



Special to The News Journal/BILL HUGHES

Tilio "Tony" Suppe sits in a tree, cut down by DelDOT to widen Old Baltimore Pike, that might have been Delaware's largest white oak.

Giant oak felled for road work

Sadness, emptiness on Old Baltimore Pike

By **CARL WEISER**
Staff reporter

COOCH'S BRIDGE — What started out as just a hew has now led to a hue and cry.

While widening Old Baltimore Pike earlier this week, DelDOT's contractors chopped down a tree in the way.

DelDOT may have killed Delaware's largest white oak.

"It was probably there when George Washington came through here," said Tilio "Tony" Suppe, who lives across from the ex-tree.

There are different accounts of how wide the tree was. A reporter's measure found it to be more than 8 feet at its widest. The neighbor across the street measured it at more than 6 feet. DelDOT has it listed officially at 5 feet, 10 inches, though not necessarily at its widest. Even at that, it would have been the largest white oak in the state.

The state keeps a list of 140 Big Trees — called the state Big Tree List — but this one wasn't on it. People

have to request to have their trees put on the list.

According to the state's Big Tree List, the largest white oak is on Meeting House Road near Hockessin Middle School. With a diameter of 5 feet 8 inches, it's still not as big as the tree chopped down on Old Baltimore Pike.

"It's a shame it was cut down," said state forester John Schwalm, the keeper of the Big Tree List.

DelDOT is spending \$9.8 million to reconstruct the narrow and shoulderless road. A center turning lane will be added, and the two lanes will be widened and get full paved shoulders. To widen the road, DelDOT took the land the oak tree was on.

DelDOT spokeswoman Michelle C. Ackles said the only way to save the tree would have been to shift the highway dramatically — taking an estimated three to eight homes.

"We were well aware of the fact that it's a very large tree. We do try to avoid them whenever it's feasible."

DelDOT didn't know how healthy the tree was, either. DelDOT engineer C. David Jamison said the tree could have been a potential hazard.

Schwalm said if he had known about

the tree, he would have done something. "We do everything we can to convince and persuade contractors or DelDOT to save the trees. I've almost chained myself to them."

"It's a sad day," said civic activist Peggy Tracy, who lives off Old Baltimore Pike. "It's one of those things you take for granted until it's gone."

While they're happy their lawns weren't taken instead, some residents of the 600 block of Old Baltimore Pike are upset about the tree's demise.

"I'm devastated," Suppe said. "A piece of beauty put here by nature is just cut down in a matter of hours. It takes away from the beauty of the area."

"It was a big old beautiful tree, and now it's nothing," said Gregg Ewell. "It would have been nice to save that tree. There's not a lot of them around like that anymore, especially in New Castle County."

Edward Varnes, who lives directly across from the tree, said he didn't think there was anything DelDOT could have done to save the tree.

"I'm not really a big tree man. It's no big deal for me," he shrugged. Still, he added, "It's kind of empty there now."

Once again, Big Bert Carvel comes to the rescue

NJ 18 SEP 1992

Big Bert Carvel hasn't been governor since 1965, but the 6-foot-6 Democrat still can cast a political shadow when he wants to.

Carvel stood tall in his day as a champion of civil rights and an opponent of the death penalty. His full-length portrait commands attention in the lobby of the state building named for him in Wilmington.

Portrait or not, Carvel hasn't forgotten the way the personal touch can sway opinions in an intimate little state like Delaware.

This story begins where many political tales do — in the state

Compiled by Celia Cohen with Nancy Kesler and Sara-Ellen Amster.

POLITICS DELAWARE

Senate, where the atmosphere generally resembles a kindergarten when the kids have been sent to nap time without their milk and cookies.

It was late in the session in June, and a bunch of senators were in one of those moods to hold their breath until they turned blue. They refused to confirm Richard Cooch as a Superior Court judge.

Never mind that Cooch is a Democrat, just like most of the senators. Never mind that he comes from a distinguished Dela-

ware family with two signers of the Declaration of Independence — Caesar Rodney and George Read — in its past.

One of the holdups was Attorney General Charlie Oberly, another Democrat, who didn't want Cooch confirmed. Oberly had nothing against Cooch, a friend and political supporter, but he wanted the judgeship to go to Fred Silverman, his chief deputy.

Enter the elder statesman.

