PRISON MUSEUM POST

The Official Newsletter of the Historic Burlington County Prison Museum Association
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BATTLE OF IRON WORKS HILL – SATURDAY, DECEMBER 13

The PMA wishes everyone a happy and joyful holiday season. This is the time of year that we put our murder stories, trials and ghosts aside and commemorate our region's part in the founding our great nation. The Battle of Iron Works Hill will be re-enacted on High Street in front of the Jail on Saturday, December 13. The Burlington County Prison Museum, the Shinn Curtis Log Cabin and the Historic Brainerd Street School House are open for free. There will be lots of great events all day for all ages to enjoy: a beautiful musical performance and a presentation by First Lady Abigail Adams at the Friends Meeting House, living history camps, an 18th century cooking demonstration, colonial dancing, open field cooking, presentations, musket drills and of, course, the battle! Prison Museum Association board member and Mt. Holly resident Ian Johns organizes this great event, which is partially sponsored by the PMA and many Mount Holly businesses. Go on www.IronWorksHill.org for more information.

GUEST BARTENDER NIGHT AT DEMPSTER'S

Please stop by Dempster's Sports Bar and Restaurant on Monday, Dec. 8 from 6 to 8 p.m. for Guest Bartender Night. Guest bartenders dressed in Revolutionary War era clothing will donate their tips to defray the cost of Iron Works Hill. Come for drinks and/or dinner: 437 Pine Street (just north of Route 38) in Mt. Holly.

A COCK AND BULL STORY

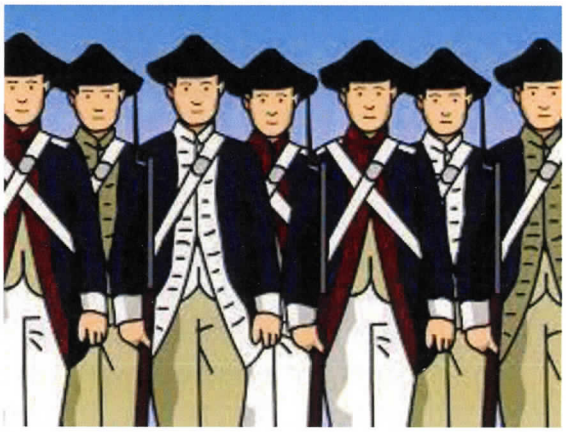
ATTORNEYS IN HISTORY

We thank PMA Vice President Dave Kimball for researching and writing a great article about attorneys who signed both the Declaration of Independence and the Constitution. We thought that the many attorneys who support the PMA would get a kick out of it. Lawyers often make history, and it would appear that they are often interested in preserving history as well. Thank you all.

THE BATTLE OF IRON WORKS HILL

Most people know that on Christmas night in 1776, George Washington crossed the Delaware from Pennsylvania into New Jersey, where he and some of our nation's greatest patriots defeated the Hessians at the Battle of Trenton. But did you know that something happened here in Mount Holly a few days before which made Washington's success possible? On December 13, Mount Holly will be transported back in time to that special day and everyone is invited to come along.

The British Army was riding high in the fall of 1776 after pushing Washington out of New York and south through New Jersey. By December, Washington had retreated to Newtown, Pennsylvania. The British settled in for the winter, mostly in New York. They also had some troops in New Jersey, including 1500 Hessians (Germans) in Trenton and 2000 more Hessians in Columbus commanded by Colonel von Donop. The British assumed that Washington would spend the winter licking his wounds. *They assumed wrong!*



On December 17, on orders from Washington, Colonel Samuel Griffin set out with a ragtag band of 600 patriots from Pennsylvania to Mount Holly, where they set up artillery pieces on Iron Works Hill. Based on faulty intelligence that the rebel force was five times larger than it actually was, von Donop decided to follow the Americans to Mount Holly with his entire brigade. On December 22-23, he dragged his artillery to the top of the Mount and started shooting.

The Americans responded from Iron Works Hill. On Christmas Eve, the outnumbered and outgunned patriots evacuated their positions and marched to Moorestown. They must have laughed all the way.

The Hessians stayed and partied in Mount Holly. Their cohorts in Trenton were likewise celebrating Christmas when Washington and his men took their fateful ride across the river. You know the rest. Had von Donop's men not been lured to Mount Holly, they would have been available to reinforce the King's troops in Trenton. What a different story The Battle of Trenton might have been...

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Please help us preserve and promote the Prison Museum by joining the PMA. Our annual dues are only $15(individual)/$25 (family). Membership benefits include a quarterly newsletter, event updates, 10% off gift shop purchases, and free admission to the museum. Go on the website for an application.

