house so that  
 I was forced to come out through a Winder to be att Liberty ... " <sup>101</sup>

The slippery Mr. Mann took refuge in Pennsylvania. The  
 court at New Castle sent the matter to the Court of Assizes. <sup>102</sup>  
 In December of 1681, Mann was apprehended and gave security that he  
 would appear in the New York court.

This bit of seventeenth-century comic opera would be merely  
 amusing if it were an isolated case. However, Mann was not the only

person to express dissatisfaction with the government, or doubts about its validity at this time.

In April of 1681, a month after the dispute between Mann and Moll erupted, the Anglican minister at New Castle, John Yeo, was brought into court for speaking "in a most seditious Mutinous & Tumultuous manner that this Towne and County of New Castle was not within ye govermt or under ye Jurisdiction p<sup>r</sup>prietary of his Royll Highnesse and further that this Co<sup>rt</sup> of Justices . . . were no Lawfull Court nor would hee himself in noe wayes obey yesame etc. . . ." <sup>103</sup>

Upon questioning, Yeo declared himself not guilty, but when the depositions of several witnesses were read and sworn to, he acknowledged his words. Still claiming to have been guilty of no crime, he asked for a jury trial; the jury found him not guilty. <sup>104</sup>

The depositions against Yeo are interesting. One Joseph Burnham related that "Yeo sayed from whoome have the Court their Commission and in Substance disowned ye power and Legality of ye Cort abovementioned." Rebecca Spry swore the same thing; Edward Hudson testified that Yeo had declared the court "noe Court of Equity". Most interesting of all, though, is the testimony of Joseph Barnes, who "declareth that being in Maryland some tyme past did heare Mr. John Yeo discoursing with Mr Man About William Pens haveing a grant from ye King for part of this River, sd Mr Yeo sayed then if that bee

true then wee shall bee free, and they say here that New Castle belongs to Maryland and if that bee true I question whether New Castle Court bee a Lawfull Court . . . "<sup>105</sup>

Finally, in two letters to Captain Brockholls, who was serving as Andros' deputy, Ephraim Herman underscored the confusion that the impending transferring of the colony to Penn was creating.

As collector of quitrents, Herman was concerned about overdue assessments in what had only recently become Pennsylvania. He suggests that Brockholls contact Penn's representative, Markham, about payment. Herman also relates that a ship nine weeks out of Bristol had arrived, bearing tidings "that severall ships more are bound for this River and that Esq. Pen wil follow next Spring." Two weeks later, Herman again wrote to Brockholls, relating that William Markham had asked the Justices of New Castle to begin laying out the "12 myles above this Towne", but the justices did not know if they had the authority to do so. The justices " . . . alsoe doe desire to Know whether; to begin att the verry Towne it Selfe or att the End of the Liberty of the Towne; the news goeth here that Esq Pen is about or has gott these Lower Parts alsoe from his Mayestie . . . "<sup>106</sup>

Finally, in November of 1682, nearly two years after John Yeo's "seditious" declarations, the Clerk in Council at New York



authorized the justices to transfer their loyalty and the land described in Penn's deed, to William Penn. The new proprietor, on his part, promised immediately to honor all good titles to land on the Delaware. Also, he recommended that the court continue to follow and enforce the laws of New York until such time as he could call an assembly and establish his own laws.<sup>107</sup> Penn and Markham attended the monthly court sessions at New Castle through February of 1683.<sup>108</sup>

The changes in government under Penn are beyond the scope of this present paper. However, on a community level, a look through the court records of the next decade indicates little functional change. The same people serve on the court; Ephraim Herman continues as clerk, and the same names appear as landowners and in lawsuits. Although the period of transition involved uncertainty and doubt, it appears that New Castle's stability continued intact into Penn's rule.

## IV

### THE TOWN

Much of the character of the seventeenth-century town of New Castle has been lost to history. A major fire early in the nineteenth century destroyed part of the town, and the events of a busy three-hundred-year history have obscured most folk memory of the original town fabric. A lively ghost of early New Castle does exist in the land records. In keeping with the philosophy of the times, the townspeople thought that property was of paramount importance. They kept their most detailed records of landholdings.

#### Research Method

The reconstruction of a detailed map of an early settlement is often viewed as an arcane art. It is not; even in the absence of surviving maps from the period, patience and an understanding of property records will yield a richly-detailed geography.

The basic method for reconstituting geographical features in a map or plat form is described in Edward Heite's article, "Boxing a Very Old Compass,"<sup>1</sup> Following this method, the maps in this paper were reconstructed from old deeds, surveys, and incidental records, with missing portions inferred from records of adjoining properties, court testimony, and the like.

The earliest known surviving map of New Castle is a 1792 copy of a street plan made in 1750.<sup>2</sup> One-quarter of this map is missing. It shows only the streets and their names. No features or landmarks appear on it. Benjamin Henry Latrobe's 1804 map is much more detailed.<sup>3</sup>

According to the records, there were earlier maps. Jacob Alricks reported that he was sending a map and a sketch of the fort to his employers in Holland in 1657.<sup>4</sup> William Penn ordered a new plan of the town made so that he could dispense ungranted lots.<sup>5</sup> The New Castle court records refer twice to the "old Dutch map," once in 1679 referring to John Moll's removing some fruit trees from Dyke Street, and once in reference to a trespass case involving an abandoned street.

Most land title research, for legal purposes, is done by tracing titles backwards from the present day to the original grant. The author saved considerable time by tracing titles forward, beginning with the earliest known grants.

Pertinent information from every extant transaction between the beginning of the Duke of York period to about 1715 was noted onto individual cards. Physical sorting of the cards allowed location of each transaction in space and time.

A schematic rendering of the information on the cards served as a rough draft for a map. It was then possible to make corrections for actual compass bearings and dimensions, where they were known. Bearings and sizes were interpolated where the records gave no other information than relative location; fortunately, the seventeenth-century layout deviated little from the 1750 map and Latrobe's more detailed 1804 map. The lots as described in the seventeenth-century deeds fit the streets as depicted in the later maps, within a few feet.

In several cases, notably the block along Front Street between the river and the market, and the row facing the south of the market, the descent of title was quite garbled. Many outsales and some sloppy record keeping had obscured the evolution of these lots. In both instances, it was necessary to trace the titles backwards from a known owner to the earlier deeds, matching up with the uncertain descents at a later date. Latrobe's map served as a starting point in these cases.

The uncertain titles must have bothered the owners during the mid-eighteenth century, for several lots appear in what commonly is known as a "straw man" transaction. This is a legal device that

allows the owner of a parcel with unclear title to sell his property and buy it back, entering a complete title trace into the record. Several deeds of sale made during the 1680's first appear as evidence in straw man transactions during the 1750's and 1760's

Although early land records were written according to a general common-law formula, they were not so standardized as to contain only transactional information. The owner's occupation, his genealogy, the buildings on the property, and the property's use often serve to specify what parcel is being described. Certain terminology, although at first helpful, is meaningless, and serves only to protect the buyer's and seller's unspecified interests. Terms such as "messuage and tenement," although tempting, cannot be considered descriptive.

### Description

Very few records describing the Dutch town of New Amstel survive. According to the conditions offered to the settlers on the Delaware, in 1656, the City of Amsterdam promised,<sup>6</sup>

Here the City shall lay out a proper piece of land on a river side for a safe habitation and residence of the Colonists, and fortify it with a ditch without and a wall within; and divide the inclosed land into streets, a market, and lots suitable for the use as well of traders and mechanics as of farmers; and all this at the expense of the City.

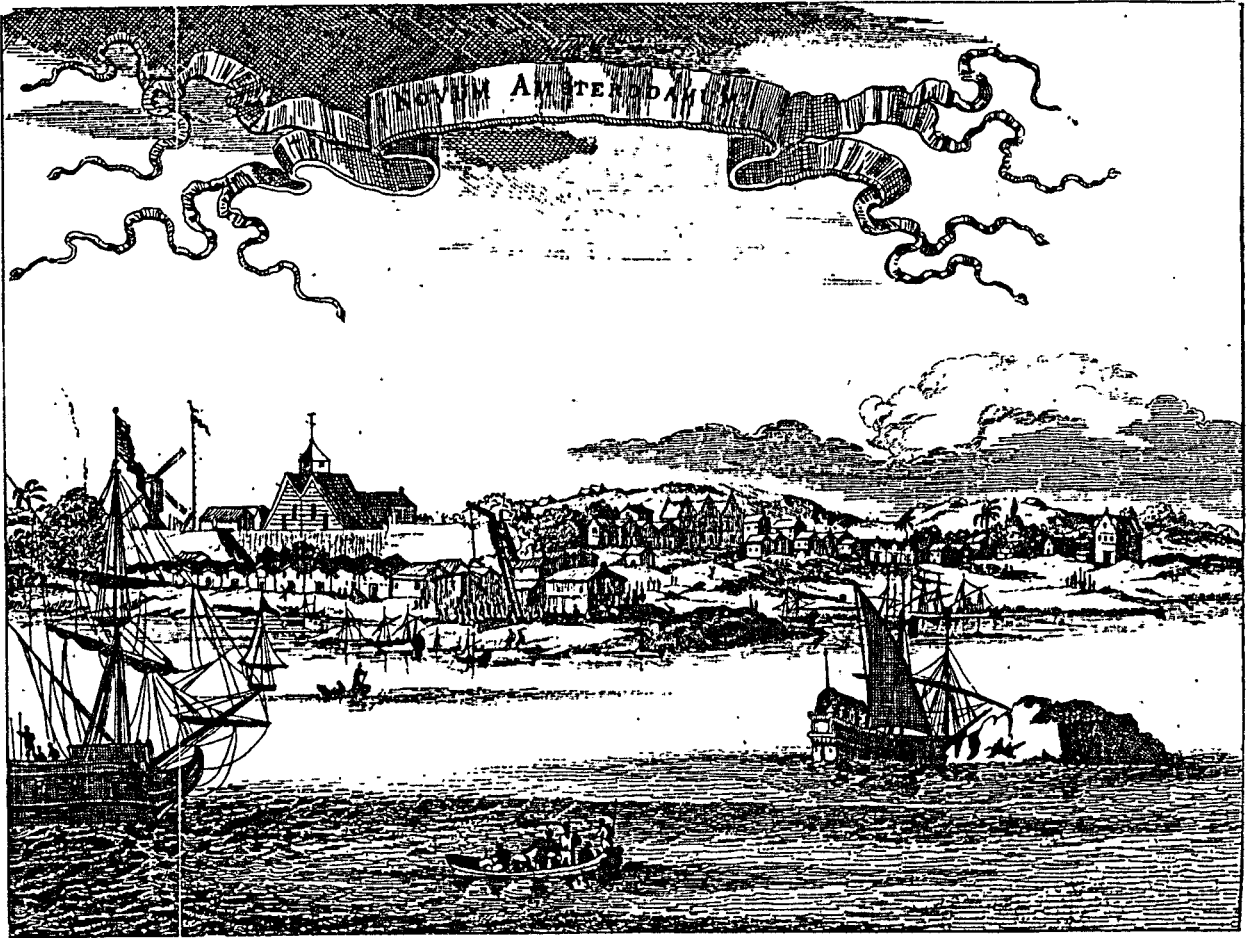
There is no record of the ditch and wall. Perhaps New Amstel's

marshy surroundings made these unnecessary. The town did have the fort, though, as its center of administration and defense. The lots were arranged in two rows. Lots were long and narrow, with fifty or sixty feet frontage, three hundred feet deep, stretching from street to street.

Jacob Alricks said there were 110 houses in town in 1659.<sup>7</sup> Save for the windmill, which New Castle did not have for another twenty years, the town probably looked a great deal like the engraving of New Amsterdam on page 57. In the picture, the houses are close together with their gable ends to the street; many of the houses face the water. All of New Castle's waterfront lots are described as facing the river. Even the inland lots front on the street nearest the river, rather than the more inland street.

Under the English, New Castle grew into a typical market town, with a large central open area surrounded by dwellings and shops.<sup>8</sup> With the building of the new blockhouse there in the late 1670's, the central square held the administrative as well as the commercial center of the town.(See Map K)

Almost no record exists of the architectural character of New Castle. Only two surveys show buildings in any detail, and both of them date after the Duke of York's period. Arnoldus Delagrange's survey of his windmill lot shows the location of the windmill, a frame structure with four sails. The 1737 plat of John Vangezel's bank lot shows his



"Copied (in Fac Simile) from the Plate in Montanus Nieuwe en Onbekende Weereld (in State Library) / Engraved & Printed by J. E. Gavit."

E. B. O'Callaghan, editor, The Documentary History of the State of New York, vol. IV, facing page 76.

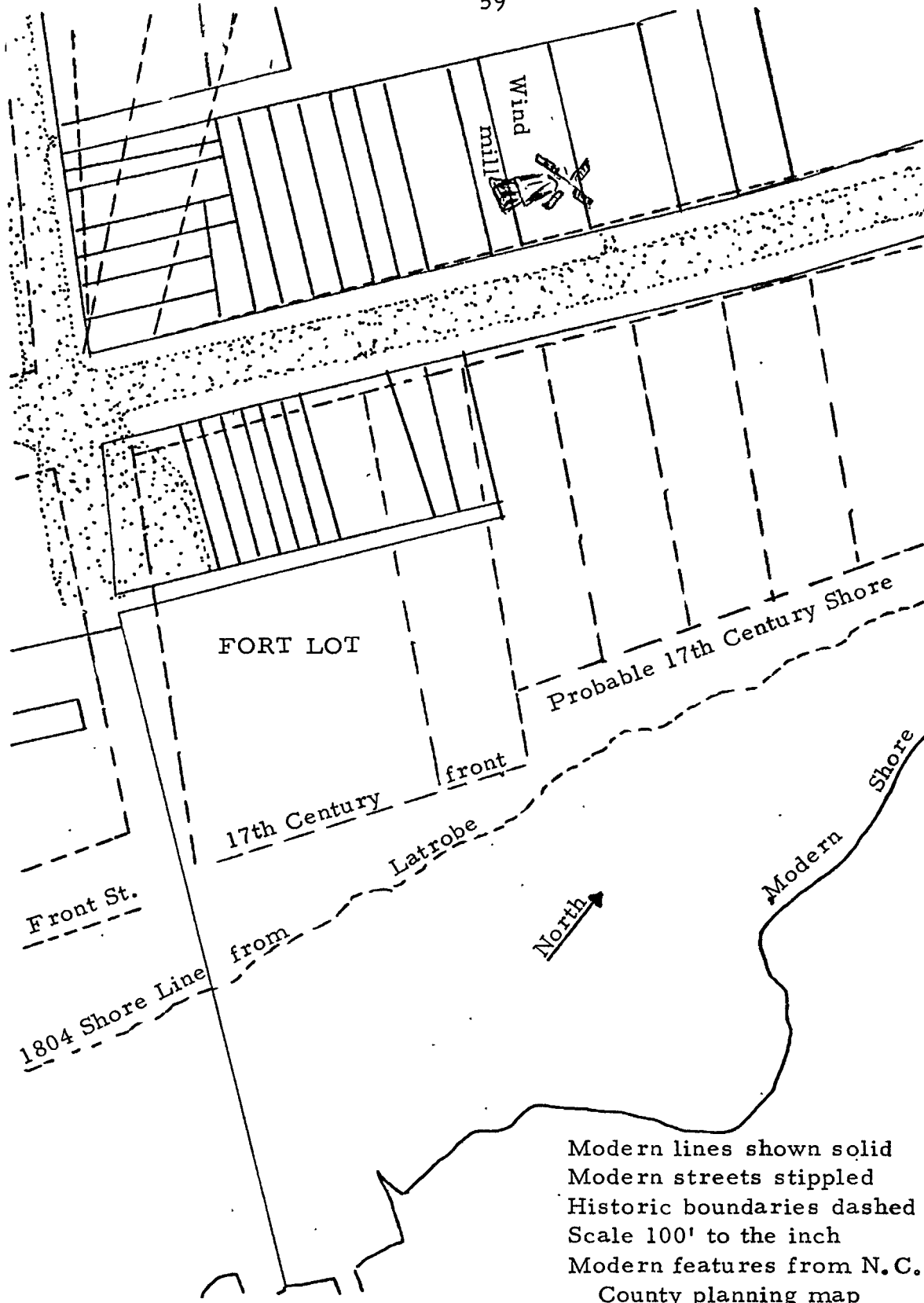
mother's house. This house had a central chimney, and gable fronting on the street. Since the house is on the water side of Front Street, on a bank lot, it probably was built after 1700; the bank lots were not granted until then. Only one of the early houses on Front Street survived the fire during the early nineteenth century. This "Tile" house of 1689 shows on Latrobe's map and in surviving photographs as a tall house with a gable end on the street.

