

Sen Reg # 400

DIV. OF HISTORICAL
AND CULTURAL AFFAIRS

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Rowland H. Bacon
201 White Street
Salisbury, MD 21801

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Department of State
Division of Historical Affairs
Bureau of Archives & Records
Hall of Records
Dover, DE 19901

REF: Inquiry # 5 8 2 J
May, 1982

Dear Friends:

Last year your office was kind enough to research for me a question regarding the old English term "HUNDREDS", as I find on historical markers in Sussex Court, DE.

Since your answer was not too assured I continued my research on the subject. The following may be of interest should you have further inquiry on the subject:

According to the "Ency. Brittanica"
A Hundred referred to a piece of land containing 100 HIDES. A "hide" was supposed to be a piece of land large enough to support one family.

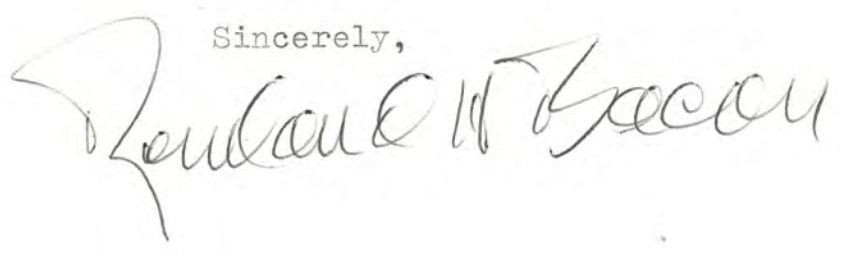
According to my Websters:
A HIDE was equal to 120 acres.

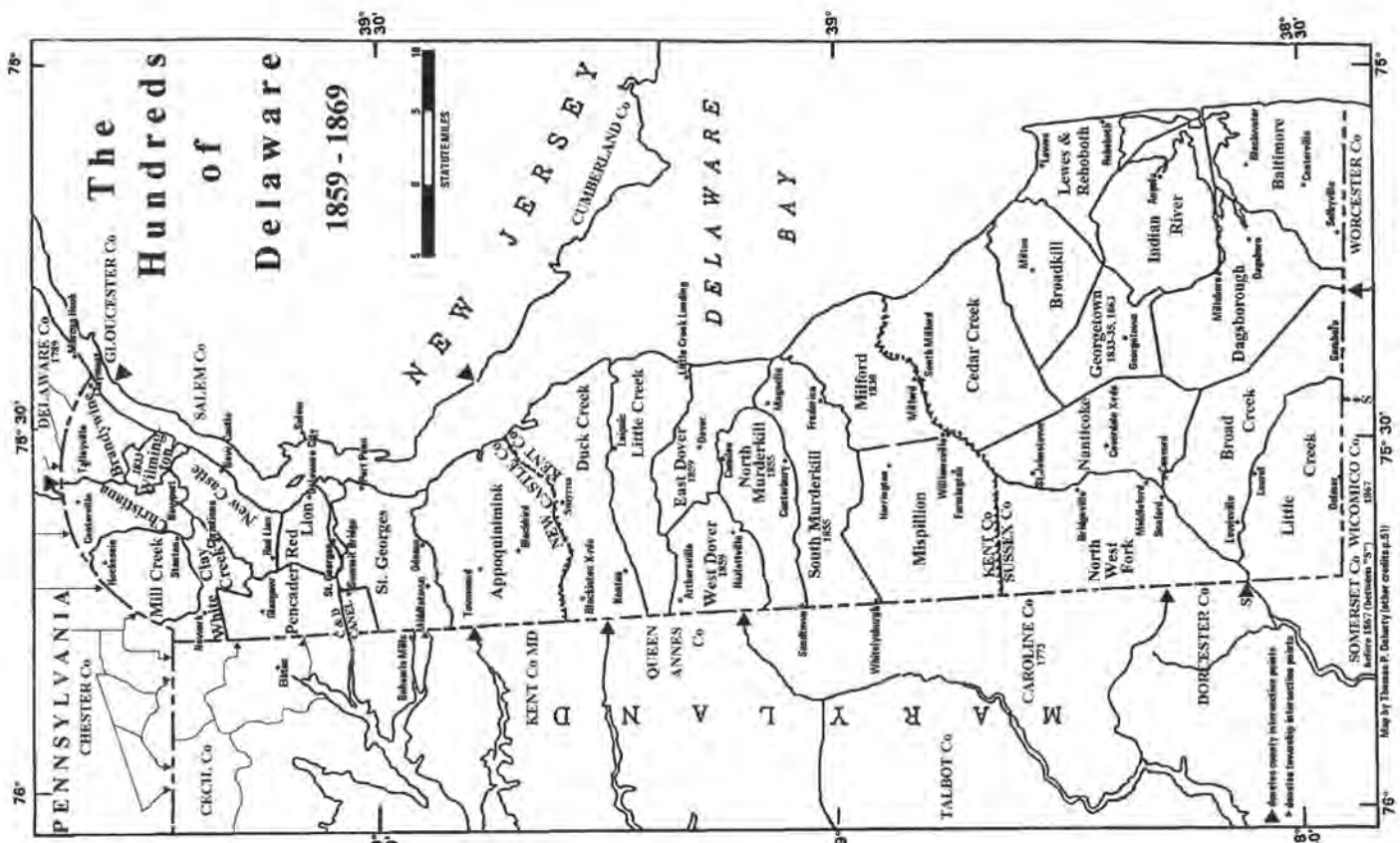
According to Random House "College Dictionary"
A HIDE was variously either 60 or 120 acres.

