

An Act providing for a Commissioner of the Levy Court and Court of Appeal for Gumborough Hundred in Sussex County
Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Gumborough Hundred in Sussex County shall be entitled to and shall have one Commissioner of the Levy Court and Court of Appeal, and the Governor is hereby authorized and required to appoint a Commissioner of the Levy Court and Court of Appeal for Gumborough Hundred in Sussex County who shall hold his office until the next General election in the State when a Commissioner of the Levy Court and Court of Appeal shall be elected for said Hundred for the term of four years-

Passed at Dover, January 27th 1878.

Thomas H. Seward.
Speaker of the House of Representatives.

Chas. Stockley
Speaker of the Senate.

v
2
An Act providing
for a Commissioner
of the Levy Court
and Court of Appeal
for Cumberland Hun-
dred in Sussex County.

Title 16

E. C. 4

E. C. 3

"House"

Passed at Dover
January 27, 1875 -

17
-7
-w act to change the
place of holding elec-
tions in Lambrough
Hundred in Sussex
County

Title #

S. H. 4

4 S

Passed at Dover Feb. 9/76

James

An Act to change the place of holding elections in Lumborough, Haverhill & Sussex County.
 Section 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in
 General Assembly met That Chapter 19 Vol 15 of the Laws of Delaware be and
 the same is hereby amended by striking out all after the words "to" in the fifth line
 of section 1 of said Chapter 19 and inserting in lieu thereof the words "Office now
 owned by Jan E Hoarn" the said Office being now occupied by E H Sage
 Done and done March 27. 1879.

Luther Chandler
 Speaker of the House of Representatives
 Charles W. Thompson
 Speaker of the Senate

An Act to Change
the place of holding
Elections in Lumborough
Township in Sussex
County N. C.

St.

Title IV

Chapt. 13

House

Passed at Durham March 27, 1879

Delaware

A Bicentennial History

Carol E. Hoffecker

Carol E. Hoffecker



W. W. Norton & Company, Inc.
New York

American Association for State and Local History
Nashville

edge of the marshlands at Liston Point are the only remaining material evidence of that privateering venture. The Liston house, built in 1739 with a quaint, double-pitched gambrel roof, exemplifies Delaware's pre-Georgian domestic architecture. Originally, the main floor consisted of one large rectangular room with a fireplace to one side and a winding stairway that led to the attic sleeping rooms. The Hart house, built in 1725, has a single pitched-gable roofline, but is otherwise similar to its neighbor in arrangement. These two substantial brick structures recall the dangers as well as the prosperity that were the lot of Delaware's yeomen farmers during the colonial wars.

In the first three-quarters of the eighteenth century, the population of the Delaware counties rose from a few hundred families to an estimated 37,000 people in 1776. Growing numbers brought the need for increasingly complex local government and courts. In the Duke-of-York period, the English anglicized the Dutch *schouts* and *schepens* into justices of the peace, who were appointed by the colonial governors from the ranks of the most prosperous and trustworthy colonists. Singly, they each heard minor law cases, while all the justices in a given county constituted the court sessions that dealt with more serious crimes. From that court, cases could be appealed to the Court of Assizes in New York under the duke or, in the Penn period, to the proprietor, his council, and the Provincial Court. In the early days, the justices also served in a variety of administrative capacities, such as tax assessors, fence-viewers, coroners, and overseers of the highways. Delaware's unique, antiquated local divisions, called hundreds, which are roughly comparable in size to the townships of Pennsylvania, originated as tax assessment districts. The levy courts, long the governing bodies of Delaware's counties, likewise date back to that early period when the justices of the peace in each county met as a "levy court" to adjudicate cases involving tax payments and to administer laws relating to the counties.

In the course of the eighteenth century, the assembly increased the number of law courts and created new administrative posts, such as coroner and assessor, thus reducing the

