1. NAME OF PROPERTY

Historic Name: New Castle Court House

Other Name/Site Number: New Castle Court House Museum;
Old Courthouse; Old Colony and State House;
Delaware Cultural Resource Survey Number N01290

2. LOCATION

Street & Number: 211 Delaware Street Not for publication:__

City/Town: New Castle Vicinity:__

State: DE County: New Castle Code: 3 Zip Code: 19720

3. CLASSIFICATION

Ownership of Property		Category of Property	
Private:	__	Building(s):	X
Public-Local:	___	District:	__
Public-State:	X	Site:	__
Public-Federal:	__	Structure:	__
		Object:	__

Number of Resources within Property

Contributing	Non-contributing
1	0 buildings
0	0 sites
0	0 structures
0	0 objects
1	0 Total

Number of Contributing Resources Previously Listed in the National Register: 1

Name of Related Multiple Property Listing: N/A

4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ____ nomination ____ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ____ meets ____ does not meet the National Register Criteria.

Signature of Certifying Official

Date

State or Federal Agency and Bureau

In my opinion, the property ____ meets ____ does not meet the National Register criteria.

Signature of Commenting or Other Official

Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I hereby certify that this property is:

___ Entered in the National Register
___ Determined eligible for the National Register
___ Determined not eligible for the National Register
___ Removed from the National Register
___ Other (explain):

Signature of Keeper

Date of Action

6. FUNCTION OR USE

Historic:	Government	Sub:	Capitol, Courthouse
Current:	Recreation and Culture	Sub:	Museum

7. DESCRIPTION

ARCHITECTURAL CLASSIFICATION: Colonial, Georgian

MATERIALS:

Foundation:	Brick
Walls:	Brick
Roof:	Wood Shingle
Other:	Stone

Describe Present and Historic Physical Appearance.

Located on the southeast corner of the New Castle Common, facing Delaware Street in New Castle, Delaware, the New Castle Court House is a two and one half story, early Georgian style brick building. The building is composed of three sections built between ca. 1730 and 1845. The oldest section of the building is the central, five bay block which was built between 1730 and 1731. The four bay wide east wing section was built in two stages, 1765 and 1802. The west wing was constructed in 1845. The building had been modified for several different uses since the State and Federal Court system left the building in 1881. The entire building was restored by the State of Delaware between 1955 and 1963 for interpretation to the public as part of the state museum system. The main block of the building was restored primarily to the appearance documented in the 1802 Benjamin H. Latrobe "Survey of the City of New Castle." Extensive archeological investigation produced information that was used to recreate the layout and missing details of the earlier appearance of the building. The building is an individual National Historic Landmark and located within the boundary of a National Landmark District.

The New Castle Court House is a two and one half story, brick Georgian style building. The deck-on-gable roof is surmounted by an eight-sided, frame cupola detailed with a dome that is supported by an open arcade of round arches with keystones and springers. The roof deck has a wood balustrade across the full width that terminates in brick piers. A tall thin metal spire with an orb and arrow weathervane caps off the cupola. The facade and rear elevations terminate in simple molded cornices on the two earliest sections of the building, and no cornice is present on the 1845 wing. Side elevations on all three sections display simple board raking cornices in the gable ends. The foundations of all three building sections are stone, either dressed or field stone. The building faces a filled terrace that was placed in 1822. Detailed with a dressed stone retaining wall and a brick flooring laid in a herringbone pattern, the raised terrace is accessed by two short sets of stairs with well worn marble risers, providing access from Market and Delaware streets. The metal railing that edges the terrace was placed in 1830.

Facing southwest the facade of the courthouse is composed of three sections. The central projecting five bay section is the earliest portion of the building. The brickwork of the central section is laid in Flemish bond. The openings are symmetrically arranged with a central entry flanked by two 16/16 wood windows on either side on the first floor. The windows on the first floor display radiating jack arch lintels while the second floor window lintels are a simple row lock. Three marble steps provide access to the entrance frontispiece. The surround consists of half-round Doric pilasters supporting a full entablature and pediment. The paneled double leaf door is surmounted by a ten pane transom. On the second floor, a Juliette balcony in the central bay has a balustrade similarly detailed to the one at the roof line. It is accessed by a single-leaf paneled door and is flanked by two 12/12 wood windows on either side. An unusual decorative corbeled belt course occurs between the floor levels. This single course runs horizontally at the upper level of the lintels on the first floor windows. At the outside edge of the end windows, it turns vertically for ten courses then turns at a right angle toward the corner of the building. It continues around both corners on to the side elevations, then turns another right angle and continues vertically for six courses, then turns another right angle at the level of the window sill on the second floor.

The two story, four bay wing attached to the southeast elevation was built in two stages of two bays each. The scale of the wing is smaller than the central block. The facade brickwork is laid in Flemish bond. The 12/12 wood windows are regularly arranged on the first and second floors. They display radiating jack arch lintels on the first floor and soldier coursed lintels on the second floor. Rebuilt interior end chimneys pierce the gable

roof at the ridge. The facade is capped off with a simple molded cornice. The earlier section dates from 1765 and displays a belt cornice in the spandrel between the floors. The later section was built in 1802 and is punctuated by a formal frontispiece, less detailed than the entry in the main block. The paneled, single leaf door is flanked by flat pilasters that support a full entablature and pediment.

