

### III. ASSOCIATIVE PROPERTY TYPES FOR AGRICULTURAL TENANCY

Most of the characteristics of property types related to the agricultural tenancy historic context are associative in nature. The primary associative characteristic is the positive linkage, through historic documentation, of one or more specific tenants with the resource at one or more points during the context period (1770-1900+/-). Once that connection has been established, the characteristics for the associative property types are related to the social and economic circumstances of the landlord and the tenant. Landowners, specifically landlords, could be part of one or more of several groups including multiple property owners, nonresident landowners, single property landlords, guardians or trustees for minor children, or landowning tenants. Tenants could also belong to one or more of several groups including landowning tenants, farm managers, widows, subsistence level farmers, or market farmers. Each of these groups and the properties they occupied have certain distinctive characteristics. The criteria for evaluation of existing and expected resources related to these associative property types are tied directly to these historically defined characteristics.

#### Associative Characteristics of Landowners and Landlords

Throughout the nineteenth century, landownership was restricted to between one-third and two-fifths of the taxable population. In Murderkill and Little Creek hundreds, the incidence of landownership rose between 1822 and 1896; in Appoquinimink it declined slightly between 1816 and 1861 (Table 2).

Table 2  
Percent of Taxable Population as Landowners

<u>Hundred</u>	<u>1816/1822</u>		<u>1860/1861</u>		<u>1896</u>	
	#	%	#	%	#	%
Appoquinimink	320	38.2	343	34.1	N/A	
Little Creek	152	34.3	254	37.1	233*	41.0
Murderkill	440	38.6	749	45.1	917	44.8

\* Half of Little Creek Hundred was partitioned off in 1869 to create Kenton Hundred.

**African-American Landowners.** Race was clearly a factor in determining access to landownership; landowners, as a general rule, were primarily white and male (Figures 23 and 24). In 1822, the 11 African-American landowners in Little Creek Hundred were a small minority of the taxable African-American population (8%). Most had been free residents of

Figure 23: Racial Distribution of Landowners, Little Creek and Murderkill Hundreds

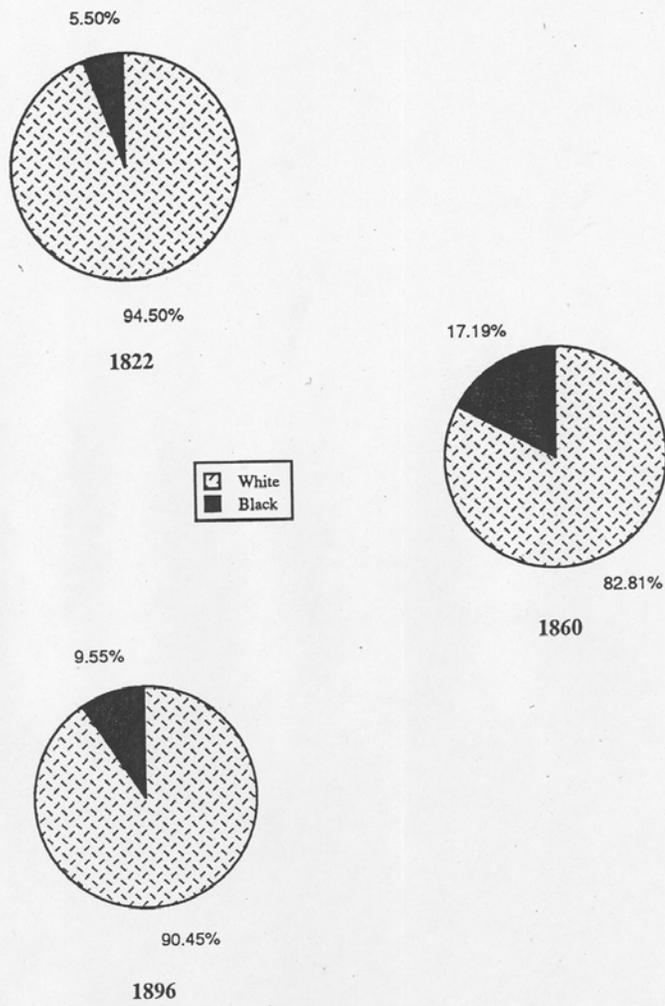
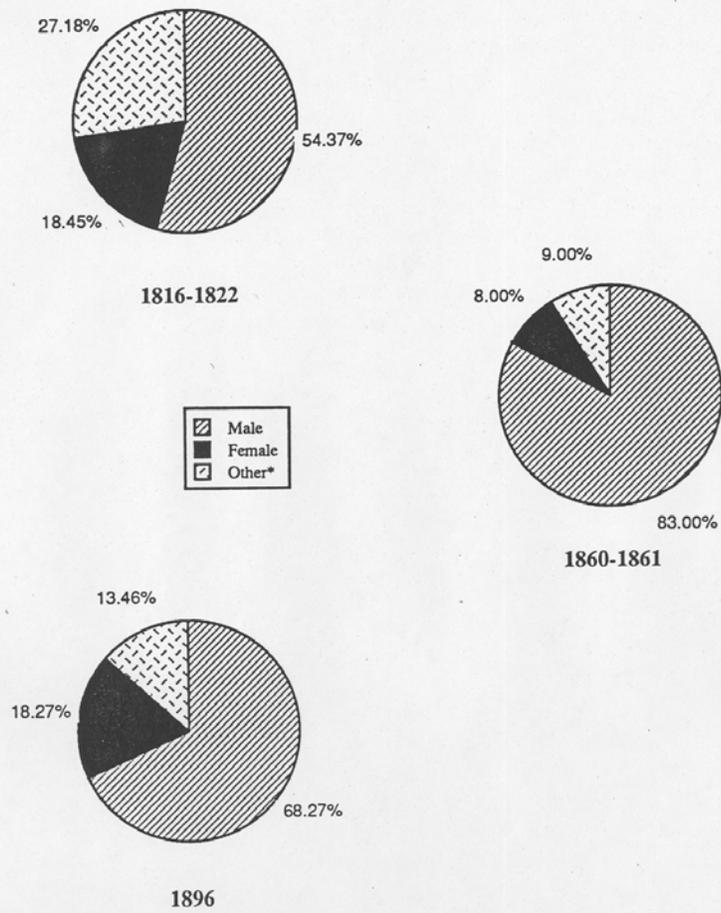