So you can take your pick. A "Hundred" varied from 6000 to 12,000 acres.

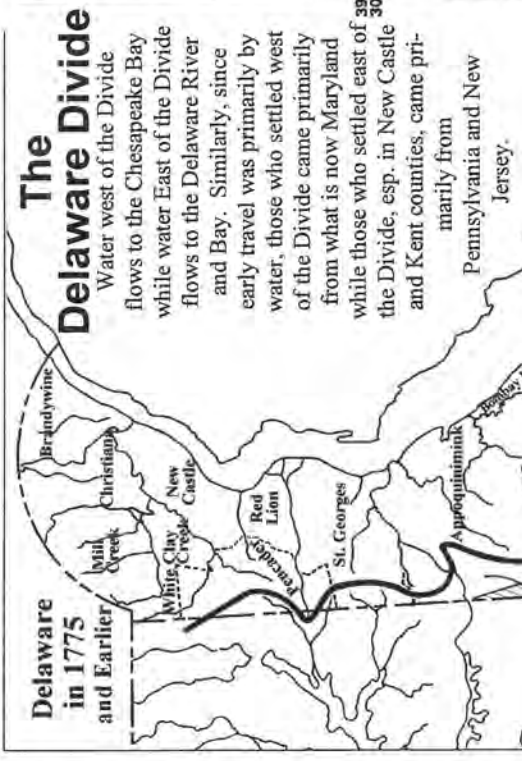
"Hundreds" were also in virginia, according to a recent book by Ivor Noel Hume, "Martin's Hundred", published by Knopf.

Sincerely,



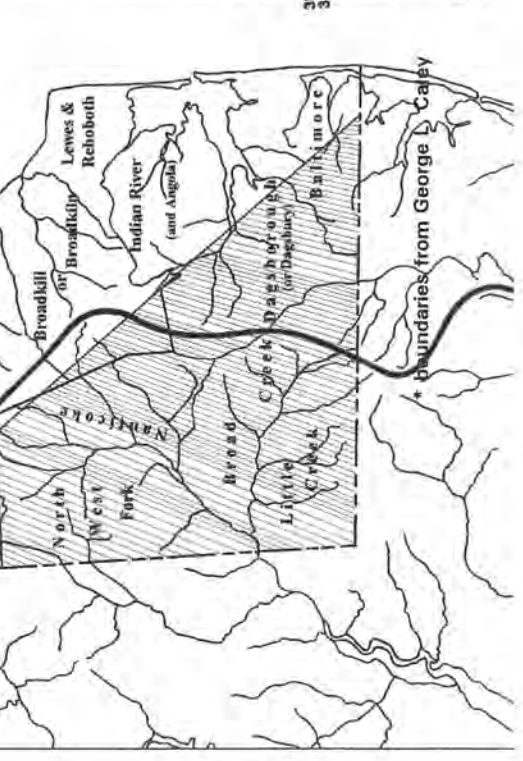


Wilmington hundred, originally came from Christiana, but has since annexed more of Christiana and parts of Brandywine and New Castle hundreds as well. Bombay Hook was transferred in 1841 from Appoquinimink to Duck Creek.