IRON WORKS HILL SCHEDULE OF EVENTS

ALL DAY:

- Historic Burlington Co. Prison Museum (on High St.) open for free
- Shinn Curtis Log Cabin – home of the Mt. Holly Historical Society (on Commerce St., across from the municipal building) open for free
- Burlington Co. Lyceum of History and Natural Sciences (on High St.) open for free
- 1759 Brainerd St. Schoolhouse (Colonial Dames) open for free
- Mercy Ingraham demonstrates colonial cooking at the Prison Museum
- British troops camp all day behind the Prison Museum
- American troops camp all day in Mill Race Village (off of Washington St., behind Robin's Nest Restaurant)
- British troops' doctor exhibits medical instruments in the Prison Museum
- Ben Franklin displays and demonstrates his electrical experiments in the Prison Museum
- Sutlers (18th century merchants) will sell their wares at the Prison Museum
- Basket making at Pinelands (31 White St.)
- Souvenir tee shirts for sale at Cheerful Dreams (37 White St.)
- Historical crafts at Jersey Made (33 White St.)
- Colonial beer tasting at Red White &Brew (33 High St.)

SPECIAL ATTRACTIONS:

11:00	Author John Nagy speaks on Spies of the Revolution at the Warden's House (attached to the Prison Museum).
12:30	Author Larry Kidder speaks on the New Jersey Militia in the Campaign of 1776 at the Warden's House.
12:00	The Ministers of Apollo offer a repertoire of winter seasonal and Christmas music as it would have been performed in 1776. Everything from their instruments to their hairstyles to the buckles on their shoes is authentic. The performers will answer questions at the concert's conclusion. At the Friends Meeting House.
1:00	Noah Lewis portrays Ned Hector, a Visitor from the Past, at the 1759 Brainerd St. Schoolhouse.
1:30	Abigail Adams, wife of the future president John Adams and mother of future president John Quincy Adams returns from the past to enchant us with her thoughts and memories. This strong, articulate and influential woman had a greater impact on our history than many realize. This program is funded by the Horizons Speakers Bureau of the NJ Council for the Humanities, a state partner of the National Endowment for the Humanities and Abigail's presence is made possible by the American Historical Theatre . At the Friends Meeting House.
2:30	Artillery demonstration in front of the Prison Museum.
3:00	The Battle. Starting at the Prison Museum, the Brits chase our guys to Monroe St.
4:00	English Country Dancing and a discussion by Noah Lewis on 18th century manners and customs at Red, White & Brew (33 High St.)

ATTORNEYS' ROLES IN THE BIRTH OF OUR NATION

By David A. Kimball

Not counting Secretary of Congress Charles Thomson (nobody ever does), 56 men signed the Declaration of Independence. The 1787 Convention which scrapped the Articles of Confederation and replaced it with the United States Constitution was attended by 55. Eight did both, leaving 103 men who signed the Declaration of Independence and/or attended the Federal Convention. That number is from one quarter to one third of all those we regard as "Founding Fathers". Of them, at least 54, or 53.4%, were lawyers.

Just as the world was a different place in the 1770s and 1780s, so legal practice was different. One traveled on foot, or horseback, or horse-drawn conveyance, or by boat. One could go, say, from Mount Holly to Trenton in an hour or two, or to Freehold in about four. If one left New York City at 3:00 a.m., he could be in Philadelphia by 6:00 or 7:00 p.m. Attendance at a three or four day county court session, for out-of-county lawyers meant three to five nights at an inn sharing a room, and perhaps a bed, with one's fellow lawyers.

The type of cases also were different. From 1760 on, John Adams quickly rose to leadership in the Boston bar, trying cases such as land transfers, trespass, admiralty, marine insurance, murders, adultery, bastardy, sodomy, assault and battery, enticing and seducing an apprentice, divorce, etc. Few if any attorneys could specialize.

There were no American law schools. Eleven of the 103 attended London's Middle Temple (another attended another of the Inns of Court). The others either "read law" (apprenticed) under experienced lawyers or taught themselves through legal texts and observation. Georgia Convention delegate William Few later claimed to have spent a year at school, repeated the year, monitored a series of suits over his family's North Carolina land titles, followed his family to Georgia, got admitted to the bar by an act of the state legislature, and started practice, learning as he went.

Very few of these men were full-time attorneys. They were lawyer/farmers, or planter/lawyers or lawyer/merchants or, increasingly, as the years passed, lawyer/office holders. Among those who seem to have been full time attorneys were James Wilson, until his Supreme Court appointment, and Alexander Hamilton, after his term as Secretary of the Treasury.

