

PRISON MUSEUM POST

*The Official Newsletter of the Historic Burlington County Prison Museum Association
Incorporated in 1966*

VOLUME XXII, ISSUE III

JUNE 19, 2023

PLEASE RENEW YOUR MEMBERSHIP!

Our fiscal year runs from July 1 to June 30, so this is the time of year that we ask our members to renew and when we solicit new members. For only \$15 per year (\$25 for family), members get our unique newsletter (issued approximately four times per year) and free admission to the museum. They also get the satisfaction of supporting a National Historic Landmark that attracts visitors from all over the U.S. as well as many foreign countries. The County Commissioner Board, through its Parks Department, maintains the 212-year-old building, while the Prison Museum Association preserves its history and promotes the site through research, the website, speaking engagements, publications, exhibits and attractions for visitors (e.g., the audio tour and escape game). Your dues, along with donations, admissions and gift shop sales, pays for all that. Membership applications can be found on our website.

RENOVATIONS UNDERWAY



The County's project to renovate the Prison Museum started right on schedule on May 1.

Contractors have been engaged to replace the roof, gutters and downspouts, to repair some of the interior plaster, to conserve some of the graffiti, to repair the Exercise Yard wall and to re-point the stone exterior. Here's a picture of the crew re-pointing the front of the building. They are a friendly group

of fellows who are clearly impressed by the fact that they are now part of the history of this National Historic Landmark.

We are not sure of the total cost of this project, but we assume that it is more than the cost of this previous building project:

Freeholder Minutes, 10 May 1843: Prison Inspectors reported on the new fence for the Prison. Committee reported: "We the committee appointed to settle with the committee appointed to erect a fence in front of the Court House and Prison have examined their accounts for building the same (by) George and Edward Dugdale with good locust posts and hard pine railing (and) do report the same finished, 385 feet at 85 cents per foot amounting to \$327.25, and also they have expended the sum of \$20.88 in grading and seeding the yard."

The museum will remain closed until the completion of the project. The current target date for re-opening is November 1. Let's keep our collective fingers crossed!

In the meantime, the Prison Museum Association has plenty of projects to keep it busy, including the completion of the Spanish audio tour and additions to the website.



Destroy not the ancient landmarks which the fathers have set. Proverbs 22:28

ROMANCE THWARTED

We thank PMA member Dennis McDonald for sending us this ditty:



Mount Holly. -- Charles Emerson, a respectable laboring man of Medford, was lodged in jail yesterday for trying to kiss his employer's hired girl. The girl says she didn't object, but her employer was opposed to it and had Emerson arrested for assault. *Philadelphia Inquirer*, January 19, 1894

The commitment books indicate that Charles had already been released when the blurb appeared in the *Inquirer*. The entry shows that he was arrested on January 14, though not on an assault charge, but rather on a charge of "threats". He was released on bail three days later. Unfortunately, there is no other information on the case.

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**Prison Museum Post Editor, Researcher, Writer,
Typesetter and Distributor:**
Janet L. Sozio, Esq.

Please help us preserve and promote the museum by joining the PMA. Annual dues are \$15(individual)/\$25 (family). Membership benefits include a quarterly newsletter, event updates and free admission to the museum. See website for application.

You would think that local law and order and the media might have become less ridiculous over the next 66 years. But no. Under the melodramatic headline "*Love Seeps Through Mt. Holly Jail Bars*" a local paper in 1960 breathlessly reported that "mash notes" were being exchanged between male and female prisoners at our jail. Joseph O'Connor, who served as the last day warden of the old jail, expressed alarm at the situation, even though he admitted to the reporter that "most of the notes are of the harmless 'I love you' type" and that there was no physical contact.

The notes were passed in sandwiches, by scratching on the bottom of pans

taken to the female wing and via a "string postal system". The article continued:

The latter technique, since blocked by Warden O'Connor, consisted of tying messages to a piece of string and lowering them down a pipe from the male quarters on the second floor to the female area on the first floor. O'Connor said that up until recently female prisoners could look in on male prisoners working in the kitchen by standing on a sink and looking through a window. "You can imagine the flirting that must have taken place before we got wind of what was going on," he added. This method of visual contact has been eliminated by replacing the window with opaque glass blocks. *Courier-Post, October 3, 1960*

The warden ended the interview with a dramatic flourish: "From the moment the steel door clangs behind a prisoner, we become the focal point of his anti-social tendencies. They must lie awake nights plotting ways to outwit us," he said.

