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Old Court House

It is well proven by surviving records, that at the arrival of **William** Penn in 1682, the ceremony that conveyed to him (by symbol) the territory granted by the Duke of York, was in the fort.

This fort, built in 1671-1672, if the orders and plans were carried out as made, was of two stories, 40 feet square, and according to a **resolution** of the commander on the Delaware and the justices, was to be "**used** for the public service, as Council house, prison, and for other public **purposes,**" when no war or threatened attack upon the community required its full use for the **military** forces.

Throughout the remainder of the Duke of York period, there **is** frequent reference in the records to the use of the second story as **the** court room. In October, 1677 the court took steps "for making the court room in the fort fit for the court to sit in, in the winter! and money **was** allowed the masons for finishing the chimney.

The following year, the new commander on the Delaware, Christopher Billop, stored "**hay** and fodder^R in the court room and kept his horses in the first floor of the fort. By complaint to New York, Billop **was** forced to clean the court room for use of the court. But that winter **1678-79,** the court sat seven days at the **house** of Thomas **Woolaston.**

The Council and Assembly for the Pennsylvania and Delaware counties **met** in New Castle in 1684. If all the members were present with the attendant officers, about 60 **persons** would meet in the **joint sessions.** The upper room of the fort, **40'** by **40'** must have **given** adequate space if used. If not, the former "**great** house" of Captain **Carr opposite**

the fort on present Harmony Street, or the former dwelling of Governor **Lovelace** down the **street** near the Strand could have accommodated them; and perhaps, of several taverns in the town at that time, one or more had a large enough main room.

The Assembly met at New Castle again in 1690 and in 1700, but nothing in the records so far **found** gives any certain evidence that either the assembly or the courts met elsewhere than in the fort or the taverns. It is hard to **believe**, however, that in 1700, when **William Penn was present** at a long session in which all the laws were revised, that there **was** not at least a temporary suitable room or building recently provided if the following dates and items are correct.

Scharf, quoting a "**memorandum** made by the honorable **George Read**", **says** that on Ephraim Herman's return of survey of 1688, for the grant of land to **William Markham** south of New Castle, there was a plan of the town showing the square in the center with the fort located where **Immanuel Church** now is. If there had been a new court house in 1688, it is likely that Ephraim Herman would have shown it and that George Reed would have mentioned it. Further negative inference is in the reported warrant of William Penn through **William Markham** in 1689 to reserve a lot or lots for the court house. The reference to this order is from **Scharf's history**, where the following **also appears**:

"In 1689, the proprietor, through **William Markham**, ordered the bounds of **the square** to be established, and five years later **titles** to the lot on which **the** fort stood were given to **Robert French** and later to Col. **William Markham**, who subsequently transferred it to **Jasper Yeates** from whom the title has **descended**."

The statement by Scharf that the part of the **Market** Square where **Immanuel** Church stood **is** in error and undoubtedly resulted from **confusing** the fort on the Green with the fort erected on **the** first point beyond the Battery by Governor Evans to protect the **community** from pirates. It was this site that belonged to Robert French, then to **Markham** and then to **Yeates** from whom the title descended.

However, as the site on the Green **was** available for Immanuel Church in 1703 **and** probably earlier, this suggests that other provision must have been made for the courts or the assembly.

The next indication **from** the sources is more definite. In April **1703**, Rev. John **Talbot**, clergyman of the Church of England, visiting **New** Castle, **wrote** that **Mr** Wilson, a Presbyterian who "preaches to the people in the Court House", left **New** Castle last winter but intends to come back. According to the records quoted above, the court room in the fort was a thing of the past, and an English clergyman **would hardly** have called **such** a place "**the** Court House." The probability that a part of the **court** house existed in 1702 is therefore **to be considered**. The Rev. John **Wilson** was in **New** Castle in 1698 and if the survey of the Common made in 1701 and made again by George **Deakyne** in 1704, gives the **properties** of the original survey, John Wilson had a tract of land **west** of **New** Castle in 1701, all of which may indicate that John Wilson has been preaching in the court house since 1698. So far as **records avail**, **he was** not employed by a congregation, **but** like the **Rev. Francis McKensie**, **was** attempting to form one by preaching publicly where **a** preacher **is** **much desired** by the people, and none of any denomination **was in residence**.

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Whatever part of the court house **was** built **first**, it seem to **have** had no heating arrangement, for the courts were meeting at **taverns** in the winter time **as** late as 1717, when on the 19th of November the court adjourned to the next day at **two** o'clock at John **Brewster's** house.

That no further record of construction of a court house has been found in this search between the mention of it by John Talbot and the mention in 1765 **when** the Levy Court reimbursed Richard **McWilliams** the 440 pounds 4 shillings and 4 pence on account of sundry persons **who** did the work of "building the two wings of the court **house**" - can not be **used as** evidence that the main court house **was** the **same** as that re-ferred to in 1703 by Talbot. For **so** few records of public business **sur-**
vive from 1704 to 1768, that there **is** almost nothing to go on **even** for surmise.

Conditions that might have promoted the building of a court house at **New Castle** about 1700 were the disaffection of **the representatives** of the three Delaware counties from those of Pennsylvania, and William Penn's **effort while** he was here **1699-1701**, to win them back. This was undoubtedly in part the reason for **Penn's** calling the meeting of the assembly at **New Castle** in **1700**. It might even be that during the ten years **from** 1689, when a lot was ordered reserved for a court house, **and** **1698** when John Wilson began to preach, some way of financing a **temporary** or permanent building on the site of the main part of the **court** house was found, **And it is** unlikely that a very **small** building, **in view** of the **joint assembly meetings** in **New Castle**, would have been **considered**. It may be coincidence, however, that the **main** part of the

court house measures **40' x 40'**, the **same** size as the court room in the upper **story** of the old fort on the other **side** of the Green.

The joint assembly meetings, when held In Philadelphia before 1705, **were** in the school house of Thomas **Makin**, and the council met in the "**council** room" at the "meeting house". As for the Pennsylvania courts, in April 1708, the judges complained that they were **obliged** hold **court** in an ale house. After a period of disagreement about who should bear the cost of building, work on the court house was begun in 1709 and the building completed in 1710. This building of which there are detailed descriptions and some early drawings, **was** comparable to the central part of the New Castle court house, with an outside stairway to the **second** story.

The rings of the New Castle court house were used for schools for a time before the **Revolution** and later were **used** as **county** offices. Repairs are recorded from time to time following 1765: "a **new** roof on the court house" in 1771; a **new** jail behind it in **1773**.