

# MARY STANNARD'S MURDER

## THE STATE'S SUPPRESSED EVIDENCE

AN ACCURATE ACCOUNT OF MARY'S STATEMENTS TO THREE PERSONS JUST BEFORE HER DEATH—WHY THE COUNSEL FOR THE STATE BELIEVE HAYDEN GUILTY.

From Our Special Correspondent.

NEW-HAVEN, Oct. 3.—To many not acquainted with the circumstances attending the trial of Rev. Herbert H. Hayden for the murder of Mary E. Stannard, in Madison, his prompt discharge seemed inexplicable, because of the peculiar evidence which had been announced as in existence against him. The sharp technical defense made in the Justice's court by his counsel, Samuel F. Jones, Connecticut's leading criminal lawyer, Hayden's sudden freedom, and the successful obstacles put in the way of what the State considered a thorough investigation, have left a great part of the community dissatisfied. The cloud of suspicious circumstances which surrounded Hayden when he was arrested has not cleared away. But the evidence, the existence of which at the beginning of the trial gave many who were interested in that poor girl's fate reason to expect a different result of the proceeding, exists now as well. An attempt to introduce it in the trial was blocked at its very inception, and in this way the public got only an inkling of it. But it is evidence, much of which was heard by the Coroner's jury, which carries moral weight, and if the rulings were correct, the legal rules on such subjects are not the rules of common sense. THE TIMES correspondent has carefully gathered the evidence which the State wished to present, and has obtained possession of the statements Mary Stannard made before her death to her sister and to the Studleys. The following is an accurate synopsis of the case as it stands to-day, and shows upon what grounds a second prosecution will lie in the Superior Court.

In the first place, it is conceded to have been a murder, and no suicide. The opinions of the doctors, the wound on the head, the wound in the neck, consisting of one deep, narrow stab, and a swift, clean upward cut through arteries, veins, and larynx, and the entire absence of any weapon near the body, and of any blood upon the hands folded calmly across the breast—all show conclusively that Mary Stannard was murdered. What was the motive for the murder? Not robbery, for she had no money or jewelry, and there were no signs of any struggle; not outrage, for the evidence of the doctors and the women who laid her out shows that no outrage had been perpetrated, and the undisturbed condition of her clothes tended to prove that none had been attempted; none of the neighbors saw any stranger or any tramps in the vicinity that day, and the roadway where the body was found is an abandoned and unused coal-burners' cart-path, overgrown with trees and bushes. Hayden's friends at one time intimated suspicions of her father, but it appeared afterward that he knew nothing of her supposed pregnancy, and, that so far from her being a burden to him, she contributed most of her wages for the support of his family. Later, Benjamin Stevens was suspected by Mr. Jones, counsel for Hayden, but he turns out to be an old friend and co-worker with her father, 61 years old, never intimate with Mary, worth \$10,000 or more—a fortune for that sparsely-settled district—and a widower, who could readily have married Mary if he had been the author of her trouble. Mrs. Hayden, in her testimony, threw some suspicion upon Mr. Studley, of Gullford, but, upon an investigation by the State, he proves to be a respectable farmer, who offered to show by the evidence of several witnesses, if permitted, that he was at his regular business on the day of the murder, and more than 10 miles from the scene.

The State, in prosecuting Rev. Mr. Hayden, claimed that he was the only man who had any known motive for the murder, and that his motive arose from a criminal intimacy beginning last Spring, his knowledge of her condition, and a threat from her on the fatal afternoon by the Big Rock that she would expose him, a married man, a father, and a lay preacher, and enter a bastardy complaint against him unless he provided her with the money necessary to relieve her and support her during her illness. The evidence of the State, including that offered, but excluded by Mr. Wilcox, the Justice who held court, tends to show that Mary lived at Hayden's house as a domestic from December, 1877, until nearly April, 1878, and that she saw more or less of him subsequently, and had the opportunity to meet him every day in the secluded wood-lot where Hayden went twice a day for his cow, and where Mary went for water for her father's house, they having no well. In Hayden's lot, which lay between his house and her father's, is the excellent spring of water about which so much was said in the trial. Aug. 18, 1878, Mary went to live at Mrs. Studley's, in Gullford, and on the 29th of August, she, having acted in a desponding manner, confessed to old Mrs. Studley, after the latter had made inquiries of her, that she had been criminally intimate with Herbert H. Hayden, beginning one night in March, 1878. She told Mrs. Studley that Mr. Hayden was the father of her unborn child. Mrs. Studley advised Mary to go and see the author of her trouble, and ask for his assistance in some form. The next day Mary wrote a letter to her sister, Susan Hawley, at Rockland, North Madison, inclosing a sealed letter to be delivered to Mr. Hayden, which—she told Mrs. Studley—requested Hayden to come to Gullford and take her to New-Haven for an operation, and then to return her to Mrs. Studley's for any sickness that might follow; and which told him that he could make an excuse for going the purchase of paint for his barn, which was being newly covered. This letter was duly mailed, and it reached Susan Hawley on Sunday afternoon about 3 o'clock; but in the meantime Mary had been sent home, and having told Susan of her trouble she took the letter addressed to Hayden, burned it in the stove, and said she could then see him in person instead of sending the letter. The letter to Susan is in existence. Its contents were not admitted, but its reception was, as a fact, in the trial. It instructs Susan to give the inclosed letter to Hayden without letting her father or any one else know of it. Owing to the distance of the house from the Post Office it did not reach home until two hours after Mary got there.

