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REV. MR. HAYDEN'S LECTURE

MR. JESSE BILLINGS, JR., CONGRATULATING THE CLERGYMAN.

The Scene in the Academy of Music—A Welcome from the Rev. Dr. Stephen H. Tyng, Jr.—Judge Fancher's Introduction—Distinguished Divines Crowding the Stage.

Probably a thousand persons heard the Rev. Herbert H. Hayden lecture on circumstantial evidence in the Academy of Music last evening. Mr. Hayden appears to be unfortunate in the larger cities. A severe storm prevented a large attendance in Hartford, and the inclement weather had its effect last evening. The parquet and amphitheatre were three-quarters filled. The boxes of the stockholders were vacant. Mrs. Hayden occupied a proscenium box, filled with friends. A hundred or more ladies and gentlemen were seated on the platform. The Rev. Dr. Stephen H. Tyng, Jr., the Rev. Mr. Bonham, the Rev. Dr. Herr, the Rev. Tuttle Smith, the Rev. Dr. Gallaudet, A. V. Stout, Henry Shiffen, H. J. Jordan, and Mr. Jesse Billings, Jr., of Saratoga County, were among them. The audience was apparently of the highest respectability, and in full sympathy with the speaker.

Mr. Hayden took his seat on the platform, flanked by young Dr. Tyng and Judge Enoch L. Fancher, at 8 o'clock. Dr. Tyng called the meeting to order. He said that he was glad to be one of those who extended a welcome to the speaker of the evening. "The people, after all, are the true Court of Appeals. A man who has suffered the persecution of the Rev. Mr. Hayden may confidently come before them, seeking his own vindication. Judge Fancher of the Court of Arbitration will introduce Mr. Hayden."

Dr. Tyng sat down. Judge Fancher began his introduction by referring to the witnesses at the trial in New Haven. Thirteen professors, fifteen physicians, and four clergymen were on the stand. The professors and physicians contradicted each other, and the clergymen were contradicted by members of their own churches. A week was spent over the testimony of an expert, who swore that Mrs. Hayden could not see a certain spot that she averred she did see from the kitchen of her residence. The jury then visited Rockland, and had ocular proof of the wife's story. Since the case of Spencer Cooper, mentioned by Macaulay, no case of circumstantial evidence has given rise to so much comment. Reputation, liberty, and life were at stake. The State of Connecticut had attempted to rob a man of his blessings. Eleven out of twelve jurymen, on the evidence, had instantly declared the prisoner guiltless. The prosecution was marked by petty malice, groundless accusations, and unjust persecution. "All honor to Counsellors Jones and Watrous," said Judge Fancher. "Well did they do their duty. The presumption should have been in favor of the innocence of the accused, but the prosecution had tried it on the theory that the presumption was in favor of his guilt. The grand rules in law as to proof in circumstantial evidence are obvious. Circumstances must be consistent with the theory of guilt, and absolutely not inconsistent with the theory of innocence. Tried by this test, every theory advanced by the prosecution proved a melancholy failure. The chain of circumstances would not long hold together. The net result of the prosecution's persecution was that the innocent clergyman had remained over a year in prison vainly clamoring for a trial, had spent thirteen weeks in court, and had then been thrown on the world, his reputation stained and his property gone. It was proper to inquire wherein the law was to blame. Because the accused was a clergyman, the prosecution seemed to think that he ought to be tried by stricter rules than any other man. Judge Fancher closed by reading an article from the Rev. Dr. Fewler of the *Christian Advocate* commenting severely on the conduct of the prosecution in the Hayden trial. He then introduced the speaker to his audience.

Mr. Hayden was received with prolonged cheers. He stood before the footlights in a tautly buttoned frock coat. His right hand was kept in the breast. His waist was encircled by a Brunswick collar, and a plain shirt front. He looked more hearty and vigorous than during the trial. His gesture had disappeared, and a small black moustache was outlined on his upper lip. His face was flushed, and his eyes were feverishly bright. His accent was perfect, and his voice strong and full. It filled every part of the building. His gestures were mostly made with the right hand, which he rarely raised to the level of his breast. They were singularly ungraceful. His address lacked magnetism, although it was encouraged with generous applause.

The applause was redoubled when, in feeling terms, he referred to the devotion of his affectionate wife. He began by referring to the terrible ordeal through which he had passed, and accused the prosecution of ingratitude. "By the force of my innocence and the blessing of God," said he, "I am permitted to be here. The arm of my very freedom oppresses me. What I had of worldly goods is gone. My father and mother are impoverished. But of far greater moment is the fact that my name is stained with the stigma of crime, and my usefulness as a minister of God has been impaired, if not destroyed. My innocence is my only fortune, and my God my only refuge. I am here to tell you how the dangers of circumstantial evidence. They environ every man. Like the coils of an anaconda, they have encircled and destroyed many a victim. It would be unmanly in me to appeal to you for sympathy. My only object is to aid other innocent men who may fall under suspicion and become entangled in the web of circumstantial evidence. I feel like a traveller who has crossed a bridge floored with rotten planks. He does not perform his whole duty when he thanks God for his escape. He should warn others of the dangers of the bridge."

Mr. Hayden then analyzed circumstancial evidence. Facts may come before the courts through untrustworthy agencies. The witness swears that a certain man passed a given point at a given time. He may be mistaken either as to the man, time, or place; and the witness may himself be the guilty party, or have some hidden purpose to serve.

Here Dr. Tyng retired to a private box, adjoining that occupied by Mrs. Hayden and her friends.

Mr. Hayden then illustrated the fatal injustice of circumstantial evidence numerous instances. A stage driver was murdered and robbed of nothing a mail coach because he had every opportunity to commit the robbery, and because he could not show that any one else had such opportunity. He died in prison, and it was afterwards discovered that the guilty person was one of the passengers, an experienced mail robber. He had sent in a room together. One morning [illegible] and went about his business. [illegible] ture, one of the occupants [illegible] discovered that his pocket had been picked. The missing man was [illegible] was unable to give a reasonable account [illegible] den departure. He was on the [illegible] prison, when a country [illegible] discovered the body of one of the [illegible] Farm. He followed the clue, and found [illegible] murder of the money to the hands of [illegible] the three men who remained in the [illegible] He was a man of good reputation, who had stolen the money and had taken occasion to throw suspicion on the innocent man because of his sudden departure. A [illegible] landlady in this country and [illegible] with a sought [illegible] and his wife quarrelled and the woman [illegible] a knife in her husband's breast. The Germanstone was present. He caught the falling man, saw the knife [illegible] was covered with blood. The woman rushed into the street and [illegible] door. All the circumstances [illegible] He was convicted and executed. On his death bed the woman confessed the crime.

Here Mr. Hayden read the following [illegible] published in The Sun a fortnight ago [illegible] that I was innocent [illegible] "Here was a man who had [illegible] that had led to his arrest, imprisonment [illegible] to save life. The Lord [illegible] Mr. Hayden, being [illegible] of the law and its [illegible] of the innocent victims [illegible]

He referred to the case of Bradford, an innkeeper in the road from Orford to Lebanon [illegible] a wealthy gentleman stopped at the inn [illegible] Bradford's house [illegible] money with him. That night two gentlemen [illegible] Bradford's room over the [illegible] Bradford's room [illegible] knife in Bradford's breast. The gentlemen [illegible] the murdered man's money [illegible] the murder. Bradford was [illegible] of the law and its [illegible] innocent victims [illegible]

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