Almost all of them had had their careers interrupted, or the onset of their careers postponed, by the Revolution and the depression which followed. Service in the Continental Congress meant, for all but those living where the Congress was meeting, months or years away from home and from the Courts before whom they appeared. Beginning in May 1775, John Adams spent so much time in Congress in Philadelphia or on diplomatic missions in Europe that he could have taken on only a very few uncomplicated

cases. His election as Vice President in 1789 ended his legal practice. Service as a US attorney general did not preclude having an active private practice, but a governorship or service in the state or federal judiciary did after 1789.

Further, in the 18th century, very few state and federal executive branch employees (governors, presidents, vice presidents, treasurers, high court judges) got paid. State legislators, congressmen and Convention delegates received only a per diem, or daily expense allowance to cover their expense in traveling to and remaining in the capital. Until 1790, the allowances paid members of Congress and Convention delegates were decided on by the state legislatures that chose them, were never more than barely adequate, were diminished by inflation, and were seldom paid until weeks or months after the expenses had been incurred. In the early 1780s, New Hampshire found itself so short of cash that it could pay only the per diem due the state legislators *or* that due its members of Congress. Guess who got paid? And, if you lived in the capital, or the Convention host city, as all eight Pennsylvania delegates did, since you ran up no travel expenses, you got zilch for serving. Only the well-to-do could serve, and many of these men never quite recovered financially.

There were rewards of a sort. Of the 103, two were elected Vice President and then President of the United States, two were Chief Justices of the US Supreme Court and four others were Justices. One became the first US Attorney General, four were US District Court Judges. Jonathon Dayton served two terms as Speaker of the US House of Representatives and several others served with distinction in the US House and Senate. Others were governors or served on their state Supreme Courts. Beginning in 1776, William Livingston was elected by the NJ legislature to fourteen consecutive one-year terms as Governor, frequently by near unanimous votes.

Now, let's look at some individuals. John Blair, of Virginia, one of Washington's original Supreme Court appointees, had to resign in 1795 because "a malady which I have had for some years [has] increased so greatly as to disqualify me totally for business – it is a rattling, distracting noise in my head"... tinnitus, which a layman might expect would be an occupational hazard for judges.

Samuel Chase of Maryland was appointed to the United States Supreme Court by President Washington. When Jefferson became President, Chase used his status as a Circuit Court judge to inform Grand Juries of Jefferson's moral and political failings. Jefferson had him impeached, but the Senate did not convict him.

Jonathon Dayton served as Speaker of the US House of Representatives from 1795 to 1799. A speculator in Western lands, he was indicted for treason along with Aaron Burr -- Burr's acquittal kept him from being tried -- and went on to serve in the state legislature in 1814-1815.

Alexander Hamilton served as the first, and arguably the ablest and most important Secretary of the Treasury. As a second, he prevented a duel between his principle and Georgia Convention Delegate William Pierce, as a second. Hamilton saw his oldest son killed in a duel, and was himself killed in one. (Men who challenged each other in duels often selected friends (?) to act as "seconds" – the second would try to work things out amicably and actually fight the duel if negotiations failed.)

John Lansing, New York Convention delegate, opposed scrapping the Articles of Confederation and left the convention in disgust in early July. He went on to serve New York as Chief Justice and Chancellor. On the evening of December 12, 1829, while on a visit to New York City, he left his hotel to mail a letter, never to be seen or heard of again.

William Livingston was elected governor by the Legislature of the State of New Jersey in the spring of 1776, and annually thereafter, frequently with near unanimity, until he died in office in 1791. He and his wife Susanna French Livingston had become the parents of 13 children, all single births, by their 17th wedding anniversary. This amazing (and appalling) record is diminished only slightly by the fact that their parents had objected to, even forbidden, the marriage, so the first child arrived in considerably less than nine months. Shouldn't there be a statue to Mrs. L. ?

Thomas McKean, unknown today, was, in the late 1770s, both a member of the Continental Congress (and that body's president) from Delaware and the Chief Justice of the Pennsylvania Supreme Court. (It is more realistic to say that there were 12 ½ colonies than thirteen, considering the connection between Pennsylvania and Delaware).

Alexander Martin, Convention Delegate from North Carolina, had been court-martialed and dismissed from the army for cowardice at the Battle of Germantown, promptly elected to the state senate, had been Governor, and would be again. Never married, he had a son and heir.

Luther Martin, Maryland's Attorney General from 1775 – 1805, successfully defended Justice Samuel Chase in his impeachment trial before the Senate, and Aaron Burr in his treason trial - the only attorney to do both. By the early 1820s, he was indigent, and the Maryland legislature levied a tax on members of the Maryland bar for his support. When the Courts threw this tax out, Aaron Burr took him in.