History of Delaware

John A. Munroe

John A. Munroe

A University of Delaware Bicentennial Book



Newark
University of Delaware Press
London: Associated University Presses

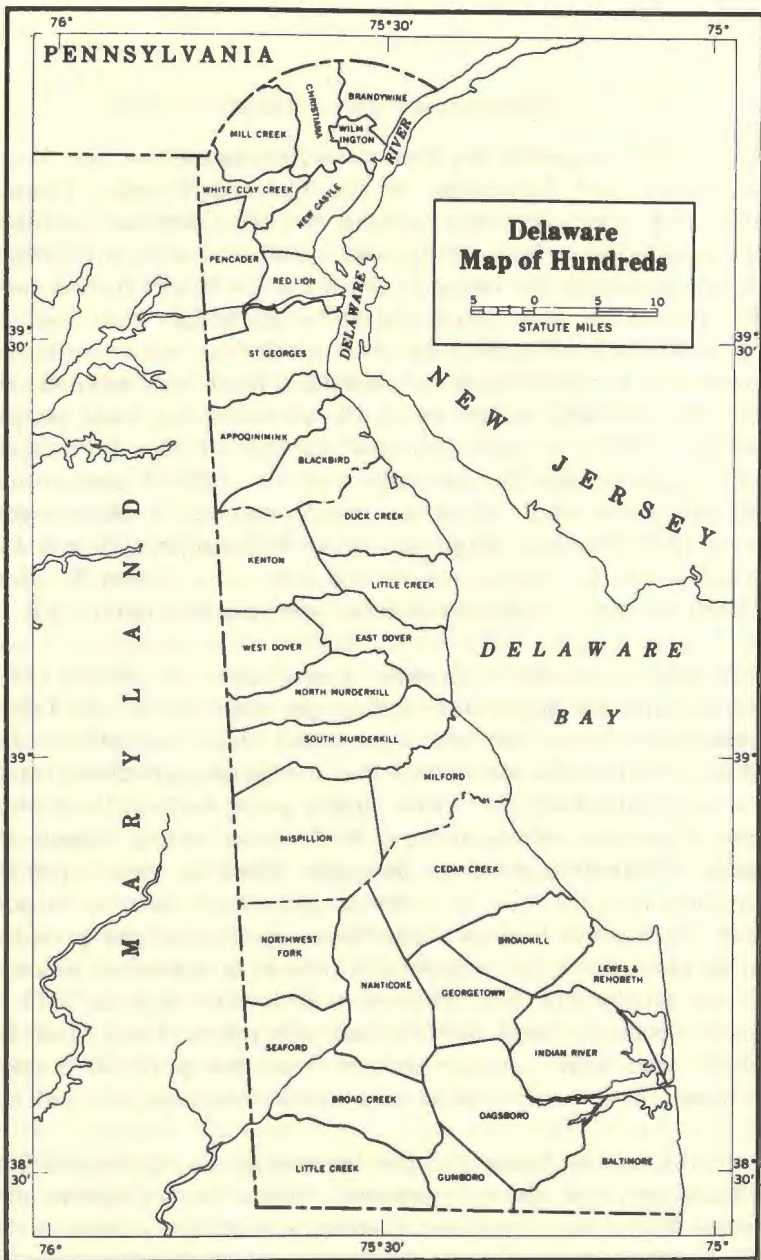
elections heatedly. One faction was called the "court party," normally the party that held office, and the other party was the "country party."

County elections were held only at the county seat, presided over by the sheriff, assisted by an inspector from each hundred. A voter had to own fifty acres of land, of which twelve acres were cleared, or have other property (for example, a mill, or tools, or livestock) worth forty pounds. Neither women nor blacks were specifically disfranchised, but (with possibly a few exceptions) they did not vote, though it is likely that by the end of the colonial period some widows and some free blacks could have met the property requirements.

"Little elections," as they came to be called, were held in the hundreds in September, a month before the county elections. A hundred is an old English subdivision of a county, its origin shrouded in mystery because the name is as old as the language and meant, in geographic terms, not much more or less when it was first used in this sense than it meant in colonial America. The name was used in many colonies but survived in America only in Delaware, probably because there the counties were all established so early—by 1680—that little reorganization was needed. In New England, the newer English term, *town*, replaced *hundred*, and in Pennsylvania and New Jersey the term *township* was adopted.

At the little elections the appointed tax collector presided, assisted by two freeholders of his choice, and the assembled voters chose an election inspector and (after 1766) an assessor. The inspector was needed at the county election to determine who was qualified to vote. Besides assessing the value of property for taxes, the assessor helped set the tax rate, but efforts to elect the entire levy court (as was done in Pennsylvania) were blocked by the governor until after the Revolution.

The general assembly in colonial Delaware was a very powerful body, since the bills it passed were reviewed by no one except the governor, who was eager to keep on good terms with this body. It was a unicameral body, a single house of representatives elected to one-year terms. After the separation from Pennsylvania in 1701, the governor's council, which was appointed, gradually lost responsibility for the government of Delaware. In the early eighteenth century, governors made it a point to have some Delaware residents on the council, but as time passed the Delaware representation was dropped except for one or two men,




Map of Delaware as divided into hundreds. The hundred is an ancient English territorial unit, of undetermined origin, used until recently for some functions of local government. Preserved almost nowhere else on earth, the hundred corresponds to the township in Pennsylvania and New Jersey and to the town in New England. From Delaware Place Names, U.S. Department of the Interior Geological Survey Bulletin 1245 (1966).

THE HISTORY OF
SUSSEX COUNTY, DELAWARE

Harold B. Hancock

Harold B. Hancock



which was renamed Cape James. The town of Deal, formerly known as Swanendael and Hoerenkil (Whorekil), was named Lewes.

In the same year Penn instructed the magistrates of Sussex County to grant land warrants at the rate of 300 acres to married men and of 100 to single men in return for annual payments of one penny per acre or value thereof in the produce of the county. Any land granted must be seated within one year.

His directions at this time to the magistrates, some historians think initiated the hundred system as subdivisions of counties, the fourth paragraph of his instructions reading:

That you endeavour to set the lands that shall hereafter be taken up in the way of townships, as three thousand acres amongst tenn families, if single persons one thousand acres. Among tenn of them laid out in the nature of a long square five or ten of a side and a way of two hundred feet broad left between them for an highway in the township.

In other words, he assumed as in the early history of England that each family with servants would number ten persons and that ten families would total one hundred persons. Highways would separate the different hundreds.

William Penn summoned representatives from the Lower Counties to meet with him in Philadelphia and with the representatives of Pennsylvania counties to frame laws and consider matters of importance. He was particularly interested in the sale of land and the fairness of the courts. In November, 1682, less than a month after he had landed at New Castle, he sent the following instructions to the seven members of the court in Sussex County:

Sence it hath please God to put the Governmt of the west side of Dellaware River and Bay into my hands; I Cannot but in good Concience Endeavor to promote Justices and Rightousness Among the Inhabitents thereof Knowing that he who is the Judg of quick and dead will Remember us for god if wee forget not him; And that A Government Laid and Begun by the Line of Equity and true Judgment, will not faile of prosperity; I therefor most Earnestly Recommend to you who are the Ministers of Justice for the County you Live in; Vigilancy and ffdelity, that you may neither neglect nor pervert Justice; And in order there unto That you keepe your Courts with Constancy and Gravity; and that you have your Eare open to hear all as well the poore as the Rich; And In all Cases to Judge According to the Truth of the Evidence; without fear favour Affection or Reward; That God may Bless you and the people Blesse you; which seldom faileth to be the Reward of wise Just and vertuous Magistrates.