The letter had been mailed on Friday night, Aug. 30, and after that Mrs. Studley told her son of its contents and of Mary's trouble in detail. He said no such thing must occur at his house, and told his mother to have Mary ready to go home on Sunday morning. Mrs. Studley duly informed Mary, and told her that she could keep the real trouble from her father's knowledge by saying she had come home because her little boy (2 years old and illegitimate) had made trouble. Mary then told her she would meet Hayden to acquaint him with her trouble and to consult with him, by taking her pail toward the spring and seeing him there when he came for his cow.

On Sunday morning Mr. Studley, a man of family, questioned Mary about the affair, and she told him the same story in its details as the one she had told his mother, and the same as the one she afterward told her sister Susan. He advised her to tell Hayden that he must help her, and that he must give her at least \$50 to cover her expenses, and that if he would not do this she should threaten to make a bastardy complaint against him. Studley then offered to go to Hayden himself with this request for help for Mary as soon as they arrived at Rockland that afternoon, and Mary thanked him and begged him to do so, but when they got to Rockland they found that Hayden had not returned from South Madison, 10 miles away, where he was preaching on Sundays, and Studley said he could not go to see Hayden that day, and advised Mary to see him in person the next day. As soon as Mary got home that afternoon she told her sister Susan the whole story of her supposed trouble; but no other persons beyond those already mentioned—and Hayden, by the State's theory—seem to have known it until a few hours after the murder.

On Monday Mary went twice to see Hayden and failed to find him at home. She went a third time for a rake, at her father's request, and just before supper she went down toward the spring, ostensibly for blackberries; she returned half an hour afterward without any berries. Hayden went to the spring lot for his cow at the same hour. During that evening Mary told Susan that she had seen Hayden and told him about her trouble, and that he had promised to get some medicine that week. Early the next morning Hayden took his buggy and told his wife he was going to Durham for oats and some groceries, but in fact he went to the City of Middletown, miles beyond Durham, and when he came home did not tell his wife of the Middletown trip at all. She did not know of it until she saw it in the papers after his arrest, and he gave no satisfactory reasons in his testimony why it was necessary for him to go to Middletown that day.

While in Middletown he had an interview with a Dr. Bailey, of the Thomsonian school of medicine. It appeared in testimony, that Hayden asked Bailey a question about his wife which related to Mrs. Hayden's condition in 1874, which would not apply to her since that date, but which would apply to Mary Stannard's supposed condition that very day. Hayden drove back to Rockland by the old road, past Stannard's house, between 11 and 12; he stopped, went into the house, drank some water, and made a sign to Mary, as she started, to meet him.

at the spring. Mary took her pail, went down to the spring, and at a point where foot-passengers are obscured by the trees, Hayden got out of his carriage, took some water from Mary's pail, and had some conversation with her. Mary returned to the house and told her sister soon after that Hayden had told her to "keep up good courage, for he had been to Middletown, seen a doctor, and got some quick medicine, and if she would meet him in an hour by the Big Rock he would help her." After dinner Mary told her father that she was going to the Big Rock for blackberries, and took a pail in her hand; she told Susan she was going to meet Hayden to keep her appointment with him, and for the purpose that Hayden had spoken of to her, and she took an old, clean linen towel and placed it in her pocket. She started by the wood-path which ran past the blackberry-patch, where there were then plenty of ripe berries. She was murdered about 3:30 o'clock; the tin pail was near her body, and no berries had been in it. The towel was in her pocket.

Before the Coroner's jury and before the Justice, Hayden claimed to have been in his swamp between 2 and 4 o'clock that afternoon, throwing out wood from wet land so as to have it ready to cart home. No one has been found who saw him during those two hours. Mr. and Mrs. Luzerne Stevens, who live in a house opposite to his, saw him about 4:10 walking toward his house, at a point about 12 or 15 minutes walk from the place where the body was found. Mrs. Hayden admits his absence during about the same period of time.