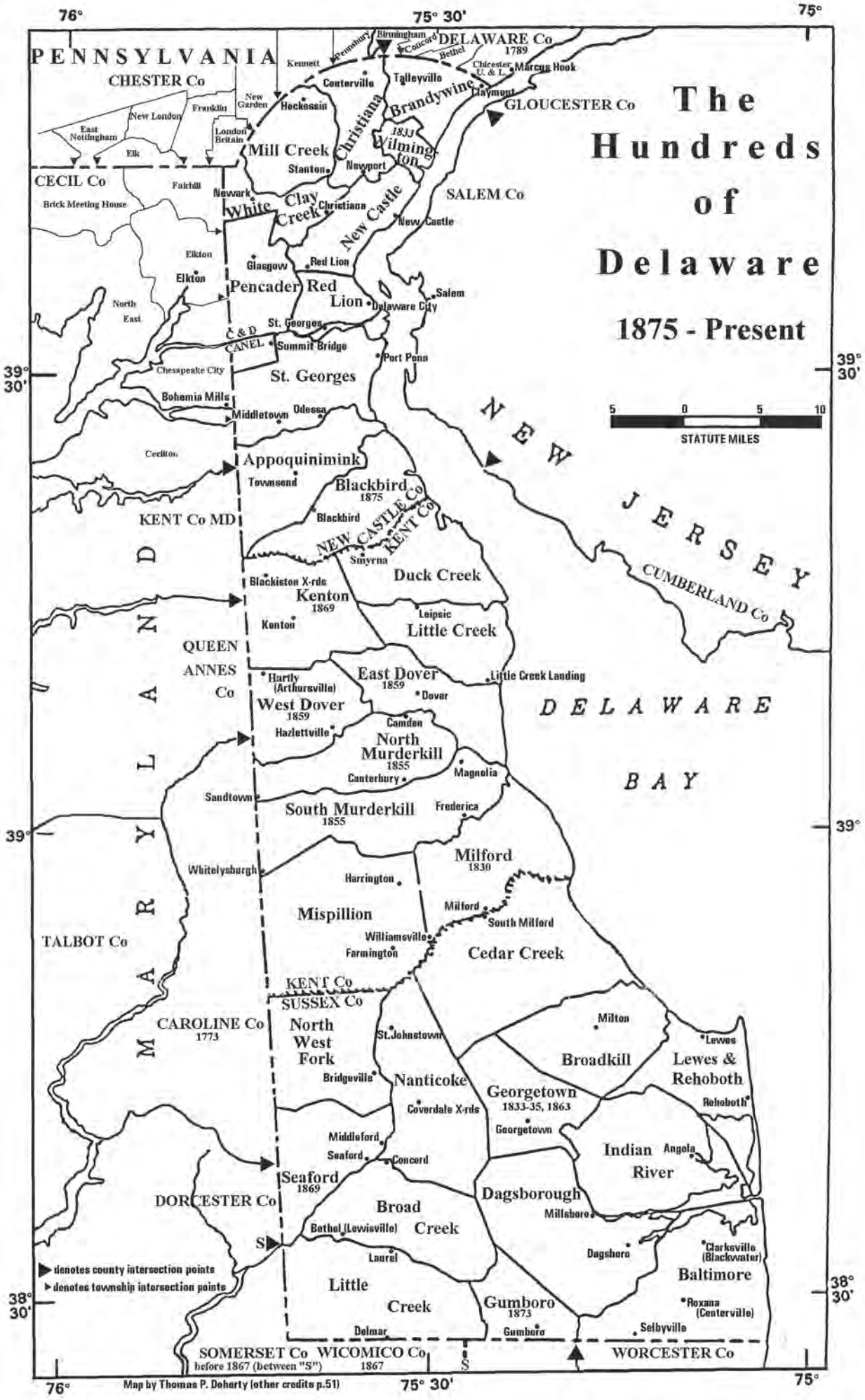


The Delaware Divide
 Water west of the Divide flows to the Chesapeake Bay while water East of the Divide flows to the Delaware River and Bay. Similarly, since early travel was primarily by water, those who settled west of the Divide came primarily from what is now Maryland while those who settled east of the Divide, esp. in New Castle and Kent counties, came primarily from Pennsylvania and New Jersey.

