

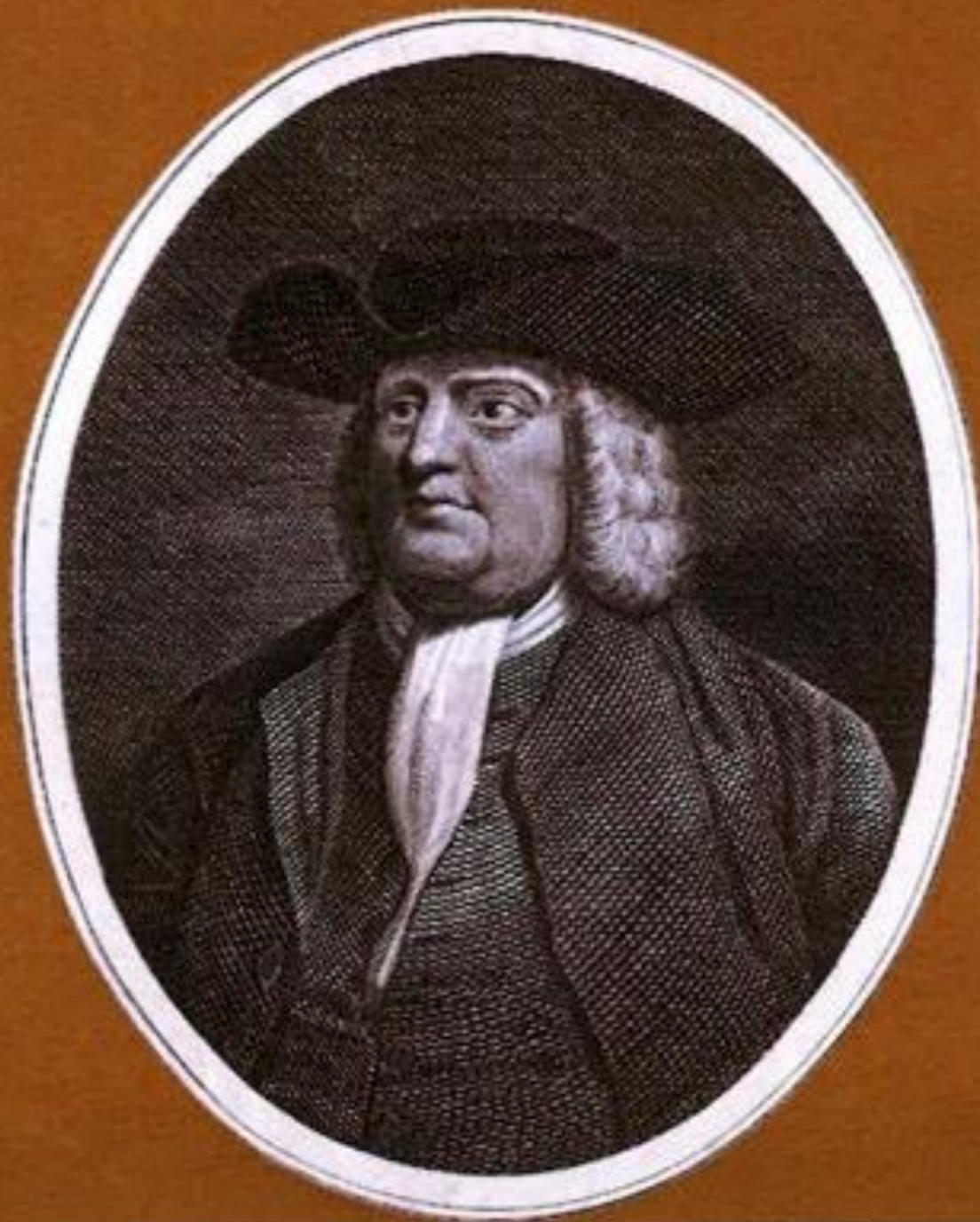
# Cape Henlopen State Park

## Through the Years





# William Penn





# Warner Grant 1682



WHEREAS, in 1682/3 the Court established by the Penn family in Lewes, Delaware, made a grant to Edmund Warner (recorded in the Office of the Recorder of Deeds for Sussex County in Deed Record Book A-1, page 14 et seq.) of the land described as follows:

"the land of the Cap Commonly called "Cape Henlopen, Lying on the North East side of the Creek formerly called the Whorekill to make a Coney Warrin on and Liberty to Build a House and seat a Warriner upon..."; and

WHEREAS, the purpose for the use of the land set forth in the grant was as follows:

the Timber and feed of said land, and marshes thereunto Belonging be and forever hereafter Lye in Common for the use of the Inhabitants of the Town of Lewes and County of Sussex, as also free liberty for any and all of the Inhabitants of the said County to fish get and take of their oyster & (socket shells and gather plums, cranberries and Huckleberries on the said land as they shall think fitt always..."; and



dictation of Edmond Warner the Court grant unto him the  
only called Capelopen lying on the north east side of  
called the whole hill to make a conveyance on and Liberty  
and seat of Warner upon the said land upon conditions  
and feed of the said land, and marshes thereunto Belonging  
hereafter Lie in Common for the use of the Inhabitants of  
said County of Sussex, as also free Liberty for any or all of  
said County to fish get and take of those Oyster & Cockle shells  
ambrey and such other things on the said land as they shall  
provide that no person whatsoever shall not hunt or kill  
on the said land without the Leave and consent of him  
Warner his Executors Administrators or Assignes

- Recorder of Deeds for Sussex County, Book A-1, p 14

# Original Warner Grant

## Delawareans' Shared Legacy

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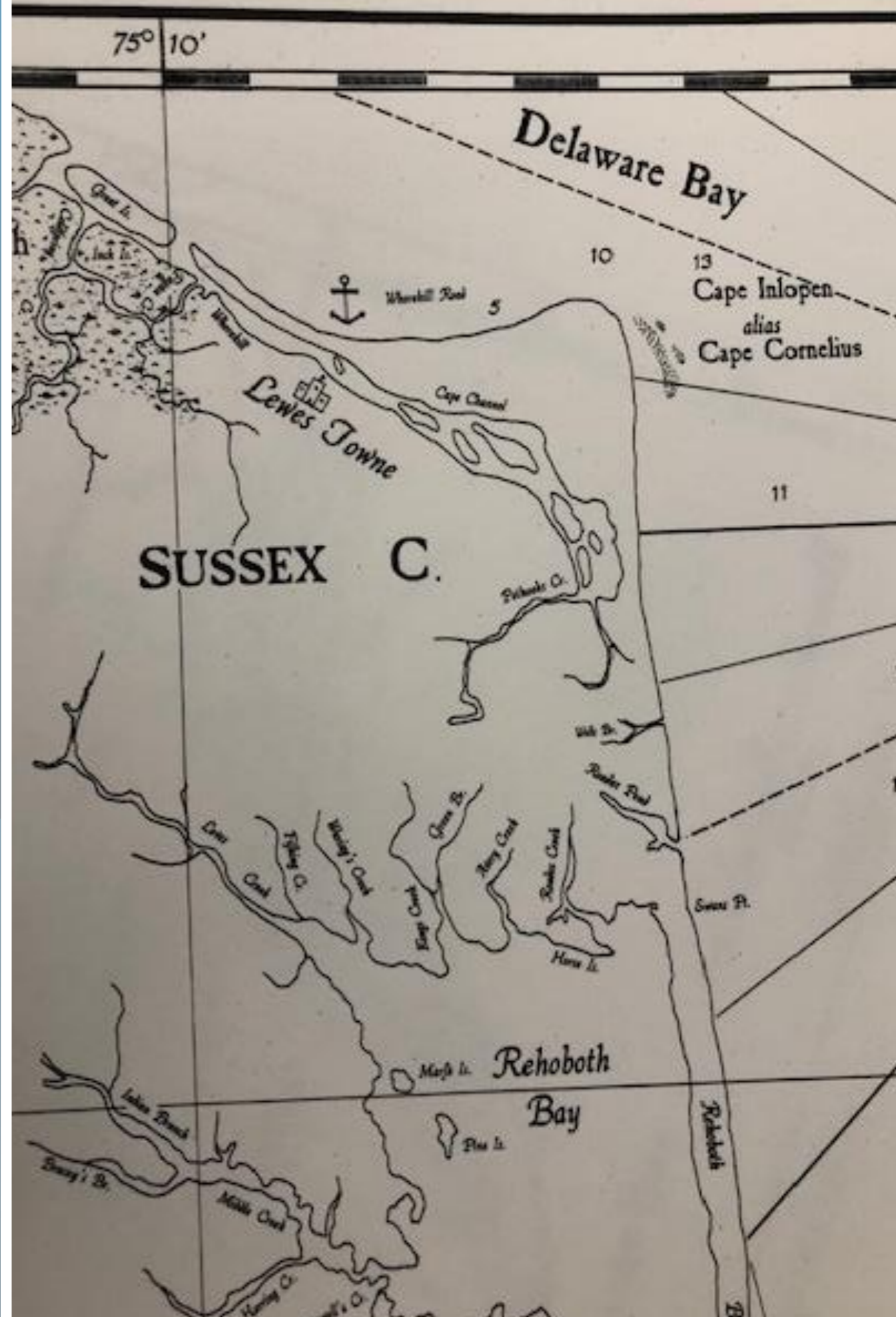
Warner Grant specifies “...Timber and feed of the said land, and marshes thereunto Belonging **be and forever hereafter Lye in Common for the use of the Inhabitants of the Town of Lewis and County of Sussex...**”