He gave "full credit" to his guards for "keeping jailhouse romances to an absolute minimum". It's too bad that they weren't as successful at keeping escapes to a minimum, as the jail had become a veritable sieve.

We believe that the notes that went from the men on the second floor to the women on the first probably did not go through a "pipe" as reported in the article, but rather through a hole that male prisoners had bored through the men's bathroom floor in the 1950s. The hole is still there and if one lies on one's stomach and peers through it, one can get a good view of the women's bathroom below.

RANCOCAS VILLAGE - HISTORIC GEM

PMA President Janet Sozio had the great pleasure of addressing the Westampton Historical Society on May 19 at the Rancocas Village Community Center about the history of the museum's inclusion on the National Register of Historic Places and its designation as a National Historic Landmark.

Rancocas Village itself was added to the National Register in 1975. Its Quaker meetinghouse, built in 1772, features Flemish bond and patterned

brick work. It is pictured below. The building further down the street is the old fire house, which now houses the lovely community center.



Rancocas Village (not to be confused with Rancocas Woods) is tiny but extremely significant historically because so many of its 18th and 19th century buildings survive. Located near the Rancocas Creek, it was

quite the hub of artistic, educational, cultural and commercial activity in its day. It had, among other things, a Quaker School (built in 1822), a free public school (built 1874), the Quaker Meetinghouse, a Methodist Church, an Episcopal church, a post office, a stage coach service, a blacksmith, a carpenter, a cobbler, a farm machinery shop, a butcher, a slaughterhouse, two doctors, and a Lyceum (built in 1860) which was known all over the county for its debates, concerts and entertainment.

ROBIN HOOD OF THE PINES

After the May 19 talk, a Westhampton Historical Society member asked if we had any information about Joseph Mulliner, who was one of the 41 people executed in Burlington County between 1694 (when the County was founded) and 1906, after which time all executions occurred in Trenton. Our questioner wondered if Mulliner had been executed at the Old Prison.

Mulliner was in fact executed, but before our Jail was built, when trials and executions occurred in Burlington City. His story is very intriguing, however, and so we thought our readers might be interested in it.

We know little about him. We know that he was from Egg Harbor Township and was found guilty of high treason at a Court convened in Burlington City in 1781. He was hanged on August 8, 1781 at a site near Burlington City.

He was one of about 60 New Jerseyans who were convicted of treason during the War of Independence. Most of the others, however, received clemency.

The denial of clemency for Mulliner was no doubt due to the fact that whether or not he was a Tory sympathizer, he was also a notorious bandit whose numerous and heinous criminal acts were probably enough in themselves to hang him. As a local paper reported at the time:



At a special court held in Burlington, a certain Joseph Mulliner, of Egg-Harbor, was convicted of high treason and is sentenced to be hanged this day. This fellow had become the terror of the part of the country. He had made a practice of burning houses, robbing and plundering all who fell in his way, so that when he came to trial it appeared that the whole country, both Whigs and Tories, were his enemies. *New Jersey Gazette, August 8, 1781.*

There are many legends about Mulliner: He was tall, handsome, and a great dancer. He had a faithful dog and a loyal wife. He was a good-hearted fellow who robbed only the wealthy, thus his characterization as the "Robin Hood of the Pines". None of this has virtually any basis in fact.

For more information on Mulliner, see the attached expanded article, which discusses his treason charge in greater detail and includes a copy of the minutes of his trial. Also attached is a copy of an indictment dated November 30, 1780, in which he was accused of assault and battery on a John Wood, and a copy of a warrant dated May 12, 1781, for his arrest for trespass against and theft of £3773 from a Joseph Potts. He was hanged for treason before he could be tried for these offenses. We obtained these documents from the state archives, and we thank the librarians there for their assistance in retrieving same for us.

Also, check out our website for our newly-added list of those executed in Burlington County as well as recent additions to our list of escapees. Both can be found under the "History" tab.

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THE STORY OF JOSEPH MULLINER

Executed for Treason in Burlington County, 1781

Since the founding of Burlington County in 1694, 45 convicts have been sentenced to death here and actually executed. (For a list of those executed, go on our website www.prisonmuseum.net and click the "History" tab.)

