

Carleton Place

CARLETON PLACE, C. W., MARCH 25, 1863.

VOL. XIII.

No. 29

The Question of Colonial Defence—Despatch from the Duke of Newcastle.

Downing Street, Dec. 20, 1862.
My Lord—I have the honor to acknowledge your despatch of the 30th of October, forwarding a report of your Executive Council upon my despatch of August 21st, accompanied by observations of your own upon that report, and especially upon the plan which it contains for the future organization of the Canadian Militia.

I greatly regret to find that that plan, while effecting some improvements in the present system, will yet, as regards the systematic organization of the Force of the Colony for defensive purposes, prove, as you observe, "completely illusory."

You also lay before me heads of another plan for the formation of a Militia Force of 50,000 men, which I concur with you in regarding as a measure of a more substantial character, and more worthy of the great Province of Canada than that proposed by your Executive Council.

I shall not attempt to discuss the details of either of these schemes. I will only express an earnest hope that the patriotic spirit which animates the Volunteers of Canada may be turned to the best account for the defence of the country—an object which I conceive would be most effectually obtained by forming them into battalions of the Active Militia Force, within defined divisions of the Province, not indeed to the exclusion of other volunteer associations, but with an eye in the first place to the completion of that territorial organization, which is as you justly term it, "the cardinal necessity of the time."

I turn for a moment to the comments made by the Executive Council in their report upon my despatch of the 21st of August last, one or two of which call for some observation from me.

The report asserts that, "in the opinion of our advisers, no Government could exist that would attempt to carry out by its 50,000 'partially trained' Militia, a sufficient answer to such an opinion is contained in the document with which you have furnished me, showing how the number mentioned could be provided at a cost which if spread over five years, would scarcely exceed in any one year, the small amount voted for Militia purposes in the last session. Nor can I believe that the Canadian people are so ignorant, or so unenterprising, as to be unable to provide for the defence of their country, if the necessary expense should exceed the sum of £50,000 per annum."

The report expresses great surprise at a suggestion made by me, that the charge for the Militia or for a fixed portion of it should be voted for a period of three or five years. Such a measure they say "will never, and ought never to be entertained by a people inheriting the freedom granted by British institutions." If there are any reasons in its favor, they think that they are "in every sense as applicable in England as in Canada," and they conclude with a sentiment which I consider to be safe against military despotism, "when they (the people) have in their hands the means of controlling the supplies required for the maintenance of a military organization."

I beg you will point out to your Ministers, in reply to these observations, some material circumstances which have escaped their notice. The terms of my despatch show that I was well aware that the course in question if not adopted by the Legislature, would be, to a certain degree, a surrender of the strict constitutional right of the Representatives of the people. It would probably, however, occur to them that popular liberties would be in little danger from a body of citizen soldiers while there remained within the Province, without exciting any such fears, but with the hearty approval of its people and Government, a force of regular troops, whose number would be fixed at the discretion of the Imperial Parliament, and whose cost would be defrayed by the Imperial Government, and not the Imperial Parliament, would be made to depend, by agreement with the Canadian Government, upon the number of Militia maintained by the Province, there would be nothing unreasonable in such an arrangement, and the Home Government might fairly (I do not say would necessarily) require that the funds for that purpose should be somewhat more permanently secured than by annual vote.

It is far from my wish (as seems to be suggested by the report) to diminish the control of the Canadian Parliament over their own affairs; but on the other hand, the amount of exertion which England could make with any advantage must depend very much upon the manner in which that control is exercised—that is to say, on the disposition to protect the colony which is shown by the Provincial Government and people of Canada.

It is difficult to see how, when my despatch contemplates legislation on the subject of the Militia by the Canadian, and not the Imperial Parliament, the Executive Council could justify such a grave apprehension of an invasion of their liberties.

The considerations will show that the general doctrines referred to by the report have little application to the present peculiar case of Canada, and little force against the suggestion of my despatch, which, however, I have no desire to press upon the attention of your Government, upon whom and the Parliament of Canada must rest the responsibility of providing adequate means for meeting the efforts of the Mother Country to secure the safety of the Province.