Figure 24: Gender Distribution of Landowners in the Test Hundreds



Little Creek Hundred since the mid-eighteenth century. Of this group, 5 had not purchased their land, but had inherited portions of larger estates. Others resided on small plots of 5 acres or less, suggesting a pattern of acquisition similar to that found by George W. McDaniel in southern Maryland. His survey of African-American landownership revealed that African-American-owned lands were purchased from prominent whites. Small parcels were sold at less than full market value or were given to families to encourage them to remain as a viable work force in areas where labor was scarce. Like the parcels of the Little Creek smallholders, these properties were so small that they had little or no value as competitive agricultural units. Because such parcels allowed for little more than subsistence gardening, the labor of their owners on the larger farms in the area was almost assured.

Only 5 of the 11 properties were 10 acres or more, and this number is misleading. The Conselor family owned 4 of the 5 farms, which had been broken out through inheritance from a single larger farm. Elijah Conselor had died in 1801 leaving a widow and five children. The farm remained intact until Elijah's eldest son Jeremiah died in 1811. At the request of Elijah's widow, the estate was partitioned among the heirs. Within two years of her husband's death, Jeremiah's widow, Elizabeth, was remarried to her brother-in-law Elijah Conselor, whose land was contiguous to the portion that Elizabeth and her children owned. Elijah also tenanted 2 additional sections of the divided estate. Although possession of the farm may have been legally divided, it functioned as a single farm unit. The fifth farm, 20 acres of land that was entirely improved and had an assessed value of \$8 per acre, belonged to Jesse Dean. Dean was unusual in that he was not only a landowner, but was also a tenant.

In 1860, 27 African-Americans owned 28 pieces of property in Little Creek Hundred; they represented 20% of the African-American population. Of the 28 properties, 11 were farms of 10 or more acres. By 1896, the agricultural landscape in Little Creek had virtually closed for the African-American population. While 17% of the African-Americans owned land (including 5 women), only 2 owned farms of 10 acres or more--one property was 12 acres and the other was 13 acres. By this point African-Americans very clearly had access to commercially competitive farms only through tenancy.

Without extensive research, it was difficult to locate the farms of the 15 African-American farm owners identified in the three tax assessments. For the most part, the names of the African-American population do not appear on Beers' Atlas of 1868. Of those present on the map (Dean, Williams, Reese, Bolden, Durham, and Handy), most appear on the more inland stretches of road rather than the coastal areas or properties with access to the waterways (Figure 25). This was less of a detriment than earlier in the century because of the

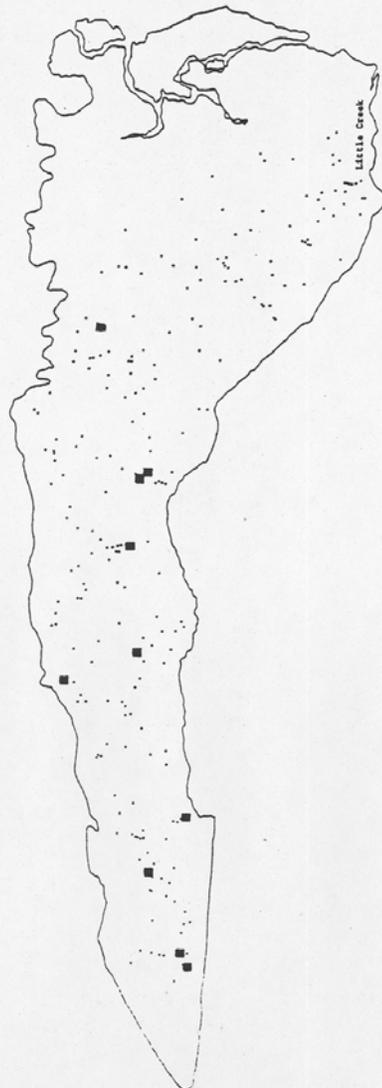


Figure 25: Location of African-American Landowners in Little Creek Hundred, Beers' Atlas of Delaware, 1868

Delaware Railroad. Moorton, an area settled by the Durhams and Deans, furnished the only depot in Little Creek Hundred.

**Distribution of Wealth Among Landowners.** Economically, landowners were in better condition than most other inhabitants of the zone. The distribution of wealth in the Upper Zone was far from equitable (Figures 26, 27, and 28). Half of the population owned virtually no taxable property (livestock, silver plate, slaves, land, or boats), while one-tenth of the population controlled between two-thirds and three-quarters of the taxable wealth. Although the economic gap between landowners and non-landowners narrowed gradually toward the end of the century, property ownership always conferred distinct economic advantages. In all three hundreds, the majority of landowners in each of the tax assessments were among the wealthiest 20% of the population and the total value of their taxable property was far higher than that of the average taxable. In Little Creek Hundred, for example, landowners' total estates were valued at least twice as highly as those of everyone else. In 1822, the average total estate value among landowners was 2.5 times higher than that of the average resident. In 1860 and 1896, the wealth gap narrowed slightly, with landowners' estates valued at 2.3 and 2.1 times those of others. Compared to people who owned no land at all, landowners occupied an especially privileged position. In 1822, non-landowners' average total estates were valued at less than one-tenth of the average value of landowners' estates. Through the century, non-landowners gained only slightly more economic stature--their average estate values never rose above 15% of the average landowner's.

The narrowing of the wealth gap between landowners and the rest of the population was paralleled by a gradual decline in the number of properties owned by a single individual. While one-third of all landowners owned more than one property in 1822, only one-quarter did so in 1896. Not surprisingly, fewer landowners kept tenants over the century. Two-thirds of all Little Creek landowners kept tenants in 1822, but by the end of the century, less than half did so; in Murderkill, two-fifths of the landowners kept tenants in 1822, but by 1896 only one-quarter of them leased their land.