The two story, five bay addition on the northwest elevation has a shallow-pitched gable roof and interior end chimneys. The entry is located in the central bay and has two concentric rowlock brick arches for a surround. The door itself is a modern replacement. The 9/9 wood windows with lug sills are symmetrically arranged with a blind window over the central entry.

One bay of the main block of the building extends beyond the facade of the wing on each side. Visible details on both of the side elevations of the main block are identical. One window per floor is exposed and displays 9/9 wood sash with radiating jack arch lintels. Garret windows are visible on the upper half story, and are 6/6 wood sash. A simple belt course separates the second story from the attic level and occurs at the sill level of the garret windows.

The northwest elevation of the 1845 wing is laid in seven course common bond and is two bays wide. The fenestration is regularly arranged and composed of 9/9 wood sash windows with lug sills. The lintels on the first floor are single row header coursed brick, and there are no visible lintels on the second floor. Two bolt-anchor plates are placed between the windows at both floor levels. There is a simple raking cornice on the slopes of the gable end.

The rear elevation of the northwest wing is four bays wide and laid in seven course common bond. The fenestration is irregular with a blank space above the rear door. The windows on this elevation are 9/9 double hung sash wood windows that have single course rowlock lintels and lug sills. A courtyard wall intersects the elevation between the first bay and the rear entrance. Brick detail above indicates a masonry wall was formerly attached at this location.

The rear of the main block has no openings but does display a bricked-in rear door that has a large stone lintel. The central section of the first floor is of randomly coursed field stone. A radiating arched lintel in the lower portion of the wall indicates the location of a seventeenth century abandoned well from the site of the earlier courthouse at this location that burned in the early eighteenth century. The second story wall is brick laid in common bond. This elevation displays a cornice with full entablature across the full width of the main block.

The rear of the southeast wing is divided into two bays with one 6/6 double hung wood window on the second floor of the older section. One 9/6 double hung wood window occurs on the newer section second story with a single panel entry door in the bay below. A handicap access ramp provides access to this entrance of the building. The southeast elevation of this wing has a large single run staircase providing access to the first level because of the sharp slope of the lot in this section. Built of brick, the risers appear to be of reused stone. Windows on this elevation are 6/6 wood sash windows with lug sills on the first and second levels with 6/6 wood sash garret windows with lug sills in the gable end. A frontispiece that matches the one on the facade of this wing is located in the eastern bay of the first floor. A simple raking comice finishes the elevation detail.

While the exterior of the building was restored to the appearance shown in the Benjamin Latrobe drawing of the building in 1807, the interiors have been restored and reused based on ghosting of original fabric left by

previous renovations and interpretation needs of the museum. The circulation system for the building integrates the east wing into the main block. The west wing is now wholly separate from the rest of the building. The court room space was generally restored to the appearance of a description and drawing from an 1837 account that proposed building a new fireproof wing attached to the northwest side of the building. The arrangement of the wooden dais for the judges platform, placement of benches for witnesses and prisoner's dock, as well as seating for grand and petit juries generally conforms to arrangement in that drawing. Two original columns that flank the prisoners dock are original features of the space. The present staircase, a dog-leg stair placed in the north comer of the room, was relocated to that location during the restoration of the building in the 1950s.

On the second floor, the stairway opens into a formal hall space with a fire place on the northwest wall. The Robing Room, a small well-lit space, is accessed from the hall. The more formal of the two entries into the Assembly Room is from this stairhall. The Assembly Room occupies the full length of the main block and slightly more than half its width. A large fireplace is placed on the southeast wall beside the entry from the stair hall in the east wing. The balcony on the main facade of the building is accessed from this room. Spaces in the east wing include the stairhall to the rear of the block, the Clerk's office, and the exhibit room. The Clerk's office has a winder stair in the northeast corner of the room that accesses the office below. The exhibit room, accessed off the stair hall, occupies the full length of the wing and slightly over half of its width. A large fire place, centered on the southeast wall, dominates the room.

The interior of the 1845 west wing is arranged with one room on each side of a central hall with a dog-leg staircase along the back wall. Connection to the main block was made at the top of the first run of this staircase but it is currently closed off. Rooms on the first floor are finished with plaster walls and display simple structural vaulted ceilings indicating its fireproof construction. On the second floor, the hall has been truncated to include more area in the northwestern office space.

8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties:
Nationally: X Statewide:_ Locally:_

Applicable National Register Criteria: A X B X C__ D__

Criteria Considerations (Exceptions): A_ B_ C_ D_ E_ F_ G_

NHL Criteria: 1, 2

NHL Theme(s):
IV. Shaping the Political Landscape
1. parties, protests and movements
2. governmental institutions

II. Creating Social Institutions and Movements
2. reform movements

Areas of Significance: Politics and Government.
Social History

Period(s) of Significance: 1732-1848

Significant Dates: 1732, 1777, 1848

Significant Person(s): Thomas Garrett, John Hunn

Cultural Affiliation:

Architect/Builder: Unknown

Historic Context:
III. Development of the English Colonies
B. Political and Diplomatic Affairs
1. Intracolonial Matters

IV. The American Revolution
A. Politics and Diplomacy

V. Political and Military Affairs, 1783-1860
B. The Constitution

Underground Railroad Resources in the United States Theme Study (2000)

