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*How Geo W. Carey
compliments of
Guthrie*



Title Papers

OF THE

NEW CASTLE COMMON,

CHARTER AND ACT OF ASSEMBLY

INCORPORATING THE TRUSTEES,

AND

BY-LAWS OF THE CORPORATION.



PHILADELPHIA:

JOHN C. CLARK, PRINTER, 68 DOCK STREET.

1851.



Published for the information of the Citizens of New Castle, agreeably to a Resolution of the Board of Trustees of New Castle Common, adopted at their stated meeting, on Tuesday, the 4th day of March, 1851.

C. H. BLACK,
A. C. GRAY,
W. COUPER, }
Committee.

New Castle, Del. April, 1851.

Title Papers,

&c.

WARRANT FROM WILLIAM PENN,

*For the Survey of One Thousand Acres of Land,
for a Common for the use of the Inhabitants of
the Town of New Castle. 1701.*

*William Penn Proprietary and Govr. of
PENNSYLVANIA,
the Province of Pennsylvania and Coun-
ties annexed.*
[L. s.]

For the accommodation of the Inhabitants of the Town of New Castle These are to require thee forthwith to survey or cause to be surveyed to the only use and behoof of the said Inhabitants to lie in Common one thousand acres of the Land adjoining or near to the said Town hitherto reputed and called New Castle Common in one convenient Tract, and if there prove more than the s^d. number of Acres lay out the residue in one convenient piece to me and for my use and make returns thereof into my Secretaries office. Given under my hand and Seal at New Castle the 31st Day of Sber. 1701.

WM. PENN.

To EDWARD PENNINGTON,
Surveyor General of the Province of Pennsylvania & Territories.

Recorded in the Recorder's Office at New Castle, in Book of "New Castle Warrants," page 293.

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WM. PENN.

TO EDWARD PENNINGTON,

Surveyor General of the Province of Pennsylvania & Territories.

Recorded in the Recorder's Office at New Castle, in Book
of "New Castle Warrants," page 293.

RETURN OF SURVEY,

By *George Dakeyne*. 1704.

By vertue of a War^t. to me directed, bearing date the twentieth third Day of the tenth month. 1701, to Survey and lay out to the Inhabitants of New Castle, to lye in common for their accommodation and to their onely use and behoofe, one thousand acres of Land adjoining or near to the said Town of New Castle, Reputed always to be common, and to make Returns of the same into the Generall Surveyers office att Philadelphia. This may certife into the Genll. Surveyers. office, att Philadelphia, that I have Resurveyd this Tract of Land (being formerly survey'd) this tenth Day of Aprill, 1704, beginning att an old corner Black Oake of Joseph Wood's, standing by the Rode that leades to Christina fferry and running along the Rode towards New Castle, S. 9° Easterly 68 pch. to an old corner Black Oake of Robt. French Land; then by his old line of marked Trees, S. 85° westerly 182 pch. to an old corner Black Oake of Robt. french; then by an old — of marked Trees, S. 20° Westerly 109 pch. to another old corner Red Oake of Robt. french; then along the criple N. 82° Westerly 18 pch. W. 16 pch. S. 70° Westerly 18 pch. S. 23° Westerly 55 pch. S. 68° Easterly 84 pch. to an old corner White Oake of Robt. french; then along the criple S. 56° Westerly 44 pch. to a Black Oake, S. 5° Easterly 44 pch. to an old corner White Oake of William Houstons, standing near to the Smith Boom; then along the said Houstons line S. 39° Westerly 92 pch. to an old corner Spanish Oake of the said Houstons, standing by Maryland Rode; then by the severall courses of the said Rode N. 84° Westerly 87 pch. N. 75° Westerly 134 pch. over against Joseph Kents House; then by the severall courses of the Rode that Leads to Christina Bridge, N. 62° Westerly 75 pch. N. 64° Westerly 42 pch. W. 48 pch. N. 85° Westerly 30 pch. N. 79° Westerly 34 pch. S. 82° Westerly 62 pch. S. 58° Westerly 20 pch. S. 80° Westerly 64 pch. to a new corner Hickery by the said Rode; then by a line of marked Trees N. 36° Easterly 33 pch. to an old corner Tree of John Wilsons; then by the

line of Robt. Hutchinson and Garrett Garretson, N. E. 329 pch. to an old corner Hickery Sapling; then by an old line of marked Trees, S. E. 200 pch. to an old corner Red Oake, being a corner Tree of Robt. Dyers Land and Edward Blake; then along their line, N. E. 114 pch. to an old corner Red Oake of the aforesaid Dyers and Blakes, and still by their line, N. W. 144 pch. to an old corner Hickery of John Husseys Land; then with the said Husseys line, N. 68° Easterly 268 pch. to an old corner White Oake of the said Husseys, and continuing the same course 62 pch. to a new Corner Black Oake, standing in a line of Joseph Woods land, and running by his line S. 52° Easterly 28 pch. to an old corner Black Oak of the said Joseph Woods, and running by his line S. 80° Easterly 155 pch. to the beginning, containing 1068 acres of Land.

Resurveyd the Day and Year above written.

Pr. G. DAKEYNE, *Surveyr.*

Recorded in the Recorder's Office at New Castle, in Book of "New Castle Surveyers," page 400.

CHARTER

From Thomas Penn and Richard Penn, Proprietaries, incorporating the Trustees. 1764.

Thomas Penn and Richard Penn, Esqrs., true and absolute Proprietaries and Governors in Chief of the Counties of New Castle, Kent and Sussex, on Delaware, and Province of Pennsylvania, To ALL to whom these presents shall come, GREETING.