---

Over time, court decisions expanded the beneficiaries of this charitable trust to include all citizens of Delaware

# Map of Cape area 1690

Delaware Public Archives





# Cape Henlopen Lighthouse 1767





# Lighthouse History

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1765-1926 – 60 ft high  
atop dunes = visible  
landmark for mariners

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Philadelphia merchants  
paid for original lighthouse  
using public lottery

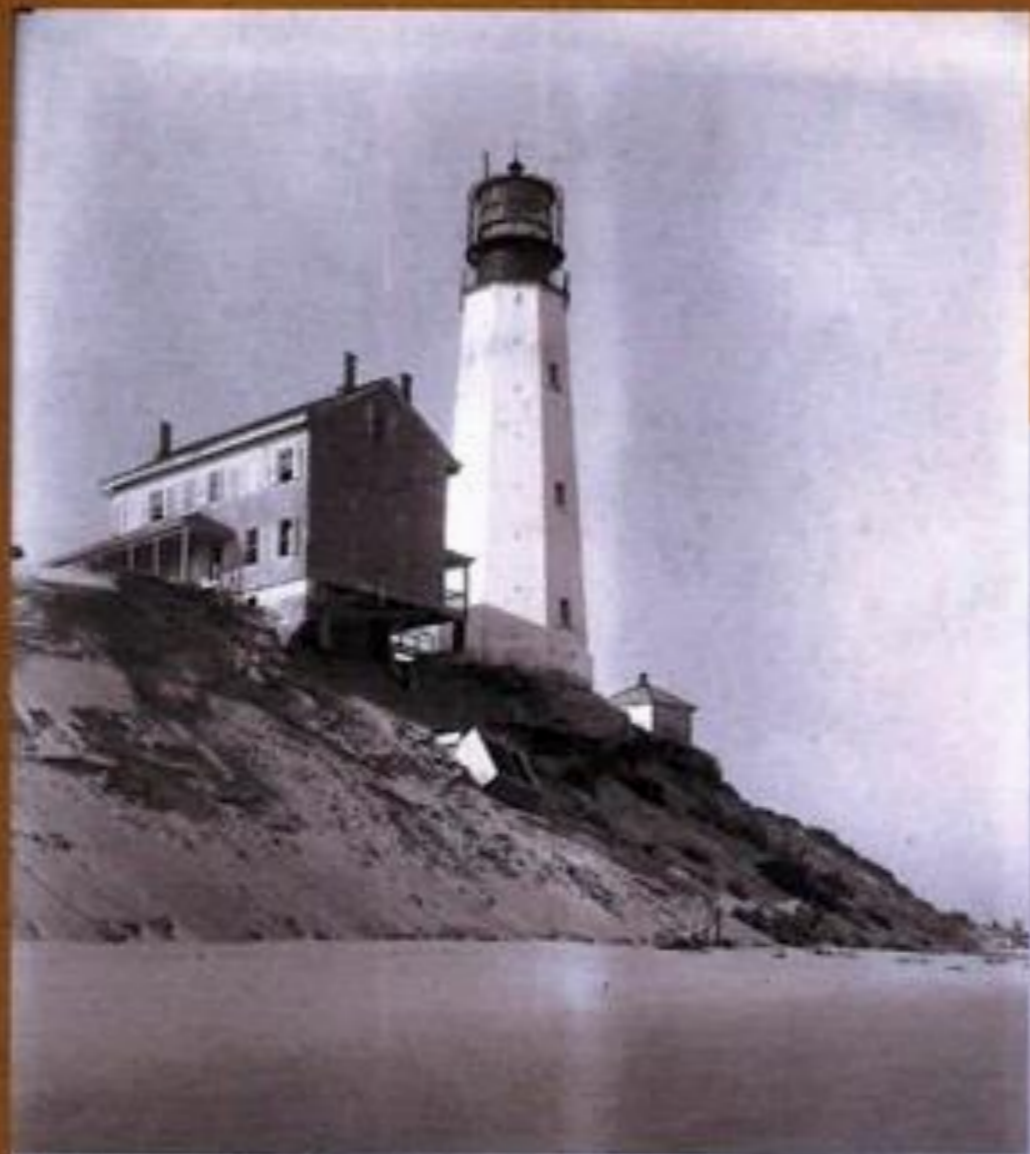
---

Lookouts and defenders  
stationed during American  
Revolution

---

Undermined by 150 years  
of wave erosion











# Howard Pyle's "The Buccaneer"

---

Original in Delaware Art  
Museum, Wilmington, DE

<https://rockwellcenter.org/portfolio-items/pyle-the-buccaneer-was-a-picturesque-fellow/>





# Pirates: 1600s & 1700s

---

Attracted by heavy  
trade heading to  
and from  
Philadelphia and  
along coast

---

Recurring pirate  
raids on Lewes  
Towne

---

Most law  
enforcement 2 days  
away in PA, not in  
lower 3 counties

---

Local Lore: Captain  
Kidd's treasure  
buried at Cape  
Henlopen



## Numerous Shipwrecks: Examples

- British vessel near Roosevelt Inlet  
1774 [Roosevelt Inlet Shipwreck -  
Division of Historical and Cultural  
Affairs - State of Delaware](#)
- **HMS DeBraak** – British warship  
sank 1798 – artifacts in  
Zwaanendael Museum, salvaged  
remains preserved at the park  
[Gallery - Division of Historical and  
Cultural Affairs - State of Delaware](#)





