

An Early Episode in Lewes

1671-1673

December 24th, 1673 may or may not have been a cold, gray day in lower Delaware, although the weather of that month was described by a resident as "extream bad & could". However, it was certainly a gray time in the fortunes of the small settlement that straggled along the banks of the Whorekill, now Lewes Creek, for on that day the settlement was almost entirely destroyed.

On December 6th of that year Captain Thomas Howell, of Baltimore County, Maryland, arrived with a force of thirty-eight horsemen. He took possession of the settlement, swore the inhabitants to obedience to Lord Baltimore, Proprietor of Maryland, stayed for eighteen days, and then on Christmas Eve burned all the buildings and their contents except for one thatched barn standing on the land of Alexander Moulston.

The small settlement thus wantonly destroyed contained perhaps as many as seventy-five men, women and children, and probably not more than fifteen to twenty dwelling houses, with appropriate out buildings. It was not a town in the modern sense since it seems apparent that each dwelling was the center of a tract for farming, most of which ran side by side down to the Whorekill, but some of which were inland, since one is described as eight miles distant from the Whorekill.

Despite its relative insignificance, however, the small settlement had become a pawn in the struggle for colonial power between the English and the Dutch on the one hand, and between Lord Baltimore and James, Duke of York, to whose claims William Penn later succeeded on the other. The devastation visited on this helpless community on Christmas Eve, 1673 was the direct result of this struggle. Unfortun-

ately, the surviving records are fragmentary, but it is possible from these fragments to reconstruct to some extent the events which culminated in the destruction of this small and peaceful agrarian settlement. To do so, however, we must have in mind the background of some forty-two years preceding the event.

In the spring of 1631 Capt. Pieter Heyes and twenty-eight colonists from The Texel, Holland, established a settlement at the Whorekill and called it Zwaanendale. Within the year, however, the Indians massacred the colonists and burned the fort they had erected. A relief expedition of 1632 under Captain David deVries stayed only a short time and then abandoned the attempt to settle at the site.

No further Dutch attempt at settlement in the area took place until 1658 when a small trading post was established. Nothing further was done until July, 1663 when Peter Flockhoy and forty-one Mennonite settlers with their baggage and farm utensils landed from the ship St. Jacob of Amsterdam. While Flockhoy's intention was to establish a cooperative settlement in which all property was to be owned in common, his enterprise was undertaken with the approval of the Dutch authorities as part of their effort at further colonization of the South, or Delaware River region.

Further Dutch efforts at colonization were brought to an abrupt end by the English conquest for the Duke of York of New Netherlands on August 27, 1664, and the capture by Sir Robert Carr on September 30th, 1664 of the Dutch settlements on the Delaware. Sir Robert is charged with destroying "the quaking society of Flockhoy to a naile", but it is probable that this reference is only to the cooperative enterprise itself, for in a census of May 8, 1671 the names of the forty-seven listed inhabitants of the Whorekill are predominantly Dutch, of

whom undoubtedly a large percentage had arrived in 1663 with Plockhoy.

The Territory thus came under the government of the Duke of York. During that time land was granted, and of a certainty an influx of English settlers in small numbers came to the Whorekill. However, in 1673, during the second Dutch war, the area was repossessed by the Dutch and remained Dutch until February 10, 1674 when, by the Treaty of Westminster, the territories of New York and the South River were restored to the English and to the control of the Duke of York.

Thus, in the space of ten years the inhabitants of the Whorekill were transferred from obedience to the Dutch to that of the Duke of York, back to the Dutch and, finally, again to the Duke of York. These were the changes in control between two groups who together may be considered as only one side of the contesting claimants to the area. What of the other contesting claimant--the Province of Maryland?

On April 15, 1632, Cecil Calvert, Lord Baltimore, received from Charles I a charter for the establishment of a colony in America. Broadly speaking, this charter embraced the entire peninsula up to the fortieth degree of north latitude which roughly lies in the vicinity of present day Chester.