Beginnings

Towards the end of the seventeenth century Scotch-Irish settlers appeared in Sussex County. The London Missionary Society sent out a Presbyterian minister named the Rev. Samuel Davis in 1691 to look after the spiritual welfare of the inhabitants. When George Keith, a Friend, visited Lewes in 1692, he consulted with Mr. Davis. Beginning with the arrival of William Penn, Quakers appeared in Sussex County. The Rev. C.H.B. Turner claims that St. Peter's congregation in Lewes was organized by the Anglicans in the 1680s, but the careful research of the Rev. Nelson W. Rightmyer has not been able to substantiate this. No church edifices were constructed in Sussex County until the eighteenth century.

The establishment of schools was encouraged by the Dutch, the Duke of York laws and William Penn, but there is little positive evidence that much was done about education in the seventeenth century. A descendant of Hermanus Wiltbanck claimed that he gave a lot for education in Lewes in 1650, but the claim cannot be substantiated. The prospectus of Plochoy's settlement in 1662 mentioned that children should attend school for half a day and work at some trade the other half, but his communal endeavor lasted only a year and a half, and there is no evidence that a school was established. Apparently, education did improve by the end of the century because in 1693 Deputy Governor Lloyd of Pennsylvania sent his two youngest daughters to a private school in Lewes. A tradition exists that the Penn Charter School was founded in Lewes in 1699.

Life was not all hard work and no play in Sussex County. In 1685 an innkeeper in Lewes was fined for permitting the playing of cards, and another resident was fined for selling beer at an exorbitant price. Horse racing was a common sport. One resident sued another in court for the payment of a wager of 3,000 pounds of tobacco. Residents seemed to prefer to watch the races rather than to attend court. In 1706 the court directed that races in the streets of Lewes could not be held at the time of court sessions.

With a small population but rich natural resources, Sussex County was prepared for rapid growth in the eighteenth century, building on the foundations laid by the Dutch and English. In the eighteenth century as in the seventeenth it would face pirates, attacks by privateers and the claims of Lord Baltimore, but the roughest part of the frontier beginnings was in the background. The eighteenth century was to be a period of stability and prosperity, of clearing off more land and of acquiring slave labor to help in the process. In the seventeenth century almost all the inhabitants seemed to be of one class, working to survive and support their families, but in the eighteenth century definite class distinctions appeared between rich and poor, though the majority belong in the middle class. A short time before the Revolution, iron forges began to operate and were yet another industry in Sussex County along with tanyards, grist and saw mills and shipyards. Schools and churches were established, though they were still few in number. Settlers could look back and reminisce about the hardships that their forefathers had faced.

CHAPTER IV

THE COLONIAL PERIOD: STABILITY, GROWTH AND PROSPERITY, 1700-1760

During the colonial period Sussex County changed politically, economically and socially. Beginning in 1704, representatives from Sussex County began to meet at New Castle with those from Kent and New Castle Counties in a separate legislative assembly for governmental purposes, though the Governor continued to be appointed by William Penn. The Assembly changed the system of county government in 1735. Industrial activities increased. Agitation began to move the county seat to a more central location. With the settlement of the controversy over the western and southern boundary between the Calverts and Penns, new areas for settlement opened. To the five hundreds in "Old Sussex" named Lewes and Rehoboth, Broadkill, Cedar Creek, Northwest Fork and Indian River were added in 1775 five hundreds in "New Sussex:" Baltimore, Dagsborough, Little Creek, Nanticoke, and Broad Creek. For Sussex County these were important and formative years.

Until 1735 a "court" in each county seat governed the surrounding area. In that year the Assembly set up a different system, providing that the governing body be called the Levy Court with a wide variety of functions to perform. Recently the Sussex County Council became the governing body of Sussex County.

Sussex County grew substantially during the eighteenth century. As to the place of origin of the new settlers, most of them came from the British Isles. In 1728 the Rev. William Becket, the Anglican rector of Lewes, wrote:

The first settlers of this County were for the far greatest part originally English. Some few, however, there are of Dutch families, but of late years great numbers of Irish (who usually call themselves Scotch Irish) have transported themselves and their families from the North of Ireland unto the Province of Pennsylvania and have distributed themselves into the several Counties where lands were to be taken up. Many families are settled in the County Sussex. They are Presbyterians by profession.

About the same time a resident of New Castle County, Thomas Nixon, expressed the opinion that Sussex County contained the least population of the Three Counties:

The County of New Castle is very thick settled, the County of Kent well settled, but not so thick as New Castle, and the County of Sussex not quite so thick as Kent, there being great quantities of poor land in Sussex County.

