Daniel J. Hayes

Born 1846

Died 1880
Daniel J. Hayes

Daniel J. Hayes was born in Ireland in 1846, and settled the Ansonia borough of Connecticut. As recorded in the 1880 United States Federal Census conducted in June of 1880, he had a wife, Sarah J. Hayes, and three children, James, William E., and Mary T. Hayes. Daniel J. Hayes was a carpenter by trade and became the first Chief of Police for the borough of Ansonia in 1880.
There are various accounts of the events leading to the death of Ansonia’s Police Chief, Daniel J. Hayes on December 23, 1880. An account found listed on the "The Officer Down Memorial Page, Inc. website states that Chief Hayes was shot and killed while attempting to arrest a suspect. According to this account, Chief Hayes...
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was called by the suspect's father to arrest him for firing a firearm in a saloon. When Chief Hayes found the suspect a struggle ensued and Chief Hayes was shot in the stomach. He died from his injuries on December 27, 1880. It further stated that the suspect was found guilty and executed in 1882.
The newspaper of the time, the *Derby Transcript* relates the incident as follows. On Dec. 23 of 1880 at approximately 6 p.m., James Smith (father of the suspect) sent word to Police Chief Hayes requesting that he arrest his 21 year old son, Jim Smith, aka “Chip” Apparently, “Chip” had been on a spree for several days and was in possession of a revolver, with which his father feared he would endanger his family.
Chief Hayes went to make the arrest, but he did not find him at his home so he set out to find him. Upon finding him, Chief Hayes told him to come with him but he refused. Chief Hayes asked “Chip” to hand over his revolver, but he denied having one. When Chief Hayes attempted to affix a pair of “twisters” (that day’s version of handcuffs), “Chip” pulled out the revolver and shot Chief Hayes hitting him in his stomach. Chief Hayes was unaware he was shot until he was taking the prisoner to lock up. Officers Ellis and Larkins assisted Chief Hayes by taking the prisoner to lock up.
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Chief Hayes was able to relate the incident in detail, but realized the severity of his condition. He stated he held no animosity towards the suspect.

Chief Hayes’ condition got worse and on December 27, 1880 he died. He was buried in the Catholic Cemetery in Ansonia on December 30, 1880.

There was no way to view Chief Hayes’ burial site as a fire had destroyed all records. It is believed that he is buried in the old St. Mary's Cemetery. His youngest daughter, Mary Hayes, passed away May 3, 1977. She is buried at the new St. Mary’s Cemetery – Burial Plot #713.
“Chip” Smith was taken to the county jail in New Haven where he was charged with murder in the first degree. He was put on trial in April 1881. Mr. Smith was found guilty of murder in the first degree and was sentenced to be hung on May 5, 1882 in New Haven. Smith’s attorneys filed for a new trial, a stay of execution was ordered allowing the case to be heard before the Supreme Court. The presiding judge, Judge Park, found the writ insufficient to stay the course of the law, and Mr. Smith was sentenced to be hung on September 1, 1882 at the County Jail in New Haven.
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The James "Chip" Smith case (State v. Smith, 49 Conn. 376 - 1881) precipitated the Connecticut Supreme Court's establishment of language concerning the duty of jurors when deliberating a case. This language became known as the Chip Smith charge, and trial courts repeatedly gave the charge to jurors when they reported that they were deadlocked. The Chip Smith charge became an established part of Connecticut's jurisprudence. The instruction was often challenged as being coercive, implying that a juror in the minority should side with the majority for the sake of unanimity.
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In 2002, during State v. O’Neil, 261 Conn. 49 (2002), after some deliberation, the jurors reported that they were unable to agree. The trial court delivered the *Chip Smith* instruction and later the same day the jury returned a guilty verdict. Upon appeal the defendant’s attorney argued that the *Chip Smith* charge had coerced the jury into reaching a guilty verdict.

The Connecticut Supreme Court upheld O’Neil’s conviction and the use of the *Chip Smith* charge, but the Supreme Court initiated a modified version of the charge to be used by trial courts in future cases.
Effective 2002, judges must remind jurors that they should vote their consciences and not give in to their fellow jurors just for the sake of reaching a unanimous verdict. This they hoped would create a balance between encouraging a unanimous verdict and protecting the defendant's right to a fair trial.