

Habeas Corpus

JILL McDONOUGH has taught incarcerated college students at Boston University since 1999. Her poems have appeared in *The Threepenny Review*, *The New Republic*, and *Slate*. The recipient of fellowships from the National Endowment for the Arts, the Fine Arts Work Center, and the Dorothy and Lewis B. Cullman Center for Scholars and Writers, she is currently a Wallace Stegner Fellow at Stanford University.

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CAMBRIDGE

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Early 1608: George Kendall

Jamestown, Virginia

The President did beat James Read, the Smyth.

*The Smyth not only gave him bad language, but soon
stroake him againe and offred to strike him with
his sledge, or cross peen hammer, some of his tools.*

The smith was by a Jury condemned to die:

*he became penitent, and asked to speak
in private. A dangerous conspiracy,
he said, threatened the president—the chief
conspirator being Kendall. So Read got off,
and Kendall was brought to trial, accused of theft,
dissension, atheism, a mutinous plot,
was by a Jury condened & shot to death.*

*Amid famine, fluxes, Fevers, Kendall, betrayed,
was the first man executed by the state.*

October 22, 1659: Mary Dyer

Boston, Massachusetts

She walked between two men. All three bound
to be hanged, *the greatest joy and honor in
this world* for Quaker missionaries found
in Boston. First, she watched them hang the men,
hemp rope tossed over the limb of the elm. Then that noose
around her neck, her arms bound tight behind
her back, and Wilson's handkerchief tied loose
over her face. Her homespun skirts were tied
around her ankles after she climbed the rungs
that they had climbed. A ladder, a hanging tree.
*No eye can see, no ear can hear, no tongue
can speak* her willingness to die. They freed
her then, untied her, granted her reprieve:
she heard, but could not move, and would not leave.

June 1, 1660 : Mary Dyer

Boston, Massachusetts

Our Iphigeneia: released, alive, confused
and disappointed. Her fellow Quakers: stripped
and buried on the spot. She was hauled in a fugue
to jail, then to her son and husband. Ripped
from destiny, she lived in Rhode Island till
she came back, to show us the guilt of our blood,
and was hanged until dead from the elm on the Common.

Will,

who works in the Athenaeum, shakes his head,

says *she was asking for it*. Her unmarked grave

is just outside the window, but it's still true:

I rather chuse to Dye than to Live. You have

no other weapons? Wo is me for you!

Again they bound her skirts and covered her face

in Boston, the bitterest, darkest professing Place.

July 19, 1692: Susanna Martin

Salem, Massachusetts

She hurt Elizabeth Browne with *nayls & pinns*,
as birds peking her legs or priking her
with the mosion of thayr wings, choking her then
with a bunch lik a pulletts egg. She made a sure
man lose his way, *be wildered*, striking at lights
with sticks. She kept John Pressy's cowherd small
and came in Bernard Peache's window at night
to *Lay upon him an hour or 2 in all*
till he felt *loosined or lightened*. Jarvis Ring
she afflicted by *Lying upon him in bed*
or turning into a hog. She sent a thing
like apupy to haunt John Kimball, witnesses said.
They condemned her, for these *just and sufficient proofs*,
to the cart, and Gallows Hill, and a hempen noose.

June 4, 1715: Margaret Gaulacher

Boston, Massachusetts

The news that week includes a *lyonesse* displayed, attacking *Fowls* and *Catts*. They watched her feeding time, remarked on her *merciless cruelty*. Meanwhile, Cotton Mather preached against *Hard-hearted Sinners*, *Hardness of Heart*. He helped with her confession, which reflects on attempts to destroy her unborn child, a part of her *Wicked* crime, completed through *Neglect*. Now hers is a *Stony Heart*, *of Flint*. *Ah! Poor Margaret, behold*: the congregation calls for your *wondrous Industry*, *Agony*, your death four days off. Pray for a *Clean*, and a *Soft Heart*; don't fall from this fresh gallows to *the Mouths of Dragons*, unconcerned, *adamant*, *so little broken*.

July 12, 1726: William Fly

Boston, Massachusetts

A boatswain on an English slaver, he threw his masters overboard, was caught within the week. In prison, he refused all food and drink, except for rum. Refused to forgive his enemies, or say he had: *No. I won't dy with a lye in my mouth.* He swore all the way to the scaffold, *wished the Goddamned ship would fly away with devils, cursed himself, the day he was born, and her that bare him,* heaven, the god who judged him, the man who turned him in. They prayed for his repentance. He offered scorn, then awed the crowd with advice to the hangman on his trade: he tied the knot himself. They let him sway, then tarred his body, and gibbeted him in the bay.

February 25, 1755: Tom, a Negro

Amelia County, Virginia

We know John Clark owned Tom, and testified
*he saw Tom have a knife in his hand, and stabb
William Clark with it, of which wound he died.*

Tom pled not guilty. John Clark, *Witness*, added
Tom likewise endeavored to stabb him. And, he did
also stabb their neighbor. Who bled very much.