Before 1764, when Mason & Dixon set the western and southern Delaware borders, deeds for land in the shaded area* were often granted by Maryland who claimed all land who claimed all of present Delaware as "Durham Co."



- Credits:** The following are reproduced from the collections of the specified organization and used with permission:
- Excerpts from the Wilmington Death Register (p.14), a New Castle Co deed (p.38), Dover and Brandywine Hundred tax lists (p.40,42) and a Sussex Co Orphan's Court record (p.44) from the Delaware Public Archives (DPA) as well as the original Delaware map of hundred boundaries (back cover) which was scanned into a computer, relabeled and modified to include towns, dates of establishment and information on surrounding counties by Thomas P. Doherty. The 1859-1869 map (p.51) was drawn by erasing more recent information from the map on the back cover using Beers' *Atlas*.
 - The 1796 map (p.26-7) and the excerpts from the Beers' *Atlas* (p.34) from the Historical Society of Delaware.
 - The "Delaware Divide" map (p.51) from the Delaware Geological Survey, Newark DE. The shaded area for Maryland deeds, designated by George L. Caley, and the hundred boundaries and counties and were added by Thomas P. Doherty.



The Hundreds of Delaware 1875 - Present

5 0 5 10
STATUTE MILES

Map by Thomas P. Doherty (other credits p.51)

THE HUNDREDS OF DELAWARE.

Revised Code 1915, P. 10.

There are no provisions of law which define the boundaries of the ancient hundreds nor are there any authentic records of the same. By Act of Assembly, being Chapter 229 Vol. I, Laws of Delaware, the Justices of the Peace of the several Counties were directed to ascertain the boundaries of the several Hundreds, and to lay out such and so many new Hundreds as might be found necessary and convenient; but there is nothing to show that this Act was ever complied with.

Conrad Vol. I, P. 286.

The records disclose the name "hundred" as early as the year 1687.

Scharf. Vol. II, P. 1203.

Wm. Penn in a letter to the Justices of the Peace of Sussex Co. 25th of 10 mo. 1682 writes: "Fourthly, That you endeavor to seat the lands that shall hereafter be taken up in the way of townships. As ~~three~~ three thousand acres amongst Tenn Family's, if single persons one thousand acres. Amongst Ten of them laid out in the nature of a long square five or Ten of a side and a way of two hundred foot broad Left between them for an Highway in the Township." The suggestion of Penn in this letter to the division of lands among ten families is in accordance with the old English custom of dividing land among ten families--assuming that each family with its servants was ten in number,--making one hundred, and from which fact the title "hundred" was originally derived,

and this suggestion of Penn's is doubtless the reason why the term was retained in this State.

Scharf Vol. II, P. 1204.

On Dec. 3, 1695, the Court of Sussex County ordered the constables to appear with a list of persons liable to taxation "within their respective hundreds." This is the first mention of the term "Hundred" in the Sussex records. The Provincial Council, April 9, 1690, instructed the magistrates and grand juries of the several counties to divide them into hundreds. In 1696 there were Rehobah and Broadkill Hundreds with the addition, in 1702, of Cedar Hook Hundred, and in 1706, of Indian Creek Hundred.

The territory of Sussex County was not extended southward nor westward until after 1765, and the four hundreds, Lewes & Rehoboth, Indian River, Broadkiln and Cedar Creek, comprised the territory of the county for at least three quarters of a century. Among the old settlers of half a century ago it was known as "Old Sussex." In 1786 an effort was made to form a new county out of Sussex and Kent, to embrace the territory between Murderkill Creek and Broad Kiln Creek, and the Delaware Bay and the Maryland line. Six petitions bearing 391 signatures were presented to the Legislature, but without success, and the movement was never revived.

ibid P. 1237.