Wheretras, in pursuance of a warrant from our late honoured father, William Penn, Esquire, there was surveyed and laid out, on the tenth day of April, in the year of our Lord one thousand seven hundred and four, to the inhabitants of the town of New Castle, in the County of New Castle, a tract or parcel of land, adjoining or near to the said town, con-

taining one thousand and sixty-eight acres, as and for a common, for the use, behoof and accommodation of the inhabitants of the said town of New Castle; beginning at an old corner black oak, formerly of Joseph Wood, standing by the road that leads to Christiana ferry, and running along the road towards New Castle south nine degrees easterly sixty-eight perches to an old corner black oak formerly of Robert French's land; then by his old line of marked trees, south eighty-five degrees westerly one hundred and eighty-two perches, to an old corner black oak formerly of the said Robert French; then by an old line of marked trees, south twenty degrees westerly one hundred and nine perches, to another old corner red oak, formerly of the said Robert French; then along the cripple, north eighty-two degrees westerly eighteen perches, west sixteen perches, south seventy degrees westerly eighteen perches, south twenty-three degrees westerly fifty-five perches, south sixty degrees easterly eighty-four perches, to an old corner white oak, formerly of the said Robert French; then along the cripple, south fifty-six degrees westerly forty-four perches, to a black oak, south five degrees easterly forty-four perches, to an old corner white oak, formerly of William Houston, standing near to the Smith's boom; then along the said Houston's line, south thirty-nine degrees westerly ninety-two perches, to an old corner Spanish oak of the said Houston, standing by Maryland road; thence by the several courses of the said road, north eighty-four degrees westerly eighty-seven perches, north seventy-five degrees westerly one hundred and thirty-four perches, over against the house formerly of Joseph Kent; then by the several courses of the road that leads to Christiana Bridge, north sixty-two degrees westerly seventy-five perches, north sixty-four degrees westerly forty-two perches, west forty-eight perches, north eighty-five degrees westerly thirty perches, north seventy-six degrees westerly thirty-four perches, south eighty-two degrees westerly sixty-two perches, south fifty-eight degrees westerly twenty perches; south eighty degrees westerly sixty-four perches, to a new corner hickory, by the said road; then by a line of marked trees, north thirty-six degrees easterly thirty-three perches, to an old corner tree, formerly of John Wilson; then by the

line, formerly of Robert Hutchinson and Garret Garretson, north-east three hundred and twenty-nine perches, to an old corner hickory sapling; then by an old line of marked trees south-east two hundred perches, to an old corner red oak, being a corner tree formerly of Robert Dyer's and Edward Blake's land; then along their line, north-east one hundred and fourteen perches, to an old corner red oak of the aforesaid Dyer and Blake, and still by their lines, north-west, one hundred and forty-four perches, to an old corner hickory, formerly of John Hussey's land; then with the said Hussey's line, north sixty-eight degrees easterly two hundred and sixty-eight perches, to an old corner white oak of the said Hussey, and continuing the same course sixty-two perches, to a new corner black oak, standing in a line of the aforesaid Joseph Wood's land, and running by his line, south fifty-two degrees easterly twenty-eight perches, to an old corner black oak of the said Joseph Wood, and running by his line south eighty degrees easterly one hundred and fifty-five perches, to the first mentioned black oak and place of beginning; containing, within the said bounds, one thousand and sixty-eight acres of land, more or less, as by the said warrant and survey, remaining of record in our Surveyor General's office, at Philadelphia, may more at large appear.

AND WHEREAS, the inhabitants of the said town of New Castle have lately represented to us, that, notwithstanding the said warrant and survey, and the many benefits and advantages which our said honoured father intended the inhabitants of the said town of New Castle should reap and enjoy under the same, great quantities of the said tract of land, surveyed as a Common, in manner aforesaid, have been enclosed by the owners of tracts of land lying contiguous thereto, and by them tilled and cultivated, and encroachments are daily making on the same, and that great waste and destruction of the wood and timber on the said tract growing, hath been and still is committed by many evil disposed persons, to the great damage and injury of the inhabitants aforesaid, who at present are remediless in the premises, for want of a legal power in them, or any of them, to sue and implead the wrong-doers. **WHEREFORE**, they have humbly requested us to incorporate

a certain number of them, the said inhabitants of the town of New Castle, and give them perpetual succession, and to confirm to them the said tract of land in common for the use and behoof of all the inhabitants of the said town.

Now know ye, that we, favouring the request of the said inhabitants of the town of New Castle, have, of our special grace, certain knowledge and mere motion, named, constituted and appointed, and by these presents do name, constitute and appoint John Finney, Richard McWilliam, David Finney, Thomas McKean, George Read and George Munro, Esquires, John Van Gezell, Zachariah Van Leuvenigh, Slator Clay, John Yeates, Nathaniel Slisbee, Daniel McLonen and Robert Morrison, gentlemen, thirteen of the present inhabitants of the town of New Castle, to be trustees of New Castle Common, hereby giving and granting, willing and ordaining for us, our heirs, successors or assigns, that they, the said trustees and their successors, forever hereafter, shall be one body corporate and politic, in deed, by the name of the Trustees of New Castle Common; and by that name shall have perpetual succession, for the special ends and purposes, and with the powers hereinafter mentioned, and no other. AND we have given, granted, released and confirmed, and by these presents do give, grant, release and confirm for us, our heirs and successors, unto them, the said John Finney, Richard McWilliam, David Finney, Thomas McKean, George Read, George Munro, John Van Gezell, Zachariah Van Leuvenigh, Slator Clay, John Yeates, Nathaniel Slisbee, Daniel McLonen and Robert Morrison, and their successors, for ever, all that the aforesaid tract and parcel of land, situate in the said county of New Castle, adjoining or near to the town of New Castle, as the same is hereinbefore set forth, butted and bounded, containing one thousand and sixty-eight acres, more or less, with all the woods, waters, pastures, feedings, ways, rights, privileges, advantages and appurtenances whatsoever thereunto belonging, or in any wise appertaining. **To have unto hold** the said one thousand and sixty-eight acres of land and premises hereby granted, with their appurtenances, unto the said John Finney, Richard McWilliam, David Finney, Thomas McKean, George Read, George Munro, John Van Gezell,

Zachariah Van Leuvenigh, Slator Clay, John Yeates, Nathaniel Slisbee, Daniel McLonen and Robert Morrison, and their successors, in trust, nevertheless, and to and for the uses, intents and purposes following, **THAT IS TO SAY**, to and for the use of the present inhabitants and those who shall hereafter become and be inhabitants of the said town of New Castle, and dwelling within the bounds and limits thereof, as a Common, forever, and to no other use, intent or purpose whatsoever. **To be holden** of us, our heirs and successors, proprietaries of the said counties of New Castle, Kent and Sussex, on Delaware, as of our manor of Rockland, in free and common socage, by fealty only; in lieu of all other services. **Fealty and paying**, therefore, yearly and every year, unto us, our heirs and successors, at the town of New Castle, aforesaid, the rent of one ear of Indian corn, if demanded. **AND WE DO** further, for us, our heirs and successors, grant, ordain and declare, that the aforesaid trustees and their successors, by the name of the Trustees of New Castle Common, be and shall forever hereafter be, persons able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any court or courts, and before any judges or justices, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and of what nature or kind soever. **AND** that it shall and may be lawful to and for the said trustees and their successors forever hereafter, to have and use one common seal for the transacting any business respecting the said corporation; and the same, from time to time, at their will and pleasure, to change and alter, and to summon and convene a meeting of the said trustees as often as there shall or may be occasion: *Provided, always*, and we do will and ordain, that no business of any kind whatsoever done or transacted at any meeting of the trustees, or their successors, shall be valid or of any effect unless nine of the said trustees, or their successors, be present, and seven of those met assent thereto. **AND** we do further give, grant and ordain for us, our heirs and successors, that it shall and may be lawful for the said trustees and their successors to make, frame, and establish, from time to time, such and so many good and reasonable by-laws, ordi-

