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Leon deValinger, Jr.
State Archivist

STATE OF DELAWARE
PUBLIC ARCHIVES COMMISSION
DOVER

June 26, 1962

Honorable Elbert N. Carvel
Governor of Delaware
Legislative Hall
Dover, Delaware

Dear Bert:

With this letter I wish to bring to your attention with considerable urgency the need to save one of our historic buildings. As you well know there are many buildings in our State that are threatened, but this one I consider particularly imperative. Sussex County is not blessed with the number of historic or fine buildings that we have in New Castle and Kent Counties. It is, therefore, of considerable importance to save the ones that have thus far survived. The building in question is the first Court House built at Georgetown in 1793 and which served the county's needs until 1836. In that year it was moved from the present site of the Court House to the location on South Bedford Street near Court House Square. It is now occupied by Olin Johnson, the printer. Confidentially, we have learned that one or more attorneys are anxious to buy the property, tear down the old building and build a modern office building on the site because of the excellent location. Mr. Johnson, who is old and infirm, does not wish to leave his old home. We are told that he will not live very much longer.

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June 26, 1962

We have a verbal option to purchase at a price of \$7,500.00 with the understanding that Mr. Johnson can live in the property tax free. Then we would be free to administer it for posterity. It was our hope to purchase cheaper but he was advised by his banker not to sell for less than that amount. We could not get more than a verbal option and it is for a limited time only as the attorneys are pressing him to sell to them.

Because of the threat of destruction to this significant seat of government in Sussex County and because of the history connected with it, I earnestly request that you consider making funds available to us from your Contingency Fund for the purchase of this property. Enclosed is an historical sketch of the building as well as photographs. I am sure you are familiar with it's location in the center of Georgetown Business Section. We sincerely hope that you will recognize the importance of this building and authorize the transfer of this sum to our Commission from the Contingency Fund for the purchase of this property. Thank you for your consideration.

Sincerely,



State Archivist

LdeV-jb
Enclosures

OLD COURTHOUSE, GEORGETOWN

On south Bedford Street, near Court House Square

When it was decided in 1791 to move the county seat of Sussex to a more central point of the county than Lewes, the appropriation for building a Court House in Georgetown was straitly limited.

A two-storey-and-attic frame house, sheathed with bald-cypress shingles, five bays in width in modified Georgian semblance, was all the Commissioners could venture to build, even though the funds for building were advanced by private citizens who were to be reimbursed by a State-authorized lottery.

This first Court House in the new county seat was really nothing else than a fairly spacious dwelling house with some modifications of interior arrangement in order to accommodate the Court and the County Offices. So far as architectural considerations went, it was strictly utilitarian and plain as a pipe-stem. This modest structure built in 1793 served the needs of the county until 1836. It stood on the site of the present Court House.

By 1835 it had become increasingly evident that more commodious quarters for the Court and the County Offices were imperatively required, and William Strickland, the Philadelphia engineer and architect was commissioned to design a new Court House for Sussex County.

Before work on the new Court House started in 1837, the old frame Court House was sold and moved to a nearby site on South Bedford Street just south of the Court House Square in the centre of Georgetown. For a long time after its removal to

Bedford Street it was used as a dwelling, presumably with some interior alteration to suit purely domestic use. The exterior remains unchanged. It is now a printing establishment. Absence of domestic upkeep outside, and interior rearrangement incident to its present commercial purpose, have not contributed to a prepossessing appearance.

It is said that for some time after the building of the new Court House "the lawyers of Georgetown placed a great bowl of egg-nog each Easter on the steps, and the public dipped in." Whether this pleasant custom originated in the days of the old Court House is not recorded.

THE COURT HOUSES OF SUSSEX COUNTY

Compiled by Public Archives Commission
Hall of Records, Dover, Delaware, 1965

The region now included within Sussex County, known before 1680 as The Whorekill and from 1680 to 1683 as Deale, was an organized governmental unit before the territory came into English control in 1664. As The Whorekill it extended northward to embrace most of modern Kent County also. Although the Duke of York, and later the Penns, claimed the whole of the modern County, control of its southern and western portions was contested by the Lords Baltimore until 1775.

Lewes, earlier The Whorekill, was the seat of county government from its inception until a more central location was chosen in 1791. No former court house is, however, standing there. Even the site of the building or buildings which served prior to about 1740 is now unknown. A court house erected about 1740, on a portion of the present cemetery adjoining St. Peter's Church, continued in use until the courts were transferred to Georgetown in 1791. It is said to have stood until about 1833, and to have been occupied as a tavern from 1797 to 1817.