# DeBraak Scale Model

- Zwaanendael Museum, Lewes, DE





Preserved hull of HMS DeBraak, Cape Henlopen State Park



# British Blockades

HMS Majestic was similar to ships used to blockade the Delaware Bay in 1812

Lewes Maritime History Trail Historical Marker



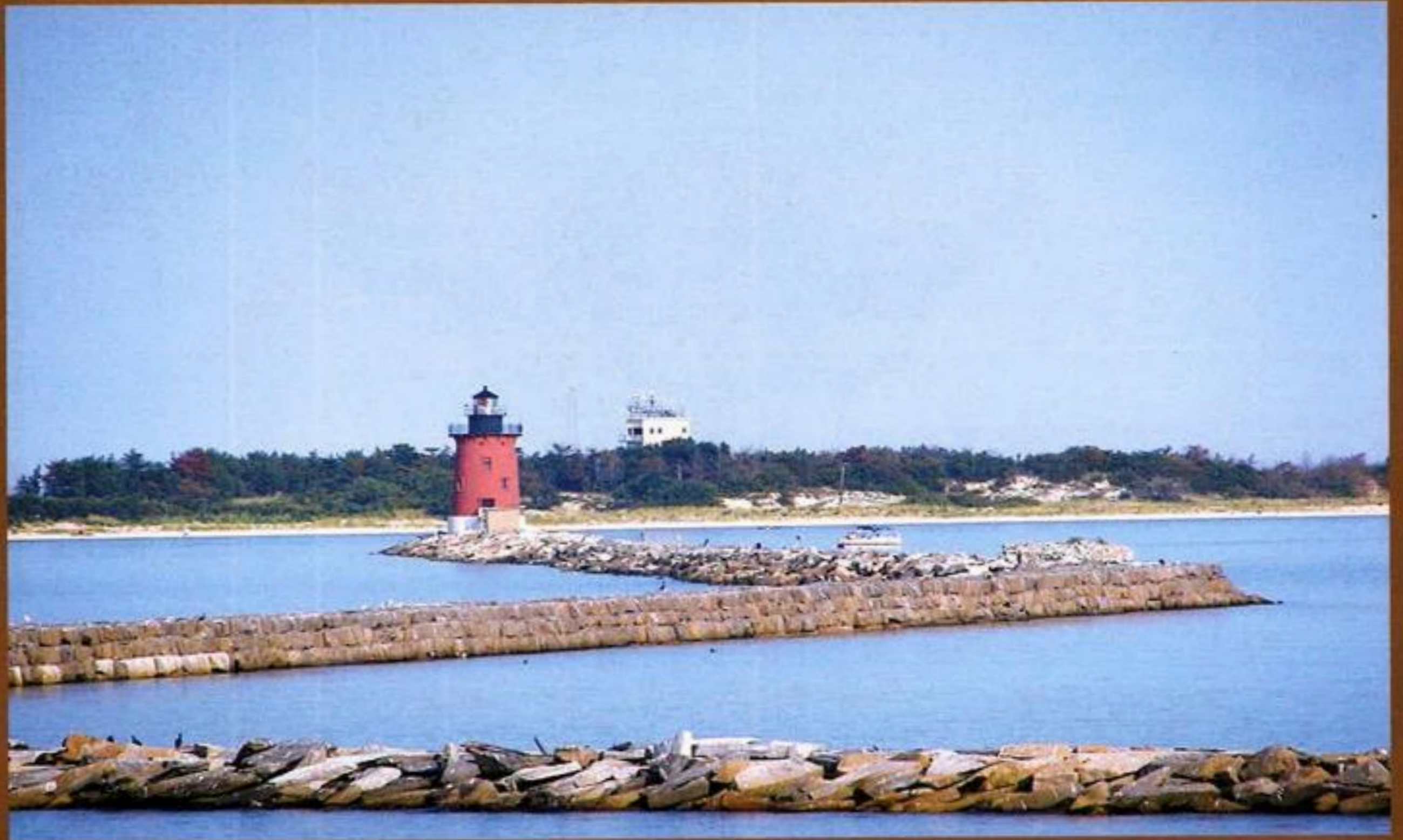


## The British

- British Navy blockaded Delaware Bay during Revolutionary War to interfere with upriver trade including Philadelphia
- British forces may have destroyed Cape lighthouse during the Revolutionary War or defenders may have disabled it
- British Navy blockaded Delaware Bay during War of 1812 and bombarded Lewes 6-7 April 1813



# Delaware Breakwater 1826





# Breakwater

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National Harbor of  
Refuge (1896)

Delaware Breakwater  
Harbor (1826)

Historic District

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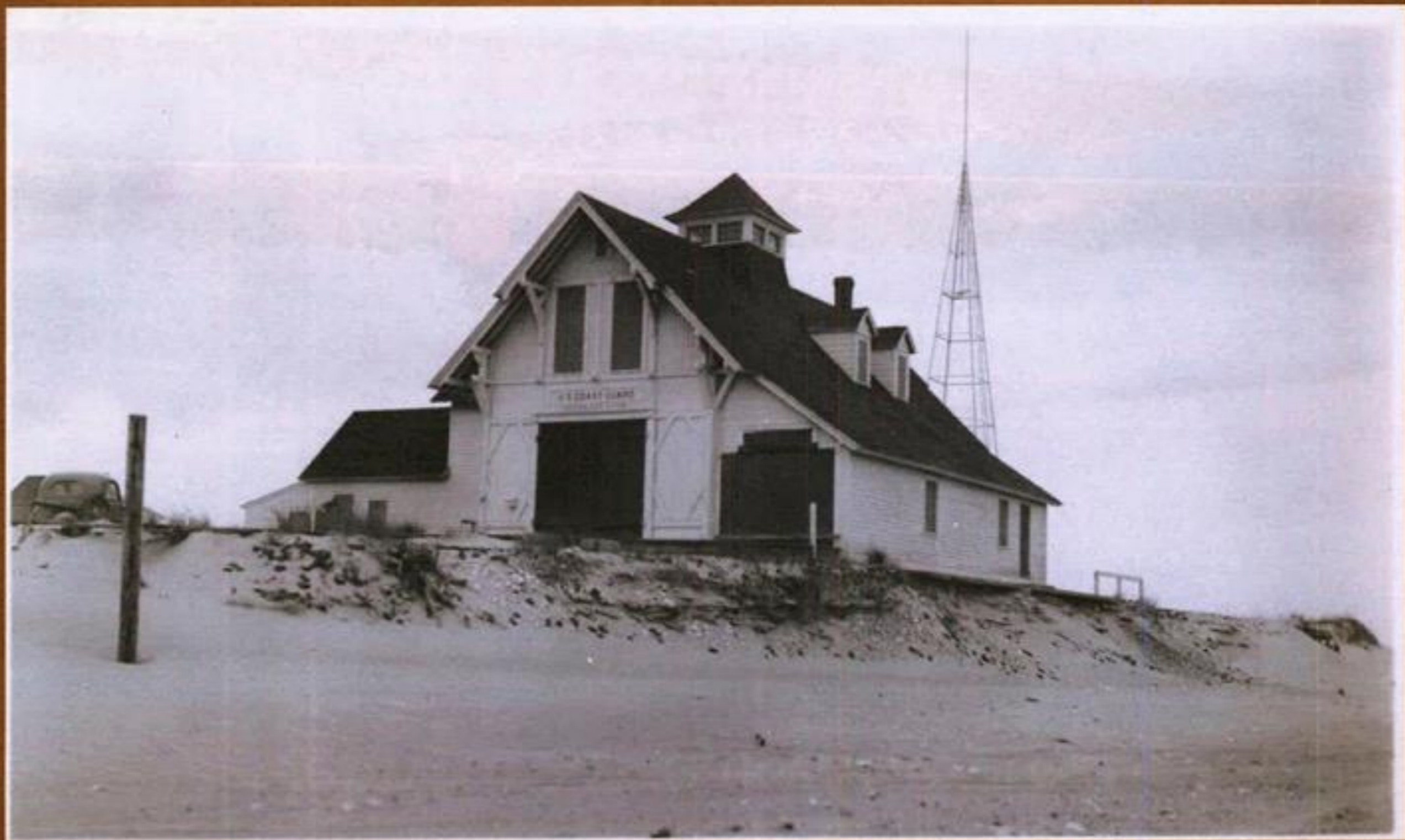
National Register of  
Historic Places

---

Built by federal  
government to provide  
anchorage for ships  
entering Delaware  
Bay and sailing along  
the coast during  
storms and winter



# Life-Saving Station 1876









# Quarantine Station 1884





# Quarantine Station

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First built to prevent visiting mariners from transmitting disease

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Expanded to screen health of immigrants

---

Estimated 200,000 immigrants treated before closing in 1926

---

Converted to U.S. Navy installation during WWI

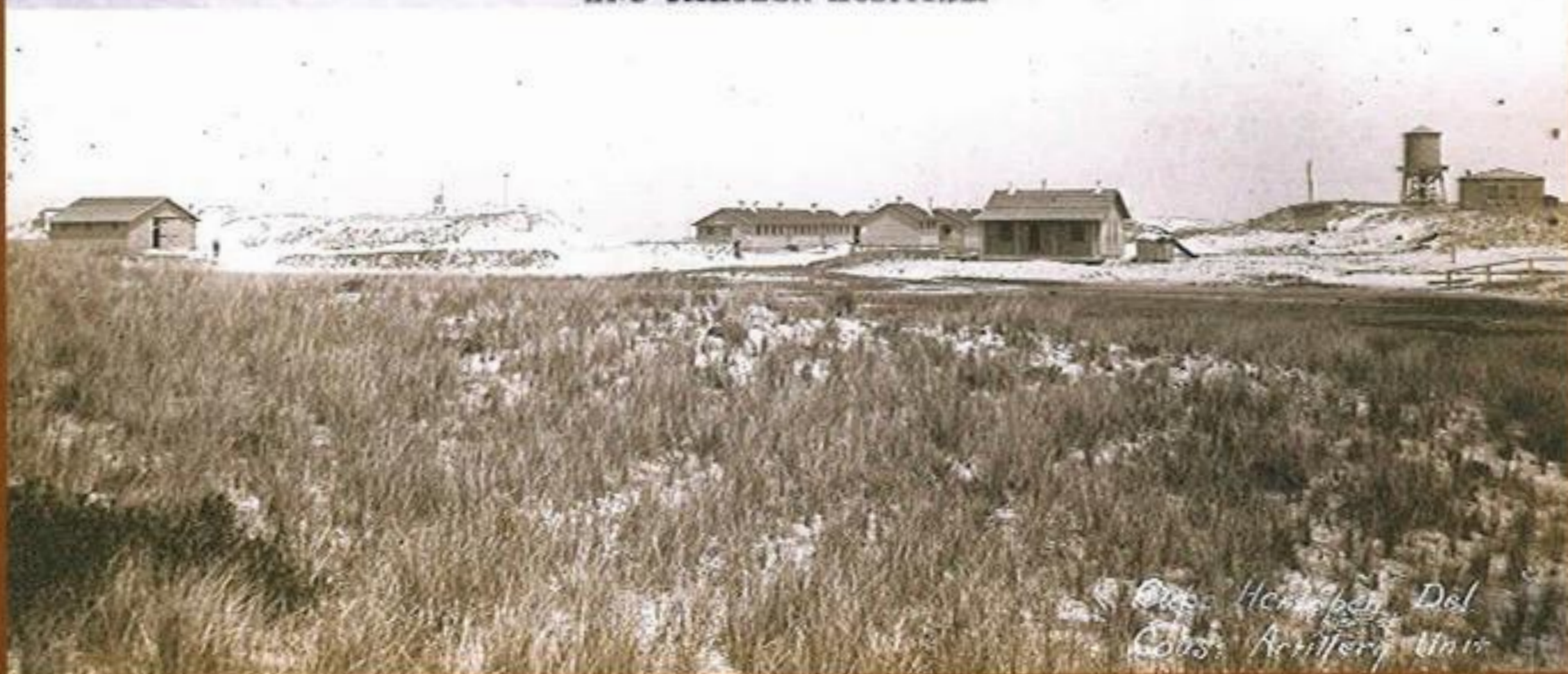
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Final buildings removed 1931