nances and constitutions, respecting the said Common, for the supporting, bettering and improvement thereof, for the uses herein before mentioned, and for the good ordering and governing the inhabitants of the said town of New Castle, and every of them, in the reasonable use they shall make thereof, as to them shall seem just, convenient and necessary: *Provided*, That such by-laws, ordinances and constitutions are not repugnant to the laws of England or the government of the counties aforesaid; and the same to put in force, revoke, alter and make new, as occasion shall require. AND, also, to impose and levy reasonable mulcts, fines and amerçiaments on the breakers of such by-laws, ordinances and constitutions to their own use, without rendering any account therefor to us, our heirs or successors, or the same to mitigate, remit or release at their pleasure: AND, in case any of the said trustees shall die, be removed from his office for misbehaviour therein, or remove himself out of the said town of New Castle, and dwell elsewhere, then and in such case, the inhabitants of the said town of New Castle, who have freeholds therein, or otherwise pay a yearly rent of forty shillings per annum, within ten days after the death, removal of any such trustee for misbehaviour, or removal out of the said town, shall, and they are hereby authorized, directed and empowered to meet at the court house, in the said town of New Castle, and choose and elect, by a majority of voices of the said electors, by ballot or otherwise, another trustee or trustees in his or their stead: *Provided always*, and it is our express intent, will and meaning, that the said trustees, or their successors, shall not have, nor be deemed or construed to have, any right, power or capacity, as a body politic, by these our letters patent or charter of incorporation, or any thing herein contained, to purchase, take or hold by deed, gift or will, any lands, tenements, hereditaments, rents or other estate, real or personal, of any kind whatsoever, except the tract of land herein before mentioned by us, granted to them for a Common for the inhabitants of the town of New Castle, and for the uses herein before expressed; but every such other purchase, gift or devise of lands, hereditaments, rents or other estate, real or personal, to them made, shall be, and is hereby

declared to be, null and void, as if these presents had never been made: *Provided, also*, That the said trustees, or their successors, shall not have, nor shall be deemed or construed to have, any right, power or authority to grant, bargain, sell, alien, convey, release or confirm the hereby granted premises, or any part thereof, to any person or persons whatsoever; but that the same shall be and remain, and be held and enjoyed by them, for the use of a Common for the inhabitants of the town of New Castle, and to no other use, intent or purpose whatsoever. *And, further*, These presents are made, and hereby declared to be made, upon and under this express condition: THAT IS TO SAY, that if the said trustees, or their successors, shall, at any time hereafter, give, grant, alien, bargain, sell or convey away the hereby granted tract of land and premises, or any part thereof, or dispose of the same to any other use than that of the Common for the inhabitants of the said town of New Castle, or if the said trustees or their successors, who are, by these presents, incorporated and made a body politic, shall, by any means, be dissolved, or do any act by which this charter may become forfeited, then, or in any or either of the said cases, these presents and the grant hereby made, and every matter and thing herein contained, shall cease, determine and become absolutely void, to all intents and purposes whatsoever, as if the same had never been made or granted, these presents, or any thing herein contained to the contrary thereof in any wise notwithstanding; and thereupon all and singular the said hereby granted premises, with the appurtenances, shall revert and return to the said Thomas Penn and Richard Penn, their heirs and assigns forever, as of their former estate. *In testimony whereof*, we have caused these our letters to be made patent. WITNESS John Penn, Esquire, Lieutenant Governor and Commander in Chief of the Counties of New Castle, Kent and Sussex, upon Delaware, and province of Pennsylvania, who, by virtue of certain powers and authorities to him, for this purpose (among other things) granted by the said Thomas Penn and Richard Penn, Esquires, proprietaries of the said counties and province, hath to these presents set his hand and caused the great seal of the government of the said counties to be

hereunto affixed, at New Castle, this thirty-first day of October, in the fifth year of the reign of our Sovereign Lord, George the third, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the year of our Lord one thousand seven hundred and sixty-four.

JOHN PENN.

Recorded in the Rolls Office at New Castle, in Book W. page 631, &c. In witness whereof, I have hereunto put my hand and seal, November 14, 1764.

R. McWILLIAM, *R. Deeds.*

DEED

From John Penn, of Stoke Pogis, and John Penn, of Dover Street, late Proprietaries, conveying all their Right and Title, in trust, for the use of the Inhabitants of the Town of New Castle. 1791.

This Adventure, made the seventh day of July, in the year of our Lord one thousand seven hundred and ninety-one, BETWEEN John Penn, of Stoke Pogis, in the County of Bucks, Esquire, and John Penn, late of Wimpole Street, in the Parish of Saint Marylebone, but now of Dover Street, in the County of Middlesex, Esquire, (late Proprietaries of the Province of Pennsylvania, in America,) of the one part, and Isaac Grantham, Esquire, The Reverend Robert Clay, clerk, and William Lees, merchant, all of the Hundred and County of New Castle, in the Delaware State, of the other part: *Witness*, Thomas Penn and Richard Penn, Esquires, who, in their lives, were true and absolute Proprietaries and Governors in Chief of the Counties of New Castle, Kent and Sussex, upon Delaware, and Province of Pennsylvania, by a charter, bearing date the first day of October, in the year of our Lord one thousand seven hundred and sixty-four, did give, grant, release and confirm unto John Finney, Richard