The first settlement in Maryland in 1634 was at St. Mary's on the Potomac River. Settlement was shortly extended along the western shore and into the eastern shore of Chesapeake Bay because of the ease of communication by water. However, the rapid expansion of settlement justified the creation on August 27, 1666 by the Maryland authorities of the County of Somerset, the northern and eastern boundaries of which were laid down as the Nanticoke River on the north and the ocean on the east. Somerset thus contained within its boundaries the territory of the Whorekill.

Thereafter, Lord Baltimore became more and more concerned

with what he regarded as inroads upon his territories, not as formerly by the Dutch, but by the English who, by right of conquest in 1664, had taken over the Dutch settlements located in areas he regarded as rightfully his. His concern is made evident by his instruction of October 22, 1669 to his Lieut. Governor "that you use all means Possible to procure that some persons be seated upon the Seaboard side of the Eastern shoar and on Delaware Bay *** and particularly the Whorekill [and] if any shall presume to oppose you in it you are to maintain his Lordships rights by force if Need be ***."

Pursuant to these instructions the Maryland authorities created the County of Durham out of the area running northerly from Rehoboth Bay up the seacoast and the western shore of Delaware Bay. No effort seems to have been made, however, to organize the County of Durham as a governmental unit.

The failure to establish Durham County was sought to be remedied in June, 1672 by the creation of the County of Worcester, which embraced all and more of the territory previously allocated to Durham. Seven prominent landowners and officials of Somerset County were appointed to be Commissioners and Justices of the Peace for Worcester County. One of the Commissioners, Francis Jenkins, was also commissioned to grant warrants of survey for land in the area. He actually moved to the Whorekill, settled along Rehoboth Bay and proceeded to grant land under the authority of Lord Baltimore. His grants of land were recorded in a manuscript volume titled "Warrant Book 1671-1682 of Somerset County, Maryland", now in the possession of the Historical Society of Pennsylvania.

It seems that the commission of Francis Jenkins as surveyor general for Worcester County on June 19, 1672 must have been a confirmation of a prior and now unrecorded authorization to him to grant land warrants for on April 27, 1672, approximately two months earlier, we

find that the Magistrates appointed by Governor Lovelace of New York reported to him that Francis Jenkins had "surveyed several lands in the bay by pretended commission from the Lord Baltimore threatening the Inhabitants that denyeth his power that they shall be sent for into Maryland there to be punished."

One month earlier, on April 20, 1672, Thomas Jones, one of the Commissioners of Worcester County, and also an official of Somerset County, had been licensed by Maryland to trade with the Indians of that Province "on the Seaboard side of the Whorekill on the Western Side of the Bay." By this commission all other licenses for trading were revoked, and Jones was authorized "to take seize or surprise" any unlicensed traders "together with their ships, boats, *** & skins, *** and to bring them to trial before the Governor."

At the same time Thomas Jones was commissioned Captain "of all the forces horse and foot" of the County of Worcester for the purpose of resisting all "Enemies whatsoever" and for the suppression of all "mutinies Insurrections and Rebellions" with full power to impress as many of the inhabitants as he required for military service. Later, on July 11, 1672, Captain Paul Marsh of Somerset County was ordered to raise as large a party as should be required by Captain Jones to go with him into Worcester County.

These steps justify the conclusion that in 1672 the Maryland authorities had determined to wrest control of the western shore of Delaware Bay from the Colony of New York and to insure that it should become in fact what they believed it was as a matter of legal grant, an integral part of the Province of Maryland.

In this first organized Maryland effort Captain Thomas Jones played a dominant role. Indeed, he had acted in advance of his commission, for one year earlier, in June, 1671, he made an attempt to reduce

the Whorekill to Maryland obedience. It does not now appear whether this was done on his own initiative or under provincial authority, although it is probable that the latter was the fact, since only one year later Jones received from the Maryland authorities the broad powers contained in his license and commission. Irrespective of whose idea it was, in any event in June, 1671, Jones, with six or seven men, arrived at the Whorekill, plundered the inhabitants, threw their powder in the creek, drank their gin, and carried away "Deer skins, vampus Peake, Blankets, Trading Cloth, knives, pipes, looking glasses", and furs of the value of sixty pounds sterling.