All these facts, and the statements from the mouth of the murdered girl, are claimed by the State to go very far toward showing a motive on Hayden's part, especially if under a sudden temptation presented when Mary, perhaps, made the threat of exposure which Studley advised. If the motive is shown, Mr. Hayden—unfortunately for him if he is innocent—had the means and opportunity to commit the crime. The surveys and the photographs, the testimony and the experiments made by Sylvanus Butler, civil engineer, and others, show that Mr. Hayden could have gone, unobserved by mortal eye, from the spot where his wife says she last saw him to the place where the body was found, in 12 minutes, and from that time until he was seen again there was fully an hour and a half for an interview and the murder, and that time covers the period when the murder took place.

It is not necessary to carefully examine here the mass of evidence covering Hayden's subsequent conduct. The conduct of criminals is governed by habits, education, experience, nerve, physique, heart, and mental control. It requires great skill in human nature to predicate much from manner, appearance, and simple acts. Hayden seems to have been up and around the neighborhood until 2 o'clock of the morning after the murder. He rose again early, and was over in his wood-lot by 6 o'clock, drawing out about a quarter of a cord of swamp birch-wood which he claims to have thrown out the afternoon before. The State claims that it was all thrown out in the early morning after the murder, and that it was done as a precaution to avert suspicion and account for his time at the fatal hour; and to sustain this claim in part the State desired the time which Justice Wilcox refused to grant. Since the discharge of Hayden the wood-lot has been twice examined by special witnesses, surveyors, and the counsel and attorney for the State, and the State now claims to be able to prove that there was no necessity or occasion for "throwing out" or "throwing up" a stick of wood for the purpose of carting it out; that the so-called swamp is dry and hard in every part, accessible by a wood-cart or a heavy hack in every part, and that all the "throwing out" work Hayden could have done at any time, and which he says took him from an hour and a half to two hours, working all the time, could have been done on Wednesday morning in 10 minutes or less.

The doctors testified that Mary's throat was cut with a stab and one drawing-out motion, and that the instrument must have been a narrow, pointed, very sharp blade. The Sheriff took from Hayden's pocket a large jack-knife, with the larger blade broken and notched, and the smaller blade sharp, pointed, and about two inches in length. This small blade was clean and bright, but in the thumb-groove Prof. White found the corpuscles of human blood. The State claims that the murder was committed with that blade.

The above covers the principal points in the case of the State, as far as facts in its knowledge have been made public. The stories told by Mrs. Studley and Mr. Studley and Susan Hawley before the Coroner's jury and its committee who went to the Studleys, as to what Mary said, all agree; and the Studleys told their brief story separately to the committee, and before Mrs. Studley knew that Mary was dead. Mrs. Studley, when first visited by the committee, thought they had come to get evidence about a bastardy complaint which she supposed Mary had made, and she told her story under that impression. Mary Stannard told the same story to three different persons, and Mary had a good reputation for truth among her neighbors. She had what would naturally be taken for signs of pregnancy, and certainly she thought she was in that condition. Why did she ask Studley to go to Hayden? To black-mail Hayden? But Hayden is notoriously poor, with no property, and he was in debt even to her sister, Susan Hawley, for borrowed money, upon which he had not even paid the interest. The State claims that, assuming Mary's story to have been true, the facts are wonderfully consistent with its truth; and asks, if it were not true, how was Mary able to tell Susan Hawley on Tuesday noon that Hayden had just come from Middletown, and had seen a doctor, when Hayden concealed those facts from his own wife?

The defense of Mr. Hayden rests substantially on the story of himself and wife that the knife was at home that fatal afternoon, that the blood on its blade came from the cut fingers of himself and his boy; on the general denial of Mr. Hayden that he ever had had any improper relations with Mary or any other woman, and on the assertion that he was in the swamp during the two hours of Tuesday afternoon and never saw Mary alive after he left her by the spring. What evidence the State may have, if any, to rebut these stories of Mr. and Mrs. Hayden has not been made public, as it was cut off by the ruling of Justice Wilcox that he would not grant any continuance unless informed by the counsel for the State what he proposed to prove in rebuttal. The public will not agree concerning the credit to be given to the evidence of Mr. and Mrs. Hayden. Justice Wilcox and the friends of the accused put the most implicit confidence in them, and all their story. Many respectable members of the community remember that men accused of crime, and their wives, were never permitted to testify in their own behalf in this State until 1867, and they know that to-day the Judges of our Superior Court generally advise juries that in weighing the evidence of accused persons charged with great crimes they must remember that they are under the strongest possible temptation to commit perjury. If Mr. Hayden tells the truth, then, in the light of the above facts, the mystery of Mary Stannard's death is greater and darker than ever, and may well baffle the skill of the shrewdest detectives. As a crime, it rivals any tale of fiction; and as a tale of fiction, it would be worthy the pen of a Poe or a Collins.