The original fort<sup>9</sup> almost certainly had an earthwork. Jacob Alricks complains about its washing away in front; later, when Engelbert Lott patented the parcel, he was instructed to level the lot. On page 59 is a composite map, showing the windmill and fort lots, superimposed over a modern map; see Map J for the original lot arrangement.

New Castle's later blockhouse was not nearly so elaborate a structure. In 1670, William Tom proposed to Governor Lovelace "a blocke house 40 foote square with 4 att every end for Flanckers in the middle of the Towne".<sup>10</sup> Considering how slow the town was building its blockhouse, and how often the townspeople complained about lack of money for the project, one may well doubt that so fine a fortification was built.

There may have been a palisade or some sort of fence around the blockhouse; in the winter of 1677, Captain Billops kept the gate locked to restrain his pigs.<sup>11</sup> However, he may have been using the





Modern lines shown solid  
 Modern streets stippled  
 Historic boundaries dashed  
 Scale 100' to the inch  
 Modern features from N. C.  
 County planning map

older fort, which was not completely abandoned until the next year.<sup>12</sup>

Other properties were fenced, for the fences are described in the deeds. There were fruit trees on at least two parcels, and several deeds mention gardens.

The streets were roughly on a grid, although it was hardly a formal grid pattern. Front Street, alternately called the Strand and Water Street, was nearest the river, and paralleled it. Heading inland, one crossed Warmoes Street, also called Land Street; then Minquas Street, also called Mink or Susquehanna and after 1680, Mary or Saint Mary Street. Next was Bever, or Brewer Street, and then Otter Street. The streets that led to the river were Thwart Street on the upstream end of town; Hart Street; Wood Street, sometimes called the Highway, and Dominy Street, which was later called Anthony and Hay Street.

#### Land Use : The Mercantile Quarter.

Of the inhabitants whose trades are known, all but two of the landowners between the market and the river were merchants or government officials. Most of the landowners in the next block upstream were merchants as well.

One can catch a glimpse of the kinds of goods the merchants in New Castle carried from an inventory of stolen items found in the custody of one Jeane Nash in 1681. She confessed to having stolen from

Arnoldus Delagrange's warehouse the following:<sup>13</sup>

2 remnants of osnag Linnen 12 Ells  
 1 pr of red woomen stockings  
 1 pin kussin 1 pr stockings thred  
 1 holland sheete  
 3 remnants qt  $5\frac{1}{4}$  Ells of fyne holland  
 $\frac{1}{2}$ lb of Cullered thred  
 1 pr of holland mens sleeves marked A L  
 3 handkert'cheefs of holland & 1 laced neckloath  
 2 pts of Castill soape & 1 pr of sizzers  
 6  $\frac{3}{4}$  Ells of broad blew Ribband  
 Blake & Red & other Cullard Ribbin & thred The Exact  
 quantity not knowne  
 Some pepper & ginger & som strue blew  
 3 pr of Woosted stockings  
 1 fyne blew apron  
 $2\frac{1}{2}$  Ells of blewfyne Linning  
 2 unmade Course blew aprons

Unfortunately, the location of Delagrange's warehouse is yet an unsolved problem. About this time, he patented the windmill lot at the north end of town, and he eventually bought other property there, but record of his earlier holdings has not been discovered.

#### Land Use: The Trades

Tradesmen predominate among the mentioned occupations on the upstream and inland sides of town. Englebert Lott was a cordwainer, and he sold the old fort lot late in the century to a group of three tanners and cordwainers from New York. A smith of unspecified type owned the lot next to the fort for a short time.

One Hans Corderus, a cooper, was granted a lot (Map J3) in the same block on the condition that he follow the cooper's trade.

Corderus apparently let his lot lapse and patented another in 1683 (Map B2), which he sold to Jan Harmonson. This may have been the same Jan Hermson, carpenter, who owned a lot on Front Street.

There may have been a tanyard or some other facility connected with the leather trade on the back side of town. A tanner, a farmer, and a cordwainer together purchased a double lot on Bever Street just above Wood Street (Map D, 3 & 4). A wheelwright and a blacksmith (Map D 12) owned lots that faced on the market, about in the middle of the block on Minquas Street. Ambrose Baker, who owned six lots (Map D, 8-11) on the same block, was a woodcutter.

The market square remained unchanged throughout the period. No patents or sales at all can be placed on the block bounded by Land, Hart, Minquas, and Wood streets. The Dutch had promised their settlers a market place. In 1670, when Captain Carr and the Commissaries proposed a new location for the fort, they said, "That the market where the bell hangs is deemed the most suitable location in New Castle to make a fortification of block houses, provided that the Honorable Capt. Caar shall cede forever the required land."<sup>14</sup>

The most telling description of the market occurs in 1689, under William Penn's administration. In an unpublished warrant register in the Pennsylvania Land Office, is an entry that describes the market place, and appropriates a lot for the court house.<sup>15</sup> This is the

first mention of a court house dissociated from any military facility, and locates the building where the present New Castle Court House stands. (Map K)

A lot for a school was laid out in the 1670's, on some of the less desirable land at the lower end of town. Isaac Slower, a schoolmaster, held a lot next to the probable school lot for some time, but no record exists of public expenditure for a school building or a teacher's salary. The school may have been supported by the church, or by subscription.

Because the river channel is close to the bank, there was little need to provide a manmade anchorage. Apparently few or no wharves were built until the bank lots were granted after 1700. The first reference to a public wharf occurs in 1708 when Roeloff de Haes acquired a bank lot (Map H12) with a corner on "Free Wharf Street," possibly the modern Harmony Street.

The consistency with which mercantile activities occur along the riverfront and manufacturing activities inland makes one suspect that this land use pattern was deliberate. In parallel, an instance occurred at Whorekill in which a tradesman was denied a shore lot because the court believed that a shipbuilder could better use the frontage. Instead, the tradesman was encouraged to accept a lot on the inland side of town.

### Growth and Development

Throughout the Duke of York period there was considerable ungranted land in New Castle. In 1680, Jan Bisk and Isaac Tayne received vacant lots in payment of a debt owed them by the town (Map G4). When Penn assumed control of the colony, he requested an assessment of vacant lands so that he could encourage new settlers in the town.<sup>17</sup>

By the late 1680's, all or nearly all of the vacant fast land in New Castle had been granted. However, the subdivision of the more valuable lots had been going on for some time. The lots in the mercantile section of town were granted and subdivided first, some into portions as small as twenty or thirty feet wide (Map E). The most heavily subdivided section was the lower end of the block between the river and the market.

If the size of the lots is a reliable indicator of their relative value, the parcels ranged around the market were only a little less desirable than the waterfront. During the 1680's the block along the inland side of the market (Map D) was subdivided into lots only a little larger than the lots along the river. In 1687, Justus Anderson rearranged a double lot at the upper end of the market, which he had purchased from John Moll into two lots with market frontage rather than two lots running through the block. This is the first longitudinal division of a block; no more such divisions occur until the purchase of

land for the new Presbyterian Church in 1707. The land around the periphery of town (Maps A, D & F) was laid out in rather large tracts. The parcels were often double or triple lots, and some were as large as several acres. This may have been a function of the distance from the market square or the riverfront, but it is just as likely a function of the nature of the land itself. The land inland and downstream is quite marshy, and these large lots may have been unsuitable for development.

It is interesting to note that the first attempt to expand beyond New Castle's marshy borders occurred along the river to the south. Peter Alricks had held a large tract of marsh, with the intention of draining it, but he never did. In 1715, Penn granted part of the marsh to a consortium of townsmen, stating in the warrant, "Whereas great complaints have been made by divers of the Inhabitants of New Castle that the Marsh on the West and Southwest Side of the Said Town lying undrained continually supplies such quantities of unwholesome vapours as very much injures the Health of the said inhabitants . . . ." <sup>18</sup>

The patentees apparently made some attempt to drain and reclaim this land. Their survey return shows some ditching and a road. The project met with little success, though, for the land still is a marsh. <sup>19</sup>

In spite of the growing unavailability of firm vacant land in

New Castle, there was surprisingly little speculation. For four years, from 1683 to 1686, Penn's government conducted a census and assessment, which has been published.<sup>20</sup> Lot owners in New Castle are readily distinguished, for their town lots are listed separately from country properties. Most of the landowners had one or two lots; only a few had more than six. Only two of these seem to have been engaged in speculation on any scale. Moreover, few owners dramatically increased or decreased their holdings throughout these four years.

## CENSUS OF LOT OWNERS

<u>NAME</u>	<u>1683/4</u>	<u>1684/5</u>	<u>1685/6</u>	<u>1686/7</u>
Peter Alricks	2	2	2	2
Justus Anderson (Andries)	1	1	1	1
Ambrose Baker	5	5	-	3
Giles Barrett	2	-	-	-
John Bisk	6	3	2	2
Edward Blake	-	-	-	1
John Boyer	2	1	2	1
Joseph Burnham	-	1	-	-
Anthony Bryant	8	3	1	1
John Cann	4	2	2	2
Edmund Cantwell	1	1	1	-
Judith Crawford	2	-	-	-
William Crosse (Lorrain)	-	1	1	-
Claes Daniel*	5	-1	-	1
John Darby	-	-	-	1
Moses DeGan	1	-	1	1
Johannes deHaes	2	1	1	2
Arnoldus Delagrange	4	3	3	3
Aemilius deRing	5	5	3	3
Mathias de Ring	1	3	2	2
Mathyas deVoos*	-	1	-	-
Eldert Egberts	1	-	-	-

\*Indicates absence from other land records. These landowners may have never properly recorded their purchases, or the record may be lost.



<u>NAME</u>	<u>1683/4</u>	<u>1684/5</u>	<u>1685/6</u>	<u>1686/7</u>
John ffolk*	1	-	-	-
Sybrant ffolk*	1	-	-	-
John fforat	-	-	1	1
John Garretson*	7	1	1	-
Josyn Hamilton *	-	-	-	1
Richard Halliwell	-	-	-	1
Adam Hay	1	-	-	-
Hubert Hendricks	2	-	-	-
John Hendrickson	1	1	1	1
Widow Hiberts*	-	3	-	-
Garrett Johnson	-	-	3	3
Samuel Land	1	1	3	-
Dorcas Land	-	-	-	3
-- Lorrain (Wm. Crosie?)	1	-	-	-
Engelbert Lott	2	3	3	3
Abraham Man	-	2	-	-
John Mandy	1	1	3	-
Mary Mandy	-	-	-	1
John Moll	6 $\frac{1}{2}$	5	4	4
George More	1	-	1	-
John Williams Neering	2	-	-	-
Richard Noble*	-	-	-	2
Gov. Penn*	1	-	-	-
Josyn Semple	2	1	1	-
Gerrit Smith	3	3	-	-
John Smith	2	2	2	2
Thomas Spry*	6	4	-	3
Dominy Peter Teschenmaker	6	6	2	2
Isaac Tayne	1	-	4	4
Sybrant Volk	-	1	-	-
Hendrick Vandenburg	4	5	5	3
Reyner Vanderculin	12	4	4	4
Mathyas Vanderheyden	-	-	-	1
James Walliam	2	1	2	2
John Walker	-	-	1	-
William Welch	1	-	-	-
Susannah Welch	-	2	-	-
Sarah Welch	-	-	2	1
John White*	1	$\frac{1}{2}$	1	1
Gerardus Wessels	-	-	1	-
Hendrick Williams	3	2	2	2
John Williams (Neering?)	-	2	-	2

Jan Bisk is one of the men who seems to have been speculating, as he owned lots in several parts of town at once. However, most of his holdings were inheritances from his father-in-law, Isaac Tayne.

Reyner Vanderculin, however, seems to have been seriously engaged in the business of buying and selling land. He had several of his properties for only a short time; in 1683 he became embroiled in a trespass case that shed light on the growth of New Castle since the Dutch occupation.<sup>21</sup>

John Cann sued Vanderculin for fencing Cann's lot (Map B), removing a frame building. Among the evidence Cann introduced was " . . . an old mapp of this Towne of New Castle, whereon hee Shewes that there was another Street than ye Street of Gerrit Smit, wch: other Street fronts Even with ye house of Ambroos Baker and is called in ye Mapp by ye name of ye Bever Street. . . ." Testimony of several townspeople resurrected the nature of the street. Anthony Bryant swore that " . . . hee verry well remembers that about 24 Years agoe there was a double Row of houses standing wth:in this Towne of New Castle, wch: Rainged even wth: ye house now belonging to Ambroos Baker and soe quite down to ye Cripple . . . ye sd: double Rowe of houses fronted ye one towards the Street where Gerrit Smit now Lives in, and the other towards ye River even wth: ye sd. Ambroos Bakers house all wch: Ground is now att prsent in fence or fenced in by Reyner Vander Coelen . . . "

Gerrit Smith himself testified that he had lived in his house for twenty-two years, and "doth not remember that Ever hee Sawe a street there . . ." Thus, one may pinpoint the demise of the lower end of Minquas Street between 1659 and 1661, during the period of the Dutch Commander Alexander d'Hinojossa's controversial vice-directorship.

It is not clear from the pace of land transactions whether New Castle suffered much decline after the founding of Philadelphia. Many new names appear during the 1690's, and the bank lots were patented during the first decade of the eighteenth century. Moreover, there was no attempt to expand the town beyond the fast land until 1715. During the early eighteenth century, there was an abortive move to incorporate the town as a city. The growth of New Castle must be measured through other means than land sales after the mid-1680's.