McWilliam, David Finney, Thomas McKean, George Read, George Monro, John Vangzell, Zachariah Vanleuvenigh, Sator Clay, John Yeates, Nathaniel Sitsbee, Daniel McLonen and Robert Morrison, All that tract or parcel of land adjoining or near the Town of New Castle: BEGINNING at an old corner black oak, formerly of Joseph Wood, standing by the road that leads to Christiana Ferry, and running along the road towards New Castle, south nine degrees easterly sixty-eight perches, to an old corner black oak formerly of Robert French's land; then by his old line of marked trees, south eighty-five degrees westerly one hundred and eighty-two perches, to an old corner black oak formerly of the said Robert French; then by an old line of marked trees, south twenty degrees westerly one hundred and nine perches, to another old corner red oak formerly of the said Robert French; then along the cripple, north eighty-two degrees westerly eighteen perches, west sixteen perches, south seventy degrees westerly eighteen perches, south twenty-three degrees westerly fifty-five perches, south sixty degrees easterly eighty-four perches, to an old corner white oak formerly of the said Robert French; then along the cripple, south fifty-six degrees westerly forty-four perches, to a black oak, south five degrees easterly forty-four perches, to an old corner white oak formerly of William Houston standing near to the Smith's boom; then along the said Houston's line, south thirty-nine degrees westerly ninety-two perches, to an old corner Spanish oak of the said Houston standing by Maryland road; then by the several courses of the said road, north eighty-four degrees westerly eighty-seven perches, north seventy-five degrees westerly one hundred and thirty-four perches over against the house formerly of Joseph Kent; then by the several courses of the road that leads to Christiana bridge, north sixty-two degrees westerly seventy-five perches, north sixty-four degrees westerly forty-two perches, west forty-eight perches, north eighty-five degrees westerly thirty perches, north seventy-six degrees westerly thirty-four perches, south eighty-two degrees westerly sixty-two perches, south fifty-eight degrees westerly twenty perches, south eighty degrees westerly sixty-four perches, to a new corner hickory by the said road; then by a line of

marked trees, north thirty-six degrees easterly thirty-three perches, to an old corner tree formerly of John Wilson; then by the line formerly of Robert Hutchinson and Garret Garretson, north-east three hundred and twenty-nine perches, to an old corner hickory sapling; then by an old line of marked trees, south-east two hundred perches, to an old corner red oak being a corner tree formerly of Robert Dyer's and Edward Blake's land; thence along their line, north-east one hundred and fourteen perches, to an old corner red oak of the aforesaid Dyer and Blake, and still by their lines, north-west one hundred and forty-four perches, to an old corner hickory formerly of John Hussey's land; then with the said Hussey's line, north sixty-eight degrees easterly two hundred and sixty-eight perches, to an old corner white oak of the said Hussey, and continuing the same course sixty-two perches, to a new corner black oak standing in a line of the aforesaid Joseph Wood's land, and running by his line, south fifty-two degrees easterly twenty-eight perches, to an old corner black oak of the said Joseph Wood, and running by his line, south eighty degrees easterly one hundred and fifty-five perches, to the first mentioned black oak and place of BEGINNING: Containing within those bounds one thousand and sixty-eight acres of land, be the same more or less, as and for a COMMON, for the use, behoof and accommodation of the inhabitants of the said Town of New Castle, which said tract of land and premises, in pursuance of a warrant from their late honoured father, William Penn, Esquire, was surveyed and laid out on the tenth day of April, one thousand seven hundred and four, for the use and purpose aforesaid. *And whereas*, the restrictive terms of the said grant do now prevent the Inhabitants of the said Town of New Castle from deriving all those benefits and advantages which would result from a free and absolute grant thereof, and the trustees of the said Common have solicited the said John Penn, of Stoke Pogis, and John Penn, of Dover Street, to grant the free and absolute property of, in and to the said premises, to them and their successors, to and for the use of the Inhabitants of the said Town of New Castle; and the said John Penn, of Stoke Pogis, and the said John Penn, of Dover Street, being willing to promote the prosperity of

the ancient Town of New Castle, and desirous to benefit the descendants of the inhabitants of the said town, for the regard, honour and respect always exhibited on the part of the predecessors of the said inhabitants, to the ancestors of the said John Penn, of Stoke Pogis, and John Penn, of Dover Street: *Now this Adventure witnessed*, That the said John Penn, of Stoke Pogis, and John Penn, of Dover Street, for and in consideration of the love and regard which they have for the Inhabitants of the said Town of New Castle, and for and in consideration of the sum of five shillings to them in hand paid by the said Isaac Grantham, Robert Clay and William Lees, the receipt whereof they do hereby acknowledge, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Isaac Grantham, Robert Clay and William Lees, and the survivors or survivor of them, ALL that the aforesaid tract or parcel of land adjoining or near the said Town of New Castle, with the appurtenances to the same belonging, or in any wise appertaining: *to have and to hold* the said tract or parcel of land and premises hereby granted, or intended so to be, with every the appurtenances, unto the said Isaac Grantham, Robert Clay and William Lees, and the survivors or survivor, and the heirs of the survivor of them, to and for the use and behoof of the said Isaac Grantham, Robert Clay and William Lees, and the survivors and survivor, and the heirs of the survivor of them forever, IN TRUST, NEVERTHELESS, to and for the use, benefit and behoof of the Inhabitants of the Town of New Castle, to be conveyed, transferred and set over by such assurance or assurances as counsel learned in the law may devise or advise, by the said Isaac Grantham, Robert Clay and William Lees, or the survivors or survivor, or heirs of the survivor, in trust, unto the present or future trustees of the said tract or parcel of land, and their successors, or unto such future trustees and their successors as may be chosen or appointed, in and by virtue of an act of incorporation, when the same may be passed by an act of the General Assembly of the Delaware State, to and for the use and behoof of the Inhabitants of the said Town of New Castle, forever, to be appropriated in such manner as a

majority of trustees in their wisdom may direct: *Provided*, that nothing herein contained, or in the assurance or assurances so to be made as aforesaid, shall vest the trustees of the said Common with any power or authority to sell the same, or any part thereof; and the said parties of the first part, do nominate, constitute and appoint the Honourable Thomas McKean and Edmund Physick, Esquires, or either of them, to be their attorneys or attorney, to acknowledge and deliver these presents, as their act and deed, in any Court of Common Pleas to be held at New Castle, for the County of New Castle, after the date hereof. *In witness whereof*, the parties to these presents have hereunto set their hands and seals the day and year first above written.

JOHN PENN, [SEAL.]
JOHN PENN, [SEAL.]

Signed, sealed and delivered,
in the presence of
JOHN OSMON,
FRAN. GRICE.