The report dwells at length upon the fact that the policy of the Empire in all its relations with foreign powers, upon which peace and war depend, is regulated by the Imperial Government and Imperial Parliament, over which Canada has no control. I agree with the Executive Council in regarding this circumstance as one of primary importance, as lying indeed at the very root of the relations between the Mother Country and her Colonies with respect to her military and naval defences. They cannot fail, however, that Canada, though liable as they repeatedly point out, to be involved in Imperial wars in which she may have no immediate interest, under all circumstances, to maintain the power of the Empire of which she forms so important a part; and with which the maintenance of her own independence and of her commanding position in the world is so essentially connected.

The main security against aggression which Canada enjoys as a portion of the British Empire is the fact known to all the world, that war with Canada means war

with England; not in Canada only, but upon every sea and upon the shores, wherever situated of the aggressive power itself. It does not therefore follow that this country can consent or afford to maintain an unlimited number of troops in Canada at her own cost, even in the time of war, much less in time of peace, and it remains true that the defence of Canadian territory must depend mainly upon the Canadian people itself.

I have, etc.,
(Signed) NEWCASTLE.

The Aylward Case.

Toronto, 23rd October, 1862.

SIR,—I have the honor to enquire, for the information of His Excellency the Governor General in Council, a report of the evidence, verdict and sentence in the case of the Queen against Richard Aylward and Mary Aylward, charged with the murder of your Excellency's son.

The jury accompanied the verdict with a strong recommendation to mercy. They offered no reason for the recommendation, and I cannot pretend to explain upon what ground their recommendation was founded.

The prisoners are both ordered for execution on Monday the 8th December next. I shall be glad to hear that this report is cheerfully received.

I have the honor to be, Sir,
Your obedient humble servant,
(Signed) W. H. DRAPER,
The Honorable the Provincial Secretary.

THE QUEEN vs. RICHARD AYWARD and MARY AYWARD.—Indictment for the Murder of William Munro, at the Townshill of Montpelier, on the 16th May 1862. Jt. Alexander Munro, sworn—I live on the townshill between Montpelier and Wicklow, and have lived there since the 16th May 1862. The prisoners came two months later to live on the opposite side of the road. We were on good terms with the prisoners when they first came, there were after a while a few little differences between us. I never heard the prisoners complain of our fowls before the 16th of May last. On that day, about 4 p.m., I and deceased heard a shot, apparently fired on prisoners' lot. We went home, and mother said one of our hens was missing. Deceased and I went over. Prisoner Richard told deceased to go away. Deceased said he would not do that. He got down the prisoner Richard's standing inside at his own door, he said he did not shoot the hen but he wished he had. Deceased said perhaps they're on now; and prisoner Richard took a gun, and we all three went into his field. We went west. Prisoner's house fronts to the south; on the west is a public end. The field was, I think, divided into three or four parts. Prisoner Richard turned, with the gun toward deceased, and deceased caught hold of it. They were close together, the muzzle of the gun towards deceased. Prisoner Richard took a pistol out of his pocket with his right hand. Deceased knocked it out of his hand and told me to get it. I asked where it was. Deceased said it was behind me. I went for it, found it, and rose with it in my hand. It was 11 or 12 yards from where deceased struck it from prisoner Richard's hand. When I rose, prisoner Richard was standing near me with the gun to his left shoulder, pointed towards me. I threw myself at his feet on my knees, and he stepped back. I was in the back, gun was loaded with cut lead, 26 pieces were taken out of me. As we were going to the field, deceased said to prisoner Richard, he did not mind his shooting his hens, if in his wheat, if he did not take it away with him. When I rose with the pistol, I saw the prisoner Mary about 11 or 12 yards away. Deceased said I left prisoner Richard and deceased scuffling, nor did I see her until I turned, having picked up the pistol, I could not say whether she had anything in her hand; I was frightened. After I got to the house, deceased came in; he was out on the left side of the head and in the arms, he was bleeding much; the cut was about the left elbow. He had no coat on in his shirt-sleeves. Deceased never went out of the house again, and he died in 11 or 12 days.

