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Folklore Notes

The Ballad of Marcus Lyon: The Story Lives On

MELVIN G. WILLIAMS

Good poems are supposed to be *about* something; ask any college freshman. It helps if the poems are autobiographical, but if they are even rooted in verifiable history that will do almost as well.

At least that has been my experience with students at American International College, who are pleased each spring when our ballad study moves from "Lord Randall" to "Marcus Lyon." The reason, I've learned, has less to do with whatever literary merit either poem possesses and more to do with the students' own geographical closeness to the events being described. Even in its American frontier version, where "Lord Randall" becomes "Johnny Randall" and his will promises his true love "a rope and a gallows for to stretch her neck long" instead of the traditional "hellfire and brimstone for to burn her bones brown," the classic Child ballad remains distant at best and it thus appears inherently less valuable.

What many students prefer instead is "The Ballad of Marcus Lyon," a poem with a far shorter pedigree than "Lord Randall" that, as far as I know, has never been anthologized and only twice has been printed at all. But it tells a story about a real murder which happened in a real place less than ten miles from our western Massachusetts campus, with real emotions that kindle warm responses in real students almost two centuries later.

Sometimes I tell them the following tale about it.

Anyone who knows Charlie Merrick would find it only natural to learn than he'd been talking — again — about old New England folk ballads. It was, after all, to celebrate a tragedy which had happened in his own family that one of the first ballads in America was written. The well-known "Ballad of Springfield Mountain" tells the poignant story of how Timothy Merrick was bitten by a rattlesnake and died, back in 1761, on the very night before his wedding.

But one evening several summers ago as I sat across the table from Charlie in the kitchen of his Wilbraham, Massachusetts home we began to talk about another ballad — one that until then I had hardly known about at all. Yet its roots, I was to discover, were just as deeply fastened in our small community as the Merrick ballad.

That poem is "The Ballad of Marcus Lyon." To many persons the tragic tale of its history is even more fascinating than the hardy endurance of the song itself for almost two centuries.

The story begins simply enough along the Boston Road in Wilbraham on November 9, 1805. Here is the account printed in the *Massachusetts Spy* for November 20, 1805:

Mr. Marcus Lyon, a young man of peculiar respectability, about 23 years of age, left his friends in Woodstock, Conn. last March, and went to Cazanovia, N.Y., and labored through the season. As he was on his return to his native place, mounted on an excellent horse, he was attacked by two merciless ruffians in Wilbraham, on the Springfield turnpike road . . . and there murdered in the most barbarous manner. The circumstances attending the awful scene are almost too shocking to humanity to relate.

For modern historians and folklorists, and freshmen too, it is fortunate that the circumstances were only "almost too shocking to relate," for the article provides several hundred words of the most precise detail, including a reference to "two foreigners in sailors dress" who were seen along the road that fateful day. Other reporters in the months to follow would add their own details and opinions.

How those two men were pursued and captured, and how a few months later — in mid-June of 1806 — they were convicted and executed is a separate story in itself. For they were not just any "foreigners," they had the particular misfortune to have been Irish Catholics at a time when anti-Catholic sentiment was especially high in New England. Recent historians have written of their prejudice-ridden trial, of the thousands who thronged the small county seat of Northampton to witness their execution on Gallows Hill, and of the insistence throughout it all by Dominic Daley and James Halligan that they were innocent of the evil deed.

Although no official transcript of the trial has been preserved (perhaps none has ever made), several contemporary newspaper accounts provide significant details of the trial and the events which surrounded it. Along with other documentary evidence, they are the background for a recent article by Robert Sullivan, associate justice of the Massachusetts Supreme Court, which examines abuses which include "racial and religious prejudice, inadequate recognition of the rights of the criminally accused, the injection of political ambition into the administration of justice" as well as "the human tragedy" of the case (Sullivan 1964: 211).