State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

The New Castle Court House, located on Delaware Avenue in New Castle, Delaware, was designated a National Historic Landmark in 1972 for its historical significance as the seat of governance in Delaware during the colonial and early statehood eras. "The cupola served as the beginning point of the 12-mile radius that determines Delaware's curved northern boundary. Among the important events that took place here were Delaware's decision to separate from Great Britain and Pennsylvania and the writing and adoption of the first state constitution, both in 1776."[1] In addition to this previously documented national significance, the property is also nationally significant under the National Historic Landmark theme study on the Underground Railroad as the site of the Hunn-Garrett Trials of 1848 where two prominent Delaware abolitionists of the Quaker faith were sued by the owners of fugitive slaves from Maryland. John Hunn and Thomas Garrett were prosecuted under the Fugitive Slave Act of 1793, which made it a Federal crime to assist, aid and/or harbor a "fugitive from servitude." These well-documented trials exemplified the measures used by slave owners as recourse against persons involved in assisting those escaping slavery, and that Underground Railroad participation or other assistance to fugitive slaves did not occur without some risk and consequences. These trials were well publicized in the anti-slavery press and reaffirmed the commitment of the two defendants to assist those fleeing slavery. In addition, precedent regarding the interpretation of the Fugitive Slave Law of 1793, specifically how fines were imposed, was set at the Hunn-Garrett Trials. According to the National Park Service Thematic Framework, the New Castle Court House is significant under Theme IV: Shaping the Political Landscape; Theme II: Creating Social Institutions and Movements, and for the Underground Railroad Resources in the United States Theme Study.

The trials also had a profound impact on the defendants. Thomas Garrett and John Hunn dedicated the rest of their lives to assisting those escaping slavery, and after the Civil War, to the assistance of those newly freed from bondage. Thomas Garrett was already a prominent figure in the anti-slavery/ abolition movement, well known by national figures like William Lloyd Garrison and Lucretia Mott, and by the renowned conductor of fugitives from slavery, Harriet Tubman. By the beginning of the Civil War, Thomas Garrett had assisted over 2700 escaping slaves by his own account. John Hunn was active in Underground Railroad activities from his home in the Kent County community of Quakers in and around Camden, Delaware. In 1862, Hunn joined a Quaker-affiliated freedman relief effort and relocated to St. Helena Island off the coast of Beaufort, South Carolina. He did not return to Delaware until 1884. His son, also named John Hunn, became the first Quaker governor of the state of Delaware in 1900, and it was under his leadership that the state legislature finally passed the 13th, 14th, and 15th amendments to the Constitution of the United States of America.

New Castle Court House as Seat of Governance (1732-1777)

It was in late 1729 that William Kelsey decided to escape from the New Castle jail by setting a fire. His escape plot didn't succeed, but he did manage to burn down the first courthouse on this site in New Castle, Delaware. The central section of the building that stands today was in use by 1732 when the representatives of the Penn

[1] Allen S. Chambers, Jr., *National Landmarks, America's Treasures: The National Park Foundation's Complete Guide to National Historic Landmarks* (New York, NY: John Wiley & Sons, Inc., 2000), 75.

family and Lord Baltimore met to determine boundaries for the three lower counties, centering the twelve mile arc for the northern boundary of Delaware on the center of the cupola. The New Castle Court House served as the seat of the colonial assembly of the Three Lower Counties from its construction in 1732 until June 15, 1776. At that time, it served as the home of the Delaware State Assembly until the legislative body moved to Dover in May 1777. On September 10, 1776, it was here at the New Castle Court House that the Delaware Assembly drafted the first Constitution of the State and officially adopted the name Delaware State.

In addition to its function as a place of assembly for colonial and state government, the New Castle Court House served as the judicial facility for the colony, and later for the state of Delaware. The colonial Court of General Sessions met at New Castle every third Tuesday in February, May, August, and November. The Orphans Court would also meet concurrent with this Court as needed. The Delaware Supreme Court and Court of Oyer and Terminer met in April and October.[2]

In addition to legislative and judicial functions, the New Castle Court House was used by the community for all types of functions, both physical and symbolic. Important in the development of the city of New Castle, the presence of the building held a great deal of symbolic value for prospective settlers and merchants to the area, as an emblem of stability, order, and the rule of law. It also served the community as a gathering place for religious services, balls and dances, education, and public discourse on issues of the day. It was in this building on August 22, 1774, that the delegates of the Lower Counties appointed deputies to the first Continental Congress.[3] Those delegates formed the core of representatives that constituted the Assembly that called for the separation from both Great Britain and the Penn colony. Led by three of Delaware's most famous politicians, Caesar Rodney, Thomas McKean, and George Read, the Assembly of the Three Lower Counties met and resolved the following:

> Whereas it is become absolutely necessary for the safety, protection, and happiness of the good people of this colony, forthwith to establish some authority adequately to the exigency of their affairs, until a new government can be formed; and Whereas the representatives of the people, in this assembly met, alone can and ought at this time, to establish such temporary [authority]. Resolved unanimously, that all persons holding any office, civil or military, in this colony, on the 13 day of June instant, may and shall continue to execute the same, in the name of the government of the Counties of New Castle, Kent, and Sussex Upon Delaware, as they used legally to exercise it in the name of the King, until a new government shall be formed, agreeable to the resolution of Congress of 15 May instant.[4]

With this resolution Delaware plunged forward into revolution. Accordingly, the New Castle Court House was designated as the first capitol of Delaware State. Delaware's copy of the Declaration of Independence was read from the second floor balcony of this building on July 24, 1776. The state capitol was moved to Dover in May 1777, but the New Castle Court House remained the home of Federal and State courts until 1881 when that function was moved to Wilmington, the newly designated county seat.