**Landowners and Livestock.** Livestock holdings declined throughout the population and among all groups as the nineteenth century progressed. Landowners were no exception to this trend. In Little Creek Hundred, the average number of livestock held by a landowner dropped from 11 in 1822 to 3 in 1896; Murderkill's landowners averaged 25 animals in 1822 but only 5 in 1896.

In 1822, the typical landowner kept a horse, 4 to 5 head of cattle including milk cows, 3 to 4 sheep, and 2 pigs. A small number of landowners kept a team of oxen for heavy agricultural work, and an even smaller number kept a mule. By 1860, a slightly higher proportion of the landowning population owned oxen. Horses were also more common; nearly

Figure 26: Distribution of Wealth in Little Creek Hundred, 1822-1896

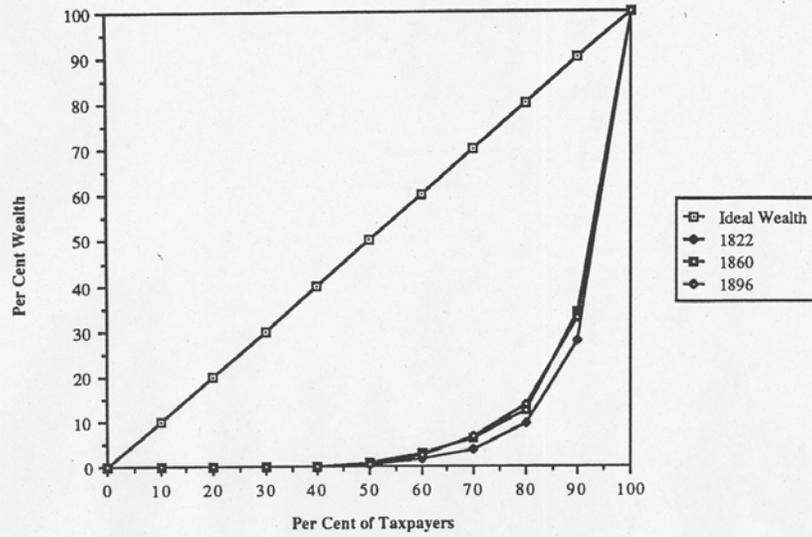


Figure 27: Distribution of Wealth in Murderkill Hundred

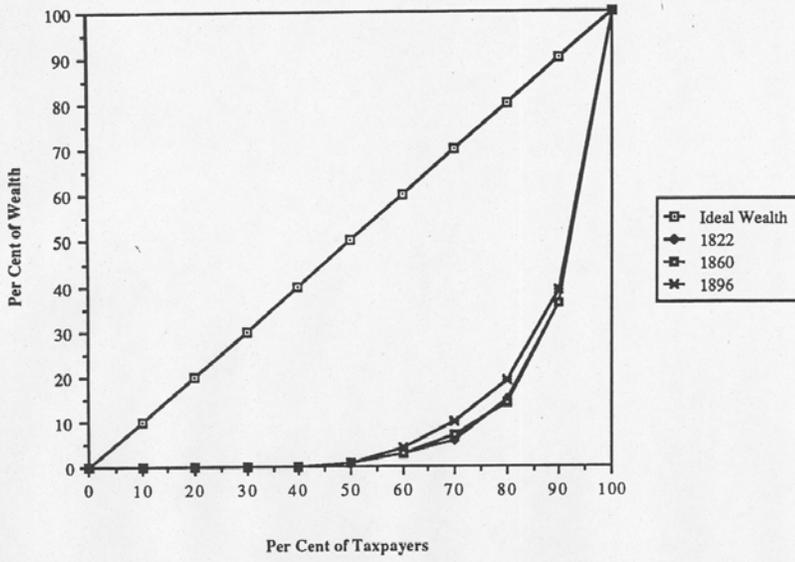
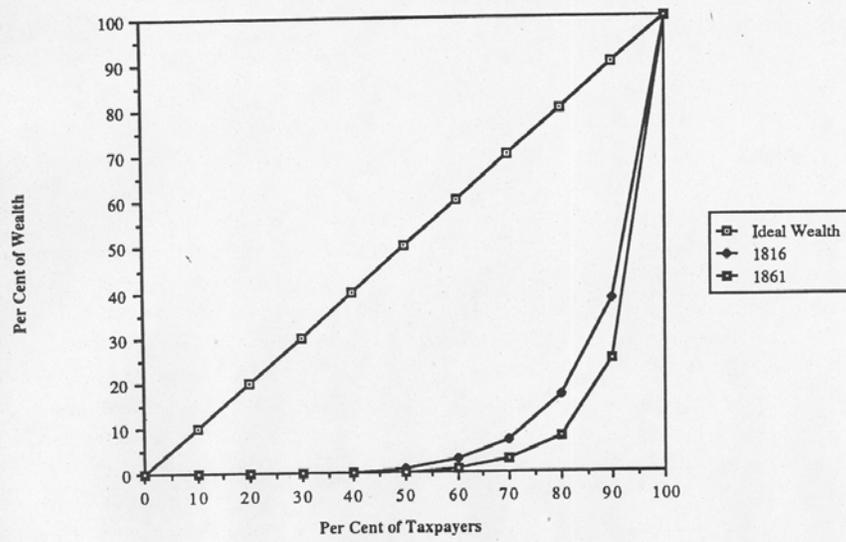


Figure 28: Distribution of Wealth in Appoquinimink Hundred



half of the landowning population kept at least one horse at this time. Cattle, sheep, and , swine declined in popularity. By 1896, although most landowners had a cow or two, only one-third of all landowners kept a horse. Other farm animals were even less common; at least 93% the population owned no oxen, sheep, pigs, or mules. Of the 11 African-American farm owners in 1860 Little Creek, 8 owned at least two horses. Only 2 landowners, Robert Dean and William Williams, owned more than 10 stock animals. Williams and Dean were exceptions in the African-American population because they were both landowners and tenants.