To all to whom these presents shall come, I, John Boydell, Esquire, Lord Mayor of the City of London, do hereby certify, that on the day of the date hereof, personally came and appeared before me, Francis Grice, the deponent named in the affidavit hereunto annexed, being a person well known and worthy of good credit, and by solemn oath, which the said deponent then took before me, upon the Holy Evangelists of Almighty God, did solemnly and sincerely declare, testify and depose to be true the several matters and things mentioned and contained in the said annexed affidavit.

In faith and testimony whereof, I, the said Lord Mayor, have caused the seal of the Office of Mayoralty of the said City of London to be hereunto put and affixed, and the indenture mentioned and referred to in and by the said affidavit to be hereunto also annexed. Dated in London, the eighth day of July, in the year of our Lord one thousand seven hundred and ninety-one.

WINDALE.

Francis Grice, of the City of Philadelphia, master of the ship called Marquis De La Fayette, maketh oath that the indenture hereunto annexed, bearing date the seventh day of July, instant, was duly signed, sealed and delivered by John Penn, of Stoke Pogis, Esquire, and John Penn, of Dover Street, Esquire, therein named, as and for their acts and deeds, respectively, in the presence of John Osmon, of the City of Philadelphia, aforesaid, Captain of the ship called the Harmony, and of this deponent; and this deponent saith that the names of the said John Penn, of Stoke Pogis, and John Penn, of Dover Street aforesaid, as the same appear to be set and subscribed to the said indenture as the parties executing the same, and the names of the said John Osmon, and of this deponent, as the same appear to be set and subscribed thereunto, as witnesses attesting the execution of the said indenture, are of the proper hands writing of the said John Penn, of Stoke Pogis, John Penn, of Dover Street, John Osmon, and of this deponent, respectively.

FRANCIS GRICE.
Sworn this 8th day of July, 1791, at Guildhall, London, before me,
JOHN BOYDELL, *Magor.*

New Castle County, ss.
Inrolled in the Rolls office of the said County, at New Castle, in Book L. Vol. 2, Fol. 394, &c.
[SEAL.] Given under my hand and the seal of said office, November 12th, Anno Domini 1791.
JAS. BOOTH, *Recorder.*

ACT OF THE GENERAL ASSEMBLY
Enlarging the Corporate Powers of the Trustees.
1792.

An Act to enlarge the Corporate Powers of the Trustees of the New Castle Common.
WHEREAS, there is a tract of land situate near to the Town of New Castle, in the Hundred and County of New Castle, in

the Delaware State, commonly called and known by the name of the New Castle Common: Beginning at an old corner black oak, formerly of Joseph Wood, standing by the road that leads to Christiana Ferry, and running along the road towards New Castle, south nine degrees easterly sixty-eight perches, to an old corner black oak formerly of Robert French's land; then by his old line of marked trees, south eighty-five degrees westerly one hundred and eighty-two perches, to an old corner black oak formerly of the said Robert French; then by an old line of marked trees, south twenty degrees westerly one hundred and nine perches, to another old corner red oak formerly of the said Robert French; then along the cripple, north eighty-two degrees westerly eighteen perches, west sixteen perches, south seventy degrees westerly eighteen perches, south twenty-three degrees westerly fifty-five perches, south sixty degrees easterly eighty-four perches, to an old corner white oak formerly of the said Robert French; then along the cripple, south fifty-six degrees westerly forty-four perches, to a black oak, south five degrees easterly forty-four perches, to an old corner white oak formerly of William Huston, standing near to the Smiths' boom; thence along the said Huston's line, south thirty-nine degree westerly ninety-two perches, to an old corner Spanish oak of the said Huston standing by Maryland road; thence by the several courses of the said road, north eighty-four degrees westerly eighty-seven perches, north seventy-five degrees westerly one hundred and thirty-four perches, over against the house formerly of Joseph Kent; then by the several courses of the road that leads to Christiana bridge, north sixty-two degrees westerly seventy-five perches, north sixty-four degrees westerly forty-two perches, west forty-eight perches, north eighty-five degrees westerly thirty perches, north seventy-six degrees westerly thirty-four perches, south eighty-two degrees westerly sixty-two perches, south fifty-eight degrees westerly twenty perches, south eighty degrees westerly sixty-four perches, to a new corner hickory by the said road; then by a line of marked trees, north thirty-six degrees easterly thirty-three perches, to an old corner tree formerly of John Wilson; then by the line formerly of Robert Hutchinson and Garret Garretson, north-east three hundred and twen-

ty-nine perches, to an old corner hickory sapling; then by an old line of marked trees, south-east two hundred perches, to an old corner red oak being a corner tree formerly of Robert Dyer's and Edward Blake's land; then along their line, north-east one hundred and fourteen perches, to an old corner red oak of the aforesaid Dyer and Blake, and still by their line north-west one hundred and forty-four perches, to an old corner hickory formerly of John Hussey's land; then with the said Hussey's line, north sixty-eight degrees easterly two hundred and sixty-eight perches, to an old corner white oak of the said Hussey, and continuing the same course sixty-two perches, to a new corner black oak standing in a line of the aforesaid Joseph Wood's land, and running by his line, south fifty-two degrees easterly twenty-eight perches, to an old corner black oak of the said Joseph Wood and running by his line, south eighty degrees easterly one hundred and fifty-five perches, to the first mentioned black oak and place of BEGINNING: Containing within said bounds one thousand and sixty-eight acres of land, be the same more or less. AND WHEREAS, the Inhabitants of the said Town of New Castle have heretofore been restrained in using or occupying the before described tract of land, in other manner or for other purpose than as and for a Common, which hath not been productive of benefit or advantage to the said town, equivalent to the disadvantage arising from so large a body of land lying in a waste and uncultivated state. AND WHEREAS, the trustees of the said Common, who are the organ of the said inhabitants in the disposition and management of the said tract of land, are vested with corporate powers merely adequate to the regulation and protection of the said inhabitants in the use and enjoyment of the said tract of land as a Common. AND WHEREAS, it hath been represented to the General Assembly by the said inhabitants, that the cultivation and improvement of the said tract of land, and appropriation thereof, to other purposes than as and for a Common, would redound much more to the benefit and advantage of the said inhabitants, and that in order to effect such purpose, it is essential the corporate capacity and powers of the said trustees be enlarged and extended:

Be it therefore enacted, by the General Assembly of Delaware, that those who are at the time of passing this act, and those who shall hereafter be and become trustees of the before described tract of land for the use of the Inhabitants of the Town of New Castle aforesaid, be, now are, and hereafter shall be, one body politic and corporate, in deed and in law, to all intents and purposes, by the name, style and title of the Trustees of the New Castle Common. And that the said trustees, as a corporate body, in deed and in law, shall have perpetual succession; and that in case of a vacancy or vacancies that shall hereafter happen, or that heretofore have happened, in any event specified in the said charter of incorporation, the said vacancy or vacancies shall be supplied, and the perpetual succession aforesaid of the said trustees, kept up and preserved by the Inhabitants of the said Town of New Castle, by election or choice, in manner and form, according to the mode, and at the place prescribed by their existing charter of incorporation, and within such time as hath been or shall be fixed and determined by the ordinances of the said corporation. *Provided always*, that the electors of the said trustees shall have the like qualifications as are prescribed for electors of the Trustees of the New Castle Common, in and by the aforesaid charter of incorporation.

AND BE IT ENACTED, That in addition to the corporate powers vested in the trustees aforesaid, as Trustees of the New Castle Common, under their existing charter of incorporation, they are hereby declared and made able and capable, in law and equity, to have, purchase, take, accept, receive, possess, enjoy and retain, to them and their successors, all that the aforesaid tract or parcel of land, with the appurtenances, and the same, or any part thereof, to grant, demise and dispose of for the use and behoof of the Inhabitants of the said Town of New Castle, to be appropriated in such manner as a majority of the said trustees in their wisdom may direct. *Provided always*, that they reserve to themselves, and their successors, for the benefit and use of the inhabitants of the said town, an annual or other rent, as a reasonable equivalent for the leasing or disposing of the before described tract of land, or any part or parts thereof, and that neither the said trustees, nor their suc-

cessors, shall have power to sell the said tract of land, nor any part or parts thereof, absolutely, nor lease, nor otherwise dispose thereof for a longer term than thirty years from the commencement of the lease or other contract.

AND BE IT ENACTED, That not less than seven trustees shall constitute a board for the transaction of business, and the said trustees, on the first Tuesday of March, annually, and when intermediate vacancies may happen, shall and are hereby authorized to choose one of their number as president.

AND BE IT ENACTED, That the said corporation be, and hereafter shall be capable, in law, to sue and be sued, plead and be pleaded, answer and be answered unto, defend and be defended, in courts of law and equity, or any other place whatsoever; and to do and execute all and singular other matters and things which bodies politic or corporate lawfully may do, and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure.

AND BE IT ENACTED, That the trustees of the said corporation shall be capable of exercising such powers, for the well governing and ordering the said corporation and the affairs and business thereof, and of holding such occasional meetings for that purpose, as have been or shall be fixed, described and determined by laws, regulations and ordinances of said corporation.

AND BE IT ENACTED, That the said corporation shall and may make, ordain and establish such laws, regulations and ordinances as to them shall seem necessary and convenient for the government of the said corporation. *Provided always, nevertheless*, that nothing herein contained shall be construed to authorize the said corporation to exercise any powers repugnant or contrary to the laws or constitution of this State.

Signed by order of the House of Assembly.

A. McLANE, *Speaker*.

Signed by order of Council.

GEO. MITCHELL, *Speaker*.

Passed at Dover, January 25th, 1792.

Delaware, ss.

I do certify, that the above, and preceding four pages, are a true copy of the original act, whereof the same purports to be a copy. In testimony whereof, I [SEAL.] have hereunto set my hand and seal, this fifth day of February, one thousand seven hundred and ninety-four.

JAMES BOOTH,

Secretary of the State of Delaware.

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DEED

From the Trustees of John Penn, of Stoke Pogis, and John Penn, of Dover Street, to the Trustees of New Castle Common. 1792.

THIS INSTRUMENT, made the thirtieth day of July, in the year of our Lord one thousand seven hundred and ninety-two, BETWEEN Isaac Grantham, Esquire, the Reverend Robert Clay, clerk, and William Lees, merchant, all of the Hundred and County of New Castle, in the Delaware State, of the one part, and David Finney, George Read, the elder, Gunning Bedford, James Booth, John Stockton, Archibald Alexander, Kensey Johns, James Riddle, George Read, the younger, Matthew Pearce, Joseph Tallow, all of the Town of New Castle, in the Hundred and County of New Castle, in the Delaware State, Esquires, surviving Trustees of the New Castle Common, of the other part: ~~WHEREAS~~, by an indenture of bargain and sale, bearing date the seventh day of July, in the year of our Lord one thousand seven hundred and ninety-one, and made or mentioned to be made by and between John Penn, of Stoke Pogis, in the County of Bucks, Esquire, and John Penn, late of Wimpole Street, in the Parish of Saint Marylebone, but now of Dover Street, in the County of Middlesex, Esquire, late Proprietaries of the Province of Pennsylvania, in America, of the one part, and the said Isaac Grantham, Robert Clay and William Lees, by the

names of Isaac Grantham, Esquire, The Reverend Robert Clay, clerk, and William Lees, merchant, all of the Hundred and County of New Castle, in the Delaware State, of the other part, reciting that Thomas Penn and Richard Penn, Esquires, who, in their lives, were true and absolute Proprietaries and Governors in Chief of the Counties of New Castle, Kent and Sussex, upon Delaware, and Province of Pennsylvania, by a charter, bearing date the first day of October, in the year of our Lord, one thousand seven hundred and sixty-four, did give, grant, release and confirm unto certain trustees therein named, a certain tract of land adjoining or near the Town of New Castle: BEGINNING at an old corner black oak, formerly of Joseph Wood, standing by the road that leads to Christina Ferry, and running along the road towards New Castle, south nine degrees easterly sixty-eight perches, to an old corner black oak formerly of Robert French's land; then by his old line of marked trees, south eighty-five degrees westerly one hundred and eighty-two perches, to an old corner black oak formerly of the said Robert French; then by an old line of marked trees, south twenty degrees westerly one hundred and nine perches, to another old corner red oak formerly of the said Robert French; then along the cripple, north eighty-two degrees westerly eighteen perches, west sixteen perches, south seventy degrees westerly eighteen perches, south twenty-three degrees westerly fifty-five perches, south sixty degrees easterly eighty-four perches, to an old corner white oak formerly of the said Robert French; then along the cripple south fifty-six degrees westerly forty-four perches, to a black oak, south five degrees easterly forty-four perches, to an old corner white oak formerly of William Houston, standing near the Smith's boom; then along the said Houston's line, south thirty-nine degrees westerly ninety-two perches, to an old corner Spanish oak of the said Houston, standing by the Maryland road; then by the several courses of the said road, north eighty-four degrees westerly eighty-seven perches, north seventy-five degrees westerly one hundred and thirty-four perches over against the house formerly of Joseph Kent; then by the several courses of the road that leads to Christina bridge, north sixty-two degrees westerly seventy-five perches,