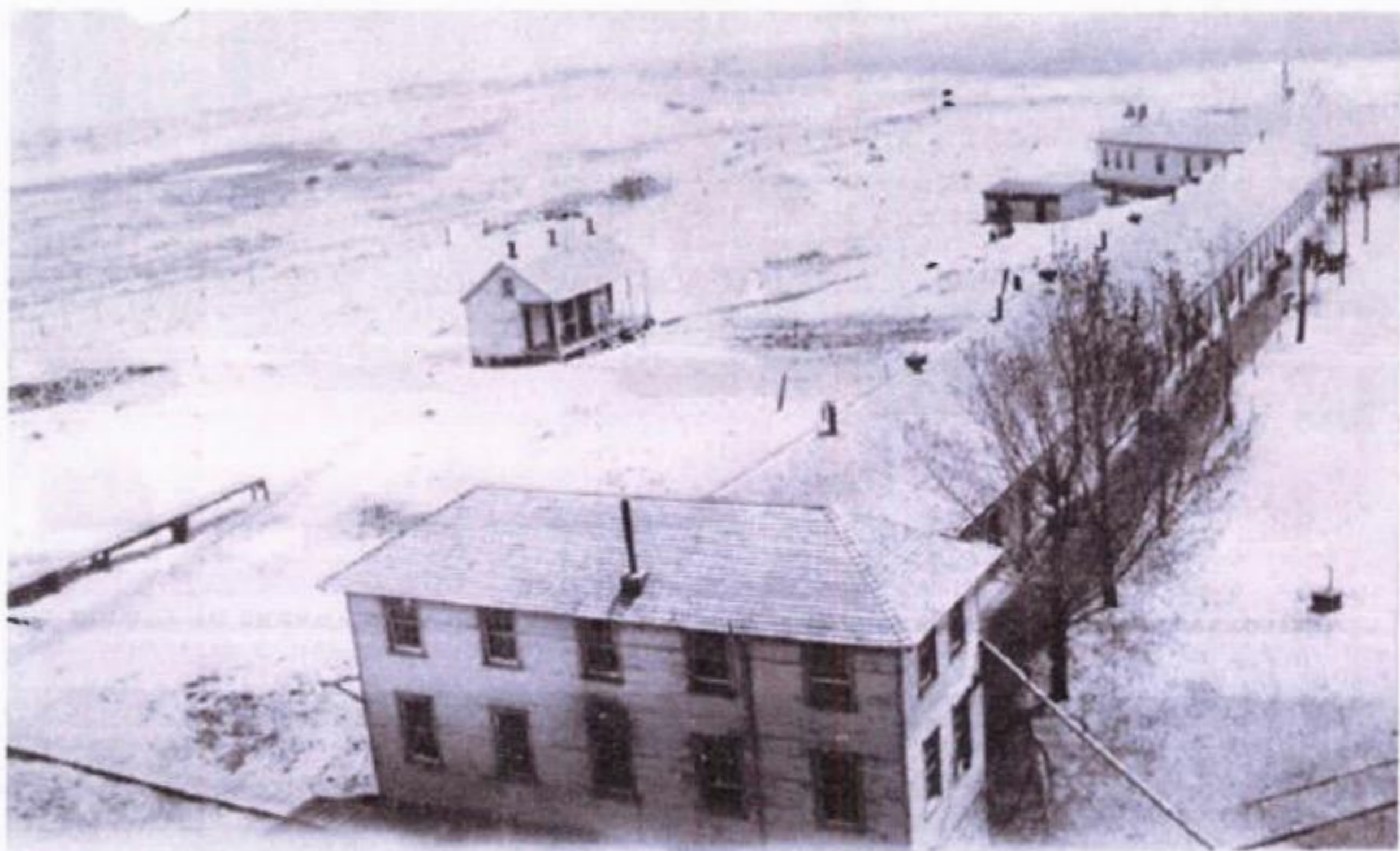


DELAWARE BREAKWATER QUARANTINE STATION—BARRACKS, BATH HOUSE, LAVATORIES  
AND SMALLER HOSPITAL.



*Capt. Henry B. Del  
Capt. Arthur W. U.S.*

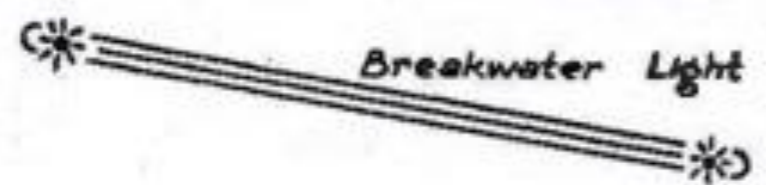




U. S. NAVAL BASE LEWES DELAWARE



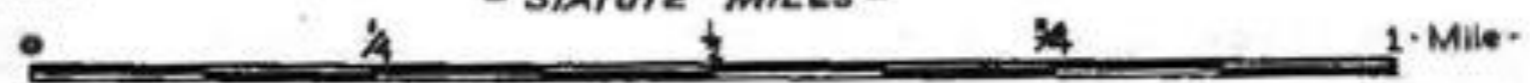
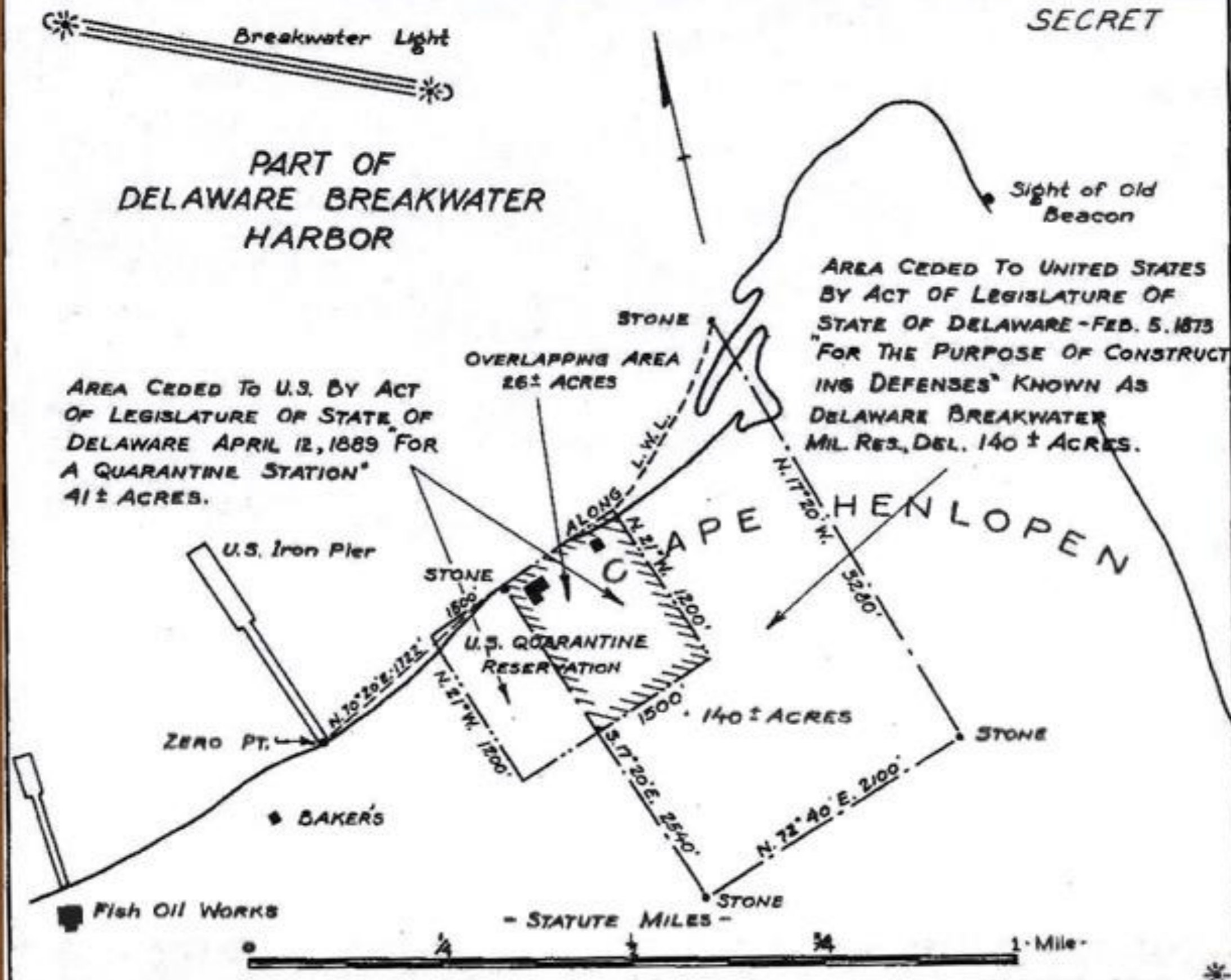
SECRET