Only one was executed for treason: Joseph Mulliner, in 1781.

BACKGROUND INFORMATION ABOUT THE HISTORICAL PERIOD:



This story takes place in 1781. The American Colonies had declared independence from England in 1776. Since then, the two sides had been gripped in a brutal war in which New Jersey played a crucial role. Practically no place in New Jersey was spared the ravages of war. Washington (left) and his Army spent more days here than any other state. While there were thousands of courageous Jersey patriots who fought for Independence, there were also plenty of Loyalists who would have been fine remaining under British rule. New Jersey, then as now, was a microcosm of America; people of very diverse political views found themselves living together in the same communities. Bitter divisions developed.

At the time Mulliner was hanged in August of 1781, the war was about to finally end. General Washington was in Rhode Island with 7000 troops ready to march to Yorktown, Virginia, where in October of 1781 they would engage British forces under General Cornwallis (right) in one final, great battle which would see the British surrender. But in August, when Mulliner faced the Burlington County Court on a charge of treason, tensions were still high. Most people in these parts didn't appreciate those who would rob and kidnap them, especially in the name of the British Crown.

Those who fought for independence were known as Patriots, Whigs, Americans and Rebels. Those who sided with the British were Loyalists or Tories.



Most of what people think they know about Joseph Mulliner is actually fiction resulting from romanticized versions of his life written in the 1920s and 1930s. (1) Real facts are scarce. We know that he was from Egg Harbor Township and was found guilty of high treason at a Court convened in Burlington City in 1781. He was hanged on August 8, 1781 near Burlington City, probably where Laurel Hill Cemetery is now. (2)

His burial site has been the subject of much conjecture. County officials might have buried him in a common burial ground, or, as legend goes, his body might have been turned over to a wife (if he actually had one – we don't know), who supposedly had property on the Mullica River near today's Sweetwater.

We are fairly sure that Mulliner himself owned no property, because there is no record of same and also because his lack of property ownership was mentioned in the court minutes of his treason trial. (These minutes appear below.)

He was one of about 60 New Jerseyans who were convicted of treason during the War of Independence. Most of the others, however, received clemency.

The denial of clemency for Mulliner was no doubt due to the fact that, whether or not he was a Tory sympathizer, he was also a notorious bandit whose criminal acts were probably enough in themselves to get him hanged.

Mulliner was a sailor. He is mentioned by General Henry Clinton (right), the British Commander-in-Chief in North America during the Revolution, as commissioned by the British as a captain of a whaleboat privateer.



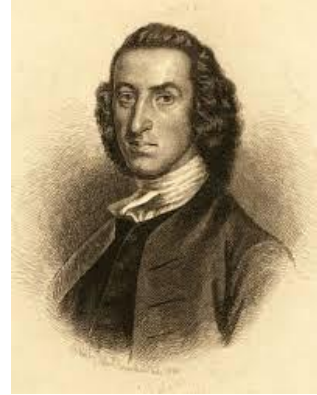
(A privateer is a private ship whose owner holds a government commission by which the government arms his vessel and authorizes it to be used in war. During the War of Independence, both the British and the Americans commissioned privateers.)



Benjamin Franklin's son, William (left) , who remained loyal to England during the war, referred to Mulliner as an "Associated Loyalist" (Tories who were hired to disrupt Patriot activities).

There is no evidence that Mulliner or his small gang of followers ever murdered anyone, or were involved directly in military maneuvers. They did, however, terrorize numerous South Jerseyans by land and sea, probably in a sloop. They were said to have hidden out in the Pines, and occasionally robbed people on land and burned their houses. Usually, however, they sailed along the New Jersey coast and in and out of its intricate system of inlets, capturing

unarmed vessels and robbing passengers and crewmen. They were even said to kidnap Whigs for ransom or to exchange them for Loyalist prisoners in New York, as is implied by a letter written after Mulliner's execution by New Jersey Governor William Livingston (right) to Maryland Governor Thomas Sim Lee:



Trenton 29 October 1781

Sir:

A certain Mulliner who was lately executed in this State for several Robberies & other capital felonies, and, before he plundered on shore, committed many depredations at Sea. During his cruizes he took several prisoners, citizens of different States in the Union, whom he used to parole & dismiss. The inclosed parole I find he took from an Inhabitant of your State. It will I suppose be a satisfaction to the person concerned to have it back again, for which purpose I do myself the honour to transmit it to your Excellency as the surest way of getting it to his hand, & am with great Esteem your Excellencys most humble & obedient Servant

Wil.: Livingston (3)

A local paper reported at the time:

At a special court held in Burlington, a certain Joseph Mulliner, of Egg-Harbor, was convicted of high treason and is sentenced to be hanged this day. This fellow had become the terror of the part of the country. He had made a practice of burning houses, robbing and plundering all who fell in his way, so that when he came to trial it appeared that the whole country, both Whigs and Tories, were his enemies.