THOMAS GARRETT

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[2] Dudley Cammett Lunt, *Tales of the Delaware Bench and Bar* (Newark, DE: University of Delaware Press, 1963), 72

[3] Jeanette Eckman, *New Castle on the Delaware* (New Castle, DE: Communications Printing Company, 1973), 59.

[4] Extract from *Minutes of the House of Representatives of the Government of the Counties of New Castle, Kent and Sussex Upon Delaware at Sessions held at New Castle, 1776.*

Born in Upper Darby, Pennsylvania on August 21, 1789, Thomas Garrett was brought up in a devout Quaker family. It has been recounted that in his 20s, a free black woman in the employ of his family was kidnapped, and they feared she would be sold into slavery. He pursued her captors and rescued her. During the trek to find her captors, Thomas Garrett saw the assistance of those in need as his calling and looked back upon this incident later in life as the moment his career path was set before him.

By trade, Thomas Garrett was an iron merchant, but the assistance of those fleeing bondage was his occupation. He married Mary Sharpless, of a prominent Quaker family in 1813 at the Birmingham Meeting in West Chester, Pennsylvania. The family moved to Wilmington, Delaware in 1822. The Garrett family lived on Shipley Street between Second and Third streets (non-extant) and attended the Friends Meeting at Fourth and West streets in the area known as Quaker Hill.

> The area around Wilmington, Delaware, and Philadelphia was another one that was relatively well organized for underground railroad work. Thomas Garrett of Wilmington, some antislavery Quaker farmers of Chester County, Pennsylvania, and the members of the Philadelphia Vigilance Committee, were key persons in the area. It was the interest and perseverance of Garrett that provided essential leadership for the cause. He spared neither time nor expense, and threw himself into underground railroad work with enthusiasm. In a number of instances he assisted Harriet Tubman in her rescue adventures. Garrett's service was mostly a matter of sheltering fugitives, making arrangements for their transportation, and paying necessary expenses.[5]

Garrett developed a national reputation because of his efforts as an Underground Railroad operator and his abolitionist work.

> While most northern Quakers were moderate in their antislavery views, emphasizing primarily their own rejection of slavery, Garrett went much further, becoming a follower of Boston abolitionist William Lloyd Garrison, who offended some Quakers with his strong language and confrontational style. Like Garrison, Garrett advocated nonviolent resistance to slavery...His work, along with that of Levi Coffin in Cincinnati, contributed to the perception that a well-organized escape route for slaves extended throughout the nation.[6]

He was instrumental in the founding of the Progressive Meeting of the Society of Friends. The membership of the Longwood Meeting at Longwood, Pennsylvania was composed of ardently anti-slavery members, and many were actively participating with Garrett to assist "God's Poor." Many of the members had been disowned from the other meetings in the area because of their strident anti-slavery views. Thomas Garrett attended the Longwood Meeting and spoke about his anti-slavery work. William Lloyd Garrison, Lucretia Mott, John Greenleaf Whittier, Sojourner Truth, Susan B. Anthony, William Henry Channing, and Frederick Douglass also came to speak at the Longwood Progressive Meeting.

Thomas Garrett was not secretive about his work providing assistance to escaping slaves. His actions to assist those fleeing bondage are well documented. He kept a list of those escaping slaves he assisted and periodically reported the count at meetings of the abolitionist societies in Delaware and Pennsylvania. By his own count he had helped 2700 escaping slaves by the outbreak of the Civil War. Letters he wrote regarding the transfer of

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[5] Thomas E. Drake, "Thomas Garrett, Quaker Abolitionist," in *Friends in Wilmington, 1738-1938* (Wilmington, Del., n.d.), 75-86 from Larry Gara, *The Liberty Line* (Lexington, Kentucky: The University Press of Kentucky, 1961), 96.

[6] John A. Garraty and Mark C. Carnes, eds., *American National Biography* vol. 8 (New York, NY: Oxford University Press, 1999), 751.

this human cargo were kept by William Still, the African American secretary of the Philadelphia Abolition Society, and several were published in Still's book The Underground Railroad in 1872. Other letters to abolitionists in Europe and in New England remain in archival collections at the Friends Historical Library at Swarthmore, Pennsylvania, the Historical Society of Delaware, and others.

> The Quakers–perhaps because of their very early and consistent stand against slavery–are often thought of as underground railroad conductors...Some antislavery workers among them became symbols by which the entire generation of their religious group has been evaluated. Years after the war, Thomas Garrett was described in a popular magazine as a "Quaker whose principal object in life was to assist fugitive slaves."[7]

Thomas Garrett was also well known and well respected in the African-American community of Wilmington, Delaware. Ill during the last years of his life, Thomas Garrett limited his activities, although he was asked to participate in causes supporting and assisting the newly freed African-American population in Wilmington and around the country. Thomas Garrett died on January 25, 1871. His funeral was held at the Friends Meeting House in Wilmington and he was buried in the cemetery on the grounds of the meeting house.