Carvel telephoned Oberly — for the first time in perhaps 10 years. In that unforgettable husky voice, Carvel suggested that Oberly wasn't helping himself by opposing Cooch.

Oberly walks past Carvel's portrait every work day. He was leaning toward withdrawing his

opposition, anyway. He got the message.

Thanks to Carvel, the Senate was soothed. Cooch was confirmed during a special session in August. He's just finished up his first two weeks as a judge.

Going to the YMCA

Top state officials couldn't help but notice what their counterparts in the nonprofit organizations are earning, when The News Journal ran a list of salaries earlier this month.

The real eye-catcher was Michael Graves, the Delaware YMCA president, who is paid \$112,770 a year.

When a reporter recently inquired about the salary of Tom

Eichler, the Health and Social Services secretary, Deputy Secretary Muriel Rusten couldn't resist.

Her boss collects \$84,700 a year, she said, adding, "He should actually be in the YMCA, and then maybe he'd get a decent salary."

Excuses, excuses

Let the record show: Although dogs have been blamed since Hector was a pup for eating homework, not one dog has been accused of devouring a campaign finance report.

It's about the only excuse election officials haven't heard.

As late as last week, election officials still were trying to pry the last of the campaign finance

reports from procrastinating office seekers. The reports for Saturday's primary election were due Aug. 25.

The officials got the usual run-around: "I didn't have time," "I was on vacation" and "I didn't raise or spend any money, so I didn't think I had to."

The officials' favorite excuses over the years have been:

■ "My treasurer died, and I didn't think I had to file."

■ "I lost, so what difference does it make?"

It *does* make a difference. For the first time this year, anyone who doesn't file can be fined \$50 for each month the report is delayed. If it goes on too long, the attorney general can be asked to prosecute.

Delmarva

Cooch named to fill vacancy on state Superior Court

By **NANCY KESLER**

Dover Bureau chief

DOVER — The Senate filled the remaining vacancy on Superior Court Monday and approved the first leg of a constitutional amendment to help cope with the judicial system's burgeoning caseload.

Richard R. Cooch, a New Castle Democrat, was confirmed for a 12-year term on the Superior Court bench, replacing Clarence W. Taylor, who retired in June.

Cooch was nominated by Gov. Castle in June. But the attorney, who has a private practice in New Castle County,

ran into heavy flak in the Senate Democratic caucus from Senate Majority Leader Thomas B. Sharp, delaying action on the nomination.

The vote in the short evening special session was 18-2, with Sharp and Sen. David B. McBride, D-Wilton, voting no. Sen. James P. Neal, R-Newark West, was unable to attend the session.

Also approved was H.B. 605, sponsored by Rep. Charles L. Hebner, R-Indian Field. The bill will make more judges available to hear cases in all the state's major courts.

The proposal to create the constitutional position of senior judge passed

16-4. Sens. Patricia Blevins, D-Elsmere; Nancy W. Cook, D-Kenton, McBride and Sharp voted against it.

The next term of the General Assembly, which starts in January, must also give its approval to the proposal before it can be added to the constitution.

Richard E. Poole, representing the Long Range Courts Planning Committee, an arm of the state Supreme Court, told lawmakers the new class of judge would help provide experienced jurists to the understaffed courts. He said Superior Court alone needs four additional judges, but he realized that financial constraints make such expansion unlikely.

Currently, the courts can use retired jurists on brief temporary assignments to hear individual cases. The new category of judge would serve at least three months a year.

A judge would have to be on the bench and willing and eligible to retire to become a senior judge. Senior judges would receive up to one-quarter of a year's regular pay as judges plus their pension, and could not practice law.

The judge would apply to the chief justice for approval for the first year of service. But Poole said after that initial year, the judge would have to be reappraised annually by the chief justice and

the legislature. The approval system would require additional legislation.

State NAACP President Samuel L. Guy said later his organization hoped the state "would figure out a way to balance the absence of minority representation in the judiciary" through the bill. "We're not necessarily saying no [to the bill], but we're saying no if there's a discriminatory result."

Also passed was legislation to exempt New Castle County from the state bid laws covering the purchase and rental of vehicles. H.B. 566, sponsored by Rep. Roger P. Roy, R-Arundel, passed 20-0.