#### New Castle in Context

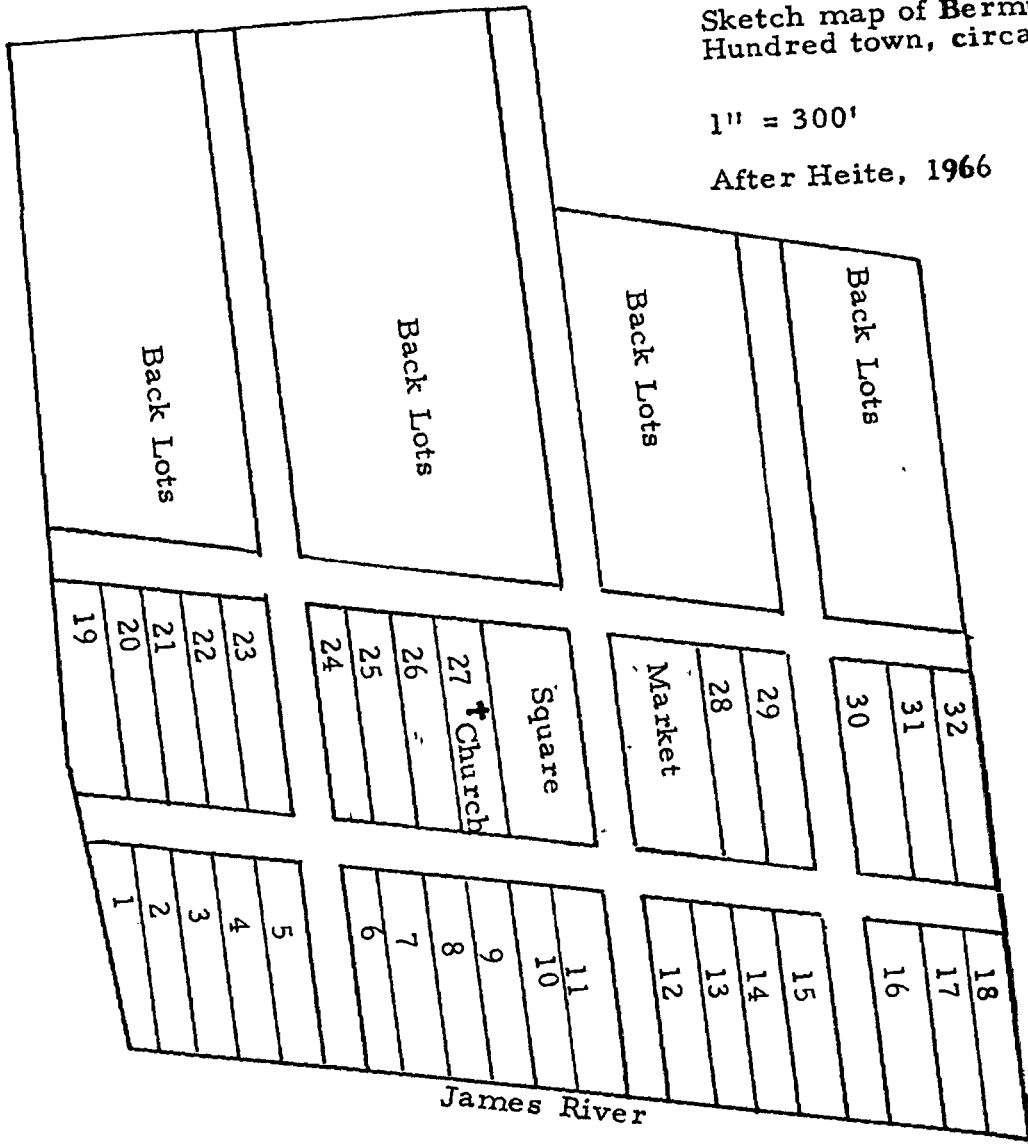
New Castle is not unlike many small market towns that were founded during the first hundred years of colonial settlement. It is a compact urban space, recognizably a town, as opposed to a township or a less organized settlement. It possessed the two features that Carl ~~B~~ridenbaugh says were absolutely necessary for the success of an early town: good harbor and a command of prevailing trade routes.<sup>22</sup>

~~X~~ In its compactness and comparative organization, New Castle

Sketch map of Bermuda Hundred town, circa 1692

1" = 300'

After Heite, 1966



North

is different from its sister settlements in upper New Castle County. The towns of Swanwyck, Cranehook, and Appoquinimink were towns more in concept than in fact; a map of Appoquinimink<sup>23</sup> shows that it was composed of narrow farms laid out so that the houses were fairly close to one another. Only Whorekill had anything resembling New Castle's organization.<sup>24</sup>

There is more parallel between New Castle and the county seats and market towns in other colonies. The town of Bermuda Hundred in Chesterfield County, Virginia ( see page 70 ) exhibited an organization very similar to New Castle's: narrow lots that go from street to street along the short axis of the block, and a market place one block from the river. This community was established in 1692 and still exists.

The town of Marlborough , Virginia, another town founded under the Virginia port acts, bears a generic resemblance to New Castle. It too has a market place near the river, surrounded by blocks for houses and shops.<sup>25</sup> In the orders to lay out the Virginia towns, building lots were specified as half-acre lots. Lots in New castle were close to a half acre; even today, a half acre is considered to be an efficient size for a house, outbuildings, and a kitchen garden.

Perhaps because New Castle was not really designed but grew from a garrison according to its geographical limitations, it seems to have a rather haphazard arrangement. When comparing the streets in

New Castle with the plans of slightly later towns, its irregularity is obvious. It is hard to compare New Castle with Philadelphia, which Penn envisioned as a grand baroque park, and which was to be many times New Castle's size. However, the comparison between New Castle and the tidy and idealistic grids of Marlborough,<sup>26</sup> Camden, S. C.,<sup>27</sup> or New Haven, Ct.,<sup>28</sup> is striking.

Some small effort was made in the late 1680's to tidy up New Castle. Sometime before 1696 Reyner Vanderculin bought a wedge-shaped slip of ground from John Bisk to square up one of his lots. Penn's description of the back line of the court house lot (Map K) is the first mention of a right-angled line in town. Also, around 1680, John Moll became interested in opening up streets that had fallen into disuse. He removed some of his own fruit trees from the upper end of Land Street when he realized that they were in the right-of-way, and requested the court to require others to open streets they had closed as well.

One might speculate that New Castle's basic shape derived from a native sense of orderliness, much modified by the terrain. The town was most certainly not built according to a preconceived plan, save that the space was efficiently used and decidedly urban in its character. The plan was not in any way an expression of either an artistic or a moral ideal.

### Maps and Title Traces

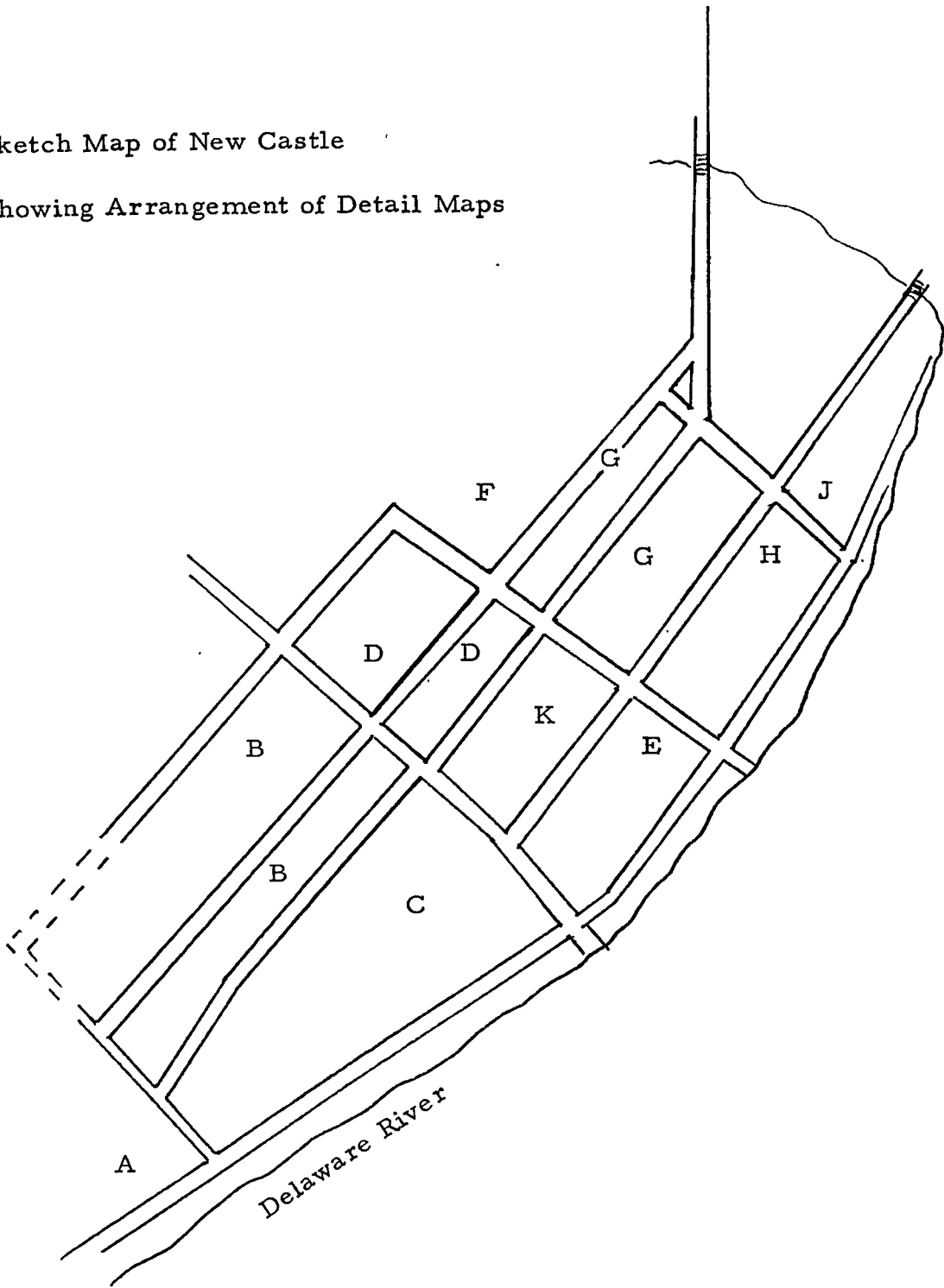
The following maps and title traces graphically describe the development of the town of New Castle from about 1670 to about 1690. The key map on page 75 shows the relationships between the block maps. In the key, each block bears a letter that corresponds to a detailed enlargement. Because the streets in the old part of New Castle have changed little since the seventeenth century, no modern map has been included.

Enlarged maps, lettered A through K, show the property lines as they occurred in the 1670's and 1680's. Each parcel is numbered; the numbers correspond to the title trace and description of the parcel that follows. Certain of the lots show a building or buildings; these symbols indicate that specific mention of some sort of building occurred on one of the transactions involving that property. On Front Street, the crosshatch symbols represent buildings shown on the bank lot surveys.

Features other than property lines also are shown on the enlarged maps. Map A shows the probable alignment of a street abandoned before 1683. Map F shows some of the larger properties on the edge of town, whose borders appear to follow the edge of usable high ground. And Map G shows several alternate locations for Thwart Street; because the street passed through low ground, it probably was impassable during the wet part of the year. The present alignment of

Sketch Map of New Castle

Showing Arrangement of Detail Maps





Thwart (Chestnut) Street appears in 1701, twenty years after Arnoldus Delagrangé was required to drain the marsh through which it passes.

By way of contrast to New Castle, a map of Pennsylvania, including a plan of Philadelphia prepared by Thomas Holme appears on page 73. Most of the farms in the countryside show the same concept of long, narrow allotments that characterizes the town. In contrast, Penn's town is decidedly square, and highly stylized. An amusing feature is the representation of New Castle in the lower left corner as a hodgepodge of buildings.

The following maps are drawn to a scale of 100' to the inch.

77

Bryant 6

5  
Bryant

MAP A

4 Bryant

DOMINY STREET

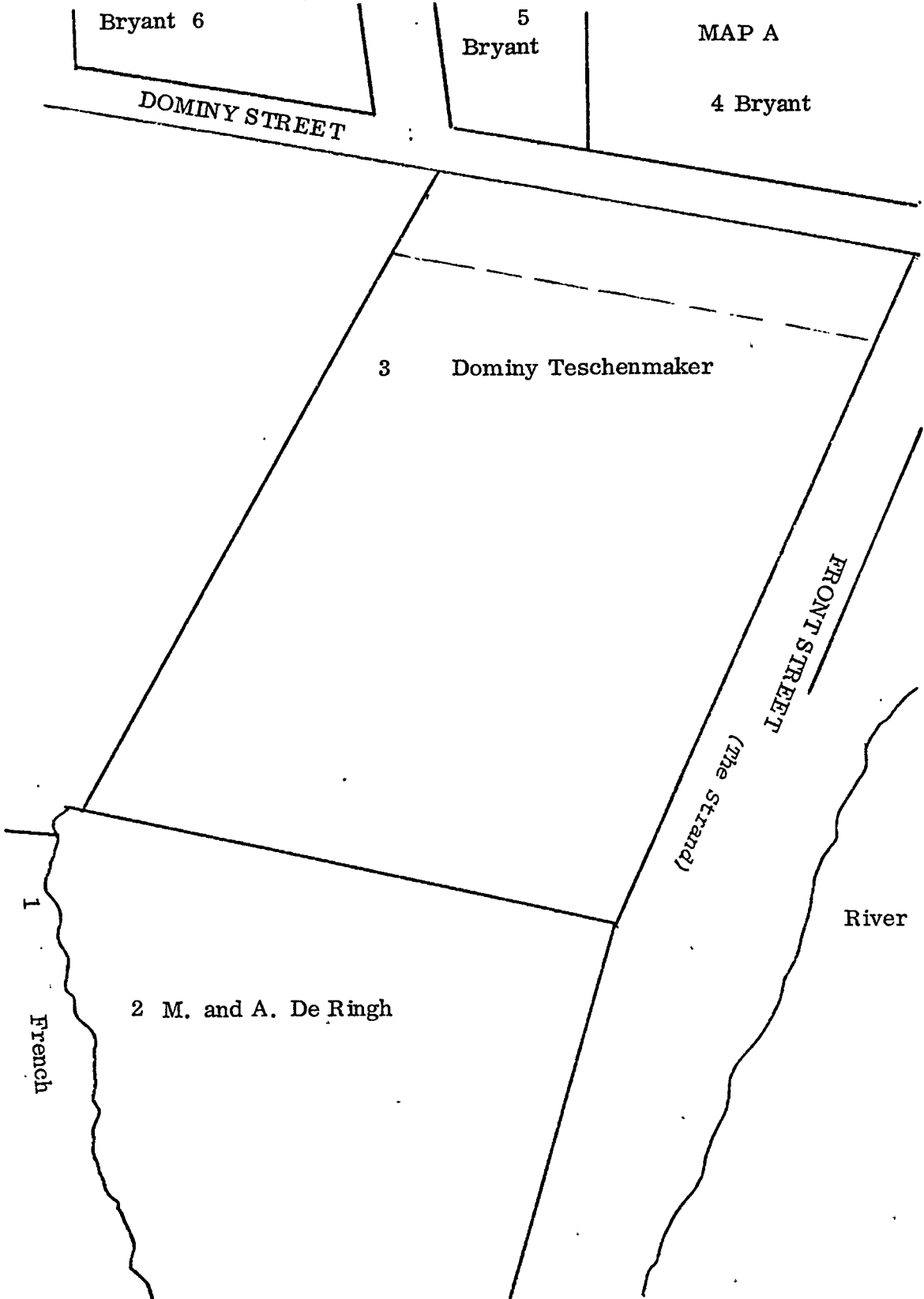
3 Dominy Teschenmaker

FRONT STREET  
(The Strand)

River

1  
French

2 M. and A. De Ringh



## A

## SOUTH OF DOMINY STREET

Parcel 1

New Castle Surveys F2, #49, #51                      1718  
 Grant  
 to  
 Colonel John French

Parcel 2

Duke of York, p. 186                                      20 November 1679  
 Grant  
 to  
 Aemelius and Matthias de Ring

Bounded on the east by Teschenmaker and on the west by the  
 little valley or marsh, dimensions 300' along Teschenmaker,  
 and to the water side 600'.