### **Landlords**

Like landowners, the landlord population in the Upper Peninsula Zone was predominantly white and male. Over the course of the nineteenth century, this trend grew even more pronounced. .In 1822, males accounted for 90% of the landlord population in Little and by 1896 97% of the landlord population was male. Similarly, the percentage of white landlords increased from 74% in 1822 to 93% in 1896, while African-American landlords declined from 21 % in 1822 to a low of 6% in 1860 and 1896. Murderkill Hundred exhibits a similar pattern in terms of race: between 95 and 97% of the landlord population was white in all three tax assessment years. The gender breakdown among landlords in Murderkill was slightly different--males represented 47% of the landlords in 1822, rose to a high of 81 % in 1860, and then dropped back down to 68% in 1896. The low frequency in 1822 reflects a very high percentage of heirs and estates (40%).

**Distribution of Wealth.** As a group, landlords in the Upper Peninsula Zone were economically more secure than the rest of the population. In terms of estate valuation, livestock ownership, improvements to the land, and overall quality of the land itself, landlords stood well above the average resident. Throughout the century, the average individual's total estate was valued at less than one-quarter of the average landlord's estate. In some cases the greater wealth of landlords may have been partly due to better quality farmland'. In Little Creek Hundred, for example, landlords' farm land was consistently more than 50% improved. In 1822, two-thirds of the average landlord's farm land was improved and in 1860, although the average farm size declined, the percentage of improved acreage rose to three-quarters.

**Landlords and Livestock.** Although livestock ownership declined dramatically throughout the entire population by the end of the nineteenth century, landlords consistently owned more farm animals than the general population. .The average Little Creek resident owned 23 farm animals in .1822, but only 5 by 1860 and 4 by 1896. Each landlord, by comparison, owned an average of 56 farm animals in 1822, more than twice the number owned by average folks. Even in 1860, landlords owned an average of 18 farm animals, more

than three times the general average. By the end of the century, however, livestock ownership had dropped off equally precipitously for both landlords and average residents, both of whom averaged 4 animals apiece. Murderkill exhibited a similar pattern: in 1822, the average resident owned 18 animals while landlords averaged 28; by 1860, the gap had narrowed with the average resident possessing 9 animals and the average landlord 14; in 1896 there was no difference between the two populations--both owned an average of 5 animals.

While landlords tended to own more livestock than the general population, livestock ownership among landlords was not especially common. Throughout the century, more than half of all landlords owned no livestock at all. Those who did keep animals commonly owned a horse, a few head of cattle, some sheep, and a number of pigs. Early in the century, oxen were occasionally kept as well, although they declined in popularity by 1896.

Among landlords, there are two groups that require separate discussion--multiple property owners and the administrators of tenant-occupied estates.

#### Multiple Property Ownership of Tenant Farms

One of the most common misconceptions about agricultural tenancy is that the majority of landlords were owners of large numbers of properties, all leased to tenants. The reality in the Upper Peninsula Zone is that while there were multiple property owners as landlords, the landlord population was more or less evenly divided between multiple property owners and single farm owners. In both Little Creek and Murderkill hundreds, each group represented between two- and three-fifths of the population in each tax assessment year. The detailed discussion that follows is based largely on the population of Little Creek Hundred; a general review of Murderkill Hundred indicates that similar patterns will be visible there.

In 1822, 1860, and 1896, the multiple property owners of Little Creek Hundred were a remarkably stable group, both in terms of the number of properties they controlled, taxable wealth, and racial and gender composition (Table 3).

Table 3:  
Multiple Property Owners in Little Creek Hundred

	<u>1822</u>	<u>1860</u>	<u>1896</u>
Number of Owners	50	73	63
Percent of Taxable Population	11%	11%	11%
Average Number of Properties	2.9	3.3	2.7
Median Number of Properties	2	2	2
Range of Properties	2-8	2-17	2-12

The tendency toward male dominance of the agricultural landscape noted in the general landowning population was less pronounced among the multiple property owners of Little Creek Hundred. In 1822, two-thirds of the multiple property owners were male; the remainder were women or the minor heirs of an estate still held in probate. While the proportion of males in the group rose to nine-tenths in 1860 it dropped back down to two- in 1896. No particular reason for this occurrence has been discovered at this point. The landlord population was also less racially diverse than the general population—all but one of the multiple property owners were white in each of the tax years. The single exception, from 1860, was William Williams, who owned 5 acres *with* a log house that he leased to David Miller and another 4 acre parcel that he worked himself; Williams was also a tenant.

**Distribution of Wealth.** Multiple property owners, not surprisingly, occupied an enviable economic position within the taxable population. Most, though not all, were from the wealthiest 20% of the population and maintained livestock holdings in addition to their lands. While they were consistently much more wealthy, on the average, than the average landowner or the average taxable, the gap between these groups narrowed slightly over the century. In 1822, the average taxable wealth of the multiple property owners in Little Creek Hundred was 48% greater than that of the average landowner, and 80% greater than that of the average taxable individual. By 1896 the gap had so that the average taxable wealth for multiple property owners was only 37% higher than that of the average landowner, and only 70% greater than that of the general population.

In each of the three tax assessments, one-tenth of the taxable population owned 2 or more pieces of property (Table 3). While the average number of properties fluctuated slightly, the majority of multiple property owners throughout the century owned 2 properties. In many cases, the second property was a piece of marsh or woodland. The exceptional case in 1860 and 1896 was George Parris, the wealthiest taxable in the hundred that year and the owner of the largest number of properties in any of the three tax assessments. Parris owned 17 properties and leased land to 14 tenants; his influence was sustained throughout the second half of the nineteenth century, and was diversified among farms and town properties.

Throughout the nineteenth century, multiple property owners consistently comprised just over one-tenth of the total taxable population, yet they controlled more than half of all properties in Little Creek Hundred until the end of the century. In 1822, they owned two-thirds of all the properties in Little Creek ranging from lots of unspecified size to 500-acre farms. In 1860, multiple property owners controlled a slightly smaller proportion of the total number of properties (58%) and again their holdings ranged from wharves and town lots to farms of 800 acres. Although there were a few large farms, a larger percentage of their properties were in lots or small parcels of less than 100 acres. By 1896, multiple property owners controlled 4% fewer properties than they had in 1822 and held half of the total

number of properties in the hundred. While their properties ranged from town lots to large properties were farms, only 40% of these properties were farms of 10 acres or more.