He was sentenced to *hang by the neck till he be Dead,*
his head severed, his Body to be cut
up into four Quarters. His Head to be stuck
up at the Cross Road near Jones's, a Quarter near
Wily's, one at Farley's, one at some publick
place.

The Virginia Atlas and Gazetteer,
2000, still shows *Amelia County Courthouse,*
Paineville, Blackman Creek, Lew Jones Road, Skin Quarter.

September 18, 1755: Mark and Phillis

Cambridge, Massachusetts

Was he your master? *Yes he was.* How did he die? *I suppose he was poisoned.* Do you know he was poisoned? *I do know he was poisoned.* She'd been his for thirty years, then finally stowed *White Powder behind a black Jug,* doctored the water. And had your master any? *Yes he had.* *In barley Drink, and Watergruel.* His daughters, *Miss Betsy and Miss Molly,* served their dad.

It was Mark who first contrived it, he had read the Bible through. Laying Violent Hands by sticking or stabbing or cutting his throat to shed his blood's a sin. Phillis blamed Mark on the stand and was burned alive at the stake, while he was hanged, his body up for years, displayed in chains.

October 21, 1773: Levi Ames

Boston, Massachusetts

*My first thefts were small. A couple of eggs, and then
a jack-knife. After that some chalk. A fair
piece of broadcloth, a silver spoon and ten
or eleven dollars from Mr. Symond. A pair
of silver buckles, twelve tea-spoons, silk mitts.*

He asks the preacher for this psalm: My heart
is smitten, and withered like grass, so I forget
to eat my bread, &c. *My time is so short.*

He reads Ezekiel: A new heart will
I give you, &c. *For my heart was bad,
bad indeed.* At the gallows he asked if the souls
of the wicked, at death, would appear before our God
or immediately pass to Hell, and wait their doom.

Soon, dear sir, I shall know more than you.

April 11, 1778: Aaaran

San Diego Mission, California

Los indios de Pamo pulled back and aimed
their flaming arrows at the tule roofs.

Their songs called priests *demonicos*, and claimed
they'd stolen land, controlled the rain. Fresh troops
arrived to guard new tile. Aaaran was bold
and unrepentant, busy trying shafts,
stockpiling clubs *por los cristanos*. He told
the soldiers "come and be slain," planned fresh attacks.

Por insolencia, conspiradad

four men were sentenced to public deaths. Two days
in jail, and then two bullets each. The sad
priest charged with each man's soul was told to save
Aaaran by Saturday, make him repent
and die with Christ. Or not: *y si no, tambien*.

October 8, 1789: Rachel Wall

Boston, Massachusetts

The woodcut illustrating *Life, Last Words*
and Dying CONFESSION, of RACHEL WALL: a child's
dark awkward house, a ladder slanting toward
three figures, hanging above the crowd that piled
onto cobbles to watch three robbers hang,
and one a woman. The picture's clumsy. Still,
her petticoats, small bodice are portrayed
in detail. She said she never robbed that girl,
but did admit that she deserved to die:
the gold she stole from *under the captain's head*,
asleep at *Long-Wharf. Sabbath-breaking*. The lie
that got another woman whipped in her stead:

I declare the crippled Dorothy Horn
innocent of the theft at Mr. Vaughn's.

July 8, 1797: Abraham Johnstone

Woodbury, New Jersey

As part of his *Dying Confession*, he wrote an *Address* on new patriots holding slaves while they grasped at *freedom, liberty, natural rights*. He stressed that all his masters *loved* him. Here, in his last hours of thought, last chance to set things right, he recounts throwing himself between his master and a *negro man* with a grudge and a hidden knife.

I've read a lot of these: they thank a pastor, warn others to be good, admit some crimes—they don't recount their best-rewarded stunts. But Othello does it, too. Act Five: he reminds himself, his captors, that in Aleppo once he smote a turbaned enemy of the state. Maybe they felt these acts were their mistakes.

July 9, 1819: Rose Butler

Potter's Field, New York, New York

To be sent in a cart to State Prison, to climb the stairs
to the attic, where the women are kept, and left
there, left in that close heat with strangers, their
children, their sweaty bodies. Charged with theft,
say. Rats, fleas, cholera, buckets of shit, and years
spent fighting, trapped there, forgotten till you died.

The preacher visits her holding cell and swears
she's *sure to go to hell*. The Sheriff's kind,
gives her an orange, a ride in a coach, at last,
to the gallows. She'd dreaded a cart. They tie black bows
at her feet and neck, tie her white shroud and ask
Would you rather go to the State Prison, Rose?

Just curious. *She stood like a lamb, still, dumb.*
She thought of the cart. *No. I had rather be hung.*