N. C. Deed Book B-1, p. 338                              19 January 1705/6  
 Nicholas deRing (Dering), tailor of Philadelphia  
 to  
 Andrew Cock, cordwainer

Property late of Matthias deRing, uncle of Nicholas, bounded  
 on the south by the Town Marsh, on the north by the back street,  
 on the northeast by Robert French, and on the east by the  
 Delaware River.

Parcel 3

N. C. Deed Book A-1, p. 141                      1679  
Duke of York, p. 186  
Grant  
to  
Peter Teschenmaker

On the west end of town, bounded by Peter Alricks on the east  
and on the west by Aemilius and Matthias DeRing, dimensions  
300' by 480'.

New Castle Court Records, I, p. 261                      3 December 1678

Court order to lay out a 500 or 600 acre glebe with a fit  
portion of marsh, also a lot 300' by 120' in town for a  
minister's house and a lot 60' by 300' for a school; also a  
new place laid out for a church and new church yard "in ye  
most fittest place as shall be thought Convenient and best."

New Castle Surveys F2, #22, #29                      19 March 1693/4  
Survey  
for  
Robert French

Formerly of Peter Teschenmaker, bounded on the east by  
Front Street, on the west by a back street, on the north by  
a street leading from the river, and on the south by the ground  
and fence of M. deRing, dimensions  $474\frac{1}{2}'$  before and behind,  
 $354'$  by deRing, and  $316\frac{1}{2}'$  along the street.

Parcel 4

New Castle Court Records, II, p. 148                      15 February 1686/7  
N. C. Deed Book B-1, p. 2                      1686  
Anthony Bryant  
to  
Henry Vandenburg

Dimensions 300' by 80', bounded on the northeast by Bryant,  
on the northwest by John White, on the southwest by a street  
bounding the dominy's. Formerly Peter Alricks.

Parcel 5

New Castle Court Records, I, p. 449      1 - 2 March 1680/1  
 Grant  
 to  
 Anthony Bryant

Granted permission to take up a "small narrow slipe or angle of land between his purchase of Mr. Alricks in breadth next to the lot of Dom. Teschenmaker about 5 p and something broader at the swamp to the corner ..." Bryant to leave a 30' street between himself and Teschenmaker.

New Castle Court Records, I, p. 512      25 October 1681  
 Survey  
 to  
 Adam Hay

A corner lot at the west end of town, bounded on the east by Anthony Street and Anthony Bryant, on the south by a street between this and the Dominy's lot now called Hay Street, on the west by vacant land, and on the north by the street to Gerrit Smith's

New Castle Court Records, II, p. 113      26 October 1685  
 Adam Hay  
 to  
 Isaac Slover, teacher and translator

A lot in town, unspecified.

New Castle Court Records, II, p. 179      21 - 23 March 1687/8  
 Isaac Slover  
 to  
 Hendrick Vandenburg

Two lots, deed 7 December 1687

Parcel 6

New Castle Court Records, II, p. 116      17 December 1685  
 Anthony Bryant  
 to  
 John White

Bounded by a street, the dominy's land, a swamp, the street of Gerrit Smith, containing 3 acres.

New Castle Court Records, II, p. 163      18-20 October 1687  
 John White  
 to  
 Justus Anderson

Lot formerly of Anthony Bryant, by deed of 19 October 1787.

N. C. Deed Book B-1, p. 83      23 February 1687  
 Justus Anderson  
 to  
 John and Mary Smith

Being half the parcel Anderson bought from John White, containing about six lots in length. Adjoining Burgrave's part.

New Castle Court Records, II, p. 176      21-24 February 1687/8  
 Justus Anderson  
 to  
 John Burgrave

New Castle Court Records, II, p. 165      9 December 1687  
 Justus Anderson  
 to  
 (1) John Burgrave  
 and  
 (2) John Smith

Acknowledgements of two deeds, apparently to the two halves of this parcel, as recited above.

8 Gerrit Jansen Smith

7 Watts

(Fourth Street)

BEVER STREET

6 Wallem

5 Barrett

4 Cann

3 Vorsteen

2 Corderus

1 Vanderculen

old

line

of a former

MINQUAS STREET

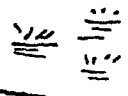
(Third Street)

street

alignment

(C 11)

(C 4)



(A 4)

(A5)

B

## BEVER AND MINQUAS STREETS BELOW WOOD STREET

Parcel 1

New Castle Court Records, II, p. 150      15 March 1686/7  
 Reyner Vanderculin  
 to  
 Job Nettleship

Acknowledgement of a tract bounded on the east by Hans Corderus, on the south by Susquehanna Street, on the west by land lately of Anthony Bryant, and on the north by Bever Street.

Parcel 2

N.C. Deed Book A-1, p. 85      November 1683  
 Hans Corderus, cooper  
 to  
 Jan Harmonson, carpenter

Lot between Minquas and Bever streets, for a heifer and calf.  
 Dimensions 162' by 60'.

Parcel 3

New Castle Court Records, II, p. 13      5-6 September 1682  
 New Castle Surveys V2, # 56      25 Twelfth Month 1682  
 Survey



to  
Eldert Egbertson Vorsteen ("Smith")

Lot bounded by Bever Street, Minquas Street, John Cann, and vacant ground, dimensions 60' by 160'.

Parcel 4

New Castle Court Records, II, p. 13                      5-6 September 1682  
N. C. Deed Book A-1, p. 185

Lot bounded on the east by Giles Barrett, on the south by Susquehanna Street, on the west by empty land, and on the north by Bever Street, dimensions 162' by 60'.

Parcel 5

New Castle Court Records, II, p. 13                      5-6 September 1682  
Grant  
to  
Giles Barrett

Permission to take up a lot in town, also known as adjoiner.

Parcel 6

N.C. Deed Book C-1, pp. 132, 135                      1705  
Richard Reynolds  
to  
Richard Halliwell and Robert French

Lot bounded on the east by the market place or Wood Street, on the south by Minquas or Susquehanna Street, on the west by Giles Barrett, and on the north by Bever Street, dimensions 162' by 60'. Ordered surveyed for James Wallem, 1682, patented to him in 1683, and sold to Reynolds in 1691.

Parcel 7

New Castle Court Records, II, p. 214                      15 October 1695  
Abraham Inloes and Cornelius Derickson  
to  
John Watts

Parcel of ground between Otter and Bever Street, formerly listed in an adjoining deed in the name of the heirs of Martin Rosemont.

Parcel 8

New Castle Surveys J2 #22  
 Survey  
 to  
 Gerrit Jansen Smith

6 March 1682/3

Town lots bounded on the northeast by Wood Street, on the southeast by Bever Street, on the southwest by heirs of Martin Rosemont, and on the northwest by Otter Street, dimensions 235' by 332'.

N.C. Deed Book B-1, p. 143  
 New Castle Court Records, II, p. 227

11 March 1697/8  
 15 August 1699

House and lot, formerly of Gerherd Johnson als. Smith, bounded on the northeast by Wood Street, on the southeast by Bever Street, on the southwest by John Walls, and on the northwest by Otter Street, dimensions 235' by 332'.

86

MAP C

(E 1)



(Delaware St.) WOOD ST.

10 Claypoole

11 Greene

7

Rosemont

8 Rosemont

6

A. Alrichs

9 Wessels

5 S. Alrichs

De Ringh lots

FRONT STREET

4 Deakyne Swamp

3 Blake

Delaware River

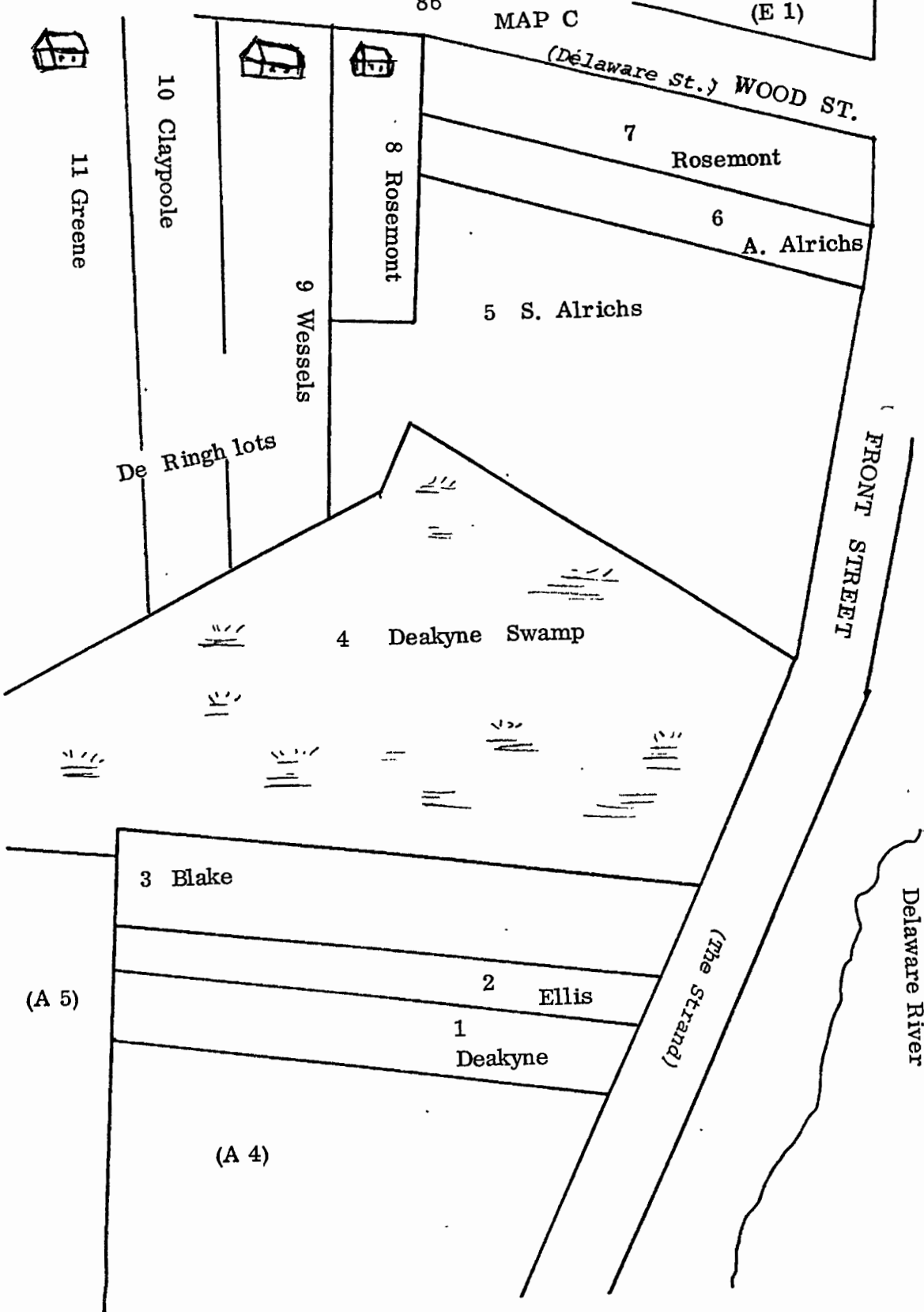
2 Ellis

(A 5)

1 Deakyne

(The Strand)

(A 4)



C

## FRONT STREET BELOW WOOD STREET

Parcel 1

N. C. Deed Book B-1, p. 411 1695

Mentions George Deakyne as an adjoiner, see C2.

Parcel 2

N. C. Deed Book B-1, p. 411 1695  
 Hannah Ellis, widow of John  
 to  
 George Deakyne

Lot and house, bounded on the southwest by Deakyne,  
 dimensions 30' by 300'. Granted to Sergeant Arskine October  
 1669, sold by Arskine to Hendrick Vandenburg, who sold it  
 to Cornelius Post, who sold it to John Ellis, who left it to  
 Hannah.

Parcel 3

N. C. Deed Book E-1, p. 255 15 July 1718  
 Edward Blake of Philadelphia, cordwainer, son of Edward  
 Blake of New Castle, deceased  
 to  
 Nicholas Meers, mariner

One of two lots in this transaction, bounded on the north by Wessell Alrichs swamp, on the south by George Deakyne, on the east by the river, and on the west by John Burgrave, dimensions 67' and proportionate to neighboring lots.

Parcel 4

Survey "1700", pp. 131, 132

15 November 1705

Survey  
for  
George Deakyne, surveyor

Bounded by Alrichs, Front Street, Edward Blake, "the head of the first sett of Lotts", Susquehanna Street, Anthony Greene, James Claypoole. Roeloffe deHaes attests to the survey: "Came Geo Deakyne before me & took oath upon the Holy Evangelists that this survey & draught he hath done to the best of his skill & understanding according to the bounds of the adj. lots & further saith not."

Parcel 5

N. C. Deed Book B-1, p. 70

1670

Peter Alricks as adjoiner to lot C-9.

N. C. Deed Book I-1, p. 240

27 April 1730

Frederick (Sigfridus) Alricks mentioned as adjoiner to C-6.

Duke of York, p. 126

1668

Confirmation  
to  
William Beekman of Esopus

House and lot on Front Street.

Duke of York, p. 189

Grant  
to  
William Tom

Derick Albertson claimed this property under a sale from

Beekman. "Where the mill stood having a small house standing thereon."

Duke of York, p. 146 1670  
Grant  
to  
Peter Alricks

On the Strand, adjoining William Sinclair and Cornelius Wynharts, dimensions 94' Amsterdam Wood Measure on the Street and extending in depth to de Ring

New York Historical Manuscripts, p. 58

Derick Albertson claimed half a lot "where the mill stood" from Beeckman; William Tom claimed it from a Lovelace patent.

New Castle Court Records, I, p. 292 9 January 1678/9

Hendrick Vandenburg requests 6' out of William Tom's adjacent lot before it is sold at vendue, to make up for 6' his lot is short. The case had been arbitrated in Jan Vidette's lifetime and the lot was to stand as it was, 6' short.

Parcel 6

N. C. Deed Book I-1, p. 240 27 April 1730  
Abigail Alrichs  
to  
Edward Blake, Jr.

Probably originally part of C-5, dimensions 40' by 300', Amsterdam Wood Measure, bounded on the north by Eleacam Hussey, on the south by Frederick Alricks, on the east by Front Street, and on the west by Joseph Hill.

Parcel 7

N. C. Deed Book W-1, p. 520 14 June 1675  
Martin Rosemont  
to  
John Edmundson

Lot bounded by the highway stretching to James Crawford's,  
on the northwest by the new house of Martin Rosemont, on  
the west-southwest by Peter Alricks, and on the southeast  
by the river.

N.C. Deed Book A-1, p. 105   1677  
John Edmondson  
to  
John Moll

N.C. Deed Book W-1, p. 518   16 October 1688  
John Moll  
to  
John fforat

Lot Moll bought of Martin Rosemont, which Martin Rosemont  
bought of William Tom, house and ground "bounded on the  
northeast with the highway stretching to the house of James  
Craford in the WNW to the new built house standing upon part  
of the tenement where the sd. Martin Rosemont then lived in  
on the WSW with the house of Peter Alricks." Addendum to  
the deed: agreed between John Moll and John fforat that the  
northwest bounds of the house and lot shall extend to the new  
fence that now parts this lot from the lot of Edward Blake.