JOHN HUNN

Born on June 26, 1818 at the Kent County estate called Great Geneva near Lebanon, Delaware, John Hunn was the son of Hannah J. Alston and Ezekiel Hunn. He was the grandson of Jonathan Hunn of Forest Landing, a port at the confluence of the St. Jones River and Tidbury Creek, in the town of Lebanon. The Hunn family operated a large mill and iron foundry complex at Forest Landing, and leased several outlying farms to tenants, owned commercial establishments in Camden, and owned sailing vessels kept at port at Forest Landing. His father, Ezekiel was noted to have been "a great abolitionist and assisted many poor fugitives from the house of bondage."[8]

John's mother died in 1819, shortly after the birth of his younger sister, Elizabeth Alston Hunn. At the death of his grandfather in 1820, the substantial estate provided him with sufficient property and income to get an education.[9] His father, Ezekiel Hunn, passed away in 1821, leaving John in the care of an aunt, and then with his half-sister, Patience, after her marriage in 1824 in Philadelphia, Pennsylvania, to George Washington Jenkins, of Camden, Delaware.[10] Patience Hunn Jenkins was very devout and felt called to the Quaker ministry early in her life. Like other sanctioned ministers in the faith, she traveled to other meetings to share her vision of the gospel. It was her influence that helped to bring young John back into the religious community and eventually to become a minister himself.

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[7] Lillie B. Chace Wyman, "Harriet Tubman," *New England Magazine,* n.s. 14:112 (March 1896) from Larry Gara, *The Liberty Line* (Lexington, Kentucky: The University Press of Kentucky, 1961), 5

[8] *Historical and Biographical Encyclopedia of Delaware* (Wilmington, DE: Aldine Publishing Company, 1882), 511.

[9] Along with providing for his relatives, Jonathan Hunn's will also provided for additional land for the Camden meeting house for the purposes of a graveyard, and income from a rental property was given to the "Camden School for Colored Children" for a period of ten years. (Kent County Probate Records, Will of Jonathan Hunn.)

[10] *Delaware Gazette*, August 24, 1824, 3.

John was well provided for by the large estates left by his father and grandfather. He was sent to a Quaker academy in Bordentown, New Jersey. Afterwards, he joined his elder half-brother Ezekiel in an apprenticeship to Townsend Sharpless, a wealthy and very prominent Quaker merchant in Philadelphia.

In 1835, at age 17, his Quaker membership was officially transferred to the Cherry Street Meeting in Philadelphia. While in Philadelphia John met, and later married, a non-Quaker, Mary Allen Swallow, and was disowned by the Cherry Street Meeting for "marrying out of union."

After the apprenticeship was over, their guardian, Richard Cowgill, funded the set up of a business for John and Ezekiel as silk merchants in Philadelphia. Ezekiel, the elder of the two, thrived in this environment, but John did not. In 1837 John wrote John Alston, his cousin whom he had never met, about apprenticing to him to learn farming. His proposal was accepted, and John Alston sold him a farm across the road from his home farm between Middletown and Odessa in southern New Castle County.

By 1840, John Hunn was working on his own farm. Alston's account books show that he was the source of a variety of goods for the Hunn farm and home, including seed corn, flax seed, sheep, potatoes, cloth and rope. He also allowed Hunn to borrow his farming equipment.[11] John and Mary's first child was born in 1843 and named John Alston Hunn. Elizabeth Alston was born on October 6, 1846 and Jonathan,[12] on June 23, 1849. On March 20, 1850, John Alston Hunn, the oldest child, died, and was buried at the Appoquinimink Meeting Cemetery. The judgement from the trial of 1848 was paid that year too, and John Hunn moved his family to the Camden, Delaware area to live with relatives. Their fourth child, Hannah Alston, was born there on November 17, 1851.

In 1840, John had officially apologized to the Meeting for "marrying out of union", and asked to have his membership transferred back home to Camden, Delaware, which was granted. In 1852, Mary and their three surviving children asked to be joined in membership with the Camden Monthly Meeting of Friends, and were accepted. Mary died on October 1, 1854 and was buried at Camden Meeting Cemetery. On November 13, 1855, John Hunn married his cousin-by-marriage, Anne E. Jenkins, in the home of his sister and her second husband, Patience and Jabez Jenkins.

It is quite possible that his activities in the Underground Railroad continued after his return to the Camden area. Local tradition talks about the participation of the Hunn family assisting escaping slaves. Hunn family homes in the Forest Landing area include Great Geneva and Wild Cat Manor.[13] It is not known precisely where he lived during this period. He was very active in the Camden Monthly Meeting, serving as a delegate throughout the 1850s and as clerk from 1854-1856. He maintained his ties to the Appoquinimink Meeting House, taking on the repair of the fencing in 1853. In June 1852, he traveled to the territory of the Northwest Fork Monthly Meeting with his sister, Patience H. Jenkins, to preach about the evils of slavery and oppression. In a

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[11] Account Books and Journals. Papers of John Alston, RG5, Friends Historical Library.

[12] John Hunn was governor of Delaware from 1901-1904. He was the first Republican to hold that office as well as the first governor of Quaker faith.