In the early part of the century, multiple property owners controlled lands that were more highly valued than those of single property owners. The average value of their lands in 1822 was 7% higher than that of single property owners. Like the economic gap between multiple landowners and the rest of the population, the difference between the value of lands by multiple property owners and those of single property owners lessened during the half of the century. In 1860, lands controlled by multiple property owners were at just 3% higher than other properties. By 1896, the average value for lands of property owners had fallen to 4% less than the average for single property owners. The declining average value of landholdings may have resulted from the escalating number of land parcels. House and lots, lots, house and gardens, buildings without land, and 1 or 2-acre parcels were noted with increasing frequency toward mid-century. While these four parcel types accounted for one-tenth of all properties taxed in 1822, they comprised one-third of all properties by 1860, and two-thirds in 1896. In 1860, slightly less than one-third of the holdings of multiple property owners were made up of these properties; by 1896 house and lots, lots, or house and gardens, represented nearly two-thirds of all the multiple property owners' holdings. In a predominantly agricultural economy, these small land divisions offered little possibility for cultivation, but may have played an important role as rental stock for agricultural laborers. Average holdings of unimproved lands including woodland, marsh, and cripple declined through the century, possibly reflecting the effects of marsh reclamation and the need to maintain woodlots for home consumption. Overall investments in unimproved lands decreased dramatically from 1822 to 1896, reflecting the intensified cultivation of the land.

As the nineteenth century progresses, multiple property owners experienced a gradual decline in farm ownership. In 1822, more than two-thirds of their parcels were enumerable as farms. In 1860, only half were farms, and by 1896, only one-third. While multiple property owners possessed some of the most highly valued farms in the hundred, the average value of their farms was only slightly higher than that of single property owners in 1822 and 1860, and in 1896 was actually 6% lower than the other farms in the hundred.

**Multiple Property Owners and Livestock.** Individuals who owned 2 or more properties demonstrate some different patterns of livestock holding than the average land owner. A slightly smaller percentage of multiple property owners held livestock than the landowning population in general. In 1822, for instance, 50% of the multiple property owners were assessed for livestock, compared to 56% of all property owners. The higher frequency of non-resident landowners among multiple property owners may explain the reduced dependence upon stock--livestock would have been listed in the hundred where the

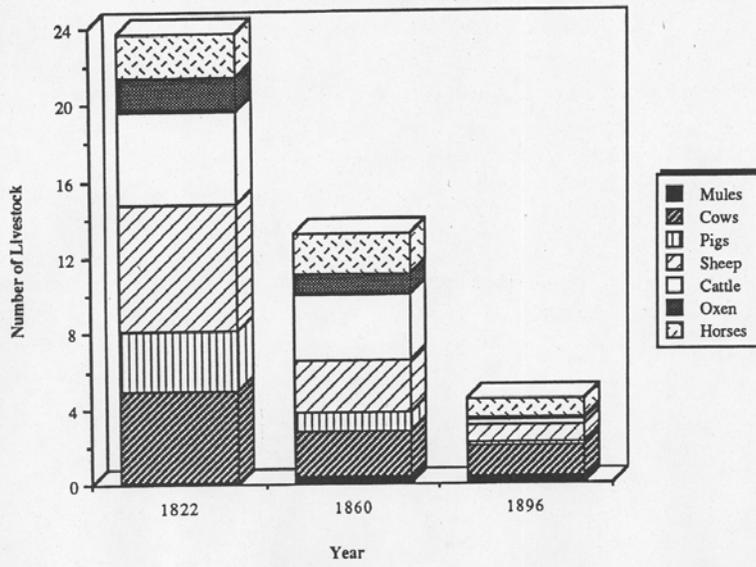
landowner maintained residence unless they were specifically located on the farm assessed in Creek Hundred. Fewer individuals in the multiple property owner group continued to maintain livestock holdings as the century progressed, although a sizeable proportion of the multiple property owner population--50% in 1822, 40% in 1860, and 62% in 1896--had never maintained livestock holdings. Among the multiple property owners who did, the trend over the century was to own fewer animals--16 in 1822 and only 10 in 1860--of greater value.

The changing composition of the multiple property owners livestock holdings provides clues to shifts in the emphasis of Little Creek's agriculture economy (Figure 29). The typical property owner in 1822 maintained 3 horses, 5 milk cows, 5 head of cattle, 2 oxen, 7 sheep, 2 oxen, and a few pigs. While mules became more common on the landscape, they never prevalent among the multiple property owners' livestock holdings. Among the in the average livestock holdings noted in 1860 were the sharp decreases in cows and .The average livestock holding in 1860 included 2 horses, 2 cows, 4 cattle, 4 sheep, 2 and a few pigs." By 1896, startling changes in the animal landscape occurred. The average livestock holding of multiple property owners was reduced to a horse, a cow, and a gone from the average farmstead were cattle, oxen, pigs, and mules.

Unlike the rest of the population in 1822, multiple property owners owned sheep most (36% were assessed for 8 or more sheep). Herds of 10 to 15 sheep were most common, although individuals were assessed for anywhere from 1 to 45 sheep. Sheep were a hallmark of agricultural reform in the 1810s, when the Spanish Merino breed was introduced to America in hopes of developing a home woolen industry. Gouveneur Emerson and Jacob Stout each maintained herds of 40 or more sheep in 1822, perhaps expecting to supply Alexander Murphy's woolen manufactory in Kent County. By 1832, however, the county's sole woolen manufactory had diversified its purpose to include the processing of quercitron bark for the tanning industry.<sup>35</sup> Little Creek Hundred's marshy lands had proven ideal for the "sheep rot," and the American woolen industry collapsed in the 1820s. The 1860 assessment for Little Creek Hundred revealed that only 6% of the multiple property owners now held more than 8 sheep. By 1896, only 5% of the multiple property owners were assessed for more than a dozen sheep.