Cross-examined.—This place of prisoners' is not on the Hastings Road. It is on a road that crosses the Hastings Road. They had a clearing and some what sown that sprang not long before this occurrence. Our two houses are about 24 acres apart. Our houses were west of theirs. Our hens were over in prisoners' wheat. Deceased and I went to prisoners' house. Deceased was angry at prisoner Richard for shooting at his hens more than I was. I saw prisoner Mary in the house, and he children—two were running about and there was a baby. We did not enter the house. Deceased did not ask me to go with him; I went of my own accord. I followed a little after deceased. Not directly with him. The first I heard was prisoner Richard saying to deceased, "Go away," and deceased replied, "Not till he could get the hen or know what had been done with it." Prisoner Richard denied shooting the hen, but said he wished he had. Deceased said, "perhaps they're on now." Then prisoner Richard took the gun. I did not see him put anything in it. We then walked abreast to wheat field. Prisoner Richard was on deceased's right hand, and he had the gun in his own right hand. We went about 13 or 2 acres. I saw prisoner Mary with the gun. I did not see deceased first try to get hold of it. Prisoner had the gun up to his shoulder. I did not see him try to pull the trigger. Then deceased seized the gun. They tussled and wrestled. Deceased was the oldest and strongest, I think. I did not see either of them fall. I did not see deceased seize hold of prisoner Richard, but tried to take the gun from him. I did not interfere. I was 8 or 10 feet from them. I do not know whether the gun was cocked. I believe deceased's life was in danger. Prisoner Richard got the gun at last. Prisoner Richard was drawing back, and deceased was keeping hold of the gun following him. I never saw anybody that deceased had threatened prisoners. Prisoner Richard took a pistol from his pocket with his right hand holding on to the gun with his left. Deceased kicked the pistol out of prisoner Richard's hand. It was in his right trouser pocket. A double barrel rifle pistol the barrel 4 or 5 inches long. I ran for the pistol and picked it up; and as I rose, prisoner Richard was about 2 feet from me, right before me. I had turned round with the pistol in my hand. Prisoner Richard then stepped back. I threw myself at his feet before he stepped back. I did not catch hold of him, nor try to. When I threw myself on my knees I stooped a little

forward. I was not looking at him. When he fired he had the gun right on my back, resting on my back—and he fired. I had no rest on; I was in my shirt-sleeves. When deceased came in, I did not tell him I was shot. The doctor came some days after deceased was wounded. I never heard deceased say it was his own fault;—these people ought not to be persecuted. The coroner came a few days after my father's death. I cannot exactly say how many days after; deceased had not long been buried. Prisoner was in their own house when deceased died. They did not leave the country. My mother is living; not here. I had not been on very good terms with the prisoners. We played one another without speaking. I never played tricks with them, nor with a spring that was near. I did not speak to them when I and deceased went over to prisoners. I carried the pistol home, it was not cocked then. I never pointed it at prisoner. I never fired it. I knowed it was loaded; there was something in it; it was capped.

2nd.—MARY ANN MACRAE, sworn—I live just a lot from the prisoners, in another township. I remember deceased being injured. The prisoners were at my house the week before that with a scythe. They were grinding it. One of my children asked prisoner Richard whether he was going haying. He replied, yes he was going haying. There was no grass then. There was a little snow still left. Prisoner Mary did not speak. She turned the grindstone, and he ground. I think they said it was Munro's scythe. I did not see the scythe again until the inquest. Prisoners came to our house the day deceased was lying in bed. He had the gun and loaded it at the end of our stable. He had the scythe. She said she had cut the head of the old man, and that Richard had shot Alick. I told her, "Surely that wasn't the truth." She said it was and showed me the scythe. She held the edge up to me, and showed me the blood on where the blood was. She gave the scythe to him, and took the gun and put a cap on it; and then my boy came in and told her to go out of the house, and they went away. The scythe was, I think the one they had ground; it had a piece off the point. I went to Munro's about 4 o'clock. I found him lying on the floor, faint; blood all over the floor, and part half full of blood and water. He had a cut across the top of the head from which blood was flowing, and his arm was cut. He did not speak. He spoke the third day after that, when I went there. Two days after that, he said to me he did not think he would live. He felt so weak. He died on the tenth or twelfth day after he was hurt. I saw no relation of him till he died. He was hurt on the 16th and died on the 28th. From the second conversation he always told me he would not live, from that time he always expressed his expectation of dying; always spoke of himself as a man going to die, but he did not give any account how he was injured. I saw Margaret Munro the same day the transaction took place.