Real estate



Condominium sales dropped 7.1 percent in the Northeast in the second quarter of 1988, according to the National Association of Realtors. Condo sales account for one out of five of the Northeast's residential resales.

- Property transfers, C2
- Classified ads, C3
- Open House ads, C3
- Autoworld, C18

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SECTION



Malatesta shows a model of one of the Cannonshire homes going up in his 72-house subdivision near Cooch's Bridge.

Moving in on Cooch's Bridge

Subdivision near battle site

BY JOHN O'NEILL
Staff reporter

SEPT. 3, 1777, early morning: British troops marched north along the road from Aiken's Tavern, now Glasgow. American soldiers, in the woods alongside the road, opened fire, then retreated along the Christina Creek to Cooch's Bridge, where Delaware's only Revolutionary War battle intensified. As many as 41 Americans were killed.

David Malatesta, president of the development company.

But the development's nearness to the battlefield has been less than a blessing. Malatesta calculated that it cost him \$80,000 in redesign work and lost man-hours to avoid building on the battlefield, part of which he owns.

"We didn't want to start a second battle of Cooch's Bridge," he said.

The northeast corner of Malatesta's 51 acres is part of the battlefield where the American flag was reportedly first un-

folded, Lord Cornwallis, commander of the British division, occupied the Cooch home for five days following the battle.

Malatesta ultimately set aside roughly 15 acres, including 9.6 acres of battlefield and 4.2 acres around the Baynard house, built in 1842 south of the bridge and the battlefield.

Malatesta is selling the Baynard house, but he has written prohibitions against all future development into both its deed and the deed for Cannonshire's battlefield acreage.

and redesign work, Malatesta said. "Then all of your contracts were no good," he added. "The people who did all the bidding on the roads had to change their plans altogether."

Historic officials credit Malatesta with cooperating to preserve the battlefield.

"These things are always compromises, and I think this was a pretty good one," said Kern.

"The open space that was created roughly coincides with the historic district [around the battlefield]," agreed Valerie Cosma, New Castle County's

open," Cooch agreed, "but that was not meant to be."

Cooch also is worried about traffic, from Cannonshire and from development within the area generally.

"The chief problem right now is the traffic that is developing along the Old Baltimore Pike," he said.

"If you stand there at the [battlefield] monument, particularly at rush hour, it is impossible to carry on a conversation," Cooch said.

The battlefield itself lies within a federal historic district, but this designation



David Malatesta stands by the Cooch's Bridge battlefield with a replica of the first American flag.

Staff photos by Pat Crowe



Malatesta shows a model of one of the Cannonshire homes going up in his 72-house subdivision near Cooch's Bridge.

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August 1988: Work on 72 single-family homes is under way just southwest of the battlefield. More than 40 homes have been sold at the Cannonshire development, with only the models' construction yet started.

The Newport-based Malatesta Development Co. is marketing Cannonshire in the context of the battle. Models have names such as Betsy Ross, and streets are named General Maxwell Drive and Sabre Court.

"Originally, I thought the history would be part of the attraction," said

David Malatesta, president of the development company.

But the development's nearness to the battlefield has been less than a blessing. Malatesta calculated that it cost him \$80,000 in redesign work and lost man-hours to avoid building on the battlefield, part of which he owns.

"We didn't want to start a second battle of Cooch's Bridge," he said.

The northeast corner of Malatesta's 51 acres is part of the battlefield where the American flag was reportedly first unfurled in battle. Malatesta originally offered to leave five acres open at that corner.

"He showed me the original plan, and I opposed that," said Edward Cooch Jr., who lives across Old Baltimore Pike from Cannonshire. "As soon as I saw the plan, I went to the county."

Cooch is a descendant of Col. Thomas Cooch, who came to Delaware from England in 1746. Cooch lives in the family home, which was built in 1760 and sits adjacent to the site of the battle.

Lord Cornwallis, commander of the British division, occupied the Cooch home for five days following the battle.

Malatesta ultimately set aside roughly 15 acres, including 9.6 acres of battlefield and 4.2 acres around the Baynard house, built in 1842 south of the bridge and the battlefield.

Malatesta is selling the Baynard house, but he has written prohibitions against all future development into both its deed and the deed for Cannonshire's battlefield acreage.

"The arrangement was worked out between the developer and the county historic planning department," said Dr. John Kern, the state's historic preservation officer.