**Multiple Property Owner Farm Buildings.** Dwellings, like farms, gradually became less common among multiple property owners. In 1822, more than one-third of their parcels contained no dwelling. By 1860, half of all properties had no dwellings, and by 1896, more than two-thirds of all properties were dwelling-less. In contrast, the tax assessments indicate a dramatic increase in outbuilding construction among multiple property owners between

Figure 29: Composition of Average Livestock Holdings for Multiple Property Owners in Little Creek Hundred, 1822-1896



1822 and 1860. While in 1822 there were only 119 outbuildings in the assessment list (19 barns, 44 stables, 28 secondary dwellings, 2 mills, 1 shop, 10 granaries, 1 smokehouse, 3 corn and 11 sundry structures), by 1860 that number had more than doubled to reach 280 (40 barns, 107 stables, 4 secondary dwellings, 1 mill, 5 shops, 27 granaries, 74 corn cribs, and 22 sundry structures). In 1896, the assessor abbreviated his description to an expedient "etc." 35 cases; consequently, exact numbers for corn cribs and carriage houses are unknown. The available information suggests that outbuildings present on the landscape (3'5 barns, 35 39 stables, 18 secondary dwellings, 10 mills, 12 shops, 38 granaries, and 19 sundry buildings) tended primarily toward artisanry and milling. In 1896, 35 kitchens appear in the assessment list for the first time.

**Conclusion.** Multiple property owners represented an important segment of the landlord population – they controlled some of the largest, most productive agricultural lands in the Upper Peninsula Zone throughout the century. During the same period, however, their investment interests appear to have turned toward the acquisition of commercial properties and small residential lots in town. While their ownership of farms decreased, they were very active in the construction of new outbuildings. A significant number of the multiple property owners farms also would appear to fall into our second landlord associative property type—**tenant-occupied estates**.

### **Tenant-Occupied Estates**

The frequency of death among landowners with minor children was one of the major factors contributing to tenancy in the first thirty years of the nineteenth century and directly contributed to the creation of one of the associative property types related to the agricultural tenancy historic context : properties that were tenant-occupied during the period of administration following the death of a landowner with minor children. In the first part of the nineteenth century, a number of properties required administration until the heirs reached adulthood. The administration of these estates could result, in one of two situations, which could be related to agricultural tenancy. First, the executor of the estate or the minor children could choose to maintain the lands as tenant farms to produce an income to pay for the children's upkeep and education. Alternatively, the land could be sold to provide capital for the same purpose or to settle debts of the estate. The direct result of this action was to allow the ownership of land of change hands and leave the family. A second consequence was that, prior to the sale of the land, the widow's dower would be partitioned off, creating two properties from one and increasing the number of farms in operation. Both of these types or solutions created extensive documentary trails in the orphans court, chancery court, register of wills, register of deeds, and probate court. One example of the division of a single farm into three parcels is illustrated by Figure 30, a plot

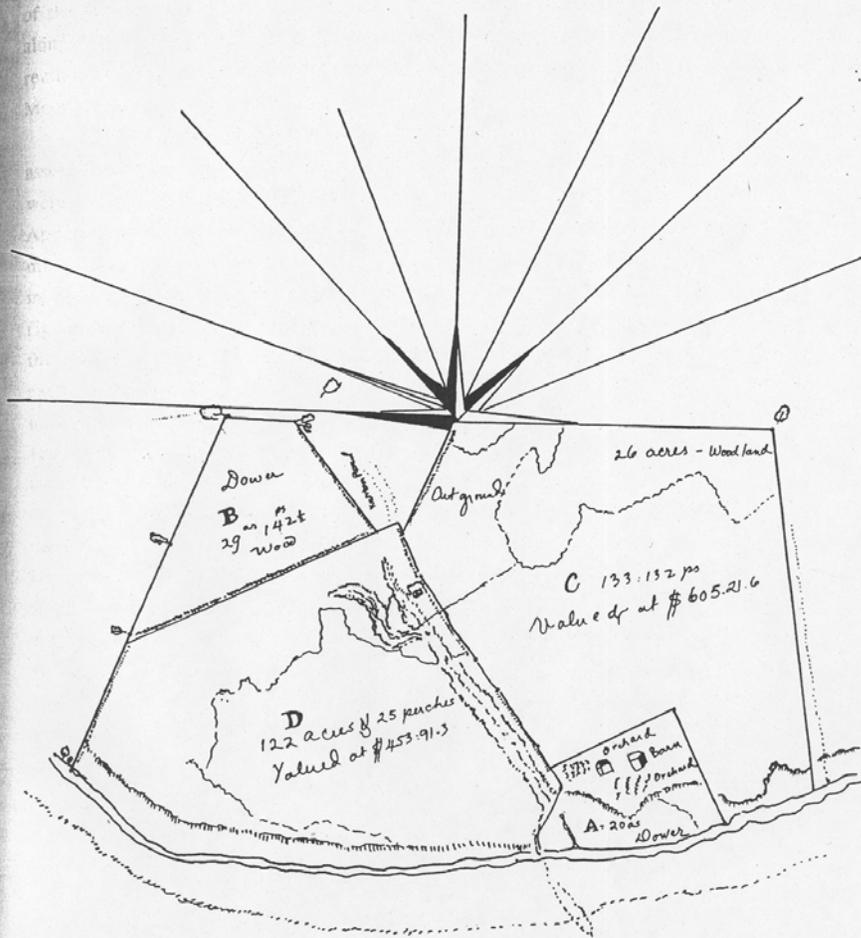


Figure 30: Plot of the division of the lands of Abraham Moor, Kent County Orphans Court Records, Plot Book 1, page 80. Section A and B, containing the house, outbuildings, and some woodland were partitioned off to the widow; the remaining 257 acres was divided into two parcels.

Of the division of the lands of Abraham Moor in 1830. The house and surrounding land, along with approximately 30 acres of woodland were set aside for the widow while the remaining 257 acres were divided into two parcels that could be sold at auction or bought by Moor's children.

An unusually high percentage of estates in the 1822 Little Creek Hundred tax – assessment indicate a high death rate. In 1822, 14% of all taxable entities in the hundred were estates; in 1860 the figure was only 2% and in 1896 it was 3%. The population in Appoquinimink Hundred was similar to Little Creek--16% of the taxables were estates or minor children in 1816, and only 2% in 1861. In Murderkill Hundred the pattern was even more pronounced, with over 30% of the taxables in 1822 being estates or minor children; the figure dropped to about one-tenth in 1860 and 1896. "Estate" refers to property assessed for the heirs of a deceased landowner. Estate landholdings were controlled by an administrator, executor, trustee, or guardian—i.e., while it was in probate or while minor children were under the guardianship of the Orphans Court. Described in the tax assessments as "Charles Harpers Heirs," "Marry Ann Fulce minor," or "John A. Banings Estate," these estates were taxed only for land.