New Jersey Gazette, August 8, 1781

The allegation in the *Gazette* that Mulliner plundered both Whigs (Patriots) and Tories is an interesting subject of debate.

The Grand Jury in Burlington County in 1781 indicted Mulliner for treason, finding that he and his gang were “moved by the instigation of the Devil”, that they were “false traitors and rebels against the State of New Jersey,” and that they “captured and held citizens of the state as prisoners of war”. General Clinton complained

that the charge of treason was unlawful – because Mulliner was commissioned by the British government, he said, he should have been treated as a prisoner of war, rather than taken as a prisoner of the state and tried with a state felony and high treason. Mulliner had pleaded not guilty on these grounds, and, according to *The Scots Magazine* (the oldest magazine in the world still in publication), he presented his commission as evidence in support of his defense:

Joseph Mullener, an associated Loyalist, and captain of a whale boat privateer, was taken by rebels in 1781, carried to Freehold, removed to Burlington, tried and executed, notwithstanding he produced his commission as Captain of the said privateer at his trial.

The Scots Magazine, Volume 44 (1782), p. 491

By stating that Mulliner plundered Tories as well as Whigs, the *Gazette* was bolstering the prosecution's position that he wasn't acting for the British government, but rather just as a common criminal committing crimes against his state and country to benefit himself.

The jury agreed with the prosecutor. Who knows, maybe Clinton, Franklin and *The Scots Magazine* were all lying about Mulliner having a British commission to make it look like Americans were mistreating Tory prisoners of war by trying them for state capital offenses rather than treating them as prisoners of war. While that appears unlikely, we will never know which side was telling the truth – all the players (including the media) had their own agendas when presenting their version of the facts. Not at all like today.

There are many legends about Mulliner, most of which sprang from the imaginations of the aforementioned 20th century fiction writers. They described him as tall, handsome, and a great singer and dancer. People say his ghost roams all over south Jersey trying to find treasure he had buried. He comes down to us as a good-hearted fellow who robbed only the wealthy, thus his characterization as the "Robin Hood of the Pines". None of this has virtually any basis in fact.

There is some debate about where Mulliner was arrested. Some believe he was arrested in Nesco, which is part of Mullica Township in Atlantic County. As is indicated above, however, in *The Scots Magazine*, he was probably arrested off the coast of Monmouth County or in Monmouth County. Sir Henry Clinton corroborated this.

Legend has it that Mulliner was apt to be violent. We have some evidence of this. Attached is a copy of an indictment dated November 30, 1780, in which he was accused of assault and battery on a John Wood, and a copy of a warrant dated May 12, 1781, for his arrest for trespass against and theft of £3773 from a Joseph Potts. He was hanged for treason before he could be tried for these offenses. We

obtained these documents from the state archives, and we thank the librarians there for their assistance in retrieving same for us.

Also attached is a copy of the Court minutes from his trial in August of 1781.

Notes:

1. These authors include Alfred M. Heston in the 1920s and Henry C. Beck in the 1930s. Beck wrote *Forgotten Towns of Southern New Jersey* in 1936 and an article on Mulliner in the *New York Folklore Quarterly* 2 (1947) called "*Hanged in Three Places, Buried in Two*". Heston wrote *South Jersey: A History, 1664-1924* (New York and Chicago: Lewis Historical Publishing Co., 1924)
2. This comes from a wonderful article about Mulliner written in 2015 by musician and writer Gabe Coia which you can find at

www.njpinebarrens.com/mulliner-the-mariner-the-man-beyond-the-myth/

The article relies heavily on a 1987 PhD. dissertation by David J. Fowler called *Egregious Villians, Wood Rangers and London Traders* (Rutgers University), which includes a chapter about Mulliner. Mr. Coia also wrote a song about Mulliner called Joe's Last Jig.