Georgetown was founded for the specific purpose of providing a readily accessible county seat. A prominent spot on its Square was selected for the Court House. The first was a two story and attic frame building, sheathed with cypress shingles in a style characteristic of private dwellings in the region. It was completed by 1793, largely at the expense of a group of private citizens who were reimbursed from the proceeds of a lottery authorized in 1795. The structure is still standing on Bedford Street near Court House Square, where it was moved when work on the present building began. It was long used as a dwelling and later as a printing shop. Now it is owned by the Delaware State Museum and will later be restored.

On February 13, 1835 the General Assembly authorized a lottery to raise funds for a new Court House and records office for Sussex County. In February, 1837 a Commission was appointed to oversee its erection. Its frame predecessor was sold and moved. A two

story brick building was then erected on the same site, providing space for the County offices on the first floor and for the courts on the second. Court was first held there in the fall term of 1839; the building appears to have been fully finished early in 1840, within the budget imposed by receipts of \$15,000 from the lottery. It was designed by one of the more widely known architects of the period, William Strickland, and though severely functional, had several features of architectural interest. These were displayed to better advantage after a renovation in 1914 added certain details of exterior decoration and changed the proportions of the tower. No basic structural changes were made at that time.

By the decade of 1960 the Court House had become inadequate for the County's business. In January, 1965, the Levy Court was in the process of acquiring title to the site for a new building for which the plans were well advanced.

Georgetown, Delaware, April 4, 1914.

The following is a list of the names of the persons who have contributed five cents each to this box. Should this box be found it is to be turned over to the Resident Judge of Sussex County, to be placed under the column that replace this one.

William M. Melch, Prothonotary; Harry M. Lickens, Deputy;
Harvey T. Wolfe, Recorder; Muel Lucy Wilson, Deputy;
Mark H. Davis, Clerk of the Peace; M. Edward Wright, Deputy;
James C. Dutke, Sheriff; Thomas Synchron Dutke, Deputy;
Charles T. Jones, Jr., Clerk of Orphans Court. (No Deputy);
 Rufus S. Singer, Jr., Register of Wills; George Chandler, Deputy;
 Peter S. Shockey, Comptroller; Willard S. Lacey, Deputy;
 Oscar M. Thomas, State Detective;

Morgan S. Lums, County Road Engineer;
William J. Mustard, Joint County Road Engineer;

Andrew J. Lynch, Attorney;
Robert W. White, Attorney;
Albert North, Attorney;

Daniel J. Taylor, Jr., Attorney for Levy Court;
 Floyd L. Payner, Sheriff; Dr. John H. Stannum and, His Second;
 Leoin S. Daubigny, Mail Clerk;

J. Manners Chipman,
David S. Currell, who has been Clerk of the Court
for 53 years this month.

Manthaniel Wallace White, Ex Prothonotary;
Albert T. Polk, Attorney, Contributor of Masonic Penny;
John (±) W. Master Mechanic, who raised this
column.

PUBLIC ARCHIVES COMMISSION
Dover, Delaware

MEMORANDUM:

DATE: Oct. 10, 1968

TO: Mr. deValinger

FROM: Captain Calahan

Judge James Messick of the Superior Court delivered the box containing artifacts and the paper material from the County Court House in Georgetown.

Judge Messick says that if you have not yet received a letter, you will receive one from Judge McNeilly concerning this material.

SUPERIOR COURT
OF THE
STATE OF DELAWARE
Oct. 10, 1968

JOHN J. McNEILLY
ASSOCIATE JUDGE

COURT HOUSE
GEORGETOWN, DELAWARE

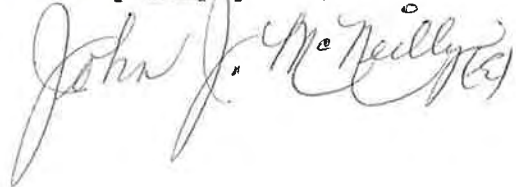
Public Archives Commission
Dover,
Delaware

Att: Mr. Leon deValinger, Jr.
State Archivist

Dear Mr. deValinger:

In reply to your letter of August 27, 1968, please be advised that I have turned over to Judge Messick everything that was found in the column of the old Georgetown Court House, and I would be more than happy for you to do with these items whatever you feel is appropriate.

Very truly yours,

A handwritten signature in cursive script, reading "John J. McNeilly". The signature is written in dark ink and is positioned to the right of the typed name "John J. McNeilly".

JJMc:E

Gen. Ref.
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PUBLIC ARCHIVES COMMISSION

Dover, Delaware

MEMORANDUM:

DATE: October 29, 1968

TO: Mr. deValinger

FROM: Captain Calahan

Justice Carey of the Supreme Court called from Georgetown to say that although the pillars have been reerected on the Sussex County Court House, the architect states that if he could get the mementos recently removed from the Court House and now in your possession, arrangements can be made to incorporate them into some portion of the building.