Hundred
Georgetown Hd. was first erected by an act of the Legislature January 29, 1833, which provided that Broad Kiln Hundred should, after the 1st. day of Oct. 1833, be divided into two hundreds. On Jan. 31, 1835, the foregoing act was repealed,

Georgetown Hundred passing out of existence. This was the condition until March 7, 1861, when the act of 1833 was revived and declared to have the same force as before its repeal in 1835. An amendatory act of Jan. 16, 1863, authorized Georgetown Hundred to elect trustees and commissioners, the same as the other hundreds, and from that period it dates its existence as a complete political division of the County.

ibid. P. 1276.

The hundred of Northwest Fork was originally a part of Maryland, and at that time included all the territory west of the Northwest Fork of the Nanticoke River. From this stream the hundred takes the name, by which it has been known since 1682. It was the largest in the county before March 11, 1869, when the Legislature erected Seaford Hundred out of it.

Code 1853 revised 1893 P. 26.

North-west Fork Hundred divided into North-West Fork and Seaford Hundreds according to an act passed at Dover, March 11, 1869.

Scharf Vol. II, P. 1285.

The Hundred of Broad Creek is located in the southern-central part of Sussex County, and takes its name from a branch of the Nanticoke, Broad Creek, that divides it from Little Creek Hundred. It originally extended to the southern dividing line from Maryland. The legislature by an act passed April 4, 1873 erected Gumboro Hundred out of it, and a small part of Dagsboro Hundred.

Scharf Vol. II, P. 1292.

Nanticoke Hundred takes its name from the Nanticoke River. In old grants of land bearing date of 1760, the land on Deep Creek is referred to as being in Deep Creek Hundred, and land on Maryland grants, Nanticoke Hundred. The hundred being the dividing line of the disputed territory of the Penns and Lord Baltimore, grants were made indiscriminately by both of these proprietors, and in many instances were for the same land. When the line was finally confirmed, 1775, the Maryland name was given to the land embraced in both the old hundreds.

ibid. P. 1301

Seaford Hundred was created by an act of the Legislature passed March 11, 1869 which provided that Northwest Fork Hundred should be divided into two hundreds, and that all that part in the lower Northwest Fork Election District should receive the name of Seaford Hundred. The Election District was defined by the act of Feb. 12, 1761.

ibid. P. 1315.

Little Creek Hundred, situated in the southeastern part of the State is bounded on the east by Gumboro Hundred and on the west by the State of Maryland. Before the establishment of the State lines all of the territory embraced in this hundred formed a part of Somerset County, Maryland.

ibid. P. 1334.

The greater part of Dagsborough Hundred was in the territory claimed by Maryland, and under the jurisdiction of that state until 1763.

Conrad Vol. II, P. 732.

This hundred was named for John Dagworthy.

Scharf Vol. II, P. 1339.

The right to the possession of Baltimore Hundred nearly a century previous to 1775 was in dispute between Maryland and Delaware. In that year the boundary line was officially determined in favor of Delaware so far as this hundred is concerned. The land warrants issued before the settlement of the dispute were claimed to be in Worcester County, Md.

Scharf Vol. II, P. 1344.

Gumborough Hundred is the smallest hundred in the State, and was the last erected. The inhabitants of the southern section of Broad Creek and Dagsborough Hundreds petitioned the Legislature to erect a new hundred, to be called Gumborough, out of the southern portions thereof, and the petition being presented to the Legislature in 1872-73, an act was passed April 4, 1873 erecting Gumborough Hundred.

Conrad Vol. II, P. 693.

Cedar Creek Hundred takes its name from Cedar Creek, a stream which derived its appellation from the abundance of cedars that once lined its banks. Until 1683 all the territory in this Hundred, lying north of Cedar Creek, formed part of St. Jones County, but when the names of Kent and Sussex were substituted for St. Jones and Whorekill Counties, Mispillion Creek was the established line dividing the two counties. Earliest settlement was made in 1671, in that portion of the hundred lying between Prime Hook and Slaughter creeks.