[13] Great Geneva was listed in the National Register in 1973. At the same meeting of the Delaware State Review Board, Wildcat Manor was determined not eligible because of the number of changes to the building. Still extant in 1997, the building has not been reevaluated since 1973.

reminiscence published in the *Friends Intelligencer* magazine in 1898, one of the members of that monthly recalled the visit, and the appearance and preaching of John Hunn:

> The two came together and visited our meetings in Caroline [County, Maryland], and though a mere boy, I well remember that he preached, and it then appeared to me that he was the most remarkable man I had ever seen or heard. He was handsome, tall and in person finely developed, -- "a Nature's nobleman." His hair was as black as a raven, his manner the most courteous and humble, and as gentle as a child. I still remember his text; my impression is that the sermon was the first he ever preached: "The spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor, he hath sent me to heal the broken hearted, to preach deliverance to the captive, recovery of sight to the blind, and set at liberty them that are bruised; to preach the acceptable year of the Lord."[14]

On November 28, 1854, the Southern Quarterly Meeting of Ministers and Elders appointed John Hunn a minister.[15]

In 1862, after the successful assault on the fortification of Port Royal Harbor by the Union Navy, the slave-holding population fled the Sea Islands of the South Carolina/Georgia border. Approximately 10,000 slaves were left on the Sea Islands. Once the source of the most valuable cotton produced in the South, the Sea Islands were isolated from the mainland. A Philadelphia philanthropic organization, the Port Royal Relief Association, under the direction of Reverend J. Miller McKim[16] of Philadelphia organized volunteers to work among the newly freed slaves. John Hunn traveled there, leaving Philadelphia on October 21, 1862, accompanying his daughter Elizabeth, and Charlotte Forten, a teacher, Philadelphian, and the daughter of a wealthy and prominent, free African-American family.[17]

Life on St. Helena Island changed dramatically after the Federal occupation. By 1863, a garrison of five thousand soldiers was stationed on one end of the island. After word spread that St. Helena was free, escaping slaves from nearby islands arrived in great numbers.[18] John Hunn initially ran a store for the Port Royal Relief Association, and worked on setting up the Seaside Plantation on St. Helena to produce crops again. By 1870, Hunn's son Jonathan, along with his wife, Sallie Emerson Hunn joined him on St. Helena.[19] His daughter Elizabeth (Lizzie) was a teacher among the freed slaves, and was mentioned in the diaries kept by other teachers

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[14] Wilbur Siebert, *The Underground Railroad in Pennsylvania*, vol. 1 (Materials Collected by Professor Wilbur H. Siebert, Ohio State University, Columbus). Located in the Houghton Library at Harvard University, Cambridge, Mass.

[15] "Historically, men and women who were recognized as being unusually inspired by the Spirit of God provided most of the vocal messages in meeting for worship. Ministers were formally designated or "recorded" by the monthly meeting, and regular meetings of ministers and elders, called Preparative Meetings of Ministers and Elders or Select Meeting were held to consider the spiritual life of the meeting." *Guide to Genealogical Resources at Friends Historical Library of Swarthmore College*, Glossary; Friends Historical Library, Swarthmore College, Swarthmore, PA. p. D-1 - D-11.

[16] Reverend J. Miller McKim was also president of the Philadelphia Abolition Society.

[17] Billington, *Journal of Charlotte L. Forten,* 117. Charlotte Forten Grimke's home in Washington, DC was designated an NHL in 1976.

[18] Theodore Rosengarten, *Tombee: Portrait of a Cotton Planter* (New York: William Morrow and Company, Inc., 1986) 257.

[19] William Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York: Bobbs-Merrill Company, 1964), 78.

on St. Helena, including Laura Towne and Charlotte Forten. John Hunn, Jr., invested in limestone as a fertilizer, and his time in South Carolina provided him with a substantial fortune. Neither the store nor the plantation under the management of the elder John Hunn fared well financially.

Some who came to the Sea Islands during Reconstruction came to help and were very religious people who felt there was good work to be done there. However, some came who were motivated by other factors. Historians of this topic tend to emphasize the corruption of those put in power in this vulnerable situation. In the midst of the influx of unscrupulous "carpetbaggers" to the Sea Islands to take advantage of the land give-away and the slave population, John Hunn stood out as one of the "local officers who managed badly but were apparently honest."[20] Called "Father Hunn", "Friend Hunn", and "Brother Hunn" and even "Friend Harris" in various accounts, John Hunn's work on the Underground Railroad and his prosecution for that activity were known to at least some of those he met on St. Helena. One account of Hunn's activities was described by Edward L. Pierce in his book *Enfranchisement and Citizenship* (Boston 1896). As quoted by Theodore Rosengarten:

> "Friend Harris [sic]," once was "fined in Delaware three thousand dollars for harboring and assisting fugitive slaves," wrote Edward L. Pierce, paying Harris lighthearted respect, "but now he harbors and assists them at a much cheaper rate."[21]

John Hunn's correspondence with William Still for his book on the Underground Railroad was sent from Beaufort, South Carolina in 1871.[22] He returned to the Camden area by 1884, when he is noted again in the minutes of the Camden Monthly Meeting. John Hunn and his wife Annie lived in Wyoming, Delaware with relatives. In 1893, he responded to a letter from Wilbur Siebert, a professor at Ohio State University and historian of the Underground Railroad. Siebert was contacting those who participated in the Underground Railroad. He told Siebert that he was "Supt. of the U.G.R.R., from Wilmington down the Peninsula."[23]

John Hunn died on July 6, 1894 at age 76. Annie E. Hunn died on September 1, 1894. They were buried side by side in the Camden Meeting Cemetery. John Hunn kept a journal of his activities with the Underground Railroad and noted to William Still that he had helped hundreds on their way north, but, for reasons unknown, he had his son destroy it in front of him when he was on his death bed. His son, John Hunn Jr. recounted the event in Conrad's History of Delaware (1908) which states: "... but the senior Hunn said, the issue was closed, and inasmuch as some of the actors in the affair were yet alive, and might be compromised thereby, he thought it best to cover the whole episode with oblivion..."

ASSISTING FUGITIVES

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[20] Ibid., p. 396.