Cross-examined.—We came out this last winter from Lower Canada. I have been upwards of 22 years in this country. The prisoners came to our house after dinner. Our houses are a quarter of a mile apart. They continued on their place after deceased died. I never had any differences with prisoners. I never said I would wait in town and see these people hanged, or any thing like it.

3rd.—ISABELLA MACRAE, sworn—I am a daughter of the last witness, and live with her. I know prisoners. I knew deceased, and remember the way he was hurt. I was in prisoner's house one evening long before this. I heard prisoner Mary say, in her husband's presence, she would tempt deceased over their fence, and she would draw back till she got to the door and she would take a gun or pistol and shoot him, and leave him dead at the door. And then she would get into the door yard, and her husband could be a witness for her, but she could not be for him. I told her to take care of herself or something to that effect.

Cross-examined.—We were on good terms with the prisoners. I was not in her house after this conversation before the fact. I do not remember of being in her house after that. I spoke to her on the road. I did not think much of this at this time. She would talk in this boasting style of what she would do.

4th.—WILLIAM JOHNSON, sworn—I live about 100 rods from Munro's, in the same township, since the 27th March last. I remember deceased being injured. I saw the prisoners that day about 4 in the afternoon. They were coming along the road from their place. She had a gun and he was trailing a scythe. She said, "William; Munro's dead. I lifted up the scythe and struck him on the head, and that would not do, and I struck him again. I did not mean to hit him on the neck and out his head off." She made a gesture with the gun at my side to show me what she meant, I said it was too bad. She said she could not help doing it. Then they went on. I followed, and saw them both at James Macrae's. Prisoner Richard had the gun and the scythe was on the table. James Macrae came in. Prisoner Mary asked him about deceased, and he told her deceased was pretty badly hurt, and they did not think he would get over it. She replied, "God Almighty increase his pain!" She spoke mostly on these two occasions. He said little; he was standing close by her.

Cross-examined.—I am a relative of Mary Ann Macrae; she is my aunt. Prisoner Mary did not appear to be excited. I was about 4 p.m., about three quarters of a mile from their place. I was sitting on a log by the roadside when she spoke to me. I was in their house when she was arrested on the Saturday week after deceased got hurt. He was hurt on a Friday. I have not been in the house since. I was the Saturday after deceased died; that was arrested. I stop at my uncle's. I have no house of my own. I never had the slightest trouble with the prisoner Mary. I heard that she got a warrant for me, but I never saw it.

5th.—MARGARET GLEN.—I live near prisoner's, 1 1/2 miles off Montpelier. I remember deceased being injured. I met prisoner Mary on the road after deceased was hurt and before her death. She was just outside her door. She took hold of my arm and told me to come and see where the light was to come and see the cut in Munro's hat. I walked a short distance and saw the hat, and would go further. I said it would give her a great deal of trouble. She said

it would give her no trouble, that, if it was to do, she would do it. Her husband was not present.

Cross-examined.—This was a few days after the fight.

6th.—THOMAS GLEN, sworn—I live on the branch road, 1/2 miles from deceased. After deceased was hurt, I went to prisoner's house, the morning before the inquest was held, I think the morning before. I saw prisoner Mary. She said she was glad "Old Baldie" was dead; that if he was alive she would cut the head off him again, or any one who would do any thing to her.