3. The original of this letter is preserved at Haverford College and is included in a collection of Livingston's papers printed in *The Papers of William Livingston*, Rutgers University Press, Vol. 4, Page 323.

**MINUTES OF THE TRIAL OF JOSEPH MULLINER
FOR HIGH TREASON
(original preserved in the NJ State Archive in Trenton)**

The State v. Joseph Mulliner
Ind (1) High Treason.

The said Joseph Mulliner being let to the bar, on motion of the attorney general,
tis ordered, that the said trial of this cause come on and whereupon the sheriff made
return? (2) of his counsel when the following persons appeared, and were sworn as jurors,
viz:

- | | |
|----------------------|--------------------------|
| 1. Joseph Richardson | 7. Edward Kemble |
| 2. Tallman Smith | 8. Walter Van Sciver Sr |
| 3. John Edwards | 9. John Hays |
| 4. Isaac Budd | 10. John Schuyler |
| 5. George Budd | 11. Otis Schuyler |
| 6. William Grant | 12. Walter Van Sciver Jr |

Attorney general for the state
Joseph Read assigned for defendant?

The evidence having been gone through, the jury withdrew having (name?) a constable
sworn to attend them

The court adjourned till 3 o'clock pm
The court met?
Present as before

The jury returned into court and being called over appear, and say they are
are agreed upon their verdict, and by their foreman say, that they find the prisoner at the
bar, the said Joseph Mulliner guilty of the felony of high treason whereof he is indicted
(in manner and form?) as he stands charged in his indictment, and that he has not any
goods or chattels lands or easements? that have come to their knowledge, and so they say
all.

The court adjourned to 4 o'clock pm
The court met
Present as before

Notes:

1. *Indicted*
2. *? Wherever this appears, we couldn't decipher the handwriting, If any of our readers
can decipher it, please let us know.*

The State
 vs.
 Joseph Mulliner } Ind High Treason. The said Joseph Mulliner
 being set to the Bar, on Motion of Mr. Att-
 Genl. It is ordered, that the trial of this Cause
 come on, & whereupon the Jury made Return
 of his Panel when the following Persons
 appeared, & were sworn as Jurors viz.

- | | |
|-----------------------|--------------------------|
| 1. Joseph Richardson. | 7. Edward Kemble. |
| 2. Teltman Smith. | 8. Walter Kinscwin Esq. |
| 3. John Edwards. | 9. John Kay. |
| 4. Isaac Budd. | 10. John Schuyler. |
| 5. George Budd. | 11. Peter Schuyler. |
| 6. William Grant. | 12. Walter Kinscwin Esq. |

Attest Genl. for the State. J. H. H. for the

The Evidence having been gone through, the Jury
 withdrew leaving John Kemble a Constable sworn
 to attend them —
 The Court adj. till 3 o'clock P. M.
 The Court met.
 Proceed as before.

The Evidence having been gone through, the Jury
withdrew having John Kimball a Constable sworn
to attend them —

The Court adj. till 3 o'clock P.M.

The Court met.

Present as before.

The State
vs.
Joseph Mulliner. } And High Treason. The Jury returned in to Court
being called over appear, & say that they
are agreed upon their verdict, and by their

Jurymen say, that ~~they~~ they find the Prisoner at
the Bar, the said Joseph Mulliner guilty of
the felony and High Treason whereof he is indicted,
in manner & form as he stands charged in
his Indictments, & that he has not any goods, or
estate, lands or tenements that have come
to their knowledge, & so they say all —

The Court adj. till 4 o'clock P.M.

The Court met.

Present as before.

**BILL OF INDICTMENT OF JOSEPH MULLINER FOR
ASSAULT AND BATTERY ON JOHN WOOD**

November 1780

(original preserved at NJ Archives in Trenton)

***Mulliner was hanged for treason before he could be tried for this**

Bill of indictment, Burlington Session

The State v. Joseph Mulliner
Assault and battery on John Wood

November 1780

A true bill,
Joshua Norcross
Foreman

Defendant hanged for High Treason

Burlington County, General Sessions of the Peace, November 1780

The Jurors and affirmants in Behalf of the State of New Jersey, for the Body of the County of Burlington upon their respective oath and affirmation present, that Joseph Mulliner late of the Town of Burlington in the county aforesaid, mariner, on the 30th day of September in the Year of our Lord 1780 at the Town of Burlington in the county aforesaid, (and within the jurisdiction of this court) in and upon one John Wood in the peace of God, and the said state, then and there being, with force and arms, etc, an assault did make, and him the said John then and there did beat and ill treat, and other wrongs to the said John then and there did, to the great damage of the said John to the evil example of all others in the like case offending, against the peace of this state, the government of the same.