N.C. Deed Book B-1, p. 154   24 January 1697  
Peter Goodin, heir of John fforat  
to  
Christopher Hussey

Recites that it is the lot fforat bought from John Moll, 1688.

New Castle Surveys, H2, #67, #66   30 April 1708  
Grant  
to  
Christopher Hussey

Bank lot 30' by 600'

N.C. Deed Book W-1, p. 519   1702  
Jacob and Hester Alricks  
to  
Elizabeth Dyer, widow of Robert, and Robert Dyer, Jr.

Part of the same lot, recites descent of title.

Parcel 8

New Castle Court Records, II, p. 17                      6 September 1682  
 Estate of Martin Rosemont by Ephraim Herman and  
 Johannes deHaes, executors  
 to  
 John Cann

Acknowledges deed of 6 September 1682 for a lot in town.

New Castle Court Records, II, p. 118                      18 March 1685  
 N. C. Deed Book A-1, p. 108                                      25 July 1685  
 John Cann  
 to  
 John White  
 to  
 Susannah Welsh

Possession was delivered 29 September 1685, but White retained the use of the log house loft for several months until 2 March 1686.

New Castle Court Records, II, p. 159                      1687  
 Robert and Susannah Welsh Turner  
 to  
 Edward Blake  
 to  
 Sarah Welsh

Acknowledges sales of a lot.

N. C. Deed Book B-1, p. 13                                      1687  
 Edward Blake  
 to  
 Sarah Welch

Dimensions 187' by 68'

N. C. Deed Book B-1, p. 11                                      1687  
 Robert Turner of Philadelphia and Susannah Welch Turner  
 to  
 Edward Blake of New Castle



Described as being the lot in the tenure of Sarah Welch, who soon thereafter purchased it from Blake, giving a mortgage.

N. C. Deed Book I-1, p. 246                      1730  
Edward Blake, Jr.  
to  
John Richardson

Parcel 40' on the street by 92' deep, late of Edward Blake, Sr., which he had purchased of Robert Turner 4 June 1687. Either a part of the original lot, or a reverted mortgage.

Parcels 9, 10, 11

Duke of York, p. 146                      16 August 1670  
Matthias and Aemilius deRing  
to  
Peter Alrichs

Adjoining on the west Sergeant Erskine, streets on the north and east, and on the south by Tom and Alrichs.

N. C. Deed Book B-1, p. 70                      1683  
Peter Alrichs  
to  
Reyner Vanderculin

Parcel 9

New Castle Court Records, II, p. 92                      19 November 1684  
Gerardus Wessels  
to  
Reyner Vanderculin

Refers to sale of two houses and some land in town.

New Castle Court Records, II, p. 118                      18 March 1685  
New Castle Court Records, II, p. 150  
N. C. Deed Book A-1, p. 155                      4 January 1685/6  
Reyner Vanderculin  
to  
Gerardus Wessels

Wessels tried to sell this property to John Darby, but Vanderculin protested that he had not yet been paid for it. See below for further transactions.

New Castle Court Records, II, p. 156      April 1687  
Gerardus Wessels by James Walliam, acknowledges  
to  
John Darby

Refers to a deed of mortgage dated 8 July 1686.

N. C. Deed Book B-1, p. 165      17 November 1696  
New Castle Court Records, II, p. 227      17 November 1696  
Reyner Vanderculin  
to  
Carnelius Empson

Bounded on the north by the street fronting on the market, on the south by the swamp extending to the river, on the east by land and fence of Edward Blake, deceased and Peter Alrichs, and on the west by James Claypoole. Appears to be the same house and lot recorded above.

Parcel 10

N. C. Deed Book B-1, p. 80      6 September 1688  
New Castle Court Records, II, p. 187      18-21 September 1688  
Reyner Vanderculin  
to  
William Markham

Fenced lot, bounded on the southwest by Alrichs Swamp, on the southeast by Dr. Gerardus Wessels, on the northeast by the street or market place, and on the northwest by Anthony Greene, dimensions 60' wide by the length in fence.

N. C. Deed Book B-1, p. 168  
William Markham, gentleman, by James Bradshaw, attorney  
to  
James Claypoole

Parcel 11

N. C. Deed Book B-1, p. 60  
Reyner Vanderculin  
to  
Anthony Green

22 June 1688

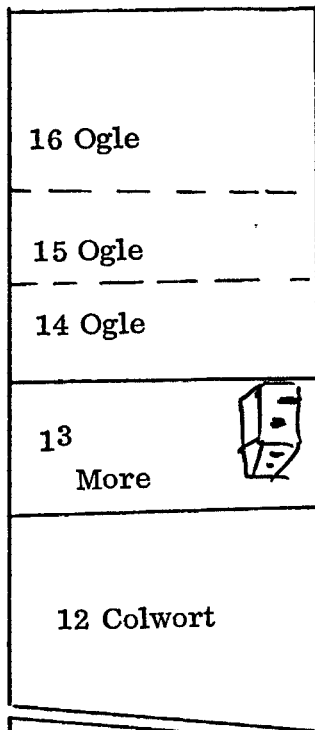
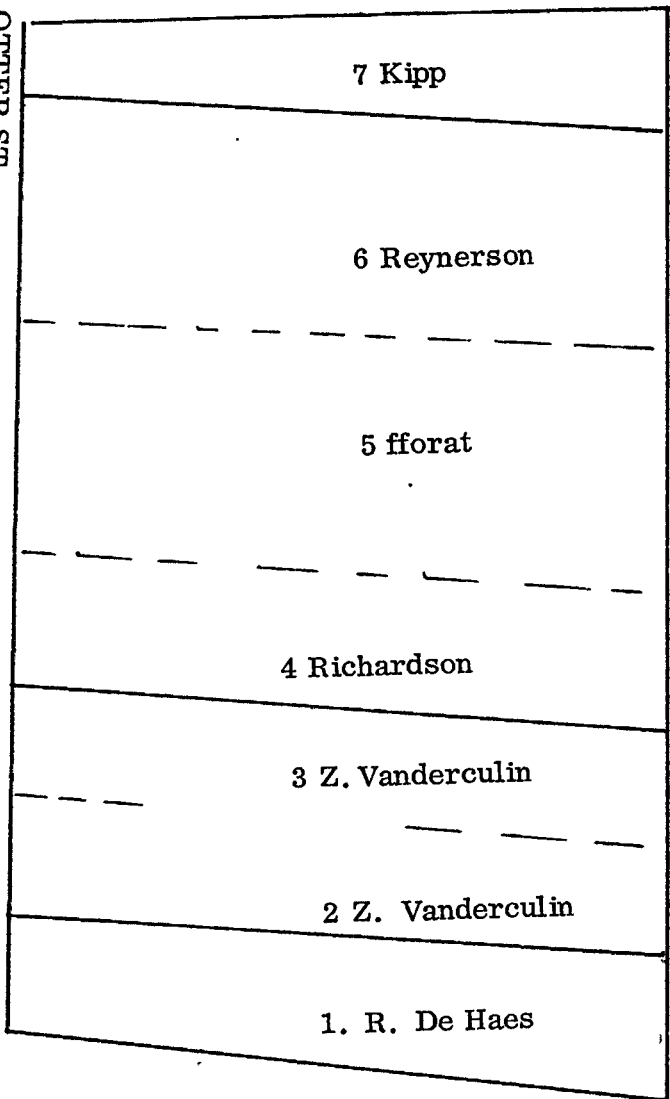
Lot and messuage in New Castle, bounded by the lot and fence of Captain Markham, by Alricks swamp, by a street, and by the market plain. The acknowledgement mentions a house and ground on the green or market place. Purchase price £ 120.

HART

STREET

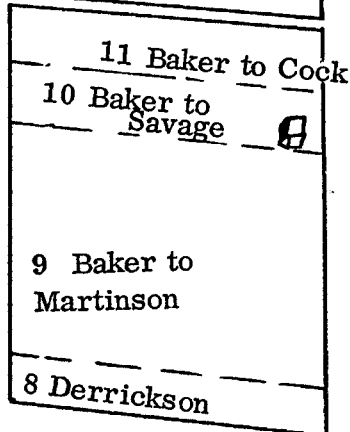
(Harmony St.)

OTTER ST.



MINOUAS STREET

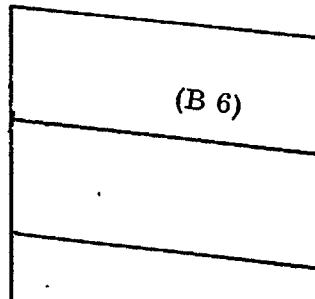
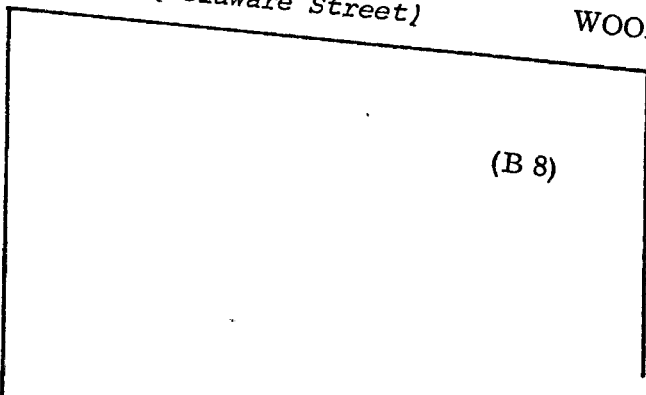
BEVER STREET



(Delaware Street)

WOOD

STREET



D

## BETWEEN HART, OTTER, WOOD, AND MINQUAS STREETS

Parcel 1

Surveys "1700", p. 187

26 Fourth Month 1701

Survey

to

Roeloffe de Haes

Lot bounded on the southeast by Bever Street, on the northeast by J.<sup>o</sup> Griffin, on the northwest by Otter Street, and on the southwest by the street to Maryland, dimensions 70' on Bever Street, 68' on Otter Street, and 300' long.

N. C. Deed Book C-1, p. 100

1707

Roeloffe de Haes

to

Christopher Stanley

Parcel 2

N. C. Deed Book B-1, p. 173

16 April 1698

Andrew Cock and Alchee his wife

to

Joseph Griffin

Half of the lot Penn granted to Zachariah Vanderculin 26 June 1691, dimensions 60' by 300'. Lot and house in New Castle

now in the tenure of Cock, together with the privilege of the well on the lot of Cornelius Kettle. Bounded on the southeast by Bever Street, on the northwest by Otter Street, on the southwest by the lot in possession of Sylvester Garland, and on the northeast by the lot now in the possession of Cornelius Kettle. See entry below for later transaction.

Parcel 3

N. C. Deed Book B-1, p. 173                      after 16 April 1698

Joseph Griffin

to

John Hussey, Sr., farmer; George Hogg, cordwainer, and Benjamin Swett, tanner

Dimensions 120' by 300', originally granted by Penn to Vanderculin, who left it to Cornelis Kettle and Andrew Cock by will in 1694. The legatees sold it to Griffin in 1698.

Parcels 2 and 3

New Castle Surveys, V2, #44

15 March (?) 1689/90

Survey

to

Zachariah Vanderculin

Dimensions 120' by 300', bounded by Bever and Otter streets and vacant land on the other two sides.

Parcel 4

N. C. Deed Book B-1, p. 173

Mentions John Richardson as an adjoiner to parcel 3, above.

Parcel 5

New Castle Surveys, F2, #8

29 First Month 1689

Survey

to

John fforat

Bounded on the north by Otter Street, dimensions 120' by 300'.

N. C. Deed Book B-1, p. 139

16(?) June 1696

Jacob Alricks

to

John Parris of Cecil County

Lot on the south side of Otter Street formerly by patent to John fforat, dimensions 120' by 300'.

Parcel 6

Duke of York, p. 132

by 1664

Harman Reynerts mentioned as an adjoiner to tract D-7, **below**.

Parcel 7

Duke of York, p. 132

17 September 1664

Hendrick Kipp

to

Reyner Reynerson (Vanderculin)

Lot on Bever Street, bounded by Hart Street and Harman Reynerts. Originally granted to Kipp under the Dutch.

N. C. Deed Book A-1, p. 65

Hendrick Kipp

to

Reyner Vanderculine

Another reference to the same transaction, **different name**.

Parcels 8 to 12

New Castle Court Records, II, p. 8

Grant

to

Ambrose Baker

Several lots near the middle of New Castle, dimensions 343' by 169', on the market, Brewers Street and Wood Street, adjoining George More's house and lot

Parcel 8

N. C. Deed Book B-1, p. 464

8 March 1693

John Derrickson named as adjoiner in tract D-9, below.

Parcel 9

N. C. Deed Book B-1, p. 464

8 March 1693

Ambrose Baker  
to  
Martin MartinsonLot 120' by 169' between Brewer Street and the market,  
bounded by Baker and Derrickson.Parcel 10

N. C. Deed Book E-1, p. 280

Edward Cole (Cock?), Cooper, and Esther, his wife  
to  
Jonathan Savage, carpenterLot, dimensions 30' by 169', adjoining Silsby and Cole's other  
lot, where his house now stands, between the market and  
Beaver StreetParcel 11

N. C. Deed Book B-1, p. 226

19 March 1700/01

Edward Cole (Cock? Coke?) and Hermana, daughter of Ambrose  
Baker, his wifeto  
Aletta Baker, widow, and Adam Ike (Hyke, Itte)

All real estate mentioned in Ambrose Baker's will.

N. C. Deed Book B-1, p. 478

8 May 1708

Adam Hyke (Eke), yeoman  
to  
Jonathan SavageRecites that it is the property Ambrose Baker left in 1686 to  
his daughter Hermana Cock, who sold it to Hyke, 25' wide.



Parcel 12

N. C. Deed Book B-1, p. 278 12 August 1701  
 John Colwort, wheelwright  
 to  
 Francis Land

House and lot facing on the market, bounded on the north by  
 John Thompson, and on the south by Ambrose Baker, deceased.

Parcel 13

N. C. Deed Book B-1, p. 183 16 June 1696  
 Reyner and Margaret Vanderculin  
 to  
 John Thompson of Cecil County

Property between the market and Brewer Street, and between  
 John Walker's house and lot and the Ambrose Baker  
 property. This probably is the George More property mentioned  
 as containing a log house in the description of an adjoining  
 lot. Deed recites that Vanderculin bought the property from  
 Cornelius Derickson, 23 March 1693.

Parcels 14-16

N. C. Deed Book B-1, p. 3 1686/7  
 Elizabeth Ogle  
 to  
 Henry Vandenburg

Lot bounded by Brewers Street, the street from the river to  
 Brewers Street, the market, and the logs of the log house of  
 Mr. George More, dimensions 150' by 190'

Parcel 14

N. C. Deed Book B-1, p. 351 20 August 1700  
 N. C. Deed Book B-1, p. 183 16 June 1696

Refer to John Walker's house and lot as an adjoiner; by  
 1700, Walker was deceased and this parcel was in the  
 tenure of Barnes.

Parcel 15

N. C. Deed Book B-1, p. 351  
John Richardson  
to  
Paul Barnes

20 August 1700

Lot bounded on the north by Cornelius Kettle and on the south by a lot of John Walker, deceased, now in the tenure of Barnes. Dimensions 50' wide and in length as the other lots, from the green or market place to Beaver Street. Sold to John Grantham, 17 June 1701.

Parcel 16

N. C. Deed Book B-1, p. 351

20 August 1700

Cornelius Kettle is shown as an adjoiner on the above deed.