north sixty-four degrees westerly forty-two perches, west forty-eight perches, north eighty-five degrees westerly thirty perches, north seventy-six degrees westerly thirty-four perches, south eighty-two degrees westerly sixty-two perches, south fifty-eight degrees westerly twenty perches, south eighty degrees westerly sixty-four perches, to a new corner hickory by the said road; then by a line of marked trees, north thirty-six degrees easterly thirty-three perches, to an old corner tree formerly of John Wilson; then by the line formerly of Robert Hutchinson and Garret Garretson, north-east three hundred and twenty-nine perches, to an old corner hickory sapling; then by an old line of marked trees, south-east two hundred perches, to an old corner red oak, being a corner tree formerly of Robert Dyer's and Edward Blake's land; thence along their line, north-east one hundred and fourteen perches, to an old corner red oak of the aforesaid Dyer and Blake, and still by their lines, north-west one hundred and forty-four perches, to an old corner hickory formerly of John Hussey's land; then with the said Hussey's line, north sixty-eight degrees easterly two hundred and sixty-eight perches, to an old corner white oak of the said Hussey, and continuing the same course sixty-two perches, to a new corner black oak standing in a line of the aforesaid Joseph Wood's land, and running by his line, south fifty-two degrees easterly twenty-eight perches, to an old corner black oak of the said Joseph Wood, and running by his line, south eighty degrees easterly one hundred and fifty-five perches, to the first mentioned black oak and place of BEGINNING: Containing within those bounds one thousand and sixty-eight acres of land, be the same more or less, as and for a Common, for the use, benefit and accommodation of the inhabitants of the said Town of New Castle.

And whereas, the restrictive terms of the said grant do now prevent the inhabitants of the said town of New Castle from deriving all those benefits and advantages which would result from a free and absolute grant thereof, and the trustees of the said Common have solicited the said John Penn, of Stoke Pogis, and John Penn, of Dover street, to grant the free and absolute property of, in and to the same premises, to them and their successors, to and for the use of the inhabitants

of the said town of New Castle; and the said John Penn, of Stoke Pogis, and the said John Penn, of Dover street, being willing to promote the prosperity of the ancient town of New Castle, and desirous to benefit the descendants of the inhabitants of the said town, for the regard, honour and respect always exhibited on the part of the predecessors of the said inhabitants to the ancestors of the said John Penn, of Stoke Pogis, and John Penn, of Dover street, and for divers good causes and considerations therein expressed, did grant, bargain, sell and confirm unto the said Isaac Grantham, Robert Clay, and William Lees, and the survivors or survivor of them, all that the aforesaid tract of land, adjoining or near the said town of New Castle, with the appurtenances to the same belonging, or in any wise appertaining, TO HOLD the said tract of land and premises thereby granted or intended so to be, with every the appurtenances unto the said Isaac Grantham, Robert Clay, and William Lees, and the survivors or survivor, and the heirs of the survivor of them, to and for the use and behoof of them, the said Isaac Grantham, Robert Clay, and William Lees, and the survivors or survivor, and the heirs of the survivor of them forever, IN TRUST, NEVERTHELESS, to and for the use, benefit and behoof of the inhabitants of the town of New Castle, to be conveyed, transferred and set over by such assurance or assurances as counsel, learned in the law, may devise or advise, by the said Isaac Grantham, Robert Clay and William Lees, or the survivors or survivor, or heirs of the survivor, in trust, unto the present or future trustees of the said tract or parcel of land, and their successors, or unto such future trustees and their successors as may be chosen or appointed in and by virtue of an act of incorporation, when the same may be passed by an Act of the General Assembly of the Delaware State, to and for the use and behoof of the inhabitants of the said town of New Castle, forever, to be appropriated in such manner as a majority of trustees in their wisdom may direct: *Provided,* That nothing herein contained, or in the assurance or assurances so to be made, as aforesaid, shall vest the trustees of the said Common with any power or authority to sell the same or any part thereof.

Now this Adventurur witnesses, That the said Isaac

Grantham, Robert Clay and William Lees, as well in consideration of the sum of five shillings, to them in hand paid by the said trustees, as also in pursuance of the trust reposed in them by the said John Penn, of Stoke Pogis, Esquire, and John Penn, of Dover street, Esquire, and at and by their special request and direction, as testified by the indenture aforesaid, have granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm unto the said David Finney and others, surviving trustees of the New Castle Common aforesaid, being particularly named, aforesaid, and their successors in said trust, all the beforementioned tract of land and premises, with the appurtenances, as the same is particularly described aforesaid.

To have and to hold, all and singular the said tract or parcel of land and premises, hereby granted, or intended so to be, with every the appurtenances, unto the said David Finney and others, trustees as aforesaid, and their successors, in said trust forever, IN TRUST, NEVERTHELESS, to and for the special uses, benefits, ends, intents and purposes, and under and subject to the several provisos contained, mentioned and declared, as well in the beforementioned indenture of conveyance from the said John Penn, of Stoke Pogis, and John Penn, of Dover street, as also in an Act of the General Assembly of the Delaware State, passed at Dover, the

day in the year of our Lord one thousand seven hundred and ninety-two, entitled "An Act to enlarge the Corporate Powers of the Trustees of the New Castle Common." AND the said Isaac Grantham, Robert Clay and William Lees, do hereby freely and absolutely remise, release and surrender to the said David Finney and others, trustees, as aforesaid, and their successors in said trust, ALL the estate, right, title, interest, use, trust, benefit, privilege and demand, whatsoever, which they, the said Isaac Grantham, Robert Clay and William Lees have or may have, or claim of, in and to the said premises, or other matter or thing whatsoever, in the said indenture contained, mentioned and expressed, so that neither the said Isaac Grantham, Robert Clay and William Lees, or any of them, their heirs, executors or administrators, or either of them, or any of them, at any time hereafter, shall or

will ask, claim, challenge or demand any interest, use, benefit, trust, privilege or other thing, in any manner whatsoever, by reason or means of the said indenture aforesaid, but thereof and therefrom, and from all actions, suits and demands, shall be utterly excluded, and forever barred by these presents. AND, lastly, the said Isaac Grantham, Robert Clay and William Lees, do nominate, constitute and appoint James Bayard and Nicholas Vandike, Esquires, or either of them, to be their attorneys or attorney, to acknowledge and deliver these presents as their act and deed, in any Court of Common Pleas, to be held at New Castle, for the County of New Castle, after the date hereof. *In witness whereof*, the said Isaac Grantham, Robert Clay and William Lees have hereunto set their hands and seals, the day and year first above written.