As a result, Malatesta will build his houses in clusters, to create open space for the battlefield section he owns. The lots will be at least one-third of an acre.

"Originally, we were going to do half-acre lots, which the zoning permits," Malatesta said.

The change meant months of delays

and redesign work, Malatesta said.

"Then all of your contracts were no good," he added. "The people who did all the bidding on the roads had to change their plans altogether."

Historic officials credit Malatesta with cooperating to preserve the battlefield.

"These things are always compromises, and I think this was a pretty good one," said Kern.

"The open space that was created roughly coincides with the historic district [around the battlefield]," agreed Valerie Cesna, New Castle County's historic preservation planner.

Even Cooch expressed satisfaction, complimenting both Malatesta and county officials.

"One of the things they tried to do is preserve the view," he said.

And the solution's shortcomings?

"It would have been the loss of the general character of the area beyond the boundaries of the historic district," Cesna said.

"I would have liked to keep it all

open," Cooch agreed, "but that was not meant to be."

Cooch also is worried about traffic, from Cannonshire and from development within the area generally.

"The chief problem right now is the traffic that is developing along the Old Baltimore Pike," he said.

"If you stand there at the [battlefield] monument, particularly at rush hour, it is impossible to carry on a conversation," Cooch said.

The battlefield itself lies within a federal historic district, but this designation offers protections only from developments using federal money.

Malatesta owns part of the district yet faced no federal restrictions because his financing is entirely private.

Cooch owns 200 acres in the area of the battlefield, much of it within the historic district, and has said he is committed to preserving the land.

Kern said Cooch's commitment is as good a solution as any for the battlefield property.



Staff photos by Pat Crowe

David Malatesta stands by the Cooch's Bridge battlefield with a replica of the first American flag.

The 200th Anniversary Of



The BATTLE Of

COOCH'S BRIDGE

We gather at this site where 200 years ago to the day forty founding fathers left their lifeblood in this soil believing that they did not die in vain. So let us not stand here simply to be entertained by the "battle reenactment" and the speeches.

Rather let us stand here to ponder the deeper thoughts needed to understand how we can be true to those who died here and the cause they died for.

The Cooch's Bridge engagement was the beginning of one of the darkest periods of the American Revolution from the patriot point of view. The British army under General Howe sailed south from New York City, entered the Chesapeake Bay and landed at Elk's Ferry with the capture of Philadelphia in mind.

The battle at Cooch's Bridge took place on the morning of Sept. 3, 1777. The major defeat at the Battle of the Brandywine occurred on Sept. 11, and the British marched into Philadelphia on Sept. 26. On October 4, 1777 the American army suffered another defeat at Germantown, Pa. and soon retired to Valley Forge for the winter.

From General Washington's report to Congress we get a good description of the situation: "Wilmington, 8 P.M., 3 of Sept., 1777. This morning the enemy came out with a considerable force and three pieces of artillery against our light advanced corps and after some pretty smart skirmishing obliged them to retreat... The loss on either side is not yet ascertained... They advanced about two miles this side of Iron Hill and then withdrew to that place, leaving a picket at Cooch's Mill about a mile in front. Our parties now lie at White Clay Creek, except the advance pickets which are at Christiana Bridge.

What motivated common people to stand and risk their lives in this struggle? Why would a farm boy brave the piercing cold of the 1777-78 winter at Valley Forge? There were probably as many reasons as there were people. Yet there were reasons held in common.

It was Thomas Paine who best expressed the sentiments which moved the American people to action. He wrote "a little pamphlet to make things clear" titled Common Sense. Published in Philadelphia on January 10, 1776, Common Sense sold well over 120,000 copies within the first three months; and each copy was passed from hand to hand until it was stained and ragged. It was read aloud in groups gathered in taverns and farm houses so that those who could not read could understand. The little pamphlet, which is still exciting to read, inflamed the imagination and energies of the Americans as it pointed the way to a new vision and direction for humanity.

Feel how it reads today: "We fight neither for revenge nor conquest; neither from pride nor passion; we are not insulting the world with our fleets and armies, nor ravaging the globe for plunder. Beneath the shade of our own vines are we attacked; in our own houses, and on our own lands, is the violence committed against us. We view our enemies in the character of Highwaymen and House breakers...