# PART OF DELAWARE BREAKWATER HARBOR

AREA CEDED TO U.S. BY ACT OF LEGISLATURE OF STATE OF DELAWARE APRIL 12, 1889 FOR A QUARANTINE STATION\* 41 ± ACRES.

AREA CEDED TO UNITED STATES BY ACT OF LEGISLATURE OF STATE OF DELAWARE - FEB. 5, 1873 "FOR THE PURPOSE OF CONSTRUCTING DEFENSES" KNOWN AS DELAWARE BREAKWATER MIL. RES. DEL. 140 ± ACRES.



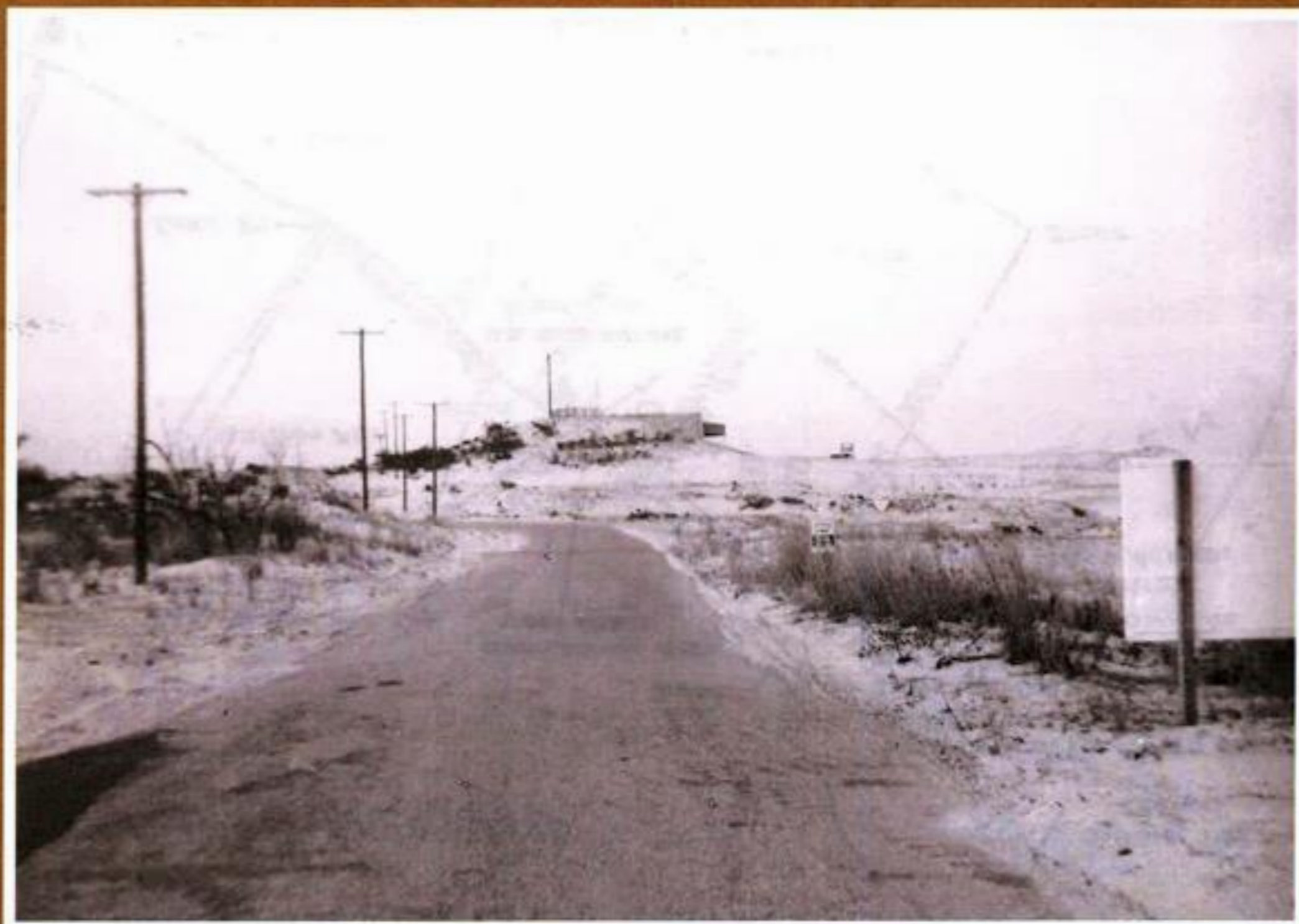
HENLOPEN LIGHT  
July 22nd 1936

SECRET

EXHIBIT 8-A



# Fort Miles: WWII





# Fort Miles

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1941 War Department seized 1010.8 acres of land on the Cape, eventually paying \$122,763.21 with about half to City of Lewes

---

Part of U.S. coastal defense system built to repel German invasion as England stood alone

---

Included 16 underground structures with 5 batteries

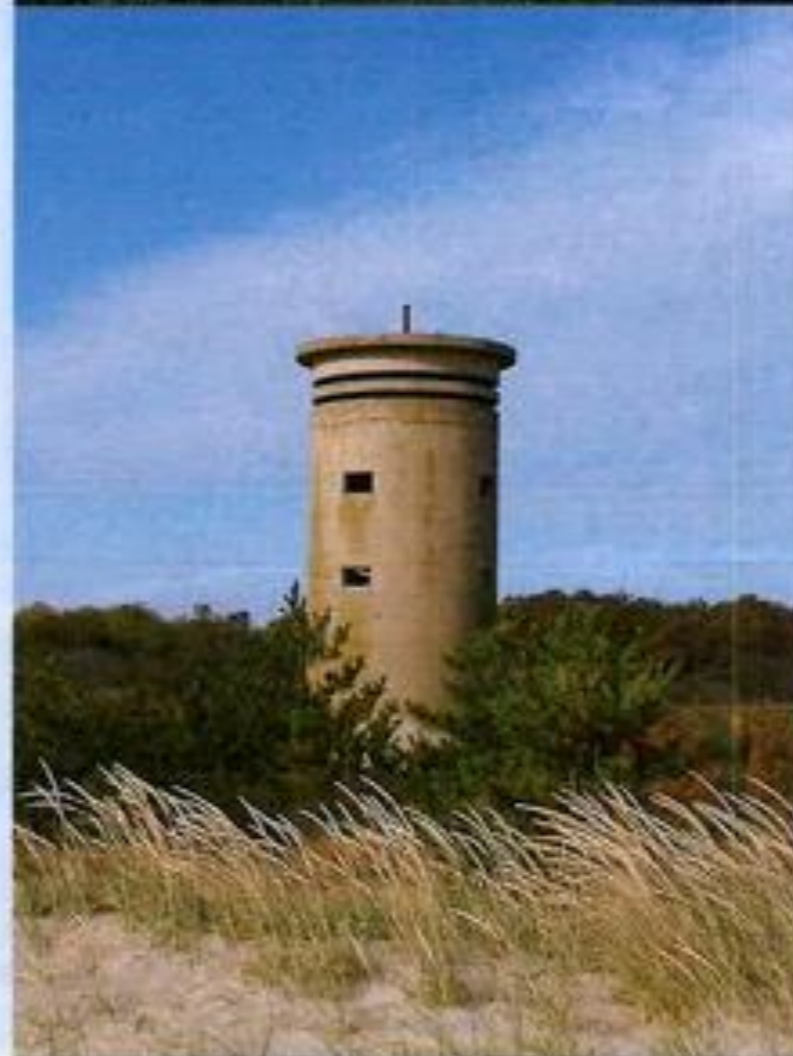
---

At its height housed more than 2200 service men and women. Forces gradually reduced as war progressed.