HART STREET

15 Jansen

Wood 14

13 Reynersen

12 Tayne

11 desJardins

10 Ekon (Cann portion)

9 Ekon (Empson portion)

8 de Ring

Ch.

7 Herman

6 Andries

5 Outhout

4 Outhout

3 H. Jansen

2 Arskine

Gerrits

Crawford -1-

WOOD STREET

(C7)

(C6)

(Delaware Street)

LAND STREET

The Market (K)

(Second Street)

FRONT STREET

(The Strand)

24

Wood

23

Le Fever

22

Brewster

23

Janvier

20

Van Gezel

19

Dowdal

18

Van Gezel

17

Trisse

16

Miller

Delaware River



(C9)

(C8)

## E

## BETWEEN THE RIVER, HART, WOOD, AND LAND STREETS

Parcel 1

Duke of York, p. 126 1667  
 Grant  
 to  
 James Crawford, a soldier, for service

Dimensions not given, lot and house in town, bounded by the highway, Martin Gerrits, the river, and the land taken up on the back side of town.

N. C. Deed Book B-1, p. 73 30 November 1688  
 Edward Gibbs and Judith Crawford Gibbs, executors of  
 James Crawford  
 to  
 Robert Evans

Lot 21' wide, from Martin Gerrits house in the tenure of Robert Evans to the highway, recites original patent to Crawford, 1 January 1667.

N. C. Deed Book B-1, p. 413  
 Heirs of James Crawford, James, Jr., John, and Mary C. Ogle  
 to  
 James Miller, Mariner

Quitclaim deed to the same property.

New Castle Surveys, M2, #40  
Survey  
to  
James Miller  
9 August 1708

This bank lot survey, parcel E-16, indicates that Miller had acquired the Gerrits property, to make his home lot 54' wide.

Parcel 2

N. C. Deed Book B-1, p. 224  
Grant  
to  
John Arskin (Askin, Erskine)  
1 October 1669

Lot 60' wide in town, adjoining John Henry and Martin Garretsen, and the market.

Parcel 3

N. C. Deed Book I-1, p. 370  
Grant  
to  
Hendrick Jansen  
1675  
Adjoining Justa Andries and John Arskine, dimensions 54' by 308' by 62 $\frac{1}{2}$ ' given.

N. C. Deed Book D-1, p. 68  
Samuel McBur and Johanna Jansen his wife  
to  
Thomas Trisse of Philadelphia  
1708

Parcels 4 and 5

New Castle Court Records, I, p. 57  
Catherine Henry, widow of John Henry  
to  
Justus Anderson  
7 February 1676/7  
Anderson requests a repatent, and recites the following

descent of title to the lot:

Grant

to

Fop Outhout

to

Jacob Vanderveer

to

Thomas Snelling

to

John Henry

to

Catherine Henry, his widow

New Castle Court Records, I, p. 148                      7-8 November 1677

Thomas Snelling was ordered to produce a patent and conveyance for the lot.

Parcel 4

N. C. Deed Book A-1, p. 180                                      1687

Justus Anderson

to

Derrick Vandenburg

Half of Anderson's lot, adjoining John Hendrickson, dimensions 33' on Front Street and  $28\frac{1}{4}$ ' on the market. Vandenburg later sold this property to George Hogg.

Parcel 5

New Castle Court Records, II, p. 163                      October 1687

Justus Anderson

to

John White

Acknowledges deed of 19 October 1687. In 1695, Hogg bought this part of the original lot from James White, thus reuniting parcels 4 and 5.

Parcel 6

N. C. Deed Book A-1, p. 42                          14 May 1679  
 Justa Anderson  
 to  
 Ralph Hutchinson

Dwelling, land, outhouses, and fences, bounded by Jan Hendrickson, drayer and Isaac Tayne. Shortly after this date, Hutchinson conveyed the lot to John Darby.

Parcel 7

New Castle Court Records, I, p. 414          4 May 1680  
 George Moore, son of Ann Wale, deceased  
 to  
 Ephraim Herman

House and lot on the Strand between Justa Andries and Matthias and Aemilius de Ring, 60' wide.

Penn Warrants, p. 2                                  1680  
 N. C. Deed Book A-1, p. 63                      1680  
 Ephraim Herman  
 to  
 Isaac Tayne

Herman traded lots with Tayne.

N. C. Deed Book B-1, p. 94                      28 May 1695  
 Estate of Isaac Tayne  
 to  
 John and Elizabeth Bisk

South half of the lot, contains house and orchard.

N. C. Deed Book B-1, p. 94                      28 May 1695  
 Estate of Isaac Tayne  
 to  
 Thomas and Sarah Janvier

Transfers two - thirds of the north half of the lot and the apple trees; the other third is to pass to them after Crosse's death.

N. C. Deed Book C-1, p. 40                    1707  
Thomas and Sarah Janvier  
to  
Presbyterian Church

Parcel 50' by 27' on the market, bounded by John Bisk on  
the southwest.

N. C. Deed Book B-1, p. 94                    28 May 1695  
Estate of Isaac Tayne  
to  
William Crosse

Life estate in one-third of the north moiety of Tayne's lot.

Parcel 8

N. C. Deed Book A-1, p. 154                  1673  
Grant  
to  
Matthias and Aemilius deRing

Lot on the strand between the church yard and the lot of George  
Wale, dimensions 50' by 300' Rhineland measure (67.85' by  
407' English).

N. C. Deed Book B-1, p. 249                  8 November 1698  
Joseph and Lucretia Davis, daughter of Emilius de Ring  
to  
Leonard Osteraven

Formerly the dwelling of Emilius de Ring, bounded on the  
northeast by the burying ground, on the northwest by the  
green or market plain, on the southwest by Thomas Janvier,  
dimensions 27' 9-1/3" before and 23'4" behind. Susannah  
Osteraven sold this to John Brewster 17 June 1701.

N. C. Deed Book B-1, p. 343                  3 April 1706  
Joseph Davis  
to  
John Brewster

Lot 11'1-1/3" by 300', granted to Matthias and Emilius deRing



and later conveyed to Nicholas Dering, who conveyed it to Joseph Davis.

N. C. Deed Book C-1, p. 37    1707  
John Brewster  
to  
Presbyterian Church

Parcel 50' by 23'4", out of lot Brewster bought from Susannah Osterhaven. It is possible that the early titles should not have specified the length as a full 300", but should have allowed for the pre-existing burying ground mentioned as an adjoiner.

Parcel 9-10

Duke of York, p. 159    28 May 1669  
Grant  
to  
Bernard Ekon

House and garden, bounded by the market and Isaac Fyne (Tayne) and the churchyard, 60' wide.

N. C. Deed Book C-1, p. 95

Ekon's property passed to his daughter, Margaret, wife of Reyner Vanderculin. The Vanderculins sold the lot to John Cann in 1690. Cann sold it to Nicholas Vangezel in 1701, reserving the south half, or moiety, for Vangezel and the north half for Cann. Vangezel sold his half to Empson, and a new division line with Cann was established.

Parcel 11

New Castle Court Records, I, p. 312    4 February 1678/9  
Estate of John desJardins, at auction  
to  
Johannes deHaes, possibly agent for Ephraim Herman

Lot 30'wide, originally of Isaac Tayne, Sr., a gift to his son-in-law desJardins. See New Castle Court Records, I, p. 149, for acknowledgement of November 1677 from Tayne's estate.

Parcel 12

New Castle Court Records, 1, p. 149      November 1677  
 Estate of Isaac Tayne, Sr.  
 to  
 Isaac Tayne, Jr.

House and lot where he now lives, less the 30' to desJardins.

N. C. Deed Book A-1, p. 63      1680  
 Isaac Tayne  
 to  
 Ephraim Herman

House and two lots, bounded by Cornelius George's fence and Bernard Ekins, trade between Herman and Tayne for parcel E-7.

Surveys "1700", p. 256      1682  
 Survey  
 for  
 Ephraim Herman

Double lot and house where he now dwelleth, 120' wide on the Strand and 108' wide on the market, originally granted by Lovelace to Tayne in 1671, and conveyed by Isaac Tayne, Jr. in 1680 to Herman.

Penn's Warrants, p. 20  
 Survey  
 to  
 John Donaldson

Resurvey to John Donaldson, who married Elizabeth Herman.

N. C. Deed Book B-1, p. 287      8 November 1701  
 John Donaldson  
 to  
 Robert French

Includes bolting mills and a new clock and case in the deed. Adjoins heirs of John Harmonson and lot of John Cann.

V

THE SOCIAL FABRIC

Within the framework imposed by government and geography, the citizens of New Castle lived in comparative tranquility and peace. They possessed the rare privilege of following their consciences in religion; at no time was crime a major problem; and they had little fear of Indian incursions.

As the town grew and its commerce became more sophisticated, its center shifted from the upper end around the fort toward the market place. The first reference to the market, in the suggestion that a new block house be built there, indicates that it probably was at this time in private hands. The titles described with Map D indicate that the square acquired its inland definition during the 1670's. Not until Penn's administration, though, did the market finally have a formal existence, shown in Map K.

The division of the town into a mercantile section, on the waterside and downstream, and a manufacturing section upstream and inland, persisted throughout the latter quarter of the seventeenth century. But the town was not noted for any particular specialty; its commerce was devoted to the diversity and general merchandising that are the mainstay of a market town in a farming community.

### Commerce

Most of the cases the court at New Castle heard were lawsuits involving debt. Few matters could bring a person into court faster than a promised payment that was not forthcoming.

From the descriptions of these debts, it is obvious that New Castle's was a sophisticated barter economy. Most of the lawsuits specify the nature of the items required in payment. Hard currency was so rare as to be almost nonexistent.

In 1678, Abraham Man contracted to buy 100 pounds of sugar from Jarvis Marshall, for "any merchants pay in the Towne the sum of 50 shillings ...". Marshall was slow in closing the transaction, and Man sued him for delivery of the sugar. Man had offered to pay in " ... Reddy wheat, skins, or tobacco (wch are all three good and Currant payes of the River)".<sup>1</sup> From this description, it seems that Marshall was holding out for some more desirable payment, but the court ordered him to accept the tendered pay and deliver the sugar.

Marshall does not show up as a landowner in New Castle. He may have been a resident of another city, for he sued for collection of debts twice by attorney. However, he may well have been renting in New Castle, for in 1679 he was accused of fathering an illegitimate child there.<sup>2</sup>

Valuations in both Dutch and English currency occur in New Castle under the Duke of York, although Dutch values far outnumber references to other money. In 1677 the court ordered a tax of 12 guilders, 10 styvers per tithable, payable in goods at the following rates:<sup>3</sup>

Wheat	5 g/schipple
rye	4 g/schipple
barley	4 g/schipple
maize	4 g/schipple
tobacco	8 st/lb
pork	8 st/lb
Zeawant (wampum) or skins at the current price.	

The current price for zeawant and skins was not specified.

Quitrents and some other official payments were specified in wheat. Town lots were valued at one bushel winter wheat per sixty feet of frontage per year; farmland was a bushel per hundred acres; these charges did not change throughout the seventeenth century. The rate caused a little trouble at the end of the Duke of York proprietorship, for in 1680 Ephraim Herman wrote to the governor that he could not collect quitrents because the planters "... doe declare to have noe

wheat & nothing else then Tobacco ... " The court asked the governor to accept tobacco as payment, at whatever rate he set, "... the Custome being in the neighbouring Colonies 2d per lb ..."<sup>4</sup>

In the 1678 assessment of the estate of Sergeant John Arskine, his tobacco had been broken into three grades, the best at six styvers per pound, the second at four, and the third at three. This would indicate some decline in value of tobacco from the 1677 tax value of eight styvers per pound. However, John's widow complained that the tobacco had been mishandled and had suffered damage and loss of value.<sup>5</sup>

Although the people in New Castle thought in terms of Dutch currency until well into Penn's period, the colonists in New Jersey seem to have preferred pounds and pence. The 1679 inventory of Richard Hunter, a merchant from the New Jersey side, was taken in English values, while the 1678/9 inventories of John Sherricks, William Tom and Walter Wharton, were taken in Dutch values. Of these three, only Sherricks was Dutch.<sup>6</sup>

Because New Castle was a subsidiary town, its trade was subject to review in New York. In 1672 the magistrates had requested that New Castle be named a port of entry, but the decision was postponed until the governor received instructions from England.<sup>7</sup> In 1678, the court asked liberty to trade with Maryland, which they said was their source of Negroes, servants, and utensils; they also asked if New

Castle could have liberty to send vessels to other English possessions without touching at New York, "... wee observing the acts of Parliament."<sup>8</sup>

The merchants of New Castle were therefore locally oriented; nowhere is there mention of trade with any merchant farther away than New York. Without comparing the local careers of New Castle's traders with their experience elsewhere, it is difficult to assign the town an exact role in the larger economy of the period. Almost certainly that role was small, though; Philadelphia would soon usurp New Castle's chance to enter the larger Atlantic trade.

### The Church

Inhabitants of the Delaware colony possessed a rare degree of freedom of religion. One of the 1674 Articles of Agreement between the English and the burgomasters of New Castle was that the people could enjoy freedom of conscience in religious matters. This condition persisted through the end of the Duke of York's tenure with very little interference from without. Toleration was a factor William Penn inherited when he acquired the Delaware; he did not introduce it. He maintained it.<sup>9</sup>

The church occupied a peculiar position in Delaware. Religion was established, but no church occupied a privileged position. Atheism was a capital offense,<sup>10</sup> but Quakerism was not illegal.

In the latter 1670's, there were Lutheran, Anglican, and Dutch Reformed congregations in New Castle's jurisdiction, while a Mennonite community had been founded at Whorekill. Quakers were scattered throughout the colony.

The Duke's laws of 1676 require that all ministers submit credentials for government approval, "to prevent Scandalous & Ignorant pretenders ... (ministers) shall produce Testimonials to the Governor, that he hath Received Ordination from some Protestant Bishop or Minister within some part of his Magesties Dominions or the Dominions of any foreign Prince of the Reformed Religion ...".<sup>11</sup>

In 1675, when Andros visited the town, he ordered that the court regulate the affairs of the town's church. There was a church building in town at the time, for the records of the dyke riot state quite clearly that the public meeting to discuss the dykes was held in the church.<sup>12</sup>

Andros also ordered that the churches at Cranehook and Tinicum continue to serve their people, and that the court provide a church at Wicacoa. He empowered the court to raise a tax among the inhabitants at Wicacoa and Passayunk for its maintenance, and to agree with them " ... upon a competent Maintenance for their Minister ... "<sup>13</sup> These were Swedish Lutheran congregations.

The court at New Castle did regulate church affairs. In



December of 1678, the court selected John Moll and Jean Paul Jacquett as elders, and John Smith, Engelbert Lott, Benjamin Gumry, Samuel Bercker, and William Penton as churchwardens.<sup>14</sup> A few months before, the court had referred the regulation of church matters to John Moll and Peter Alricks, instructing them to clear the accounts with the readers and churchwardens, and to " . . . make such orders & Regulacons as shall bee found most necessary."<sup>15</sup> Moll and Alricks were also ordered to repair the church, " . . . The Charge and Cost to be found and Raysed by a Tax if no Monny be due upon the former List of ye Reader".<sup>16</sup>

The court had the power to order fines to be paid to the church. In early 1679, one Thomas Harwood declared in court that he had paid a fine assessed against him "as a free gift towards the Repairing of the old or the building of a new Church within this Towne of New Castle."<sup>17</sup> A 100 gilder fine for slander was ordered paid to the fund for the repairing of the church at the same time. In 1680 the court directed that one-third of all fines collected for selling liquor to the Indians should go to the church.<sup>18</sup>

Although the court had considerable power to regulate and support the church, the ministers had to rely on freewill donations for their salaries. Apparently the court did not hire and fire the church personnel; any minister with valid credentials who could scrape together

enough pledges to satisfy his needs could hold services.