For more than a century and a half there had been those who continued to proclaim their innocence — their martyrdom, some said — for the hanged men's sake. The former mayor of Northampton and retired District Court Judge, Luke F. Ryan, was one. On the 150th anniversary of the hanging, in 1956, he wrote that "these poor men were proved innocent" [though he provides no evidence], and he lauds their "Christian fortitude and high spiritual qualities." In 1982 John Carlon, also of Northampton, requested a pardon from then governor Edward J. King,

a request that was denied. State representative William Nagle, again of Northampton, drafted a resolution petitioning Governor Dukakis for a pardon for Daley and Halligan, calling them "the Irish Sacco and Vanzetti" — men who had been pardoned in 1978 by the governor.

Finally, on March 16, 1984 official action was taken to clear the Irishmen's names. That is the date which Governor Michael Dukakis proclaimed as "Dominic Daley and James Halligan Memorial Day," declaring that "any stigma and disgrace associated with their names is hereby removed." (See Appendix.) It had been a long time in coming.

Back in the winter of 1805-6, however, there were few who took the side of "the foreigners." The facts were clear enough: a young man had been killed, two men had been found guilty and they were hanged. More than that, the record tells that their bodies were dissected and the flesh boiled from their bones at the slaughterhouse. One can imagine how the story stayed alive in not only the memories but also the conversations of local citizens.

But there was something more than just talk. Quite soon after the event, apparently, the "shocking story" became the subject of a ballad. Oral tradition has it that the words were penned by the slain man's betrothed, and its specific details about both Lyon's family and his "love" could support such a tradition. Some of its language, however, is almost certainly borrowed from the newspaper story already quoted. Nothing more certain is known.

What is more clear — and more remarkable — is the ballad's endurance. As late as 1912, a year before the village of Wilbraham celebrated its 150th anniversary — and 107 years after the murder — school children sang the ballad as part of their graduation program. Charlie Merrick, now eighty-five, recalled the "convocation when the children from the North Wilbraham school joined with my class" and "they had us sing this ballad. It had its own tune," he explained, "but I believe we must have sung it to 'Old Hundred.' Everybody would have known that."

Marcus Lyon's story was also important enough to merit several pages in the town history published the next year, where these words precede the printing of the ballad: "This sad affair resulted in producing a long and realistic ballad, of which many knew a verse, and no one seemed to know it all. Miss E. O. Beebe has procured the following version of the quaint old rhyme:"

MARCUS LYON BALLAD

Listen to me and hear me tell
Of a young man and what him befell;
Of his hard fate now take a view
Most solemn and affecting, too.

A shocking story to relate;

He on his way from New York state
To Woodstock, to his native home,
As far as Wilbraham he come.

'Twas some past noon on Saturday
Two ruffians did this man waylay.
They murdered him most barbarously,
Then threw him in the river nigh.

A boy he see them on the ground;
Where marks of violence were found.
Blood in abundance to be seen.
He tells the spot describes the scene.

He see them lead his horse away;
The horse was found on the same day.
Then constant search was made around;
No owner for the horse was found.

On Sunday evening lights they took
Along the river for to look—;
At nine o'clock his corpse was found
With a huge stone to hold it down.

One says "Come here I something see;
A dead body there appears to be."
And to it did attempt to get;
The stone slipped from off his feet.

The stone slipped off, there did arise
A bloody corpse before their eyes.
Oh! What a scene, oh, what a sight,
For to behold there in the night.

Four rods from where they murdered him
They threw his body in the stream.
One hand was on his bruised head;
'Twas thought 'twas there by him layed.

They in the current did place him
Upon his face, his head upstream;
The stone they did upon him lay
Upward of sixty pounds did weigh.

A jury then was summoned,
An inquest held upon the murdered.

His skull was broke, his side shot through;
His face disfigured by a blow.

Papers with him did plainly show
That Woodstock people did him know.
And by the same did ascertain
That Marcus Lyon was his name.

At dead of night the people sent
This heavy news unto his friend.
Before sunrise his mother had
News of her son being murdered.