In 1728 Mr. Becket with the aid of Sheriff Ryves Holt estimated that the inhabitants of Sussex County were divided as follows: Church

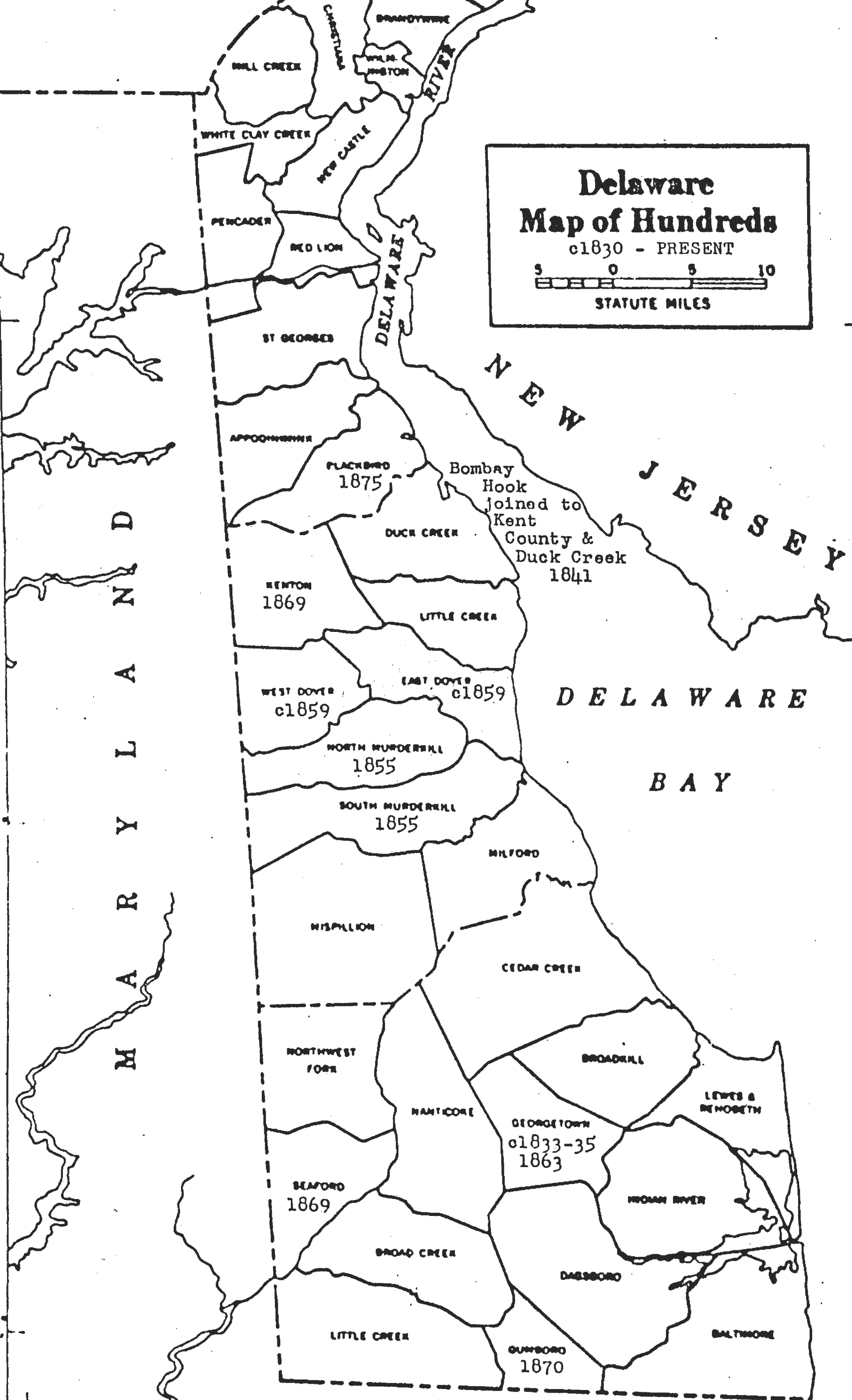
PENNSYLVANIA

Delaware Map of Hundreds

c1830 - PRESENT



STATUTE MILES



76° 75° 30' 73°

39° 30'

39° 30'

39°

39°

38° 30'

38° 30'