Within six months of the publication of Common Sense a "Declaration of Independence" was proclaimed, and the first democratic revolution in history was launched. Tom Paine not only argued for independence, he called for a republic without a king!

Thomas Paine travelled with Washington's rag-tag army and entered the fray on several occasions. As the war unfolded he wrote a series of "Crisis Papers", which he often read to the soldiers gathered around the campfires.

Crisis 4 was written just 9 days after the Cooch's Bridge engagement and 1 day after the Battle of the Brandywine where a thousand American's died in a stinging defeat, which meant the loss of Philadelphia to the British.

(September 12, 1777); "We know the cause we are engaged in, and though a passionate fondness for it may make us grieve at every injury that threatens it, yet, when the moment of concern is over, the determination to duty returns. We are not moved by the gloomy smile of a worthless king, but by the ardent flow of generous patriotism. We fight not to enslave, but to set a country free, and to make room upon the earth for honest men to live in."

So let us gather at Cooch's Bridge this year not simply to be spectators, but let us continue the battle "to set a country free". We do pay a special tribute to the common people who fought for an independent and democratic republic in Delaware's only battle against the forces of the British Empire. We recognize that the struggle to get the Bill of Rights included in the Constitution in 1789 gave worth and meaning to their sacrifice.

But let us come forward in history now... past the senseless slaughter of Native Americans and the wanton waste of the eagle and the buffalo...past the bloody Civil War which put an end to slavery, but just as well meant a victory of the industrial stockholders of the north over the aristocratic landholders of the south... past the heroic labor struggles against ever larger combinations of corporate power...past the two world wars with their far flung battlefields strewn with moaning men and the terrible stench of death...past the nightmare of the nuclear mushroom cloud and the blinding, burning, mutating radiation unleashed upon the civilian populations of Hiroshima and Nagasaki...past the Korean crusade of killing "commies" for Christ and the "Free World"...past the murdering of millions for tungsten, rubber, oil, heroin, and cheap labor in Vietnam...past napalm, My Lai, Kent State, Attica, and Watergate...past the CIA, ITT, fascist military coup in Chile...past the cruise missiles and neutron bombs of the Carter Congress...past all the profiteering and perfection of ways to destroy.

Let us not forget the past so that we are not condemned to repeat it...let us no longer glorify war and its contagious insanity...let us turn away from the foolish search for security in the ability to kill, and instead seek our security in our ability to serve human needs with our scientific discoveries of nature's wonders and the power of our labor...let us be healthily angry over the destruction, greed, betrayal, and manipulation of the fears of people to make them hate each other...let us channel the energy of our anger into organized forms and we shall surely move mountains of motives...let us learn to support and participate in non-violent struggles that we may have the collective courage to speak truth to the power of hierarchy...these great aspirations are not only possible, but necessary...they are certainly more "realistic" than following orders and old ways to our doom.

The Delaware People's Bicentennial Commission has stood at the battle site monument of Cooch's Bridge for the past four years on September 3. We have called for citizen involvement in a new and non-violent continuation of the American Revolution, that America may once again give hope to a world in need of belief in our humanity. This year we have prepared a resource brochure with articles and listings of organizations in Delaware and around the country that can help us overcome the crises of today.

We call it the Delaware Independent Advertiser. Such subjects as the following are covered: nuclear power, real tax reform, labor unions, environmental issues, alternative sources of information, U.S. foreign policy, the broadcasting industry, and others. You may obtain a copy of this non-profit brochure by sending one shrinking American dollar to:

Delaware P.B.C.
198 Madison Dr.
Newark, DE. 19711



COOCH'S BRIDGE RE-ENACTMENT COMMITTEE

Richard R. Cooch, Esquire, Chairman

W. Emerson Wilson

M. Catherine Downing

DELAWARE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

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JoAnn Melson

THE DELAWARE AMERICAN REVOLUTION BICENTENNIAL
COMMISSION GRATEFULLY ACKNOWLEDGES THE EFFORTS
PUT FORTH TO MAKE THIS OCCASION SUCCESSFUL BY:

The Re-Enactment Committee
Mr. and Mrs. Edward W. Cooch, Jr.

Mr. George E. Gorman

Mr. William Radford

The Delaware National Guard

Hercules Inc.