ISAAC GRANTHAM, [SEAL.]
ROBERT CLAY, [SEAL.]
WM. LEES, [SEAL.]

*Signed, sealed and delivered,
in the presence of*

JOHN BIRD,
JNO. WILEY, Sen.
MARY GRANTHAM.

New Castle County, ss.

The execution of the within was proved by John Wiley, one of the subscribing witnesses thereto, in open Court of Common Pleas, held at New Castle, for the County of New Castle, of the December Term, A. D. 1803. [SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of the said Court.

ARCHD. ALEXANDER, *Proth'y.*

New Castle County, ss.

Recorded in the Rolls Office, at New Castle, in and for the County aforesaid, in Book A. Vol. 3, folio 480, &c. [SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of said office, July 24th, A. D. 1804.

DANL. BLANNEY, *Recorder.*

BY-LAWS,

Or Ordinances of the Corporation, adopted by the Board of Trustees of New Castle Common.

WHEREAS it is necessary for the preservation of good order and the despatch of business, that a member of the Board of Trustees should be selected to preside over and regulate the deliberations thereof,

I.

President, how chosen. Be it therefore ordained by the Board of Trustees of the New Castle Common, That the said Trustees shall, at their next meeting, choose, by ballot, a member of their body, who shall preside at the assembly of the said Board, and be styled President of the Board of Trustees of the New Castle Common, and shall continue in office until the first Tuesday in March, seventeen hundred and ninety-three, and until another be chosen. And that the said Board of Trustees shall, on the same first Tuesday in March, aforesaid, or as soon after as conveniently may be, and annually thereafter, choose a President, as aforesaid. Provided always, and be it ordained, That the said Board of Trustees have power to choose a President, pro tempore, in case of the absence or other inability of the President elect to attend; and in case of the vacancy of the said office by death or removal, to supply the same by a new election of a President for the remainder of the year.

II.

Powers of the President. And be it further ordained, That the President shall have power to preserve order in and regulate the deliberations of the Board of Trustees, so as to effectuate despatch of business; and, in case of an equal division, shall have an additional casting vote. He shall have power to convene the Board of Trustees at other times, besides the times appointed by law for that purpose. And it shall be his duty to convene the said Board of Trustees at the request

of any two members of the said Board: Provided, That three days' notice of the said meeting be given by advertisements, signed by the Secretary, and set up in public views in the said town of New Castle.

III.

And be it further ordained, That there shall be a Secretary, who shall be chosen by ballot, and continue in office during the pleasure of the Board of Trustees. That it shall be the duty of the said Secretary, faithfully to record all the acts and proceedings of the Corporation in regular books, to be provided for that purpose, and to do and perform every matter and thing appertaining to the office.

IV.

And be it further ordained, That there shall be a Treasurer, who shall be chosen by ballot, and continue in office during the space of two years. That it shall be the duty of the Treasurer to receive and safe keep the moneys belonging to the Corporation. That the Treasurer shall not pay over any moneys, so received by him, to any person or persons, whatsoever, without a written order, signed by the President and countersigned by the Secretary, authorizing such payment, and which shall be his warrant for so doing: Provided always, That it shall be the duty of the Secretary to countersign all such orders as may be drawn by the President on the Treasurer, in pursuance of and conformably to any ordinance or ordinances of the Board of Trustees. And that the Treasurer shall become bound to the Trustees of the New Castle Common in an obligation in not less than five hundred pounds, lawful money of the State of Delaware, conditioned for the due and faithful performance of the office of Treasurer of the New Castle Common, or such other security as the said Trustees shall approve. And that it shall be the duty of the Treasurer to demand and receive the rents reserved to be paid by the respective tenants of the Corporation, when they shall grow due; and, in case of failure in the punctual discharge thereof, by distress, suit or entry, to compel the most speedy payment of the same rents. And that the Treasurer shall, in books to be provided for that purpose, make regular entries of the amount of the rent that may have been received by him, and for what year of lease, and when and from whom.

Treasurer, how chosen.

Duties of.

Secretary to be given.

Corporation, who, or any two of whom, shall be vested with and exercise all the powers delegated to them as members of the Acting Committee, aforesaid, by any ordinances of the Corporation: *Provided*, That no act done by any two of the members of the said Acting Committee, without the privity of the third member, shall be good or available.

XII.

Secretary
to procure
seal.

And be it further ordained, That the Secretary shall, and he is hereby required to procure a common seal for the Corporation, which shall be a circular piece of brass of the size of a Spanish milled dollar with the following device, to wit: a husbandman holding a plough, drawn by two oxen, enclosed in a shield crested with a hand holding a sickle, and around the whole device shall be inscribed, in Roman characters, "Corporation Seal of New Castle Common." *Provided always*, that the common seal of the Secretary shall be the common seal of the Corporation, until a seal of the beforementioned description be procured.

XIII.

Yeas and
nays to be
called—
when.

And be it further ordained, That the yeas and nays of the members of the Board of Trustees, on any question, shall, at the desire of any two members of the Board, be entered by the Secretary among the records of the proceedings of the said Board, and the question, together with the yeas and nays thereon, so recorded, shall, at the desire of any two members, be forthwith published at their expense and made known by the Secretary, under his signature, to the inhabitants of the town of New Castle, by at least twelve handbills or written advertisements, to be set up at the court-house and public inns in the said town and in other public views therein: *Provided*, That if any other part of the proceedings of the said Board be necessarily connected with the part so requested to be published, the same shall, at the desire of any other two members, be communicated and made known by the Secretary in manner aforesaid, and on the same paper, or in the same publication. And any member shall, at all times, have liberty to enter among the proceedings of the Board, the reasons of his dissent on any question that may be therein decided.

Members
may make
publication—
when.