[21] Rosengarten, *Tombee*, 256. John Hunn and Thomas Garrett were the only Delawareans prosecuted in this manner. Other references state similar familiarity with Hunn and the Underground Railroad; See Rose, *Rehearsal for Reconstruction*, 366-367.

[22] William Still, *The Underground Railroad* (Chicago: Johnson Publishing Company, 1970), 713.

[23] Wilbur Siebert, *The Underground Railroad in the Southern States*, Materials Collected by Professor Wilbur H. Siebert, Ohio State University, Columbus. Located in the Houghton Library at Harvard University, Cambridge, Mass.

On a cold evening in late November 1845 Samuel Hawkins, a free black man, left Queen Anne's County, Maryland with his wife Emeline, and their six children who ranged in age between 16 years and 18 months. Emeline and her children were slaves, the property of Charles W. Glanding and Elizabeth Turner, farmers on the eastern shore of Maryland. Along the route, the Hawkins family secured the assistance of Samuel D. Burris, a conductor on the Underground Railroad. On December 5th, 1844, at about 7:00 o'clock in the morning, the party arrived at the home of John Hunn. He later recounted:

> ...as I was washing my hands at the yard pump of my residence,... I looked down the lane, and saw a covered wagon slowly approaching my house. The sun had just risen, and was shining brightly (after a stormy night) on the snow which covered the ground six inches. ...On closer inspection I noticed several men walking beside the wagon. This seemed rather an early hour for visitors, and I could not account for the circumstance. When they reached the yard fence I met them, and a colored man handed me a letter addressed to Daniel Corbit, John Alston or John Hunn; ... The letter was from my cousin, Ezekiel Jenkins, of Camden, Delaware, and stated that the travelers were fugitive slaves, under the direction of Samuel D. Burris (who handed me the note). The party consisted of a man and his wife, with their six children, and four fine-looking colored men, without counting the pilot, S.D. Burris, who was a free man, from Kent County, Delaware. This was the ... first time I had ever been called upon to assist fugitives from the hell of American Slavery. The wanderers were gladly welcomed, and made as comfortable as possible until breakfast was ready for them.
>
> ... They were all very weary, as they had traveled from Camden (twenty-seven miles), through a snowstorm. ... In Camden they were sheltered in the houses of their colored friends. Although this was my first acquaintance with S.D. Burris, it was not my last, as he afterwards piloted them himself, or was instrumental in directing hundreds of fugitives to me for shelter.[24]

William Chestnut and Robert Hardcastle, of Queen Anne County, Maryland, had already reached Middletown along with an announcement offering a reward for the capture of the wife and children of Samuel Hawkins. Hardcastle was a neighbor of Charles Glanding, owner of Emeline's two oldest sons. Hunn's neighbor, Thomas Merritt, noticed the unfamiliar group and contacted the magistrate in Middletown, William Streets. When the family was taken before the magistrate, Robert Hardcastle identified Emeline's two sons as being the escaped slaves of Charles Glanding.[25] Samuel Hawkins produced papers supporting his claim of being free. A will was also produced indicating his wife was also free. Streets drew up commitment papers for the Hawkins family and they were taken to the New Castle jail to sort out the issue in front of a judge. John Hunn wrote a letter to Thomas Garrett which was delivered by Samuel D. Burris who traveled on to Wilmington with the other four men in his party.

On December 6, 1845, the Hawkins family arrived in New Castle where they were remanded to the custody of Jacob Caulk, the sheriff of New Castle. Apparently, the commitment papers were not completely and sufficiently filled out and duly notarized, but Sheriff Caulk agreed to hold the Hawkins family until new commitment papers could be obtained in Middletown and brought to New Castle.[26]

Thomas Garrett met the Hawkins family in New Castle on Sunday, December 7, 1845. He obtained a copy of their commitment papers and returned to Wilmington where he consulted with Senator John Wales, Garrett's friend and attorney. The following day, Garrett returned to New Castle with Senator Wales, with the intention

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[24] Still, *Underground Railroad*, 715-719.

[25] National Archives Mid Atlantic Region, Philadelphia, *Glanding v. Garrett*, 1848.

[26] Ibid.

to present Chief Justice James Booth with a Writ of Habeas Corpus. Chief Justice Booth reviewed the documents presented to him and pronounced there was not enough evidence to detain the Hawkins family and they were set free. "Judge Booth decided that there was no evidence in which to hold them, that in the absence of evidence, the presumption was always in favor of freedom."[27] Thomas Garrett arranged for a carriage to take the wife and small children, while the rest of the party was to walk into Wilmington and to Garrett's store. From there, the entire party traveled on, uneventfully, to Byberry, Pennsylvania where they settled.

THE TRIALS

The New Castle Court House was the site of the subsequent Federal Court trials in 1848 of Thomas Garrett and John Hunn. Presided over by United States Supreme Court Chief Justice, Roger B. Taney (who would later write the *Dred Scott* decision), Hunn and Garrett were tried for the assistance they provided to the Hawkins family during their escape, which was in violation of the Fugitive Slave Act of 1793. According to this legislation, it was not only illegal for an enslaved person to "steal" themselves by running away, but also illegal for anyone to assist escaping fugitives. The Act also set specific monetary penalties for providing assistance to those "fugitives from labor".