The most colorful of New Castle's ministers was the Dutch Lutheran, Jacob Fabricius. Possessing something of a reputation as a troublemaker in New York,<sup>19</sup> he arrived in the Delaware in the middle 1670's. In 1675, a group of Swedes and Finns at Cranehook wrote to Edmund Cantwell asking him to petition Andros for Fabricius' removal. "If the Dutch Priest wants to preach, let him remain in his own area at Swanwyck and preach to the Dutch" they said; the Swedes could not understand their unwelcome minister, and they wanted to hire someone who spoke their language.

This same Fabricius was vocal during the dyke riot. Evidently he was an unsatisfactory preacher, for in 1677 he entered a number of lawsuits seeking back pledges from his congregation. In most cases the court allowed the charges.<sup>20</sup> According to Israel Acrelius, Pastor Fabricius continued as a respected pastor of the Swedish Lutherans Wicacoa until his death in 1691.<sup>21</sup>

An Anglican minister, John Yeo, arrived in early 1678. He sought license to preach, and was given tentative permission, provided the governor accepted his credentials, "... hee to be mayntayned by the free willing Givers wherewith the sd John Yeo declared to be Contented."<sup>22</sup> The next year, Yeo appeared in court complaining that Captain Billop had suspended his license to preach for no cause, and

asked to be granted his salary for the time he did preach. The court replied that Yeo had on his own voided his pledges, and that they could not reinstate them. However, they did allow him to collect fees for baptisms, marriages and funerals that he had performed during that time.<sup>23</sup>

Again in 1678, the church was a matter of court concern. Early in the year, the court resolved to ask Andros' permission upon his return from England to hire an "orthodox minister to be maintained by free will gifts."<sup>24</sup> This minister was to serve the church at New Castle, whose population was primarily Calvinist. In 1677, Aemilius de Ring delivered a list of voluntary subscribers to his maintenance as a lay reader, complaining that he had not been able to collect his back fees for the past two years, even in the face of court orders. De Ring lived in New Castle, and it seems reasonable to assume that he was performing his duties in the New Castle church.<sup>25</sup> There is no record that the court levied a tax for deRing's maintenance, but it did order Thomas Spry to pay a fine for disorderly conduct to deRing.<sup>26</sup>

The old church at New Castle probably stood near the site of the present 1707 Presbyterian church. De Ring's property was described in relationship to the churchyard; the Presbyterians bought a piece of that lot in 1707 (Map E).

The court wanted to move the church site, for in 1678 after

Dominy Peter Teschenmaker had arrived in town, they granted a glebe, and lots for the minister's house, a school, and a new churchyard (Map A).<sup>27</sup> There is no record of their building a new church at this time, only of the intent.

At about the same time, the church at Swanwyck became defunct. Elice Toersen petitioned the court to decide which church was to receive the assets of the Swanwyck church, which her deceased husband Oele had apparently had in his care. The assets included a piece of wampum and a part of a debt owed by Jacob Fabricius. Cranehook church, despite its complaints against the minister, claimed the assets of Swanwyck, but the court decided that they should go to the church at New Castle, which was nearer. Cranehook had already received part of Fabricius' debt.<sup>28</sup>

As the court had control over some church matters, the church had certain duties to the populace. Paramount among them was caring for the poor. In 1679 Martin Rosemont is referred to as "Deakon or Master of the Poore" in a lawsuit involving payment for medication for an orphan boy. In 1680 the "Deakons or Pooremasters" were ordered to pay Dr. Spry for curing the leg of Evert Brantie, the underpaid caretaker of the fort. Spry was to get use of the cow belonging to the poor, and part of the money from sale at auction of another cow from the poor's herd. At least two fines for misdemeanors were ordered paid to the poor.<sup>29</sup>

Among the other civic duties was policing the morals of the community. This duty was pursued with something less than enthusiasm, for the churchwardens appear in this office only twice, both times involving improper marriages. Walter Wharton was brought in for "marrying himself," while churchwarden Engelbert Lott presented "Evert hendricks fin at Crainhoek for haveing two wives now both alyve at Crainehoek ..."<sup>30</sup> In 1679 the constables and churchwardens were ordered to check the accuracy of all schipples (grain measures) used in trade.<sup>31</sup>

There was no "blue law" to speak of. In September of 1681, the court ordered that<sup>32</sup>

whereas the frequent shooting of Partridges within this Towne of New Castle on ye Sabbath ... doth much tend to ye prophaning of ye sd Lords day; Itt is therefore ... ordered that for the future noe person inhabiting wthin this Towne ... shall presume to goe on hunting or shooting after any Partridges as well wthout as within this Towne, or any other Game ...

Fines were to be ten gilders for the first offense, twenty for the second, and confiscation of the hunter's gun for the third.

Quakers, Jews, and Catholics appeared in New Castle from time to time, but only the Quakers maintained much presence. Under Stuyvesant, Jews had petitioned for permission to trade on the South River, but there were few of them. An unsubstantiated legend says

that one of the first Jewish services in America was held at New Castle.

During the 1670's, the New Castle jurisdiction had one documentable Jewish landowner, Jacob Fiana. He owned a tract in Appoquinimink at least for a short time. He signed the deed with a star of David. Although he appears in the documents for only about a year, one of his Appoquinimink neighbors appears as the guardian of Anna Phiana in a 1693 marriage agreement.<sup>33</sup> If Anna was Jacob's daughter, and the location and name certainly indicate that she was, the family must have completely acculturated.

The Labadists, a fringe sect of pietists, established a monastery in Maryland on Bohemia Manor, Augustine Herman's plantation. One of their number, Jasper Danckaerts, left an account of his travels through Maryland and Delaware. In 1689, John Moll sold his property and joined them.<sup>34</sup> Moll's action is surprising in light of the fact that he had had so long and successful, if not entirely ethical, a career as a magistrate and petty official in New Castle. Perhaps he was looking after his old age; he had been in government for some fifteen or more years,

Quakers make small waves in the New Castle records. Only when testimony appears in Quaker speech are they readily distinguished. In 1678 the Quakers sent a petition to the governor respecting a claim on Matiniconk Island,<sup>35</sup> and in early 1680, Ephraim Herman reported

in a letter to Mathias Nicholls, "... the quackers Still multiply there being some come out of England by the way of Maryland 2 months past ..."<sup>36</sup>

The diversity of religious views present in New Castle was unusual for any place in the seventeenth century. Several factors seem to have come together to produce this liberal attitude. James, Duke of York, had definite Catholic sympathies. The English government in New York had demonstrated elsewhere a regard for the customs and preferences of the populace. And, not least, New Castle's Dutch burghers had themselves come from one of the period's most tolerant systems. The result was a relatively open and liberal religious atmosphere in which William Penn's own liberal views would thrive.

### Indians

Because one of the purposes for settling the Delaware was to trade with the natives, there is frequent mention of Indians in the earliest Delaware records. The Indian population was thin between the upper end of New Castle's jurisdiction and the Whorekill. Aside from the "Zwaanendael Massacre", Delaware's three counties were spared Indian trouble.<sup>37</sup>

Scattered Indian murders occurred throughout the early years of the Duke of York's reign, but the relations with the natives must

have been comparatively good. In 1670, a commission of members of the court reported to the governor that they had tried to find out which Indians were responsible for the ten murders committed " . . . from the time when the English came here into the country until the present, . . ." <sup>38</sup> Ten murders in seven years, while unfortunate, do not constitute war.

Indian unrest seems to have increased towards the end of the 1660's; at least, the record of Indian problems begins to increase. About 1670, the leaders at New Castle expressed growing fear of Indian incursions.

William Tom and Peter Alricks wrote a lengthy letter to Lovelace describing Indian affairs in March of that year. The most salient point of the letter is a threat: "The Sachems of the Indians give for reason of there warre that they threaten to make upon the Christians is they say where the English come they drive them from there lands and bring for instance the North Virginia and Maryland and feare if not timely prevent (ed) shal doe so here." <sup>39</sup>

Lovelace had agreed to come to the Delaware to meet with the Indian leaders. Alricks and Tom suggested that ". . . if possible to invite Capt. Carteret to beare your honor company the most of the Indians living upon his side." They further cautioned the governor to travel in a small company, for a larger show of force would excite the already



upset Indians.<sup>40</sup>

Underscoring the Indians' fear of the English, some of the settlers in the northern part of the country reported two separate incidents of Indian war threats. A band of twenty-four or twenty-five Indians threatened to break into some settlers' houses one night. The settlers met with a spokesman, however, who said that the Indians intended the people no harm, " . . . but for the English and all new Castll they would kill man woman and Child and burne the howll plase . . ." <sup>41</sup> Several Swedes wrote to Captain Carr that some Indians had said "they would do them (the Swedes) no hurt but for you and Mr. Tom, they would tappoose them and burn all man woman and Child. . . ." <sup>42</sup>

In 1671, some Indians killed two settlers on Matinoconk (now Burlington) Island. This event brought to a head what must have been a growing fear of Indian attack. In September, Governor Lovelace and Captain Carteret of New Jersey agreed to make war upon the Indians together. Lovelace was not entirely happy with the idea of a war; he believed until the incident on Matinoconk that the relationship with the Indians on the Delaware was peaceful. He wrote to William Tom, "I must confess I was much startled at ye Narrative, and ye rather in regard Captn Carr had given mee lately soe full an Assurance, that all Things between you and ye Indyans were soe firmly settled, that there was hardly any Roome left for any Distrust or Jealousy of them." <sup>43</sup>

In light of the specific threats the Indians had made against Carr and Tom the year before, one might surmise that the two were less than candid with their governor about Indian affairs.

In the same letter, Lovelace ordered the officials at New Castle to round up the settlers in the countryside, and bring their corn and cattle into town, the better to avoid widespread casualties. Most of the settlers near Matinoconk were Swedish. He ordered the death penalty for anyone who would sell liquor, shot, or powder to the Indians, but also instructed the people to maintain "... a seeming Complacency with that Nation by either Treaty or Traffick, that soe they may have less mistrust of our Intended Designes ...".<sup>44</sup> Lastly, he suggested that the house on Matinoconk Island be fortified.

Lovelace also wrote to Carr, expressing regret at Carr's reported illness, and also saying, "But in regard it will be impossible for mee & the Councell at this Distance to direct you punctually in this Affaire how you shall steer yor Course, wee must therefore reserve that to your prudent Managery ...". He went on to instruct Carr to consult with the colony's civil leaders in whatever action he took. New Jersey had begun to mobilize, and it looked as if the English would win an easy victory, for reports from Indians in New York indicated that not only were the Indians on the Delaware "in great Apprehension", but they had been refused aid from neighboring tribes.<sup>45</sup>

In October William Tom and Peter Alricks went upriver to start preparations for the war with the Indians, and met with a great deal of resistance from the Swedes, who feared the loss of their crops and stock. The Swedes apparently had good relationships with the Indians, for not only were they reluctant to make war, but the colony's Indian interpreters were Swedish.<sup>46</sup> Winter must have settled in early that year, for Tom and Alricks reported " ... itt was impossible for ice to build a strenght att Mattinacunck and to lay in provisions there ... "<sup>47</sup>

Also in October, the magistrates at New Castle wrote to Lovelace explaining why they could not make a war. The grain, they reported, was not thrashed and gound; it was too late in the winter; they preferred to wait until spring when the governor could send men, ammunition and salt; and the outlying defense posts at Passayunk, Tinnicum, Upland, Verdreitege Hook, Matinoconk, and Wicacoa had not yet been built. They requested the government to hire fifty or sixty "North Indyans" who would do more than 200 Europeans in such a war.<sup>48</sup>

Lovelace was furious. In November 1671, he wrote to Carr,<sup>49</sup>

The backwardness of ye Inhabitants in Delaware has putt a stop to ye forwardness of those in New Jersey who are ready with a handsome Party ... And truely I was much ashamed to see such an Infant Plantacon to outstrip us, who should have been rather an example to others then to

follow them; especially haveing ye Countenance of a Garryson to Boote, & You ye principall Officer; What Accot I shall give to his Royal Highnesse of this remissness I know not other, but to lay ye blame where it justly is due . . . .

He goes on to berate Carr for accepting a salary while the fort was decaying, and a number of other bits of mismanagement.

The war never occurred. Beyond Carr's excusing himself for having been sick and receiving neither men nor money to maintain a garrison at New Castle, it seems from the magistrates' letter and the reluctance of the Swedes to leave their farms that nobody wanted the war but the governor, William Tom, and Captain Carr. In December, Tom reported that the Indians had brought in one of the two men who had made the raid on Matinoconk, and whom the magistrates intended to hang in chains. The other Indian got away.<sup>50</sup>

This was the most serious incident involving the Indians during the Duke of York period. At about the same time, a sloop shipwrecked near Chincoteague, and all aboard were lost. For some time, rumors persisted that the Indians on the lower peninsula had captured or killed the survivors, but an inquest found that the men probably had drowned.<sup>51</sup>

The last serious Indian incident occurred in 1676. Before that year, the Susquehannocks had been pushed far south of their normal range, into Virginia and Maryland. In 1675, after many years of war with the Seneca and the Europeans in Maryland and Virginia, the

Susquehanna were nearly annihilated.<sup>52</sup>

In August 1676, Edmund Andros wrote to Captain Edmund Cantwell, concerning Indian affairs:<sup>53</sup>

I recieved your Letter concerning the comming in of the Susquehanna Indyans about a weeke agoe, and ... doe think it convenient that you encourage them therein ... you may acquaint them, that if they desire it, I will endeavor a Composure of all things in Maryland, and perfect a peace with the Maques (Mohawks) and the Sinnekes (Seneca), After which they may returne back to their owne land, as they shall thinke good.

Andros instructed Cantwell to relay this message to the Maryland government also, if the Indians wanted mediation. He offered the Susquehanna a place to settle, "either at the Falls or the midle of the River."<sup>54</sup>

In February of 1676/7 the New Castle magistrates reported that the Susquehannas had not come into the town, "but passing by on the bakeside went upp the River; if they had desiered any thing they should have been treated according to your honors order ..."<sup>55</sup>

This was the last major mention of Indians in the vicinity of New Castle. In 1680 and 1681, the records indicate that there were some Indians in town. These were not the frightening savages with whom Lovelace had sought to make war, though. All the references concern selling them drink. Several inhabitants of New Castle were fined for selling liquor in small measures to Indians, including an Indian woman.

The settlers at the upriver settlement of Crewcorne described the behavior of drunken Indians thus: <sup>56</sup>

... finding ourselves agreived by the Indians when drunck ... wee bee and have been in great danger of our Lives, of houses burning, of our goods Stealeing and of our Wives and children a Frighting, Insomuch that wee are affeared to go about our Lawfull occasions ...

## VI

### SUMMARY

The foregoing pages show that New Castle was blessed with the disinterest of her royal governor, a non-speculative economy, a stable local government, and freedom from both oppressive religious laws and Indian incursions. Because of its inward orientation and its self-reliance, the Delaware colony has all but disappeared from the popular histories of America's early years. But these very characteristics, peace, stability, and independence, coupled with the colony's ethnic diversity, seem to have served as the germ of a peculiarly American attitude.