Hundred Boundaries in Delaware Have Less Significance Now Than When They Were New

Oct. 3, 1936

In commenting, a few days ago, upon the acquisition, by Delaware, of the lower part of Sussex county as a result of the settlement of the William Penn-Lord Baltimore land dispute, the fact was mentioned that the land thus added to Delaware comprised what are now Baltimore, Dagsboro, Broad Creek and Little Creek hundreds. This suggested research to see how different authorities on the subject accounted for the term "hundred" as a designation for a subdivision of a larger political entity. In most states these subdivisions are known as townships; in some they are called districts.

Conrad's History of Delaware tells us that "the first mention of the term hundred (in Delaware) was in 1690, when on April 9 of that year, the Provincial Council instructed the magistrates and grand juries of the counties to divide the counties into hundreds.

"The term hundred is supposed to be derived from a suggestion made by William Penn that the land be divided between ten families in accordance with an old English custom, assuming that each family comprised ten persons, making a total of 100.

"This is generally believed to be the origin of the term hundred as applied to subdivisions of the counties of this state."

Designation With a Responsibility

So far as local history shows, the hundreds in Delaware have had little political responsibility as such. Not so in "old England." There, when hundreds were created, and for some time afterward, they had real responsibility. The hundred in England, according to the new International Encyclopaedia, was "an ancient territorial unit, less than a shire or county, and usually greater than a parish or town."

"The origin of the name," the encyclopaedia explains, "is involved in obscurity, but it is supposed to be derived from a grouping of 100 families for purposes of defense or for local administration. . . . But the hundred was more than a political and administrative unit. It was also a communal unit. It was liable in damages for a false judgment given by the hundred court. As early as the reign of Edgar it was provided that the hundred should be responsible for the administration of justice and liable to punishment by fine or otherwise if thieves and other criminals were not brought to justice. . . . As lately as 1886 a hundred was liable for damages resulting from rioting."

Constitution Makers' Job

When the state constitutional convention of 1896-7 set about apportioning the legislative membership in the counties it was confronted by a real job. There were—and still are—33 hundreds in the state. Prior to the promulgation of the present constitution, in 1897, the Legislature comprised 30 members. Each county had seven members of the House of Representatives and three members of the Senate. While they were elected at large in the counties, an effort was made, at the nominating primaries, to scatter the nominees among the hundreds, in accordance with a rotation plan.

The constitutional convention of 1896-7 decided to increase the membership of the Legislature from 30

to 52, 35 members of the House and 17 members of the Senate. Prior to that time Wilmington had to take its chances with the rest of the county, and it was fortunate if it was represented in the Legislature at all. This result depended upon the calibre of the nominees and the will of the voters all over the county, at the primaries as well as at the election. It was not governed by law.

The new constitution, however, gave Wilmington seven members of the General Assembly, five members of the House and two of the Senate, to be elected by districts. Rural New Castle county, and also Kent and Sussex counties, were allotted ten Representatives and five Senators each, elected by districts.

The puzzling job was how to fix the boundaries of the districts. In New Castle county there was no trouble. There were ten hundreds outside of Wilmington. As Wilmington was to have its own apportionment of legislators, and the rest of the county was entitled to ten Representatives and five senators, it was an easy matter to make each hundred outside of Wilmington a representative district. This was done.

In Kent and Sussex counties, however, this could not be done. The reason was that Kent county has nine hundreds and Sussex has thirteen. The job was to fit the legislative posts into this odd number of hundreds in each county. After deep study of the subject the task was completed, and the districts then made are those in existence today.

Many Odd Names

Only two hundreds were named for individuals, so far as the writer has been able to learn. One is Baltimore hundred, in Sussex county, said to have been named for Lord Baltimore. The other is Dagsboro hundred, also in Sussex county. It was named for General John Dagworthy, who took an active part in the French and Indian wars and also in the War of the Revolution. For his eminent services there was given to him a large tract of land which at that time was in Worcester county, Md., but which was part of the Maryland tract that subsequently came to Delaware.

General Dagworthy was a native of New Jersey. In 1775, however, he became a resident of Delaware, his home being near the town of Dagsboro, also named for him, where he lived until he died in 1784. His body was buried under the chancel of Prince George's Chapel, there.