**FCT Fort Miles  
Constructed 1940 - 1943**



# Watch Towers

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15 Fire Control Towers,  
11 in Delaware and 4 in  
N.J.

---

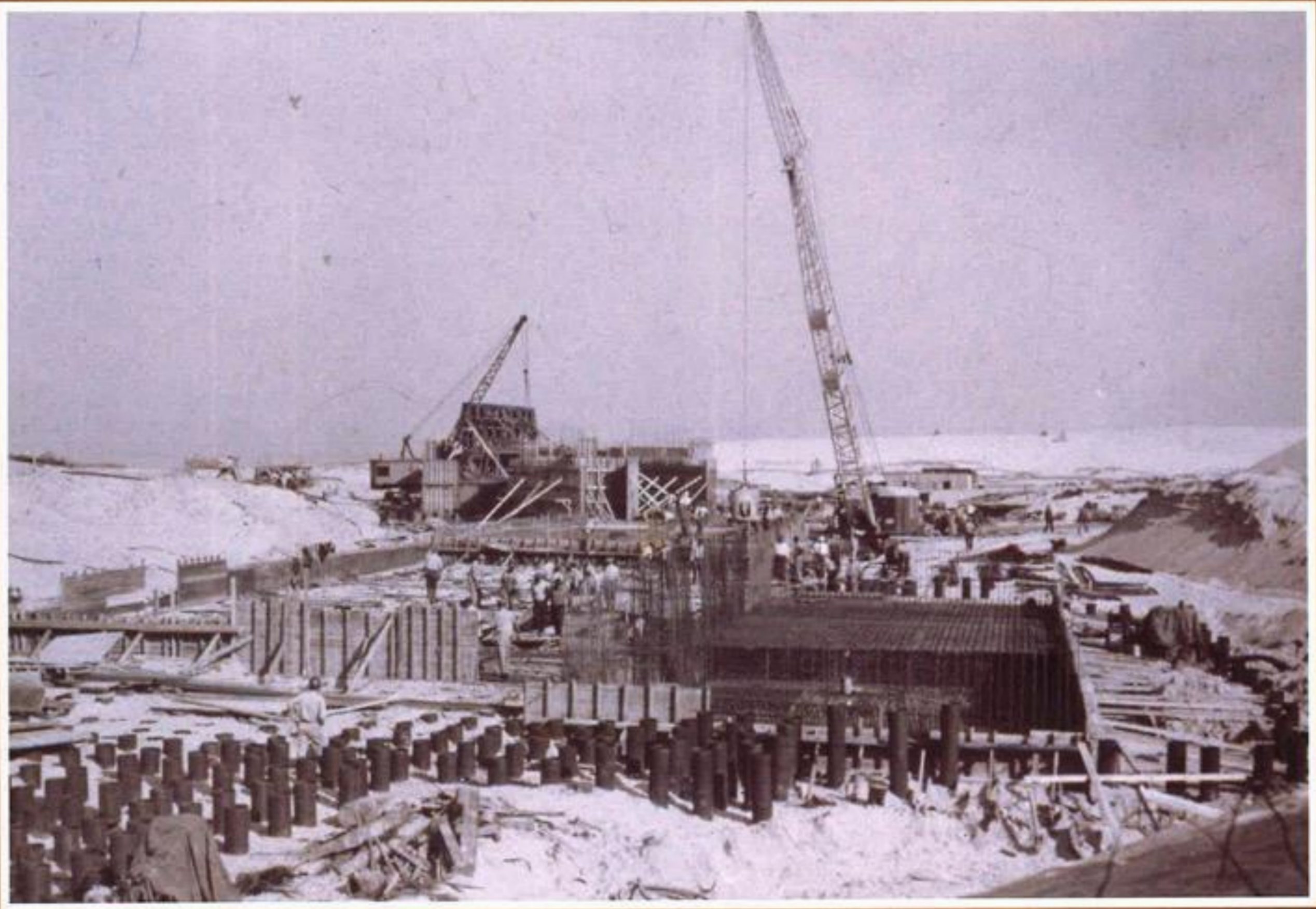
Designed to assist  
artillery to target surface  
ships

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Lookouts later  
supplemented by radar  
on towers

[Fire Control Towers - Division of Historical  
and Cultural Affairs - State of Delaware](#)







## Fort Miles Artillery Batteries

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Two 16-inch guns in  
Battery Smith (1942)

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Two 12-inch guns in  
Battery 519 (1943)

---

Protected by steel,  
concrete and sand

Declared surplus 1948







# The Great Dune

When Army engineers began construction, the Great Dune was 46 feet high, most trees were gone from the Cape and the dunes shifted with the wind.

Army construction raised the Great Dune to 80 feet, making it the highest point between Cape Cod and Cape Hatteras. Newly planted grass, trees and shrubs stabilized the dunes.

Fort Miles Historical Marker







## Wartime Inaction

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Although German subs sank some merchant shipping off the coast, no threats arise from surface ships

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Troops engaged in many drills at Fort Miles but no live action

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Because of damage to their mountings and townsfolk's windows, the 16-inch guns were test fired infrequently







# Submarine Threat

- One German U-Boat surrendered at Fort Miles in May 1945
- Fort Miles also maintained and serviced extensive mine field at mouth of Delaware Bay from today's fishing pier
- Fort Miles personnel gradually reduced late in war as German threat receded



# Fort Miles Recreation Area



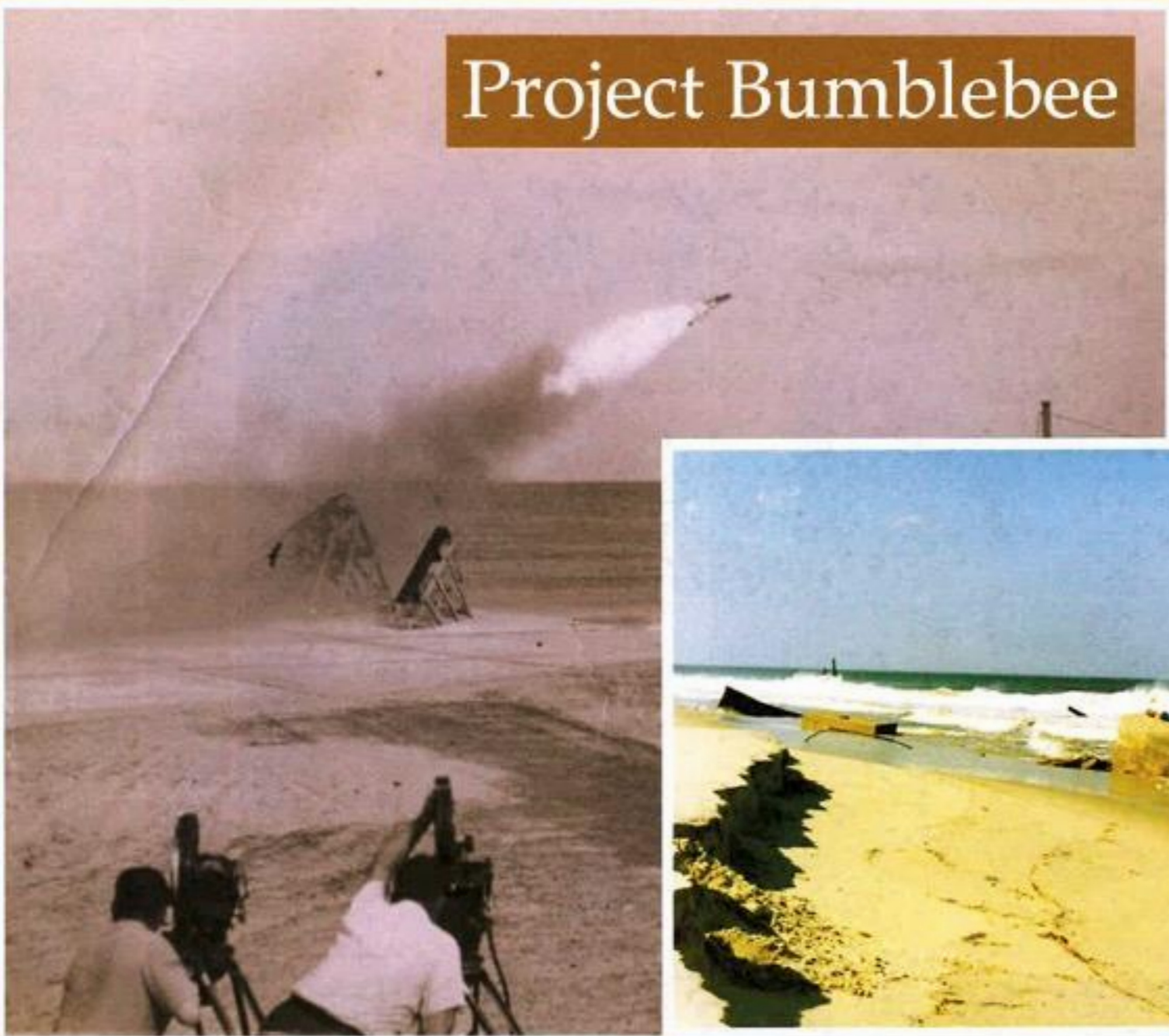


# MWR Program

- Early 1950s-1991
- Retired and active military families utilized Cape beaches through Morale, Welfare, Recreation program
- Coordinated through Fort Meade, MD