Dayett Mills & Mr. Raynor Johnson

The Delaware State Police

Mr. Timothy Gercke



The Cooch House is not open to the public.



The Battle of Cooch's Bridge

CEREMONIES

and an

HISTORIC RE-ENACTMENT

commemorating its

200th ANNIVERSARY

SATURDAY, SEPTEMBER 3, 1977

COOCH'S BRIDGE, DELAWARE

10:00 A. M.

Sponsored by:

The Delaware American Revolution Bicentennial Commission

THE BATTLE OF COOCH'S BRIDGE

By Edward W. Cooch, Jr.

The only battle in Delaware during the American Revolution between the British and the American armies occurred at Cooch's Bridge, September 3, 1777. Tradition and persuasive evidence indicate that the new thirteen star flag (the Stars and Stripes), adopted by the Continental Congress June 14, 1777, was first unfurled in this battle.

The British army, consisting of about 18,000 British and Hessian soldiers, commanded by Sir William Howe, had landed in late August, 1777 in the upper Chesapeake Bay at the Head of Elk. After disembarking from its fleet of about 266 ships, the British began their march northward to capture Philadelphia, the seat of the Continental Congress. General Washington, meanwhile, had moved his army southward through Philadelphia to Wilmington and vicinity in preparation for the inevitable conflict.

On August 28, 1777, Washington organized a corps of light infantry chosen from his entire army. On August 30 he placed this new brigade under the command of Brigadier General William Maxwell. This detachment numbered approximately 700 men, and was the unit that fought at Cooch's Bridge.

In the early morning of September 3, 1777, the British advanced northward along the old road leading from Aiken's Tavern (now Glasgow) to Cooch's Bridge. The Americans, posted along the road, opened fire from the woods. The outnumbered Americans retreated along the road and Christina Creek to Cooch's Bridge, where a determined stand was made. British and Hessian reinforcements together with artillery were called up, and drove the Americans from Cooch's Bridge northward along the Christina Creek to the old Welsh Tract Church.

Accounts vary as to the number of British and Americans killed or wounded, but it seems likely that the British suffered heavier losses (between 30 and 40 killed or wounded), than the Americans, although an aide to General Howe reported in his diary that the British "buried 41 of the rebels, among them several officers."

After the battle the British army took command of the area and posted their troops on both sides of the Christina in lines extending from Iron Hill on the north to Aiken's Tavern on the south. Lord Cornwallis, Commander of the British Division, occupied the Cooch house from September 3 to September 8, 1777. Cooch's Bridge took its name from Col. Thomas Cooch, who settled here on his arrival from England in 1746.

PROGRAM

INVOCATION

The Rev. Archibald M. Woodruff, III, Pastor
Pencader Presbyterian Church, Glasgow, Delaware

GREETINGS and INTRODUCTIONS

Richard R. Cooch, Esquire, Chairman, Re-Enactment Committee

REMARKS

James T. McKinstry, Esquire, Acting Chairman
Delaware American Revolution Bicentennial Commission
The Honorable Pierre S. du Pont, IV, Governor of Delaware

ADDRESS

Edward W. Cooch, Jr., Esquire
"THE BATTLE OF COOCH'S BRIDGE"

THE NATIONAL ANTHEM

Mr. T. Elbert Chance

SELECTIONS

The Newark Colonial Fife and Drum Corps

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THE RE-ENACTMENT OF THE BATTLE OF COOCH'S BRIDGE

Director—

Mr. George E. Gorman
Historic Program Consultant & Tactical Advisor

Narrator—

Mr. George C. Neumann

Participating Units

First Delaware Regiment — Dover Light Infantry Company — Maxwell's Battalion, New Jersey — Alexander Hamilton Artillery Company — Land's Artillery Company — 1st Battalion Pennsylvania Loyalists — 33rd Regiment Afoot - Georgia — The Rhode Island Regiment — Regiment Von Donop — Donegal's Rangers — 5th Pennsylvania Regulars of the Continental Line — Regiment Von Mirbach Grenadier Company (largest Hessian Grenadiers in U.S.) — 3rd Regiment Gloucester Militia (Egg Harbor) — Bellotts Corps - Bayonne, New Jersey — Dearborn Company of New Hampshire — New Jersey Light Infantry — 3rd Continental Dragoons — Capt. Ross' Company of Riflemen