It appears that Jones and his horsemen came to Helmanus Wiltbanck's house and tied him up, after which they rode to the homes of his neighbors in turn and tied them up, thereafter keeping guard over them while the houses were plundered. The nature of the settlement must certainly have facilitated this raid by a handful of men, outnumbered as they were by the men of the community, for we can imagine that in June the adults living in the scattered dwellings were at work in their fields and could not have known what was happening at their neighbors' some distance off.

The 1671 raid, however, if it was intended to secure the area for Maryland, did not accomplish that result. However, it was followed by the larger and more powerful effort of 1672 organized under the auspices of the Province, itself.

Probably in June or early July, 1672, Thomas Jones, now Militia Captain of Worcester County, set out from Somerset County. This time he led a troop of sixty horsemen. He was about half-way to the Whorekill when he met a Mr. Parrott of Accomac returning from there. Jones learned from him that there were no persons at the Whorekill but the inhabitants. He accordingly dismissed half his force and went forward with only thirty men. It is not surprising that he considered

thirty men sufficient for the job in hand for only one year before the settlement at the Whorekill contained not more than twenty able-bodied men, a fact well known to Jones from his raid of the preceding year.

Upon arrival, Jones "made forcible entry" into the Whorekill, summoned the inhabitants and demanded an oath of allegiance to Lord Baltimore. Some of the inhabitants were unwilling. These were imprisoned for the space of one day "without meat or Drink", threatened with transportation into Maryland and confiscation of estate. They accordingly reconsidered and swore allegiance to Lord Baltimore. After some desultory plundering, Jones left the Whorekill but left behind him Francis Jenkins as Commissioner to govern the place.

Governor Francis Lovelace of New York reacted promptly to news of the raid. On August 12, 1672, he wrote Philip Calvert, Governor of Maryland, protesting against the "horrid outrages" committed on English subjects by "one Jones" who "bound the Magistrates and Inhabitants, despitefully treated them, rifled, and plundered them of their goods; and when it was demanded by what Authority, hee acted, answered in noe other language but a cockt Pistol to his Breast". This letter concluded with a demand that Maryland punish Jones for his outrageous conduct.

If, indeed, Governor Lovelace sent his protest under the assumption, as he says, that it was "the rash action of some Private Person" he soon discovered his error. He had sent his letter to the Maryland Governor at St. Mary's by Captain Edmund Cantwell who was apparently instructed to press vigorously for the punishment of Jones. Cantwell reported that he had seen both Governor Calvert and Captain Jones at St. Mary's, and that Lord Baltimore intended to keep the Whorekill. He states that "when I came to St. Mary's Jones went to

the Governor and he writt upon the backside of his Commission that he would maintain" it.

Cantwell's report obviously disabused Lovelace of his belief that the raid was the work of a private person for he almost at once notified James, Duke of York, in England, of the Maryland inroads on his territories. Whether Lovelace lacked the means of retaliation or was in doubt as to his proper course in resistance to a neighboring English Colony is not clear, but it is clear that from July, 1672 the Maryland authorities exercised through Francis Jenkins, and an undisclosed number of other Marylanders, dominion over the Whorekill.

Maryland control over the area extended to August, 1673, at which time the Dutch in the course of the Second Dutch War regained possession of the Province of New York, and demanded that their former settlements on the Delaware return to Dutch allegiance. A copy of the demand was sent by Francis Jenkins to the Maryland Governor at St. Mary's. What, if any, instructions he received from St. Mary's is now unknown but he and the other Marylanders abandoned the Whorekill which was soon repossessed by the Dutch.