76° 75° 30' 73°

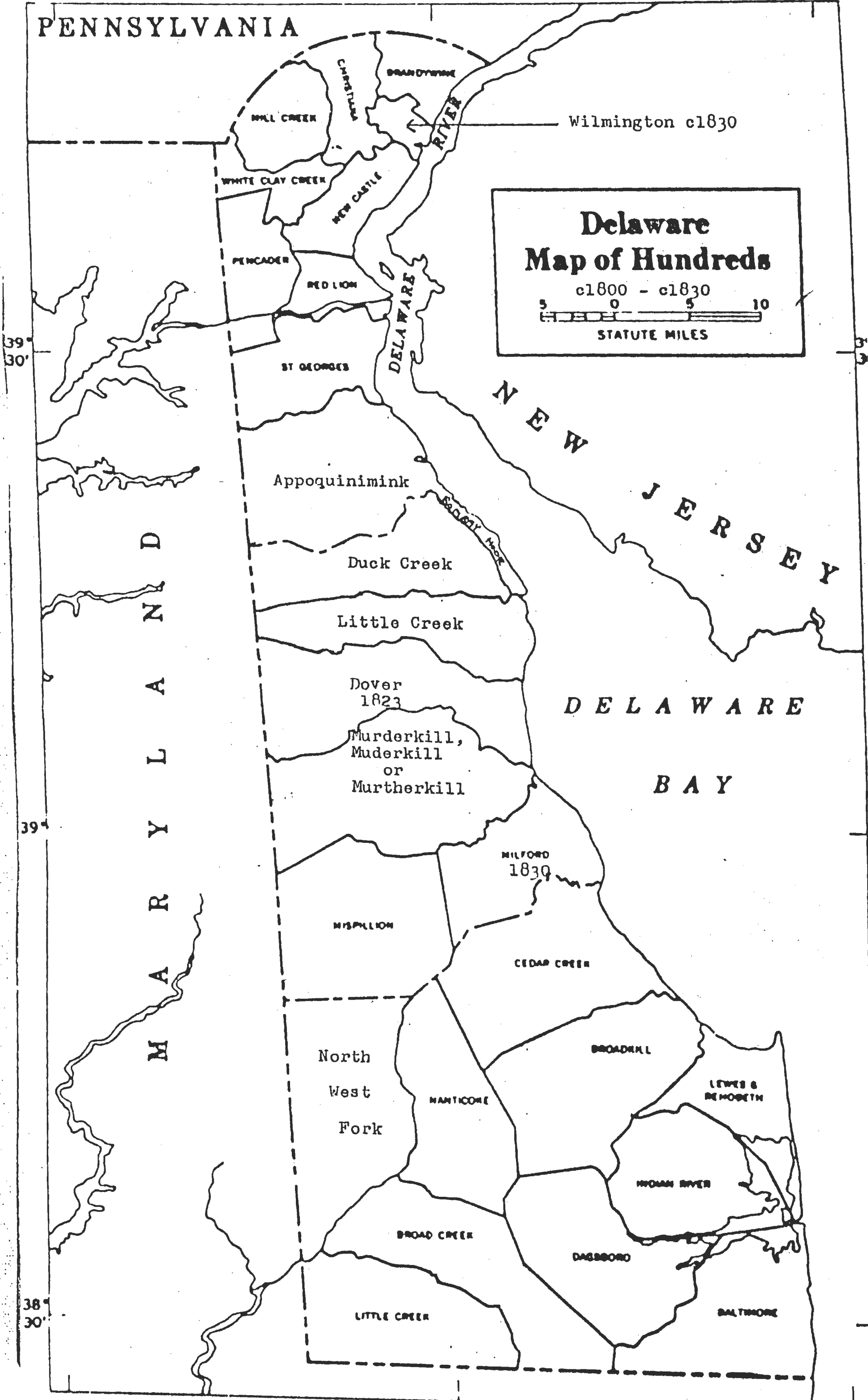
M A R Y L A N D

N E W J E R S E Y

D E L A W A R E

B A Y

PENNSYLVANIA



**Delaware
Map of Hundreds**

c1800 - c1830



STATUTE MILES

Wilmington c1830

MILL CREEK

CAMPBELL

BRANDYWINE

DELAWARE RIVER

WHITE CLAY CREEK

NEW CASTLE

PENCAKER

RED LION

DELAWARE

ST GEORGES

NEW

JERSEY

Appoquinimink

BRADLEY HOOK

Duck Creek

Little Creek

Dover
1823

Murderkill,
Muderkill
or
Murtherkill

DELAWARE

BAY

MILFORD
1830

MISPILLION

CEDAR CREEK

M
A
R
Y
L
A
N
D

North
West
Fork

HANTICORE

BROADHILL

LEWIS &
REHOBETH

WOMAN RIVER

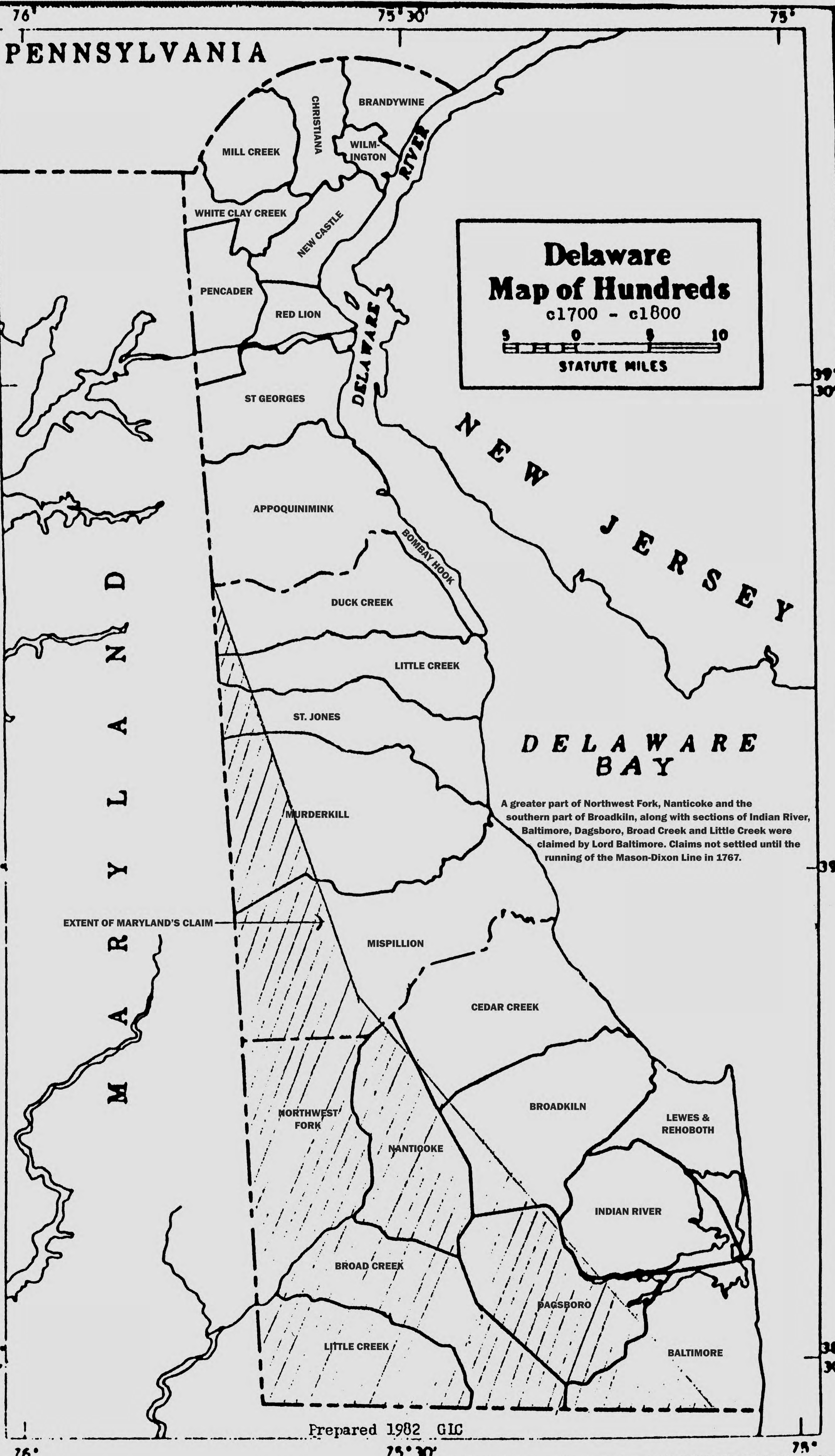
BROAD CREEK

DASSBORD

LITTLE CREEK

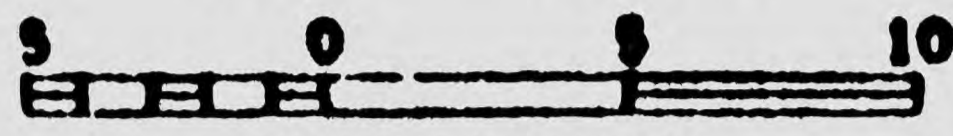
BALTIMORE

PENNSYLVANIA



**Delaware
Map of Hundreds**

c1700 - c1800



STATUTE MILES

**DELAWARE
BAY**

A greater part of Northwest Fork, Nanticoke and the southern part of Broadkill, along with sections of Indian River, Baltimore, Dagsboro, Broad Creek and Little Creek were claimed by Lord Baltimore. Claims not settled until the running of the Mason-Dixon Line in 1767.

EXTENT OF MARYLAND'S CLAIM

Prepared 1982 GIC

Sen Reg # 400

DIV. OF HISTORICAL
AND CULTURAL AFFAIRS

JUN 14 2 57 PM '83

Rowland H. Bacon
201 White Street
Salisbury, MD 21801

June 13, 1983

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.