The following hundreds bear Indian names: In New Castle county, Appoquinimink; Kent, Mispillion; Sussex, Nantcoke. The rest of the hundreds in the three counties bear the following names: New Castle, Wilmington, Brandywine, Christiana, Mill Creek, White Clay Creek, New Castle, Pencader, Red Lion, St. Georges and Blackbird; Kent, Duck Creek, Kenton, Little Creek, East Dover, West Dover, North Murderkill, South Murderkill and Milford; Sussex, Cedar Creek, Northwest Fork, Broadkilm, Georgetown, Lewes and Rehoboth, Seaford, Indian River, Broad Creek, Little Creek, Baltimore and Gumboro. These names are held in affectionate regard by many of our people, and perhaps always will be.

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The Hundred in Delaware.

The three counties of Kent, Sussex, and New Castle, which constitute the present state of Delaware, were included in the territory claimed by William Penn; and until the beginning of the eighteenth century they remained under the same legislative control as Pennsylvania. After their erection into a separate government with a legislature of their own, their institutional history runs parallel, in some measure, to that of the larger colony. This is true especially of county organization. In Pennsylvania local government is at first lodged almost exclusively in the hands of the county authorities; but little by little the township is allowed to participate in the work of administration, until at the Revolution there is a fair balance of power between the two bodies.

A similar process takes place in Delaware. Local authority at first centers in the county court of quarter sessions; but in this instance hundred and not township is the name of the subordinate division which is gradually employed for a variety of administrative purposes. The hundred of Delaware, however, is really a township with limited powers. Unlike the early hundred of Maryland it has no folkmoot; but its relation to the county is entirely analogous to that of the township in Pennsylvania and those western states which have taken her institutions as a model.¹

¹Cf. Chap. IV, 11, (a).

The division of the counties into hundreds may have existed from the beginning of the eighteenth century. At any rate, it had occurred before 1740, when the courts of quarter sessions were authorized to appoint a suitable number of fence viewers for each hundred of their respective counties.²

The hundred was also employed as a highway district. By an act of 25 George II, the quarter sessions, at their May meeting, are required to appoint in each hundred "one or more discreet and substantial. . . inhabitants to be . . . overseers of highways, causeways, and bridges," with the usual powers.³ Subsequently the right of appointment was transferred to the levy court.⁴ Moreover in 1796 a dual system of road administration seems to have been instituted. Three "commissioners of roads" are periodically appointed for every hundred by the levy court of the county; and the overseers are placed under their general control.⁵

In like manner overseers of the poor were nominated for the hundreds. An act of 1775 provides that each overseer for the time being shall report the names of three electors of his hundred to the justices who shall appoint one of them as overseer for the ensuing year.⁶ But in 1792 the duties of the office were transferred to the

²By 13 Geo. II: Laws of Del., 1700-1796, I, 181. This is the first mention of the hundred which I find in the laws.

³Laws of Del., I, 316-24. 4- Laws of Del., II, 1280 (1796).

⁵So in Sussex and Kent: Laws of Del., II, 1267, 1281-2. Mention is also made of road commissioners appointed for each hundred by the assembly, vacancies to be filled by the levy court: Ib., II, 1263ff., 1275 ff.

⁶Laws of Del., I, 544-561. Overseers of the poor are also mentioned in 1764: Ib., 414-15.

constables of the various hundreds.⁷ Each hundred has one constable appointed annually by the quarter sessions from a list of three freeholders, which, as in the case of the overseer of the poor, is presented by the retiring officer.⁸ The constable is required to reside in his hundred;⁹ and vacancies in the office may be filled by the next three justices of the peace.¹⁰

The only elective officers of the Delaware hundred are the assessor of taxes and the inspector of elections.¹¹ The procedure observed in the election of members of the assembly is similar to that adopted in Pennsylvania by the act of 1766, though differing somewhat in detail.¹² The names of the persons chosen as inspectors are returned by the judges of election in the respective hundreds to the sheriff or other election judge of the county, by whom they are proclaimed on the morning of election day in presence of the assembled voters.¹³ All the inspectors from the entire county are required to attend the polls, and each is furnished with a certified list of the electors of his hundred. Two or more clerks of election are appointed by the sheriff, or in his absence, by the majority of inspectors. A ballot box for each hundred is provided by the sheriff; and into this box, in the presence of the proper inspector, the votes of the hundred are placed. At the close of the polls, the boxes are opened by the sheriff and the ballots in each counted. Then all the

⁷Laws of Del., II, 1040. ⁸ Ibid., I, 476-7 (1770). ⁹ Ibid. II, 935.