There is an unfortunate void in the Maryland records as to the immediate Maryland reaction to the Dutch demands. But since Jenkins withdrew, even without the presence of Dutch armed force to support the demands, it is probably safe to assume that the Maryland authorities directed the abandonment in order to prepare a counter stroke. The first step of this counter stroke was taken on October 1, 1673 by the commissioning of Captain Thomas Howell of Baltimore County, Maryland, to retake the Whorekill.

Howell's commission was as Commander in Chief of forty men

to be raised in Baltimore County to retake Worcester County from the Dutch, and to restore the area to allegiance to Lord Baltimore. He was directed "by force or otherwise to surprize and take and possesse the said place called the Horekeele *** the same to keepe and Defend *** and in case of any Resistance by any Enemy or Enemyes to fight and overcome Kill Destroy and vanquish as occasion shall Require."

Pursuant to his commission, Howell raised and equipped his force and on December 6, 1673 appeared at the Whorekill "with swords drawn, and threatened & terrified the Inhabitants, whoe being frighted thereby submitted". The inhabitants apparently willingly, or at least with no open show of reluctance, returned to obedience to Lord Baltimore. Indeed, it is possible to assume that the frequent harassment by contending powers had given them a feeling of indifference as to their rulers. In any event, upon their submission, Captain Howell proclaimed, "we are come now to Defend you, and if it cost the Province of Merry-Land a million in Tobacco we will protect you." Thereupon, he and his Marylanders marched in and "did eat and Drinke" with the inhabitants for at least eighteen days.

The precise events which followed the occupancy of the Whorekill by Howell and his men cannot now be reconstructed with certainty. Such details as there are come from a series of depositions made in 1683 by seven inhabitants of the time, and a further series of nineteen depositions made in 1736, based almost entirely on hearsay, all of which were given in support of the Penns in their dispute with Lord Baltimore over boundaries. These depositions in many particulars are in conflict, and in all probability do not minimize the outrageous nature of Howell's activity since they were all made in support of the later Penn claim to the area. They do, however, permit the reconstruction, partial though it is, of what took place.

It thus appears that fourteen days after occupying the Whorekill, Captain Howell left, stating that he was going to the Maryland authorities to tell them the place was too poor to support forty men. There is doubt as to whether Howell actually went to the authorities at St. Mary's, or whether he merely pretended he was going. It seems likely, however, that he in fact went to St. Mary's even though his absence of four days seems a short time in 1673 to make a journey across the Chesapeake Bay and back. In view of the positive language of his commission "to keepe and defend" the area, however, it does not seem likely that he would thereafter have acted as he did without instructions from St. Mary's. In any event, he was back at the Whorekill on December 24, 1673.

Upon his return, he summoned all the inhabitants of the area to attend a meeting, bringing with them their arms and ammunition. We may assume that he first disarmed them before he announced that he had orders to burn all the houses of the settlement. He thereupon told off his soldiers in pairs to set fire to all the buildings.

Following this announcement some women of the settlement entreated him to leave one house for their shelter. He replied that he was not permitted to spare even one but "that if God would save them one they should have it but not Else." In the course of the burning a thatch barn thrice caught fire but each time the fire went out. "Upon that Captain Howell said that God had saft the tatch Barne; And he did not dare to meddle any more with it."

While their houses were burning the people were kept under restraint and were not permitted to attempt to salvage anything from the flames. If we can believe the deposition of Richard Patte, Captain Howell "caused near all the Houses both in the Town & Whole Country to be Burnt to Ashes, not giveing us time to take our goods out of the

Houses, but his party tooke what they pleased themselves & left the rest to be consumed by the fire."

Not only this, when the fires had burned out it seems apparent that Howell forbade any rebuilding of the settlement. When this same Richard Patte desired leave to build a "small thatch shed or Cabin to shelter himself Wife & small children" Howell answered that it was "death for any to build anything". We can imagine the despair of the people since Patte then told Howell that he "desired him to knock them on the Head & end there days". Howell answered, however, that his commission did not permit him to go that far. When the destruction was complete the Marylanders marched away taking with them their spoils and the arms of the inhabitants.