The seasonal fevers that plagued the marshy, swampy, eastern portion of Kent County were a major cause of the high death rate.<sup>36</sup> Mary Dickinson's refusal to live in St. Jones Hundred due to the mosquitos and seasonal fevers led her husband, John Dickinson, one of the largest landowners in Kent County in the late eighteenth century, to turn his massive property in St. Jones Neck into tenant farms, even the mansion house originally built by his father .<sup>37</sup> Kent County Poor House records reveal that fevers of varying types ("remittent" and "intermittent" most commonly mentioned) plagued 18% of the inmates treated from 1822 to 1824. An excerpt from Franklin's *History of North America* clearly describes the problem in Delaware:

The mild temperature of this country is very favorable to health in the, northern parts; but the people who inhabit the borders of the Delaware Bay are annually visited with intermitting or bilious fever in August and September; and owing to this circumstance<sup>3</sup> the former is known among the vulgar by the name of the long month.

Malaria was a problem in Delaware from the time of the earliest settlements and was known ague, miasma, or intermittent fever; it was "the scourge of death in low, warm, wet,

swampy countries such as Delaware. After the discovery of quinine in 1820, however, was no longer a foregone conclusion for malaria cases.

Population census records for 1800 to 1830 reveal that the population of Little Creek. the period. After 1830 a period of intensive population growth the mid-1800s. While much of the demographic loss may be due to ~!: by the white population, some was due to the disease engendered by the local Kent County overall was experiencing the same pattern--its population increased by only 2% through 1840. In the mid-1800s *it* began to exhibit the same intensive that started a decade earlier in Little Creek.

One consequence of death among landowners was the fact that many of them left large with one or more minor children. When a landowner with minor children died, the county Orphans Court was responsible for overseeing the management, care, and division of his lands among the rightful heirs in accordance with his will and the laws of inheritance. The court appointed a guardian for each minor child. The guardian was then responsible for all necessary maintenance and upkeep, collection of rents, and the preservation of farm and woodlands. Once appointed, the guardian's first activity was to request a valuation fo the lands and potential rents expected by the minors. The appraisers were three court-appointed freeholders from the neighborhood who were also neighbors of the deceased and landowners. They viewed and valued the property, describing the land, buildings, fields and crops, fences, and necessary repairs. They also provided an estimate of the amount of rent that be charged for the land per year. The guardian then leased the land either to himself or to another party.

One effect of the high death rate among landowners was visible in the administration orphans' property in court. Because of the number of individuals required to begin the administration process and the fact that most were required to be freeholders, court proceedings were often delayed by deaths. One example of the consequences of the high death rate' for orphans is the case of Margaret and Eliza Hall, of Little Creek Hundred.

Margaret and Eliza Hall (minor daughters of Robert Hall) were orphaned in 1814 and their uncle, Preston Bedwell, was appointed as guardian. Three freeholders (Andrew Naudain, Charles Harper, and Robert Hopkins) were appointed to carry out a valuation of the property in Little Creek Hundred. They completed the valuation just prior to the death of Charles Harper. Two years later, a new guardian, John Bell, appointed because Preston Bedwell had died, requested another valuation--this time by Andrew Naudain, Daniel Cowgill, and John Pleasanton. Six months later, Bell appeared in court complaining that the

rents had not been valued and eighteen months later the court was informed that the rents had not been valued because Daniel Cowgill had died. A new freeholder (Samuel Price) was appointed. In 1820, three years after Bell requested the valuation, a new guardian (John Brown) was appointed for Elizabeth and he requested a valuation with new freeholders (William Ruth, Elias Naudain, and Thomas Marim) because the previous request had not been completed due to the death of Andrew Naudain. Six months later, the lands were finally valued as:

..that farm and premises whereon David Vining free negro now lives-- two log'd buildings sufficient for the farm, One of which is in good repair; the other ...should be weatherboarded and covered; One Crib and Smoke house should be repaired, One Stable in good repair, One other Crib and Small tenement on the premises not worth repairing; there being a few apple trees standing we are of opinion that fifty young apple trees more should be planted...the fencing in tolerable repair...

The property contained 185 acres, most of which seemed to be "low and wet and poor," and valued at \$80 per year. All in all, the orphans waited three and a half years for a valuation of their property, and the delays were due largely to the deaths of 4 freeholders.

One potential consequence of these sorts of delays and periods of no direct oversight of the minor lands by the Orphans Court was abuse of the farm lands by an unscrupulous or guardian. He could plant crops guaranteed to bring him a high profit over a few -without concern for proper husbandry of the land. This could cause serious damage value of the orphans' inheritance, but it did present certain opportunities for tenants. The Orphans Court was concerned with two things—preserving the land and buildings in good repair until the children reached adulthood and providing sufficient income for the care and education of the children so that they did not become a burden on the county. Many of these estates resulted in long-term (10 to 20 years) of tenancy opportunities until the children were all of age. The widow might choose to remain on the main farm with the children and some laborers in the form of slaves, relatives, or hired. In other cases, children went to live with other family members and the main farm were leased out to a tenant. Many of these tenants were relatives, sometimes a brother of the deceased or one of his son-in-laws, or again the children's guardian. While this situation might appear to be very advantageous for the tenant who was acquiring a prime farm, he needed to remember that he could be held accountable to the orphans for his care and husbandry of their land. It was not unusual for grown children to return to the Orphans Court and sue their guardian and/or tenants for damages arising from action that devalued their inheritance.

Another result of the death—related delays was the inability of the guardian to place a tenant on the property until he knew what he could charge for rent—this meant that there was no income from the property and it was standing vacant with no one to maintain the buildings. While the guardian might have very good intentions regarding the upkeep of the farm, he probably had land of his own to work as well, not to mention the fact that in a significant number of cases in the early nineteenth century, administrators and guardians were sometimes managing two or three estates at one time. It was impossible for them to personally work all the land and maintain all the buildings in the manner required by the Orphans Court—they had to find reliable tenants.

