

THE PREACHER ACQUITTED.

MR. HAYDEN DECLARED NOT GUILTY.

END OF THE MARY E. STANNARD MURDER CASE—JUSTICE WILCOX'S SUMMARY—HIS FULL BELIEF IN HAYDEN'S INNOCENCE.

Special Dispatch to the New-York Times.

NEW-HAVEN, Sept. 25.—To-day the examination in Madison came to an end under some peculiar circumstances, and Rev. Herbert H. Hayden walked out of the church basement a free man. At the beginning of the proceedings in the morning, there was some trouble about still another knife, one which Jesse M. Shaw, Mrs. Hayden's brother, gave her little boy when he came down from Massachusetts on the Saturday after the murder, and after Hayden's arrest. It appears that the Sheriff took it from the house a week ago Monday, and gave it to Prof. White to examine. It was clearly proved that this knife made its first appearance in Madison after the murder, but it was not produced because Prof. White was absent. In Hayden's cross-examination he corroborated his wife's statement that when he went from the oyster supper to his house to put the child to bed he staid only 10 minutes, and afterward Mrs. Norman Scranton, who was at the supper, agreed in this testimony. It was the State's theory that Mary's trouble began that evening. Silas Ives, the friend who advised him to be circumspect and sued him the day after his arrest, has sued him again for \$5. Susan Hawley's claim has been paid. "Have you ever," said Mr. Jones, "received a letter, memorandum, or writing from Mary Stannard, or ever sent her a line in your life, or have there ever been between you and that girl any intimacy other than such as any honorable man might have with any lady in the community?" "No, Sir," said Hayden.

Mrs. Hayden, pale and weak and suffering from headache, was recalled. The only new point in her testimony was that when she watched her husband as he left her on Tuesday afternoon to go to the swamp, she saw him not only go up the road, but also saw him turn and go some distance through the meadow in the direction of the swamp, and in a route directly opposite to that leading to the scene of the murder. Here the defense rested.

In response to a request by the State, Justice Wilcox gave the final ruling on the admissibility of Mary's declarations about Hayden to her sister and Mrs. Studley, sustaining the former ruling and emphatically excluding the declarations. Before the noon recess the State offered a little rebutting testimony, and then asked for a delay of a day or two to get testimony not at hand, which they claimed as valuable. Prisoner's counsel objected, saying that the case had already become a laughing-stock. Justice Wilcox ordered the case to proceed in the afternoon.

During recess Judge Harrison took a carriage and drove away in the direction of the scene of the murder. The audience and the court were astonished, at the resumption of the proceedings, to see the junior counsel rise and say that Judge Harrison had deemed it impossible to proceed further then, and had left the court-room not intending to return, and that the speaker had remained to explain. Judge Harrison had been pained by his Honor's rulings, and facts of vital importance had very recently come to his knowledge which he could not get in except by a continuance. Mr. Jones said that Judge Harrison's action was an insult to the court. "There was not a particle of evidence against Hayden that he could not crush. The letter to Hayden from Mary, which Hayden did not receive, was one from a parishioner to her clergyman, and did not necessarily imply his guilt. Hayden was entitled to his discharge. The junior counsel for the State asked for a continuance on the ground that important evidence had been discovered. Said he, "If no continuance be granted, we withdraw from the case for the present." Justice Wilcox wanted to do neither the State nor the accused an injustice, but he could not see any good reason for a continuance. If counsel for the accused desired a decision he would give it. "We ask it," said Mr. Jones.

Thereupon, Justice Wilcox summarized the testimony. The uncontradicted evidence of three persons had removed the oyster supper part of the State's theory. No evidence had been given to show any improper intimacy between Mary and Hayden. From the testimony of the experts and the reasonable explanations of witnesses he could not believe Mary was killed with Hayden's knife. No one had testified that anything appeared upon which to found even a suspicion of intimacy between the two, or that Hayden appeared like a guilty man after the murder. All the testimony was to the contrary. He did not doubt a word of Mrs. Hayden's testimony. No blood had been found on Hayden's clothes. The testimony for defense had been consistent throughout; whereas for the State some circumstances were shown consistent with their theory, and others not. "It was murder," said he, "but God and the guilty alone know who did it. I have tried to give both sides a chance for fullest investigation, and the defense have thrown open the door to the State by putting the accused on the stand. If he were my dearest friend I would show him no mercy if I thought he had committed such a crime. If I were as sure of heaven and eternal happiness as I am that Rev. Herbert H. Hayden is guiltless of killing Mary Stannard, I should rest content. Sheriff, discharge the prisoner."

A great burst of applause followed, and ladies and others crowded around Hayden and warmly congratulated him. "Go to your noble wife," said Mr. Jones, "and tell her at once." Afterward, at a house near by, his friends came to him in crowds. In the church for which he preaches there is no man and only one woman who does not think him innocent, and he will preach as usual next Sunday. Next Monday he will begin to teach a school in Madison. It is possible that the State's counsel will have him arrested again, but the sentiment of the community is against it. The tracks of a wagon have been found leading down the deserted cart-path from where Mary's body was found.

Counsel for the State visited the scene of the murder this afternoon, and have decided to have another investigation, and Mr. Hayden will probably be again put under arrest.

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