George Read controlled Delaware politics in 1787. He chose the delegates to be elected by the legislature and wrote instructions forbidding them from approving any proposal which would deny Delaware an equal vote with every other state in a national legislature. Once the great compromise gave each state an equal vote in the Senate, Read and Delaware ardently supported the new government. While the Delaware ratifying convention saw a

fight over which of two competing Sussex County delegates would be seated (both supported ratification), the convention voted without debate to ratify and may not even have had the document read before they voted.

William Houston represented Georgia in the Federal Convention. Very few Americans have ever heard of him, but in the 1890s, a great many immigrants knew the name. He moved to New York, got involved with real estate development, and Houston Street bears his name.

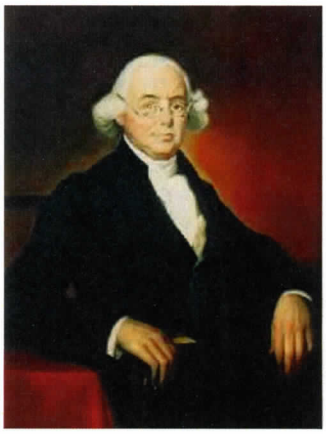
Edward Rutledge and Charles Cotesworth Pincksey were Charleston law partners in 1791 when they received a remarkable, even unique letter from President Washington:

"*Gentlemen: The office lately resigned by the Honorable Mr. J. Rutledge* [Edward's older brother] *in the Supreme Judiciary of the Union remains to be filled--- Will either of you two Gentlemen accept it? And in that case which of you?—It will occur to you that appointments to the Offices in the recess of the Senate are temporary."*

They declined.

John Rutledge had resigned to become Chief Justice of South Carolina. However, when John Jay resigned as Chief Justice in 1795, Rutledge asked to be appointed, and was nominated on July 1. He presided over one term of the court, but, two weeks after his nomination, made a fiery speech attacking the Jay Treaty. When his nomination came up for a vote in mid December, it was rejected 10 for, 14 against, in an almost straight, reversed party line vote – every supporter of Jefferson voted yea, every supporter of Washington, save one South Carolinian, voted nay. His reaction was described in a remarkable letter dated Charleston, December 29, 1795:

"The unfortunate Judge Rutledge has been much housed, said to be indisposed, ever since his return from a half finished circuit on Sunday morning... that miserable old man attempted to put an end to his life by drowning himself. They say he is mad. Though on this occasion, there appeared much consistent argument -- he left his house by stealth early in the morning and went down to Gibb's bridge...there, with his clothes on he went deliberately into the water. It was just day light -- a negro child was near, and struck with the uncommonness of the sight she called to some negroes on the deck of a vessel -- he had now gone beyond his depth and had sunk, but struggling sometimes rose... The Fellows had the presence of mind to run with a boat hook and catch hold of his arm...He made violent opposition to them but they dragged him out and detained him by force, they calling out for assistance, while he cursed and abused them and would drive them away. The noise brought out Jack Blake's housekeeper who he also scolded and drove her away, she gave Mr. Blake the alarm, he ran out and secured the miserable old man, brought him to his house where he attempted to reason him out of such design..." Rutledge survived for five more years as a virtual recluse.



Benjamin Franklin's lawyer and the man Franklin chose to read the few but key speeches he wrote to give the Federal Convention, signer of both the Declaration of Independence and the Constitution, and among the original six appointees to the United States Supreme Court, James Wilson died pursued by creditors. As did his colleague, Robert Morris, who also signed both documents, he borrowed heavily to speculate in western lands, couldn't sell his acquisition rapidly enough to repay his creditors, and wound up imprisoned for debt in the old Burlington County Jail on Broad Street in Burlington, and again just before his death, in North Carolina.

Another signer who attended the Federal Convention for three or four days before returning to Virginia to care for a fatally ill wife, George Wythe was poisoned by his nephew and sole heir. Since the chief witness to the crime was Wythe's personal servant, and since Virginia law prohibited blacks from testifying, the nephew was never prosecuted.

Finally, there is Gouverneur Morris. A withered arm from a youthful encounter with spilled hot fat and a wooden lower leg from being thrown from his carriage by an encounter with a Philadelphia pot hole, Morris is one of the few founding fathers whose reputation as a lady's man is, if anything, understated, but the legislative drafting skill of this peg-legged womanizer from the Bronx should be familiar to every lawyer—the organization and much of the wording of the United States Constitution, and especially the preamble, is his.

His pioneering efforts at gathering foreign intelligence has, unfortunately, been forgotten. Appointed US Minister to France in 1792, as the French Revolution degenerated into 'the terror' and French Foreign policy changed from day to day, Morris arranged to share the favors, and the pillow talk, of the French Foreign Minister's mistress. Compared to NSA's current intelligence gathering methods, Morris's was far less broadly intrusive, perhaps as effective and timely, and certainly a hell of a lot more fun!

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