# Project Bumblebee





# Post-war Rocket Tests

- 1945-1947 Navy used beach area as proving ground for ship to air rocket defense systems codenamed “Operation Bumblebee”
- Johns Hopkins Applied Physics Lab project
- Ultimately moved to New Mexico where research on fuel systems and propellants continued and proved valuable to space program



# NavFac Lewes 1962

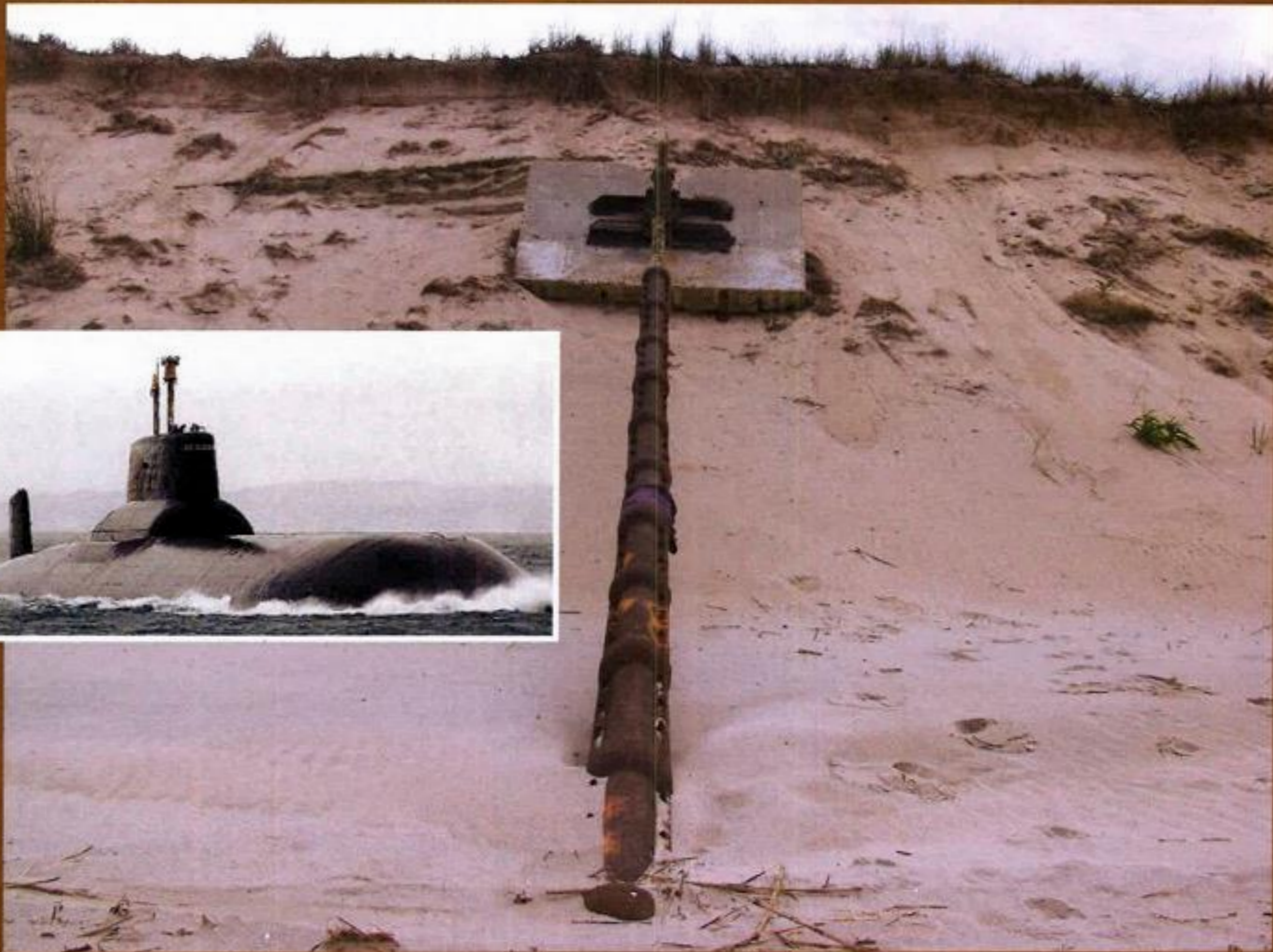




# Naval Facilities at Cape Henlopen

- Early facilities: Signal tower (1898) followed by wireless station (1904)
- During WWI, about 800 sailors stationed at former quarantine station
- WWII naval forces monitored shipping & guarded bay
- Army transferred 700 plus acres to Navy (1961) for Oceanographic Center administered from current Biden Environmental Building and Herring Point







# SOSUS

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Sound Surveillance System program transferred to Cape Henlopen in 1962 from Cape May

---

Tracked Soviet submarines off Atlantic coast by detecting sounds using secret technology

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Microphones and cables ran down beach at Herring Point to monitor waters up to 100 miles offshore

---

Cold War stabilized and new technology replaced SOSUS (1981)





Cape Henlopen  
State Park



# Military Land Transfers

- With defense role winding down, military transferred land back to state of Delaware
- Process extended from 1964-1991
- Cape Henlopen state park established 1964 with initial return of 543 acres
- Transfers under FLP Program: Federal Land to Parks Program includes requirements for outdoor recreation and conservation

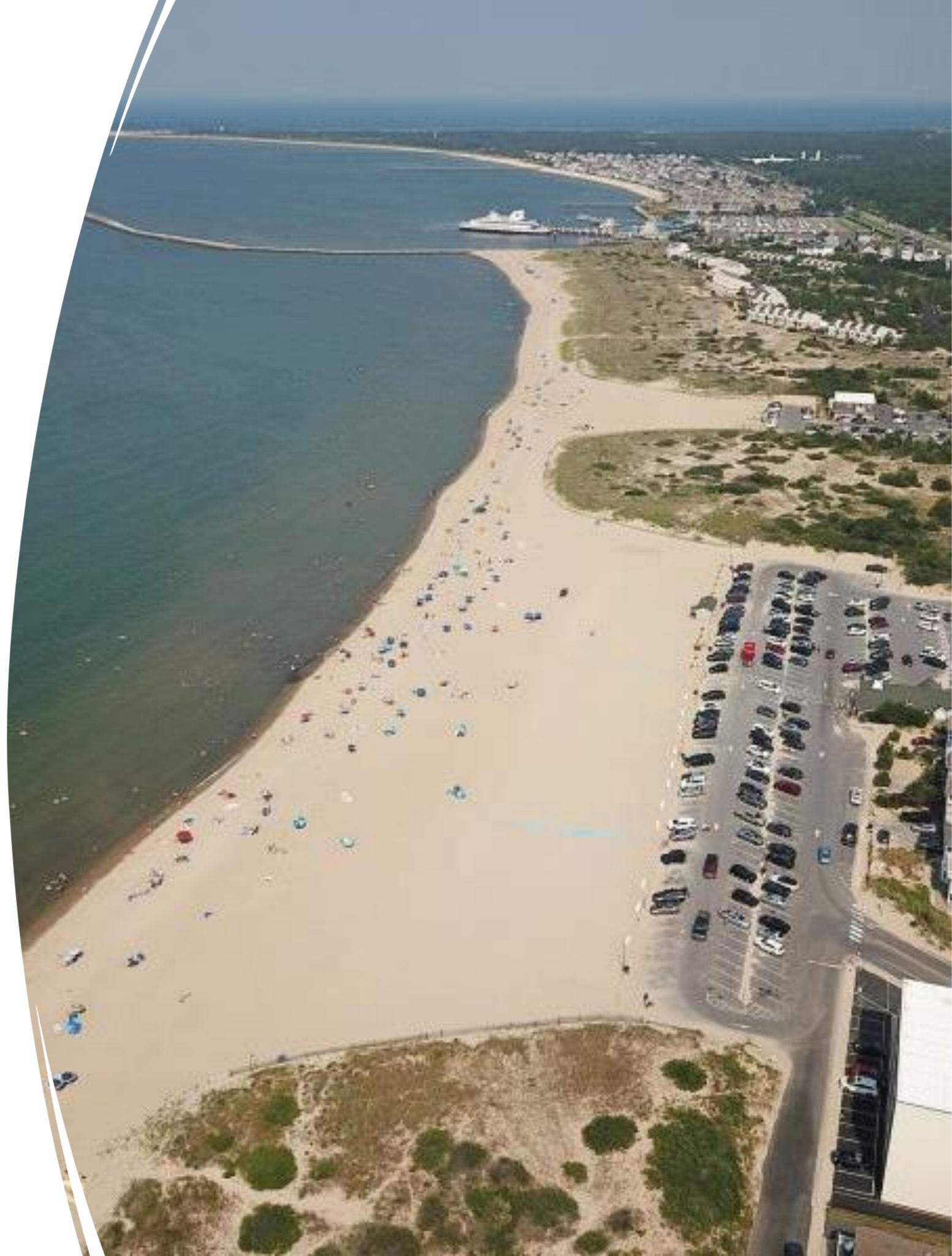


# Warner Grant Limits?

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## Boundaries & City of Lewes' Stewardship Questioned