His mother says "Now in this way,
I never thought my son to see.
I've husband lost, and children two;
Trouble like this I never knew."

His friends then after him they went,
Their hearts being filled with discontent.
Those of his age some miles did go,
His corpse to meet, respect to show.

On Wednesday was his funeral,
Hard-hearted were those that could not feel
Such bitter mourning never was
Viewing the corpse and then the case.

His mother lost a loving son;
One only brother left alone.
Three sisters to lament the fate
Of their dear brother who died of late.

Amongst his mourning friends we find
To mourn he left his love behind
Who did expect the coming spring
In mutual love to marry him.

Forsaken now, disconsolate,
Ofttimes lamenting his hard fate,
She wishes and she weeps again,
Telling their cruelty to him.

His age was nearly twenty-three;
Was kind affectionate and free;
Humane benevolent and kind

His like you seldom ever find.

A pretty youth beloved by all,
By young and old, by great and small,
By rich and poor, by high and low,
And everyone that did him know.

— Peck, *History of Wilbraham* (1913)

I have been able to find no other publication of the ballad except for a *Springfield Republican* story written by Miss Beebe, dated May 18, 1913, in which it is included. Titled "The Killing of Marcus Lyon — Wilbraham Crime of 1805," its sub-head reads: "Interesting Facts and Traditions About the Case — A Ballad Written at the Time." Referring to the case as "one of New England's famous tragedies," the writer asks: "Who can help wondering whether James Halligan and Dominick Daly [sic] were the victims of circumstantial evidence or the brute murderers of Marcus Lyon?"

She says nothing of religious prejudice. One wonders if she would have known the men's "last dying words . . . pronounced by Daly at the gallows" and printed soon afterwards: "At this awful moment of appearing before the tribunal of the ALMIGHTY: and knowing that telling a falshood, would be eternal perdition to our poor souls, we solemnly declare, we are perfectly Inocent of the Crime for which we suffer, or of any other Murder or Robbery; never saw, to our knowledge, Marcus Lyon in our lives . . . We blame no one, we forgive everyone; we submit to our fate as being the will of the Almighty; and beg of him to be merciful to us, through the merits of his divine Son, our blessed Saviour, JESUS CHRIST" [*A Brief Account*, p. 14].

Leaning back in his chair, Charlie Merrick was silent for a moment. Then, his blue eyes twinkling, he said, "I can remember how it starts," and he recited these lines:

Listen my friends and hear me tell
Of a young man and what him befell.
Of his hard fate now take a view . . .

"That's all I can think of," he said.

And so the ballad lives on, I tell my students, almost two centuries later. They seem pleased to know, and one even raises her hand and asks if I know where the murder was committed. I do, I tell her, and she asks for directions. "I think I'll go there this afternoon," she volunteers, "to get in the mood for this week's journal."

Good poems should be about something. Marcus Lyon was actually murdered near a small stream that still runs along the Boston Road. Thus "The Ballad of Marcus Lyon" is good poetry. The logic is inescapable.

Readers will be interested in Professor Williams' earlier article on the origins of another early New England ballad, "Who Was Isaac Orcutt?," in *New York Folklore* XIII, 3-4, 1987, pp. 55-71. The research that led to that publication is the subject of a *New York Times* Associated Press story, "10-year Search Solves Mystery of 18th Century New England Ballad," November 2, 1986, p. 56. — Ed.

REFERENCES CITED

- Beebe, E. O.
1913 "The Killing of Marcus Lyon," *Springfield Republican*, May 18.
A Brief Account of the Murder of Marcus Lyon. Palmer, MA: Ezekiel Terry, 1806.
Hampshire Gazette
1956 "150th Anniverary of Death on Gallows of Innocent Pair Point Up Changes, Progress," *Hampshire Gazette*, April 24.
- Peck, Chauncey
1913 *The History of Wilbraham, Massachusetts: Prepared in Connection with the Celebration of the One Hundred and Fiftieth Anniversary of the Incorporation of the Town*. June 5.
- Sullivan, Robert
1964 "The Murder Trial of Halligan and Daly — Northampton, Massachusetts, 1906," *Massachusetts Law Quarterly* 49, September; 211-224.