Justice Carey emphasized that he hoped it would not be necessary to make a special trip down. I advised him that you would call him tomorrow and discuss the matter with him.

Some Reminiscences of the Old
Court House

Strolling about Georgetown, after a long absence, one half square from the Farmers' Bank, S. E., our attention was directed to a "For Sale," placard on an old frame building. It was the old Court House about 30 x 40 feet, covered with cedar shingles from top to bottom and built in 1792-3. Early boyhood recollections cluster around that building. In it we learned to make the first erechets of writing, and there we saw the first sceel exhibition, under the direction of J. G. Barker, and we doubt, considering the preparation, with imported stage scenery and the interest manifested by such as James M. Rench, Clifford Paynter, Frank Gibbons, Alfred P. Robinson, and ex-Gov. Steckley, (Stockley the only one living) whether it has been supassed. Among the things remembered was the declamation of your townsman, A. P. Ewing:

"My name is Norval, on the Grampian hills my father feeds his flocks, a frugal swain."

And how the house came down as Adolphus made his bow and exit. Henceforth his name was Norval. At the window to the left of the entrance fronting the Square, we cast our first vote. A squad of very small boys were playing and they were marched up to the window, a ballot was given each, we were lifted up by the late Capt. James Steele and the vote received by Purnell Johnson. Perhaps Attorney Chas. M. Cullen was one of the number; we think he was. That ballot has been cherished. Both these men were elected sheriff. They were rivals and very popular. Judging from the company, we voted Federal tickets, though we were all Democrats. Yet it was as judiciously done as much of the present day voting.

Scores of times has the writer seen the convicts "hug Susan," - half a dozen to a dozen between 10 a.m. and 2 p.m. The pest stood a short distance from the back door of the present Court House and the public offices were scattered over the county grounds. I have seen more men at one flogging than are now seen in half a dozen. One Shadrach Pippin, a notorious thief, rather delighted in the exhibitions, and was up several times. Indeed, he would not stay out of prison, for no sooner out than he would commit another theft. He is the only one we remember of having been several times punished. One generally sufficed. And it was not the severity of flogging that had the effect. It was done with small switches. If 21 lashes were to be administered four switches would be used, five with the first three and six with the last, the last one always being the best laid on. It has proven itself to be the best page upon our statutes, the very best of the relics of barbarism, and long may it live even under a new constitution.

In this old Court House such men as the elder Bayard's father, and the father of the present Secretary of State, have tried many cases. Apropos, one of the late Judge Wootten's stories. The eldest Bayard and Vandyke were attorneys for a Mr. Burton. It was an important land case. Burton was successful. Overjoyed, he threw two shot bags of silver upon the table with the exclamation, "I want to pay you." Whereupon each attorney drew a bag to himself with the remark, "Just the money, Mr. Burton," and this has been a saying in Sussex county since. Vandyke, Rogers, Bates, J. M. Clayton, Thomas Clayton, Booth, Judge Robinson, Thomas Cooper, E. D. Cullen, Judges Black, Wootten and Layton, et al, were prominent figures in their day in this building. The oratory and scathing sarcasm of these were famous. Bayard on legal questions before the court; Clayton with his pathos and contagious warmth and feeling before a jury; Robert Frame with his knowledge of law and its application to cases, and Bates sitting by with his red bandana overflowing with emotion, were said to be equal to any emergency.

The first Chief Justice was Rieves Holt - 1745. At that time there were no lawyers; every man was his own. Joseph Earle is the first Lawyer of whom there is any record -- 1767-75. There is one of an earlier date mentioned as coming from Philadelphia. The judges were a Chief Justice, second and third assistant, and were farmers and business men chosen chiefly for their good common sense and sober judgment, deciding according to right and equity.

Up to the moving of the Court House from Lewes to Georgetown in 1793, Sussex county only embraced five hundreds, viz: Cedar Creek, Lewes & Rehoboth, Indian River, Broadkill and Baltimore. These were known as "Old Sussex."

In 1805 this old building was struck by lightning. Court was in session but very few persons present. Dr. White, of Lewes, was killed. He was the only person reclining with the back of his chair against the wall.

The present Court House was built in 1838 by Layton & Sipple, at that day the most extensive merchants of the county. The wood work was by George Harris, of Georgetown, still living and healthy. It was dedicated to its present uses by Hon. John M. Clayton in a speech delivered while standing within the bar at the entrance near the crier's stand. He told his fellow citizens that he would next address them on political questions, and that he would enter the campaign with rolled up sleeves, and he fulfilled his promise in the first political speech ever delivered in the court room, standing at the east corner of the Judges' stand with his sleeves above his elbows, and as he led a large majority of Delawareans in these days followed.