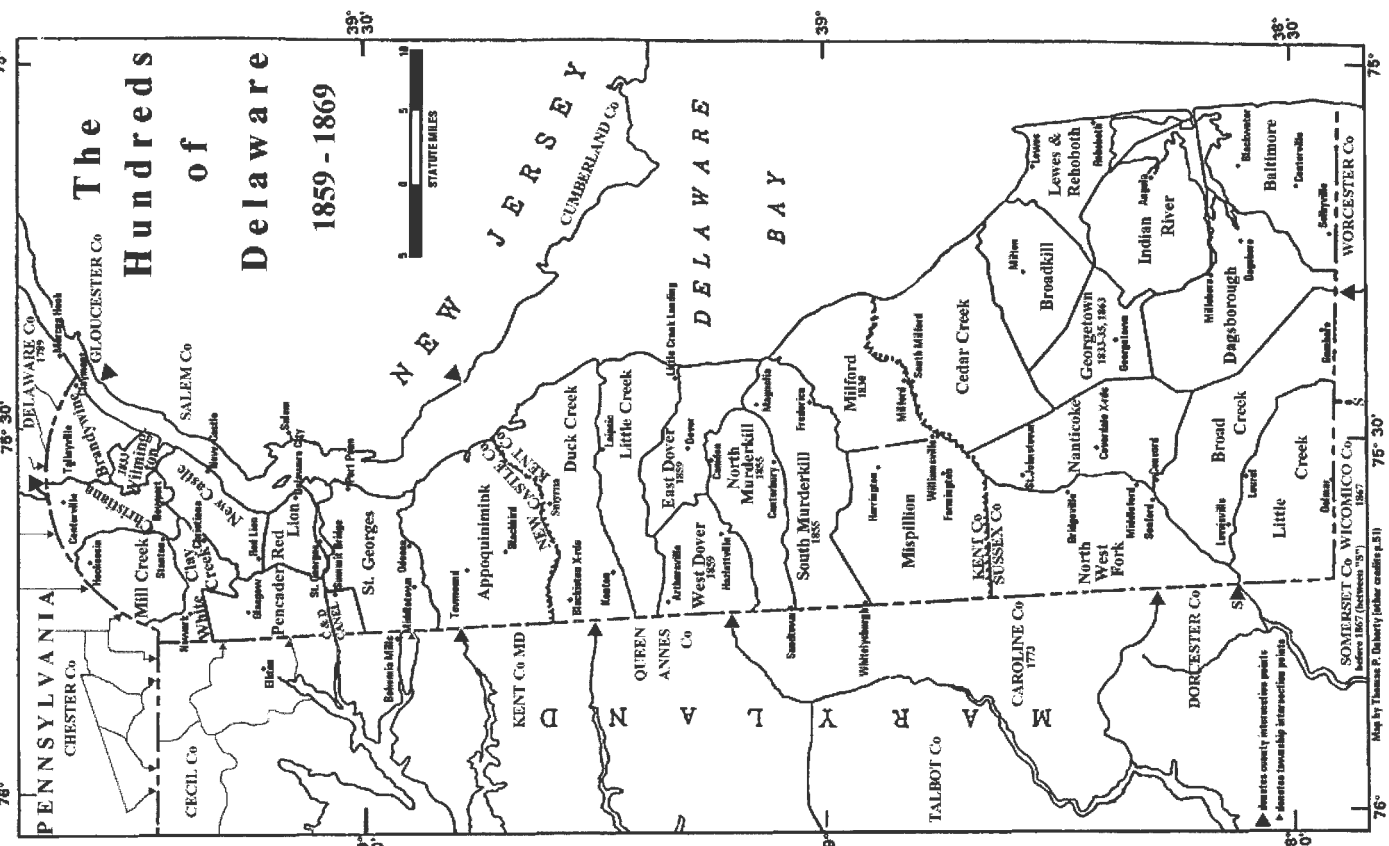
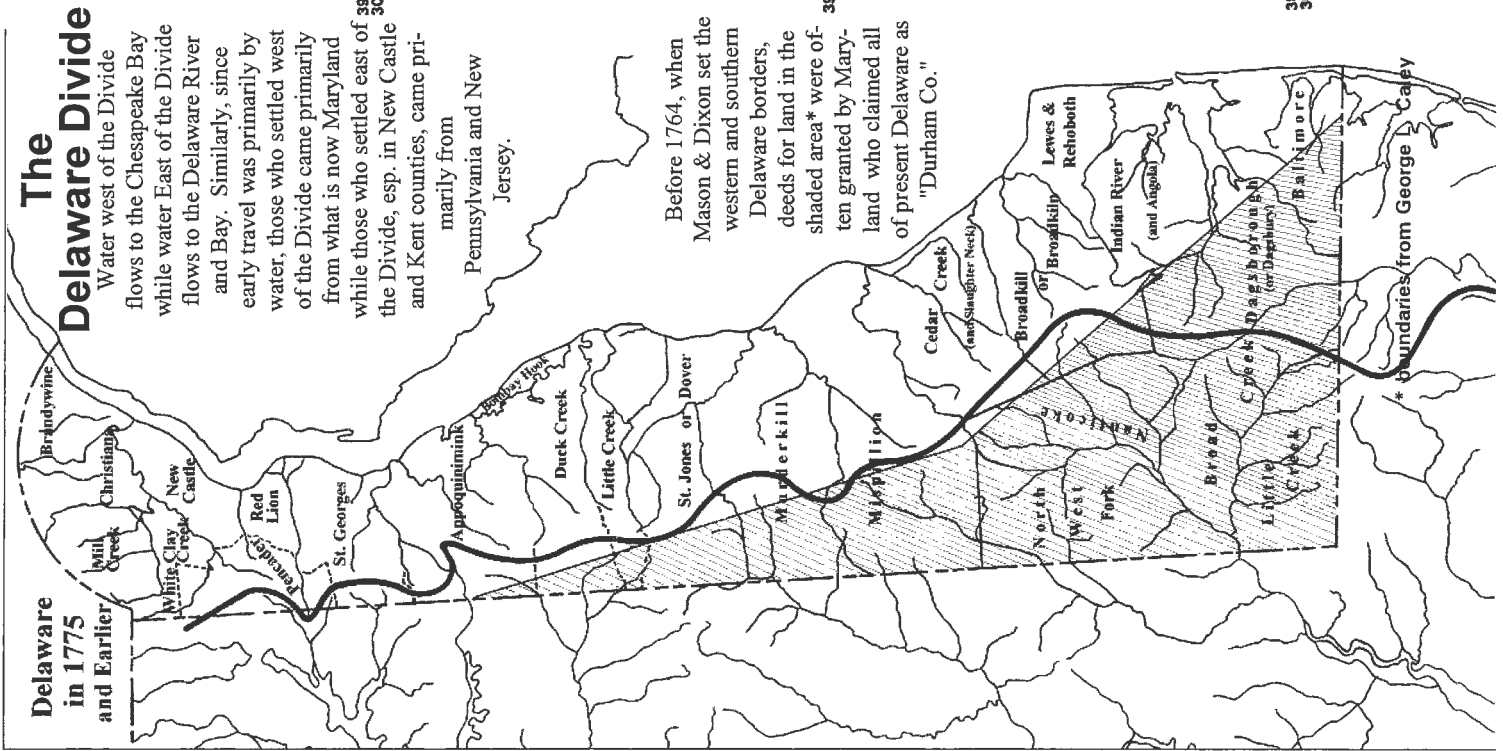
According to my Websters:
A HIDE was equal to 120 acres.