Davenport and ?

Burlington Session
The State } ap^l &
Joseph Mullener } B. M.
on John
Wood—

Novem^r 1780

A true Bill,

Joshua Norcross Foremⁿ.

Def. Hanged for
High Treason—

Burlington County, General Sessions of the Peace, *November 17 80*

THE Jurors *Salpormanb* — in Behalf of the State of *New-Jersey*, for the Body of the County of *Burlington* upon their respective Oath *Salpormanb* Present, That *Joseph Mullens* — late of the Township of *Burlington* in the County aforefaid, *Manner* on the *thirtieth* Day of *September* in the Year of our Lord One Thousand Seven Hundred and *Eighty* at the Township of *Burlington* — in the County aforefaid, (and within the Jurisdiction of this Court) in and upon one *John Wood* — in the Peace of God, and of the faid State, then and there being, with Force and Arms, &c. an Assault did make, and him the faid *John* — then and there did *beat &* — ill-treat, and other Wrongs to the faid *John* — then and there did, to the great Damage of the faid *John* — to the evil Example of all others in the like Case offending, against the Peace of this State, the Government and Dignity of the same.

Davenport & Co. Juice

**ARREST WARRANT FOR JOSEPH MULLINER
FOR TRESPASS AND THEFT AGAINST JOSEPH POTTS**

May 1781

(original in NJ State Archives)

***Mulliner was hanged for treason before he could be brought to trial on this**

New Jersey Superior Court
Joseph Potts v. Joseph Mulliner

? Case
£3773

Returnable September term 1798 B. Reed Attorney

The body of defendant taken into custody but since executed 15/9

(Name)?

New Jersey

The State of New Jersey to the Sheriff of the County of Burlington

Greeting

It is commanded you that you take Joseph Mulliner if he may be found in your bailiwick and him safely keep so that you may have his body before the judges of the Supreme Court of Judicature to be held at Trenton on the first Tuesday in September next to answer Joseph Potts of a plea of trespass and also to the bill of the said Joseph Potts against the said Joseph Mulliner for £3773 according to the custom of the said court then and there to be exhibited on his assumption and have there this Writ.

Witness David Brearley Esq Chief Justice at Trenton
the 12th day of May in the year of our Lord 1781.

B Reed Attorney

New Jersey. The State of New Jersey to the Sheriff of the County of Burlington
 Greeting - It is commanded you that you take Joseph Mullener
 if he may be found in your Quilwick and humbly keep so that
 you may have his Body before the Judges of the Supreme Court
 of Judicature to be held at Trenton on the first Tuesday in Septem-
 -ber next to answer Joseph Potts of a Plea of Trespas and also to the Bill of the said
 Joseph Potts against the said Joseph Mullener for Three Thousand Seven Hundred
 and Seventy three Pounds according to the Custom of the said Court then and
 there to be exhibited on his Apuraption And have there this Writ
 David Brearley Esq. Chief Justice at Trenton the twelfth Day of May in the
 Year of our Lord One Thousand Seven Hundred and Eighty One
 As. Read Writ Read



Here is a picture of Judge Brearley. He was born in Lawrence, NJ in 1745. He graduated from Princeton. He practiced law in Allentown, NJ. He fought for the patriots in the War for Independence, and saw action at Brandywine, Germantown and Monmouth. He was a New Jersey delegate at the Constitutional Convention and signed the Constitution. He served as Chief Justice of the New Jersey Supreme Court from 1779 to 1789. Washington appointed him to the NJ Federal District Court bench in 1789, but he died in 1790. His body was interred at St. Michael's Episcopal Church in Trenton.

New Jersey Sup Court
Joseph Potts } Capt Case
Joseph Mulliner } £3773

ret. Sept. Term 1781-

B. Reed Atty
D

The body of Def. taken
in his body but none

executed 15/9

J. Phillips shew