The problem of multiple probate administration between 1800 and 1820 in Kent County could impact on tenancy and tenant farms. In many instances, a person appointed as administrator to one estate found himself by default as executor of another as well. Administration of estates was not a responsibility that ended with death—it was passed on to one's heirs and administrators. The Harper family of Little Creek Hundred was an example of this sort of situation. William Harper, Sr., died in March 1810, leaving a widow (Rachel) and five children: John, Charles, David, Joseph, and Mary. Rachel and Charles Harper were appointed as executors; Rachel was to be guardian of the two minor children, Joseph and Mary. In 1812 John Harper died, leaving five minor children (Rachel, Margaret, Henry, John and Sally Ann) under the guardianship of his brother Charles. Charles now had two estates to administer, not to mention responsibility for rearing five additional children. He died in 1815. His wife, Rachel, and Robert Hopkins were appointed executors of his estate, and held responsible for Charles' liability in the other two estates as well. In 1818, Charles' mother (and co-executor of William's estate) died also; her son Joseph was named executor of her estate, inheriting his mother's guardianship of his younger sister Mary and her inherited property. (Mary's final guardianship account was not passed until 1825.) Meanwhile, Robert Hopkins was busy filing administrative accounts for Charles, John, and William Harper. When he died in 1819, his executor, Abraham Moor, took over responsibility for all the estates. In sum, William Harper's estate had a total of five different administrators between 1810 and 1825. Of the five people responsible for handling the five estates, only two were still alive in 1822. The implications for the land and buildings under the care of these administrators were that over a fifteen year period there was no consistent form of management. By the time one person began to get things under control and set up a plan for managing all the farms, he or

she died, and the administrative process started all over again. While one administrator might plan to construct new farm buildings, another might put his priorities elsewhere. One might advocate crop rotation while another favored a different method. Each of these plans might begin to get underway but unless the guardian/administrator planned very far ahead, there was no way to be sure that his scheme would be carried out to its full extent.

When a man died intestate in Delaware, his wife was entitled to one-third of all his real and personal property. The remainder was divided among his children. Many men left wills in which they stipulated as their wife's third a certain piece of property, specific livestock, or furnishing. The Orphans Court partitioned off the widow's dower at her request. In many cases the request came when the widow remarried and she wished to take her dower share into her new marriage. Upon a petition to the court, five freeholders would be appointed to view the lands and determine first, whether the land could be divided without detriment to the heirs, and second, what the most equitable division would be. In a significant number of cases, the widow's dower included the main dwelling house along with a share of the land (Figure-31). Three courses of action were open to the children for the remainder of the land: 1) they could request a division of the remaining land into equal shares; 2) one of them (Usually one of the sons) could petition for the right to purchase his siblings' shares; or 3) they could request permission to sell the land and divide the proceeds. Often the chosen course of action was determined by the size of the property--if it was too small to divide, the court might refuse a request for partition.

**Conclusion.** These Options had implications for tenant farms and tenancy in the sense that division or sale of older parcels created a larger number of smaller farms that either required tenants or were affordable for new landowners. The breakup of these family holdings had an impact on the architectural landscape as well--when the widow kept the farm buildings and sold off farm-size parcels, the new owners had to build new farmsteads on that land. Some of those farms eventually became tenant farms. The occupation of estate farms by tenants and their oversight by administrators or guardians is often heavily documented. Information regarding new buildings, farming practices, and rents can contribute to an understanding of the system by which a property was preserved for minor heirs as well as comprehension of the major concerns of the administrator landlords.

### **Evaluation Criteria for Tenant Farms and Landlords**

The most obvious criteria of evaluation is that any tenant farm must have been owned by landlord and occupied by a tenant at some point in time—the significance of the resource in relationship to the historic context for agricultural tenancy must be tied to both of these elements. The only physical criteria for evaluation are those outlined in Chapter II as applicable to all potential tenant farms.



**Multiple Property Owner Tenant Farms.** A multiple property owner tenant farm is defined through historic documentation proving a period of ownership by a multiple property owner and the occupation of the farm by a tenant during the same period. This evidence is most likely to be found in tax assessments or insurance policies. A multiple property owner tenant farm may have multiple periods of significance because it changes hands over time and not all of its owners lease it out; it may also have one long period of significance associated with one landlord. The statement of significance for the multiple property owner tenant farm should examine the role of the multiple property owner in the economy, daily life, and architectural-landscape of the community and the specific property under consideration. The characteristics of the owner in terms of race, gender, and taxable property should fall within the limits detailed above. The statement of significance should also consider the identity and the tenant.

**Tenant-Occupied Estates.** Inclusion in the associative property type tenant-occupied estates is defined historically by documentation of an instance when the farm was part of an estate that was being administered following the death of its owner and the administration of the estate required the farm to be occupied by a tenant for a period of time. This connection is most likely to be documented through probate administration records, orphans court records, and chancery court records. These records include administration, guardianship, and the receipt of rents and repairs; the court records also contain description of buildings, crops, repairs, tenants, and acreage. In cases where a dower or division of the property occurred, there are also plots of the land showing buildings, fields, and natural landmarks. Any discussion of significance should establish the history of such administration as related to the tenancy of the farm, examine the relationship between the tenant and the landlord/administrator, and evaluate the impact of both parties on the buildings and landscape.

### **Associative Characteristics of Tenants**

A tenant is defined as a person who occupies land that is not his own by means of a verbal or written agreement with the owner of the-land and in return for a specified rent, The extensive description of tenants included here is based largely on Little Creek in 1822 and 1860. Time did not permit this level of analysis in other years, but it should be a high priority for future activities related to the context.

The tenant population in Little Creek Hundred demonstrated a higher percentage of males and African-American than the general taxable population. As the century progressed, women represented an ever-shrinking percentage of farm tenants (7% in 1822, 4% in 1860, and 2% in 1896). African-American farm tenants enjoyed greatest numerical strength, in 1822, when 21% of all farms were leased by "blacks" or "mulattos." The percentage of