¹⁰Laws of Del., I, 478. ¹¹ Ibid. I, 429, ff., (1766). ¹² See Chap. VIII, lll, (e)

¹³In the hundred, the judge of elections, in choosing assessors and inspectors, was the collector of taxes, or in his absence, the overseer of the poor. In the county, the judge was the sheriff, or in his absence, the coroner; or the justices of the peace, in the absence of both sheriff and coroner: Laws of Del., I, 429. In 1772 it was provided that the sheriff or coroner and the inspectors should be the judges: Ib., 500 ff.

ballots are mixed and placed in a single box. Finally they are read one by one and delivered to the clerks for record.¹⁴

But the hundred of Delaware is important chiefly as an area for rating. The early fiscal system as established in 1743 by an act for "raising county rates and levies," possesses several very interesting features.¹⁵ The electors of each hundred are authorized to choose annually "one substantial freeholder" as assessor, whose name is returned by the sheriff to the justices of the general sessions. In November a "levy court" is held at the court house of the county for the purpose of calculating the amount necessary to be raised by taxation for the ensuing year. The levy court is composed of all the assessors from the various hundreds of the county, or a majority of them, together with three or more of the justices of the peace, and eight grand jurors. On the receipt of a precept from the clerk of the peace, the constables are required to take the lists of taxables in their respective hundreds; and these lists are delivered to the court at the November meeting. After receipt of the lists the assessors, as a body, proceed to make the assessment for the entire county. Finally, after an interval of four weeks, the grand jurors, assessors, and justices assemble as a "court of appeal," to hear

¹⁴ Laws of Del., I, 500 ff., (1772), 429 ff.

¹⁵ The fiscal system of Delaware should be compared with that of Pennsylvania, as developed by the acts of 1696, 1724, 1732, and 1779. See Chap. VIII, iii, (d).

complaints and adjust any inequalities in the assessment; and at this meeting a collector is appointed for each hundred of the county.¹⁶ A county treasurer is also nominated every three years by the court of appeal.¹⁷

The striking feature of the system just described is the representation of the hundred on the county board, involving as it does the essential principle of the representative township-county plan already discussed in detail.

No important change in the fiscal administration was made until 1793, when an entirely different system was introduced. The assessors of the hundreds continue to perform their functions as before. But for the old mixed courts of levy and appeal, a board of commissioners is substituted, consisting respectively of nine members in Kent, ten in Sussex, and eleven in New Castle. The commissioners are chosen by popular vote, one or two--as specified in the statute--for each hundred of the county; and they are invested with all the powers hitherto possessed by the courts of levy and appeal.¹⁸

¹⁶ Act of 16 Geo. II: Laws of Del., I, 257-67. Cf. the act of 1766: Ib., I, 429 ff.

¹⁷ By 25 Geo. II: Laws of Delaware, I, 329-30.

¹⁸ Laws of Del., II, 1086. The six tax commissioners for the public Levy instituted in 1796 are not to be confused with the ordinary county commissioners. The former were appointed by the Governor: Ib., II, 1247 ff.

Such was the general character of the hundred organization in Delaware at the close of the last century; and such it has remained to our own times. Assessors and inspectors are still chosen by the freemen;¹⁹ and the hundred is now the polling district for all elections. The levy court is still composed of commissioners, chosen by ballot every four years, and by that body constables, collectors, and overseers are appointed for the same districts as of old. In short, the hundred of Delaware remains what it was in the eighteenth century-- the constitutional unit of the State.²⁰

¹⁹In each hundred of New Castle county two road commissioners are elected; and they are authorized to appoint an overseer of highways and a collector of the road tax: Laws of Delaware, 1874, 324-5.

²⁰Laws of Del., 1852, pp. 11 ff., 47 ff., 95-6; Ib., 1874, pp. 3 ff., 60 ff.