The result to the Whorekill settlement was almost complete destruction. Most of the people were forced to leave for want of food and shelter. Some few men stayed "because their Wives were bigg with child" and unable to travel. At least two deaths resulted from the raid for John Roades, Sr. and Thomas Tilley were murdered by the Indians, apparently as they tried to make their way overland to New Castle. We do not know how many persons remained to start life anew, but it does seem apparent that for the time being the settlement at the Whorekill ceased to exist.

Further Maryland attempts against the Whorekill were forestalled in November, 1674 when the English regained possession of New York and the Delaware Bay from the Dutch. On November 3, 1674 Governor Andross of New York wrote the Governor of Maryland to the effect that he had taken over the government of the Duke of York's territories on the Delaware Bay and that he had given orders to the officers and magistrates of that area to take all possible care to avoid any injury

of any kind to Maryland. He stated that, consequently, he had no doubt but that the Governor of Maryland would take the same precaution to restrain the Marylanders from aggressive attack against the settlers on the Delaware. It seems justified to assume that fear of the displeasure of the Duke of York, later James II, dampened the Maryland ardor to occupy the Delaware Bay shore. To be sure, Lord Baltimore continued to dispute over boundaries for another ninety years, but he made no further attempts by organized force to extend the Province of Maryland to the Delaware Bay.

It is impossible today to point to the precise reason the Whorekill was burned by Captain Howell. It seems apparent from Howell's commission that his expedition was organized to retake the area from the Dutch and restore it to the Province of Maryland. There certainly was no intention at the outset to destroy the settlement. This conclusion seems justified, not only by Howell's commission, but by the fact that in those times every effort was being made by Maryland to attract, not repel, settlers. Furthermore, Captain Howell was expressly ordered to take, keep and defend the place.

What, therefore, happened to change the ultimate objective of Howell's raid? This is now pure conjecture. It might well be that sometime between December 6 and December 18, 1673 intelligence was received of an impending Dutch attack in such force that Howell's Marylanders would be unable to withstand it. However, there is not a hint in the existing records that a Dutch counter attack was contemplated, or even that Dutch authorities at New York were aware at this time that Captain Howell had taken the Whorekill.

The only reason for the destruction of the settlement given in the survivors' depositions is the poverty of the place and its

inability to support the force of Marylanders sent to occupy and defend it. It would seem probable that an addition of forty men to be supported by the small settlement would have imposed an additional burden impossible to discharge, but this alone would hardly seem to justify the extreme measures that were finally taken. If a choice must be made, however, this seems the more likely. Particularly, since the Marylanders at the time certainly regarded the settlement as the possession of a foreign power with which they, as Englishmen, were at war. They may have reasoned that if the place could not support their occupying force, at least its destruction would deny it to the enemy and leave it open to future occupancy by Maryland.

Whatever the reason, however, it is clear that the burning of the Whorekill met with the approval of the Maryland authorities for, by an act for payment of the Public Charges, the Maryland Assembly ordered the payment of 20,376 pounds of tobacco to Captain Thomas Howell and his men for their "march to the Whorekill". It is inconceivable that if Howell had grossly exceeded his commission or other instructions that the Province would have paid him for his services. We may safely assume, therefore, that this cruel and needless act of destruction was done either at the express direction of the Maryland Governor, or at least with his later bestowed approval.

This was the last attempt of the Marylanders to occupy by armed force the western shore of Delaware Bay. From 1669 to 1673 Maryland made a concerted effort toward this end which culminated in 1672-1673 in direct efforts to seize and hold it by force of arms. Following its destruction and abandonment in 1673, however, the Maryland claims to the area were gradually relinquished and finally were confined to the legal struggles between the Penns and the Baltimores over the southern

and western boundaries of what is now Delaware. This dispute sometimes erupted in sporadic acts of violence, but after 1673 no organized armed invasion of the area was mounted from Maryland.