APPENDIX

The Commonwealth of Massachusetts

By His Excellency
MICHAEL S. DUKAKIS
Governor
A PROCLAMATION
1984

- WHEREAS: Dominic Daley and James Halligan were executed by hanging following their arrest, trial and conviction for the murder of Marcus Lyon in the Town of Northampton in June, 1806; and
- WHEREAS: Dominic Daley and James Halligan were Irish Catholic Immigrants who lived in the Commonwealth of Massachusetts; and
- WHEREAS: The historical record shows that Religious prejudice and ethnic intolerance played a significant role in their arrests and trial which resulted in the denial of their right to due process and a miscarriage of justice; and
- WHEREAS: Legal counsel for Daley and Halligan were appointed by the court only two days prior to the beginning of their trial and had no opportunity to prepare a defense, or visit the murder site; and
- WHEREAS: The primary testimony connecting Daley and Halligan with the murder came from a thirteen year old boy who only

testified that he had seen the two men walking on the turnpike near where Lyon's body was found and could only identify one of the men at the trial; and

WHEREAS: Not a word of testimony was offered in defense of Daley and Halligan and they were helpless to defend themselves because at that time defendants were not permitted to testify in their own defense; and

WHEREAS: It has been reported that the true murderer of Marcus Lyon acknowledged his guilt years after the execution of Daley and Halligan; and

WHEREAS: Irish immigrants to Massachusetts in the early nineteenth century were subjected to prejudice and discrimination based on their religious and ethnic background; and

WHEREAS: The trial of Daley and Halligan was infected by such religious and ethnic prejudice which resulted in Daley and Halligan being denied a fair and impartial trial; and

WHEREAS: It is now the policy of the Commonwealth to eradicate all racial, religious and ethnic discrimination and intolerance in all its forms and manifestations; and

WHEREAS: The people of the Commonwealth of Massachusetts take pride in their judicial system; and

WHEREAS: The judicial system of the Commonwealth of Massachusetts prides itself on its commitment to fairness and the use of criminal justice procedures which to the greatest extent possible ensure fair trials in which convictions are based on competent evidence establishing guilt beyond a reasonable doubt; and

WHEREAS: We recognize the potential for human error to result in unjust convictions and are constantly striving to improve our judicial system to protect the rights of innocent persons; and

WHEREAS: The trial and execution of Dominic Daley and James Halligan are reminders that we must constantly guard against the intrusion of fear and prejudice in all judicial and governmental decisions, and to resolve to not allow the rights of any racial, ethnic or religious group to be denied or infringed as a result of such prejudices; and

WHEREAS: Our dedication to truth and justice requires us to recognize the unfairness of the circumstances surrounding their trial and which ultimately lead to their executions;

NOW, THEREFORE, I MICHAEL S. DUKAKIS, Governor of the Commonwealth of Massachusetts, do hereby proclaim March 18th, 1984 as

DOMINIC DALEY AND JAMES HALLIGAN
MEMORIAL DAY

and declare further that any stigma and disgrace associated with their names as a result of their conviction for the murder of Marcus Lyon is hereby removed; and I hereby call upon the people of the Commonwealth to give serious consideration to the fear and prejudice which pervaded the trial of these men and substantially contributed to their being executed; and I further call upon the people of the Commonwealth of Massachusetts, to affirm their resolve not to allow fear, intolerance or prejudice to operate to the detriment for their fellow citizens.

Given at the Executive Chamber in Boston, this sixteenth day of March, one thousand nine hundred and eighty-four, and of the Independence of the United States of America, the two hundred and eighth.

By His Excellency the Governor

MICHAEL S. DUKAKIS