New Castle's inhabitants were oriented toward America, not toward Europe. Her trade was with New York; that city served as a buffer between the Delaware and the Atlantic trading community.

Philadelphia would later assume the same role. At a time when other colonies were experiencing a tightening of restrictions on religious expression, Penn acquired the Delaware colony. His liberal policies protected what had become a way of life on the Delaware.

The only serious crisis occurred during the time between the rumors of Penn's arrival and the actual fact. The disruption then stemmed not from the change but from the uncertainty. The Long Finn rebellion was a direct result of the actions of an outsider who played on nationalism. The specific cause of the dyke riot was poor judgment on the part of local authorities who ordered dykes built at the wrong time in the wrong place.

New Castle's physical organization and that of the countryside around it reflect a native sense of orderliness in the population. The town grew without a plan, as a grid; no formal design had to be imposed. Likewise the farms in the countryside; only late in the century did patentees abandon the long, narrow farm with a portion of marsh, riverbank, and high ground.<sup>1</sup>

Not even simple felonies disrupted the colony's tranquility. Throughout the twelve years of the Duke of York's tenure for which there are good records, there are only two manslaughters (one of an Indian), one act of piracy, three or four recorded cases of illegitimate births, two robberies, and one case of a stone secreted in a bag of feathers.



There are no records of highway robbery or premeditated murder.

The popular attitude toward crime is perhaps best expressed in the two theft cases. Robert Hutchinson, constable at New Castle, broke open and robbed a trunk that had been left in his safekeeping. The court's letter to the governor asking for instructions apparently does not survive, but its contents may be inferred from Matthias Nicholls' reply. Nicholls said that the governor thought death was a bit too strong a penalty, but because the crime involved not only robbery but a breach of trust, the court had leave to banish Hutchinson. This they did.<sup>2</sup>

In contrast, when a servant woman, Jeane Nash, pilfered from her master and from Arnoldus Delagrang's warehouse, she was simply whipped and chastised. In her case, no public trust was involved. Moreover, a servant did not have to set an example for the community.<sup>3</sup>

Lovelace visited the Delaware only once, and Andros' record was no better. Throughout the period, the people and the magistrates had ample opportunity to develop a self-reliance in government which, one could argue, resonates in Delaware to this day. There is no hard evidence that the leaders on the Delaware overstepped their bounds very often. The few cases of disagreement with the populace aroused instant reaction, as in the case of the dyke riot, and in the very few

appeals from the New Castle court to New York.

Much may yet be discovered about the colony on the Delaware. This paper has omitted any exploration of the colony's life under Penn, but a comparison between Penn's rule and that of the Duke of York should prove very telling. It was under Penn that the Delaware colony's sense of independence matured. Before the end of the seventeenth century the lower counties had rejected rule from without, and within the first decade of the eighteenth century, they achieved autonomy under the proprietary.

## NOTES

### Introduction

1. There are few reliable histories of Delaware, particularly for the seventeenth century. For a general background, refer to:

C. A. Weslager, Dutch Explorers, Traders, and Settlers in the Delaware Valley, 1609-1664 (Philadelphia 1961).

\_\_\_\_\_, The English on the Delaware 1610-1682 (New Brunswick, 1967).

### I. The Lay of the Land

1. Daniel Griffith, Townsend Ceramics and the Late Woodland of Southern Delaware (Thesis, American University, 1977)
2. E. B. O'Callaghan, ed., Documents Relating to the Colonial History of New York (Albany, 1856), I, 590.

### II. The First Settlements

1. Weslager, Dutch Explorers ... ; J. Thomas Scharf, History of Delaware (Philadelphia, 1888), I, 23-34.

2. H. C. Murphy, ed., Voyages from Holland to America (New York, 1853).
3. Weslager, Dutch Explorers.
4. O'Callaghan, op. cit., I, 450.
5. Ibid., XII, 101.
6. Ibid., I, 607.
7. Ibid., II, 76
8. Original Land Titles in Delaware (Wilmington, 1903), 23-24.  
Hereafter cited as "Duke of York."
9. Weslager, Dutch Explorers.
10. Victor Hugo Paltsits, ed., Minutes of the Executive Council of the Province of New York / Administration of Francis Lovelace (Albany, 1910), II, 597 et passim. Hereafter cited as "NY Executive Council Minutes."
11. Scharf, op. cit., 68-69.

### III. The Government

1. Duke of York, 17-21.
2. Weslager, English on the Delaware,
3. Duke of York, 22-23.
4. Scharf, op. cit., 67.
5. Duke of York, 23-24.
6. Ibid.
7. Records of the Court of New Castle on Delaware / Vol II / 1681-1699 / Land and Probate Abstract Only (Meadville, Pa., 1935), 37.  
Hereafter cited as "New Castle Court Records, II."

8. Charles T. Gehring, ed., New York Historical Manuscripts: Dutch (Baltimore, 1977), 38. Hereafter cited as "New York Historical Manuscripts."
9. Ibid., 117.
10. Ibid., 119-121.
11. O'Callaghan, op. cit., I, 630-636; II, 202-203.
12. Ibid., cf., New York Historical Manuscripts, 116-117, 170, 274, 312-313.
13. Records of the Court of New Castle on Delaware 1676-1681 (Lancaster, 1904), 242. Hereafter cited as "New Castle Court Records, I."
14. New York Historical Manuscripts, 290-291.
15. O'Callaghan, op. cit., II, 11.
16. New Castle Court Records, I, 262.
17. Ibid., 385.
18. New York Historical Manuscripts, 313-315; 356
19. Ibid., 25.
20. The Duke of York's Booke of Lawes (Harrisburg, 1879), 46-47. Hereafter cited as "Duke's Laws."
21. New Castle Court Records, I, 94-95.
22. Ibid., 288.
23. New York Historical Manuscripts, 42.
24. Ibid., 113.
25. Ibid., 137-138.
26. Ibid., 24.

27. Ibid., 101.
28. New Castle Court Records, I, 372-373.
29. NY Executive Council Minutes, 509-510.
30. New Castle Court Records, I, 210.
31. New York Historical Manuscripts, 185.
32. New Castle Court Records, I, 345.
33. New York Historical Manuscripts, 121-123.
34. Ibid., 77, 81.
35. New Castle Court Records, I, 234-235.
36. New York Historical Manuscripts, 43-44.
37. Ibid., 63.
38. Ibid., 70.
39. O'Callaghan, op. cit., II, 10.
40. New York Historical Manuscripts, 25.
41. Ibid., 39-40.
42. Thomas Holcombe, Early Ecclesiastical Affairs in New Castle, Delaware (Wilmington, 1890), 18, 44-45.
43. New Castle Deed Book A-1, 71; cf., Map J, above.
44. Duke's Laws, 39.
45. New York Historical Manuscripts, 117-118.
46. Ibid., 293; New Castle Court Records, I, 385.
47. O'Callaghan, op. cit., XII, 461-462.

48. New York Historical Manuscripts, 123.
49. New Castle Court Records, I, 98.
50. New York Historical Manuscripts, 152.
51. Ibid., 173.
52. New Castle Court Records, I, 194-195.
53. Ibid., 194-195.
54. Ibid., 194-195.
55. Mayor Fenwicke was a leader of the colony at Salem, New Jersey. The Duke of York did not recognize Governor Carteret's sale of West Jersey to Byllynge, et al. A bitter dispute regarding Fenwicke's granting of lands and making laws developed between the Salem colony on the one hand and the New York government and New Castle court on the other.
56. New York Historical Manuscripts, 192-193.
57. New Castle Court Records, I, 241.
58. New Castle Court Records, I, 242.
59. New York Historical Manuscripts, 78.
60. O'Callaghan, op. cit., XII, 461, 462.
61. Duke's Laws, 10, 39.
62. New York Historical Manuscripts, 190-193.
63. Ibid., 41.
64. New York Historical Manuscripts, 5-7, 434-437.
65. NY Executive Council Minutes, 325.
66. Duke's Laws, 48.

67. New York Historical Manuscripts, 173.
68. Ibid., 123.
69. New Castle Court Records, I, 131.
70. Ibid., 186-187.
71. Ibid., 143.
72. Ibid., 440.
73. Ibid., 364.
74. Ibid., 365.
75. New York Historical Manuscripts, 87.
76. New Castle Court Records, I, 104-105.
77. Ibid., 444, 467-469.
78. NY Executive Council Minutes, 309-310.
79. Ibid., 312.
80. Ibid., 313.
81. Ibid., 313, 317-322.
82. New York Historical Manuscripts, 274, 312, 7-9.
83. Ibid., 76.
84. Ibid., 85-86.
85. Ibid., 87-94.
86. Ibid., 92-93.
87. Ibid.
88. New Castle Surveys "1700", 131-132.
89. New York Historical Manuscripts, 90.



90. Ibid., 91.
91. New Castle Court Records, I, 162-164.
92. Ibid., 456-459.
93. Ibid.
94. Ibid., 459-494.
95. Ibid., 495-496.
96. Ibid., 495.
97. Ibid., 495-496.
98. Ibid., 497.
99. New York Historical Manuscripts, 351.
100. Ibid., 351.
101. Ibid.
102. New York Historical Manuscripts, 353.
103. New Castle Court Records, I, 469, 470.
104. Ibid.
105. Ibid.
106. New York Historical Manuscripts, 353-355.
107. New Castle Court Records, II, 23-26.
108. Ibid., 35.

#### IV. The Town

1. Edward Heite, "Boxing a Very Old Compass" Quarterly Bulletin Archeological Society of Virginia, XXV, no. 1 (September 1970), 20-23.

2. New Castle Deed Book P-2, p. 429.
3. Benjamin Henry Latrobe, Survey of New Castle, Delaware Archives Record Group 2555.
4. O'Callaghan, op. cit., II, 14.
5. New Castle Court Records, II, 24.
6. O'Callaghan, op. cit., I, 630-636; II, 202-204.
7. Ibid., II, 24.
8. See discussion under "New Castle in Context," below, pages 69-72.
9. O'Callaghan, op. cit., II, 8-10; New York Historical Manuscripts, 25.
10. New York Historical Manuscripts, 11.
11. New Castle Court Records, I, 194-195.
12. New Castle Deed Book A-1, 71; New Castle Surveys, L2, #44.
13. New Castle Court Records, I, 49, 3.
14. New York Historical Manuscripts, 15.
15. Land Office "Bound Volumes" XXIII, 62-63.
16. Bureau of Archaeology and Historic Preservation, Lewes Historic District Nomination, Hall of Records, Dover.
17. New Castle Court Records, II, 24-25.
18. New Castle Warrants, Y 1, #3.
19. United States Geological Survey, Topographic Map, 7.5 minute Series, Wilmington South, Delaware-New Jersey.
20. New Castle Court Records, II, 79-82, 96-99, 119-121, 167-169.
21. New Castle Court Records, II, 69-71.

22. Carl Bridenbaugh, Cities in the Wilderness (New York, 1964), 3, 4.
23. Delaware State Historic Preservation Plan, Definitive Edition, Volume 1: Linking Past and Future (Dover, 1974), facing 5.
24. Ibid., facing 4.
25. C. Malcolm Watkins, The Cultural History of Marlborough, Virginia (Washington, 1968), 6.
26. Ibid.
27. Kenneth E. Lewis, Camden: A Frontier Town, Anthropological Studies, #2 (Columbia, S.C., 1976).
28. John Archer, "Puritan Town Planning in New Haven" Journal of Architectural Historians, XXXIV, no. 2 (May 1975).

#### V. The Social Fabric

1. New Castle Court Records, I, 168.
2. Ibid., 280.
3. Ibid., 518.
4. Ibid., 384.
5. Ibid., 217, 254, 255.
6. Ibid., 297-299, 348-353; New Castle Court Records, II, 40-41.
7. New York Historical Manuscripts, 39.
8. New Castle Court Records, I, 234.
9. Duke of York, 23, 24.
10. Duke's Laws, 14, 15.
11. Ibid., 18.
12. New York Historical Manuscripts, 87.
13. Ibid., 78.

14. Ibid., 264.
15. New Castle Court Records, I, 210.
16. Ibid., 244.
17. Ibid., 227.
18. Ibid., 425-426.
19. Holcombe, op. cit., 1-15.
20. New Castle Court Records, I, 149-153.
21. Israel Acrelius, A History of New Sweden (Philadelphia, 1874), 177-180.
22. New Castle Court Records, I, 186.
23. Ibid., 300.
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26. Ibid., 108
27. Ibid., 247-248.
28. Ibid., 261.
29. Ibid., 202-203, 261, 244, 306, 411-412.
30. Ibid., 289.
31. Ibid., 288.
32. Ibid., 488.
33. New Castle Deed Book B-1, 136.
34. Land Office "Bound Volumes," XXIII, 135.

35. New York Historical Manuscripts, 231.
36. Ibid., 291.
37. Griffith, op. cit.
38. New York Historical Manuscripts, 18.
39. Ibid.
40. Ibid., 11.
41. Ibid., 19.
42. Ibid.
43. NY Executive Council Minutes, 595-597.
44. Ibid.
45. Ibid., 597-598.
46. New York Historical Manuscripts, 71, 72.
47. NY Executive Council Minutes, 599-601.
48. New York Historical Manuscripts, 50.
49. NY Executive Council Minutes, 605-606.
50. Ibid., 609-610.
51. New York Historical Manuscripts, 12-30.
52. Robert L. Stephenson and Alice L. Ferguson, The Accokeek Creek Site: A Middle Atlantic Seaboard Culture Sequence (Ann Arbor, 1963), 1-20.
53. New York Historical Manuscripts, 112.
54. Ibid.
55. New Castle Court Records, I, 66; New York Historical Manuscripts, 172-174.

VI. Summary

1. State Plan for Historic Preservation, op. cit., facing 5.
2. New Castle Court Records, I, 322-328.
3. Ibid., 492-494.

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#### Delaware Archives, Hall of Records, Dover:

##### Record Group 2555

Benjamin Henry Latrobe. Survey of New Castle, 1804.

A survey made for the town in 1804, showing streets, lot lines, owners, shore line, and elevations of the building facades.

Available in photostat; not available in microform.

##### Record Group 2555

##### New Castle County Déed Books

This is the official record of land transactions in the county. Series 1 covers the seventeenth and eighteenth centuries. The entries are neither strictly chronological nor alphabetical. The books must be used in connection with the indices.

Available in microform.

## Record Group 2555

## New Castle County Warrants and Surveys

A collection of loose papers, originally in the proprietary land office, arranged by owner; includes rough drafts of surveys, incomplete land transactions, and warrants, as well as finished surveys.

Available in microform.

## Record Group 2555

## New Castle Surveys "1700"

Bound transcripts of New Castle warrants and surveys in the Pennsylvania land office; actually begins in 1684; transcribed in 1806. Not in alphabetical or chronological order.

Available in microform.

## Record Group 2555

## Penn Warrants of New Castle County 1640

Transcript made in 1801 and 1802 of warrants pertaining to New Castle County, originally in the proprietary land office. Most date after 1682.

## Record Group 0503

## Walter Wharton Land Warrants Book

Original warrant book, 1670-1676.

Available on microform.

Bureau of Land Records, South Office Building, Harrisburg:

## "Bound Volumes Series"

These are papers pertaining to land grants and office transactions that have been bound. The papers cover the colonial period from Penn's time forward. The books



are roughly divided geographically and chronologically. They contain warrant registers, depositions, survey returns, drafts, and miscellaneous documents.

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