Photo published in *Cape  
Gazette* July 9, 2021





# Lewes Trustship 1857

...Commissioners shall also have the general supervision and trustship of the public land on the north-east side of Lewes Creek, called “the Cape” with power to lease the same or any part thereof...and to sell the timber and wood thereon...

*Laws of Delaware* Vol 11 pp 488-489 (1857)



# Great and Beach Marshes Added 1871

- ...Commissioners of the Town of Lewes are hereby invested with full and exclusive authority and control over the Great and Beach Marshes, Cape and Cape Marshes near Lewes...sell and dispose of the grass and hay...the wood and timber...and the proceeds...shall be turned over to the treasurer of the town...”

Laws of Delaware Vol 14 p.135  
(1871)



# Lewes Policies

- City of Lewes exercised control over Warner Grant lands for most of 19<sup>th</sup> and much of 20<sup>th</sup> C.
- Proceeds from sale of hay, timber, salt, sand went into city Treasury – challenged in court companies mining sand without permission (1917)
- City leased rights to sand and gravel removal in 1920s and 1930s at 2 cents per ton and later 5 cents per ton
- Sand removal continued on land not seized by the military and resumed when military withdrew





# Earth Day 1970

John Stenger leading high school students in protest against Army engineers



# Earth Day 1970

- John Stenger, science teacher at Cape Henlopen High School, led a group of students and townspeople to stop Army engineers from bulldozing dunes to build additional parking for military recreation area
- Stenger also challenged Lewes' stewardship of Warner Grant. Urged Delaware's Attorney General to challenge City plans to expand real estate development and in 1972 filed own suit when AG took no action





# State Challenged Pilot Point Development

- Pilot Point Today, Lewes, DE



IN THE MATTER OF CERTAIN LANDS )  
IN THE VICINITY OF CAPE HENLOPEN, )  
ETC., W. LAIRD STABLER, JR. )  
ATTORNEY GENERAL OF THE STATE OF )  
DELAWARE, )

Petitioner, )

v. )

ALFRED A. STANGO, et al., )  
Respondents. )

Civil Action No. 439, 1972

CLASS ACTION NOTICE

1. The Attorney General of Delaware in his role as conservator (hereinafter, Attorney General) of public charitable trusts has commenced legal action in the Court of Chancery of the State of Delaware in and for Sussex County and the Superior Court of the State of Delaware in and for Sussex County against the Mayor and Council of the City of Lewes in their capacity as administrators (hereinafter Administrators) of the Warner Grant Charitable Trust. The actions as to whether any lands leased by the

# Court of Chancery Action

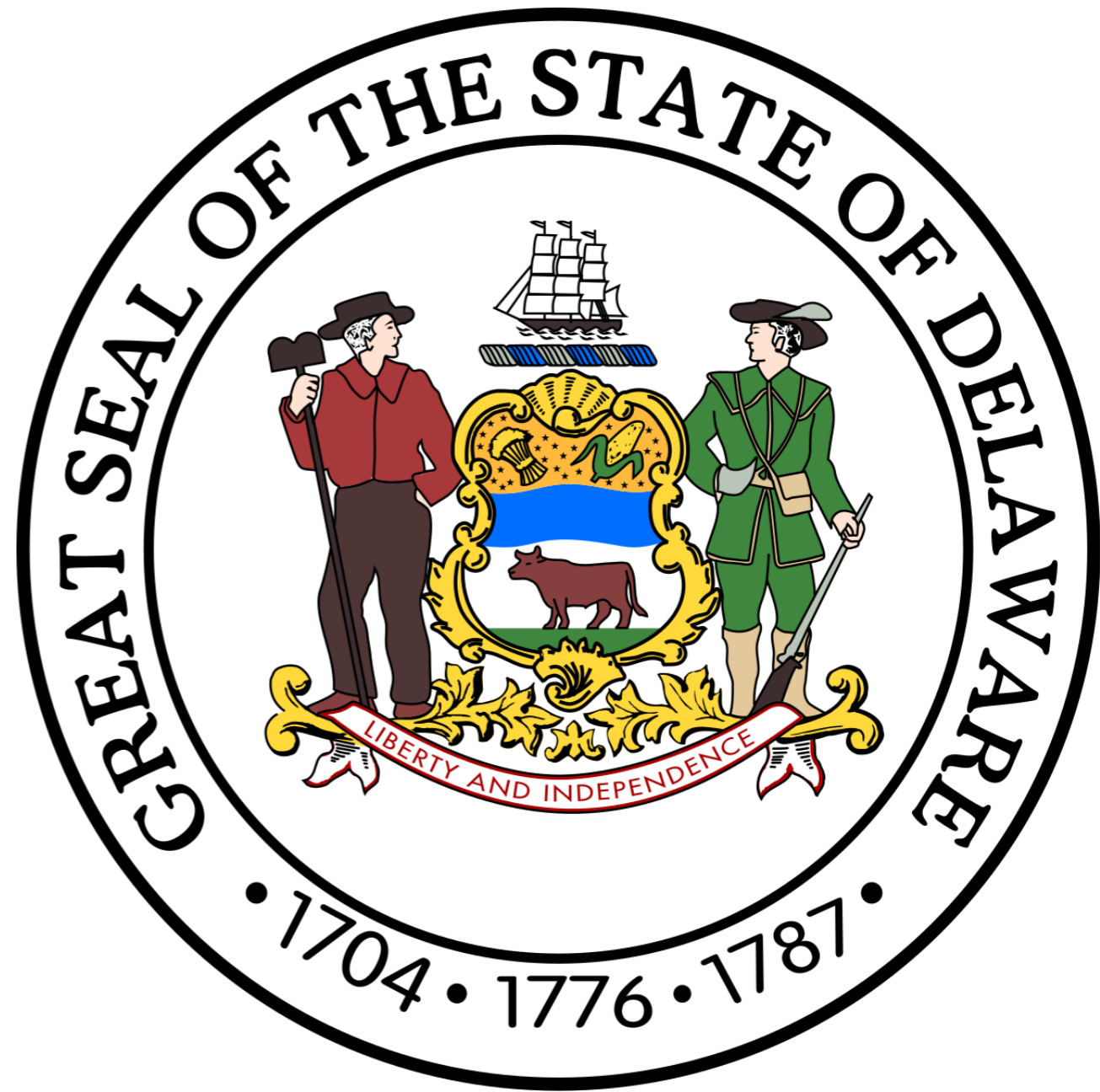
Attorney General v Stango



# 130<sup>th</sup> General Assembly

CHAPTER 108  
FORMERLY  
SENATE BILL NO. 315  
AS AMENDED BY SENATE  
AMENDMENT NO. 1

AN ACT TO **DEFINE THE WARNER  
GRANT TRUST LANDS**; AND TO  
APPROPRIATE FUNDS TO SURVEY  
AND MONUMENT THOSE LANDS.





# Resolution

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1979 Warner Grant Trust Lands  
legislation SB315

---

General Assembly funded surveys  
that established, for the first time,  
clear boundaries for the Warner Grant  
Trust Lands

---

General Assembly authorized DNREC  
to administer the lands replacing City  
of Lewes as newest trustee

---

State vs. City claims to Warner Grant  
Trust Lands resolved: city exercises  
authority over adjacent Warner lands  
and state over the Cape



# Delaware General Assembly Charge to DNREC

General Assembly's language:

“The Warner Grant Trust Lands shall be forever administered by the Department of Natural Resources and Environmental Control...**for the public benefit as areas of public recreation, conservation and/or nature education and may not be used for private benefit to the detriment of such public benefit...**”

SB315