> . . . And be it also enacted, That when a person held to labor in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor, to the state or territory from which he or she fled.
>
> And be it further enacted, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of $500.[28]

Because of his larger role in the transport of the Hawkins family from New Castle to Wilmington and then on into Pennsylvania and freedom, the charges against Thomas Garrett included seven counts of Capias trespass

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[27] Catterall, Helen T. *Judicial Cases Concerning American Slavery and the Negro*. Washington, D.C.: Carnegie Institution of Washington. 1975. Doctrine of presumption of freedom first introduced in the Delaware Supreme Court, *State v. Dillahunt*, 1840; Still, *Underground Railroad*, 650.

[28] Records of the Second Congress. Session II, Chapter 7. 1793. p. 302-305. In a footnote, the method for determining the status of the fugitive from labor is elaborated. "In an action for the penalty by the owner of a fugitive slave, for obstructing the plaintiff and seizing his slave, under the 4th second of the act of Congress of February 12, 1793, whether the alleged slave owes his service or labor is a question for a jury to decide. (*Hill vs. Low*, 4 Wash. C.C.R 327)

and seven counts of debt. John Hunn's participation was somewhat more limited, only having fed and sheltered the family, so his charges were limited to seven counts of debt. When the respective cases were brought to trial in May of 1848, the jury empaneled to hear the case was made up of Sussex County men who were predominately pro-slavery in their views.[29]

In the end, both men were found guilty of all charges. The charges against John Hunn were broken down into two separate trials. The first trial, Glanding v. Hunn for debt was concluded on May 24, 1848 with a judgement for the plaintiff. The second trial, Turner v. Hunn for debt ended on May 25, 1848 with a judgment for the plaintiff for the amount of $1583.31.[30] The total judgement against him caused the sale of his property in Middletown and all his inherited property in Camden and Kent County and forced him and his family to move in with relatives.

Thomas Garrett was subject to four separate trials. The first, held on May 26, 1848, *Glanding v. Garrett* for debt found for the plaintiff in the amount of $1,100.38. The second trial, held the next day, *Turner v. Garrett* for debt, also found for the plaintiff in the amount of $2,561.08. The third and fourth trials were held on the same day, May 29, 1848 and were for the offense of Capias trespass. *Glanding v. Garrett* found for the plaintiff in the amount of $1,035.76 and *Turner v. Garrett* found for the plaintiff in the amount of $940.67. Although the total judgement against Thomas Garrett exceeded five thousand dollars, he was able to get a compromise judgement that reduced his total fine to $2061.00.

PRECEDENT SET

One outcome from the trials was the precedent that was set concerning the amount of the fines given to parties found guilty of assisting fugitive slaves. Chief Justice Roger B. Taney's opinion stated that people helping slaves escape could and would be held financially liable for the value of each slave to their owners. John Hunn's lawyer, W.H. Rogers, had filed a motion challenging the amount of the penalty imposed on his client. Rogers believed that the maximum fine should be no more than the $500 stipulated in the law. The Chief Justice interpreted the law to mean the intended fine should be awarded for each slave rescued, harbored, or assisted, not as a blanket fine.[31]

COURTHOUSE IN LATER YEARS

After the courts left the New Castle Court House in 1881, the building served a number of uses. From 1884-1914, it served as the arsenal for a battery of local militia. The New Castle Police Station was housed in the east wing, along with the mayor's office at the turn of the twentieth century. Also for brief periods the New Castle

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[29] In a letter to the Delaware newspaper *Blue Hen's Chicken*, signed by "Justice B. and dated June 2, 1848, the comment was made that "The jury summoned by the Marshall smells strongly of packing if not salting." Sussex County is the southernmost county in the state of Delaware with a predominately agricultural economy and was a major concentration of slave holding in the state.

[30] National Archives Mid Atlantic Region, Philadelphia. *Glanding v. Hunn* and *Turner v. Hunn*, 1848.

[31] National Archives Mid Atlantic Region, Philadelphia, Box 1, File 8, 1848.

Court House housed public school rooms, a men's club, vocational training classrooms, the post office, and private businesses. The building was also the subject of a WPA project that removed changes made to the building in the mid nineteenth century. From the mid-1920s until the restoration of the building in the 1950s, the building was home to a restaurant, the New Castle Court House Tea Room. Prior to the construction of the Delaware Memorial Bridge in 1951, the city of New Castle was the site of a major ferry crossing of the Delaware River. The Tea Room became a notable stopping point along that major north-south transportation route. In 1955, restoration of the building to its c. 1800 appearance began. The building opened as a museum in 1963 as part of the Delaware State Museums System.

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Previous documentation on file (NPS):

___ Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
_X_ Previously Listed in the National Register. 11/28/1972 NRIS # 78000285
___ Previously Determined Eligible by the National Register.
_X_ Designated a National Historic Landmark. 11/28/1972
_X_ Recorded by Historic American Buildings Survey: # DE000080
___ Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

__ State Historic Preservation Office
_X_ Other State Agency: Delaware State Museums
__ Federal Agency
__ Local Government
__ University
__ Other (Specify Repository):

10. GEOGRAPHICAL DATA

Acreage of Property: .2 acres

UTM Reference:	Zone	Easting	Northing
	18	451645	4389938

Verbal Boundary Description:

The property is bounded by Delaware Street on the Southwest, Market Street on the Southeast, on the northwest by Dewey Park, and on the northeast by the New Castle Common.

Boundary Justification:

The boundary includes all of the property historically associated with the New Castle Court House which retains integrity.

11. FORM PREPARED BY

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DESIGNATED A NATIONAL HISTORIC LANDMARK
July 31, 2003