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,
Rowland H. Bacon



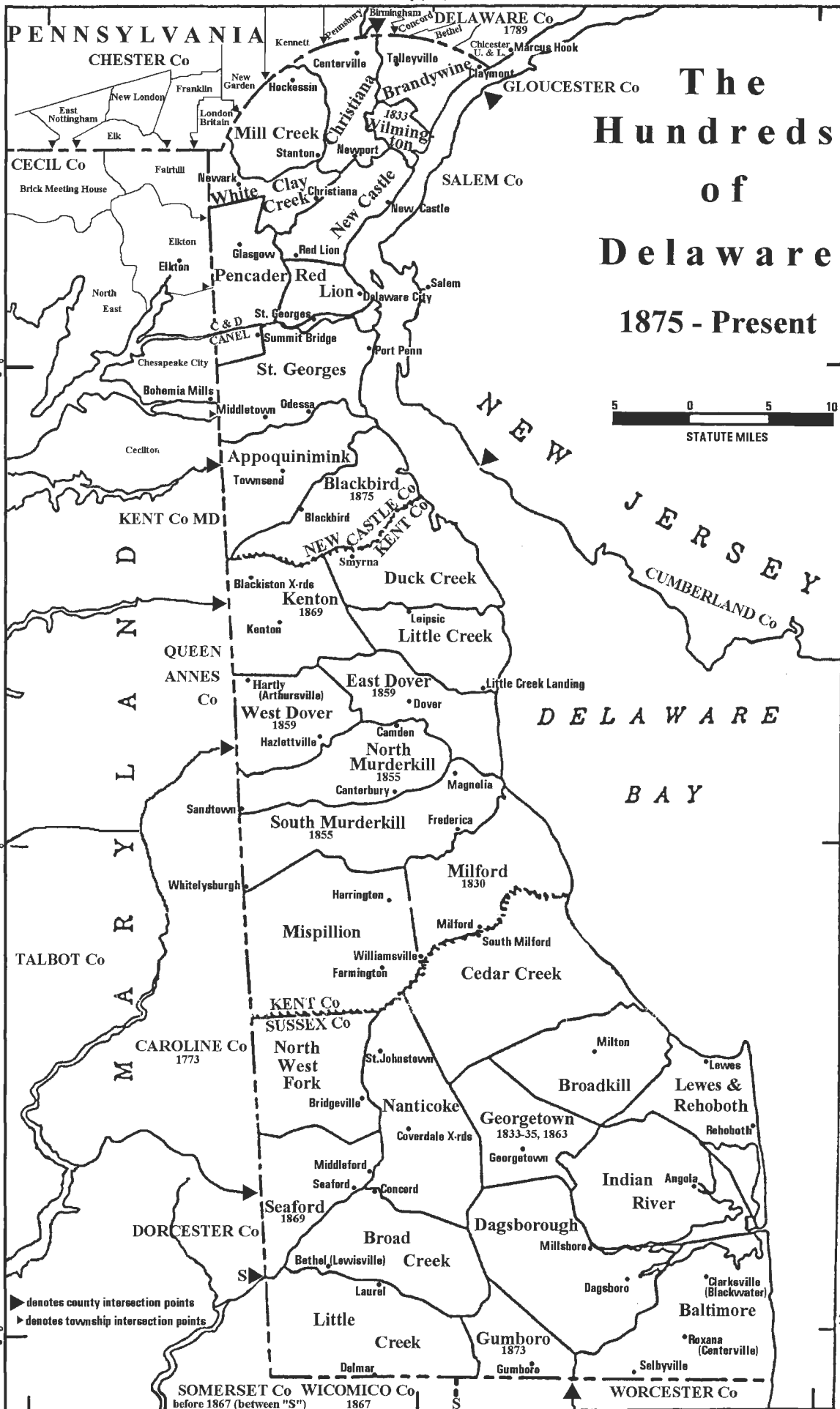
Wilmington hundred, originally came from Christiana, but has since annexed more of Christiana and parts of Brandywine and New Castle hundreds as well. Bombay Hook was transferred in 1841 from Appoquimink to Duck Creek.

- 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.

76°

75° 30'

75°



39° 30'

39° 30'

39°

39°

38° 30'

38° 30'

▶ denotes county intersection points
 ▶ denotes township intersection points

76°

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

75° 30'

75°

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 ~~the~~ 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, Broadkill 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 Killn 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 Killn 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.

X

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, Broadkill, 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.

A. O. H. G.

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. ⁸Ibid., I, 476-7 (1770). ⁹Ibid. II, 935.

¹⁰Laws of Del., I, 478. ¹¹Ibid. I, 429, ff., (1766). ¹²See Chap. VIII, 111, (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.

HUNDREDS OF SUSSEX COUNTY.

Rehoboth Hundred.(1696) - Lewes & Rehoboth.

Broadkill Hundred.(1696) - {Broadkill [Acts of 1833 & 1861]
{Georgetown

Cedar Hook Hundred.(1702) - Cedar Creek Hundred.

Indian Creek Hundred.(1706) - Indian River Hundred.

Northwest Fork Hundred. - {Northwest Fork Hundred. [Act of March 11,1869]
{Seaford Hundred.

Broad Creek Hundred. - {Broad Creek Hundred.
{Gumborough Hundred. [Act of April 4, 1873]
{Part of Dagsboro Hundred.

Nanticoke. - (previous to 1775 this was known as Deep Creek Hundred by Delawareans.)

Little Creek Hundred. - (1775, formerly part of Somerset County, Maryland.)

Dagsborough or Dagsboro Hundred. - (most of this hundred was formerly under the jurisdiction of Maryland until 1763.)

Baltimore Hundred. - (up to the time of settlement in 1775 the land in this hundred was claimed to be in Worcester County, Maryland.)