7th.—GEORGE SELBY, sworn—I live 4 or 5 miles from prisoner's, heard of deceased's death. I was at prisoner's house the Sunday after deceased was buried. Prisoner Mary told me deceased was in the habit of coming to the house, abusing her, and calling her improper names, and that she had given him now and then a good whipping.

8th.—DOROTHY GLEN, sworn—I live near prisoner's, and I was at prisoner's house the Sunday after deceased was buried. Prisoner Mary was then arrested. The conversation with her was while she was a prisoner. I am not a constable. The conversation with prisoner Richard was on the road opposite my place. He did not say he was afraid of Munro.

9th.—DOROTHY GLEN, sworn—I was practicing at Madoc (70 miles from deceased's place), 100 miles from here. We started from Madoc on Saturday 31st May and reached the neighborhood of deceased about 10 o'clock on the Monday morning. An inquest was held. I found a large incised wound on the left side of deceased's head, 3 1/2 inches long. It penetrated into his brain, through the skull and membranes. The blow must have been given with great force, or it could not have gone through the skull in a part where it is so thick. Inside, I found a large abscess in the brain. There was also a wound above the elbow joint. The weapon had gone half way through the bone, and fractured the bone at joint. The wound was inflicted by a sharp and thin instrument. A scythe would inflict such a wound. The injury on the head must, I think, certainly have occasioned death.

10th.—WILLIAM E. D. EDDES, sworn—I arrested both prisoners on Monday of the week following the funeral of deceased. The weapon had gone half way through the wood on Monday morning, before inquest was taken. Prisoner Mary had been arrested the preceding Saturday. I enquired for the scythe. One of the prisoners got it. I then enquired for the gun and got it; a man who was sitting at the door had the scythe and somebody carried it off. I did not see the gun as I was stopping at a tavern on my way to Belleville; I have not been able to recover it.

DEFENCE.

JOHN ROUS, sworn—I live on a lot joining the Hartings Road. I knew deceased, and saw him after he was injured, on the road, and remember the way he was hurt. I had a conversation with him. He said he felt very bad; and he did not expect to live. I advised him to have prisoners arrested. I proposed fetching a doctor. He said, "No; it was no use." He said he had no business interfering with prisoners; that he was in answer to my advising him to have them arrested.

Cross-examined.—He was lying in his own shanty, on the West side, on a bed. His son Alexander was in the house, and deceased's wife. I did not ask deceased how he got hurt. I had heard from neighbors what had happened; that deceased had a bit of a quarrel with prisoner Richard, and deceased got hurt, and deceased did not say he had interfered with prisoners, and did not tell me what had happened. He was pretty bad.

REPLY.

ALEXANDER MURPHY, recalled—I was present when the conversation took place between John Rous and deceased. Deceased asked him to go for the Indian Doctor, and Rous said he would go the next morning. I was there all the time Rous was. I did not hear Rous propose that deceased should have prisoners arrested, nor did deceased make any such answer. The shanty is 18 by 20 feet.

Cross-examined.—Rous was there an hour or more. I was not able to stir out of bed. I was only 9 or 10 feet from deceased's bed.

I declined to receive evidence of what deceased had said respecting the prisoners, or either of them, not being said in the presence—unless it could be shown that the prisoners were aware of it before the struggle took place, since whatever it might be, it could not have influenced the prisoners' conduct if they were in ignorance of it.

Verdict—"Guilty" strongly recommended to mercy.

Sentence.—To be executed on Monday the 8th December, 1862.
(Signed) W. H. DRAPER, C.J.C.P.

The Great Eastern in accordance with previous arrangements, was on Friday, at the top of the tide, floated on the beach and left there on blocks, which had been left there for her reception at New Ferry, on the Cheaside side of the Mersey. The object of beaching the vessel was to have her bottom thoroughly examined, and if necessary repaired, before she starts on her trip to New York. It is expected that she will again be floated off at the next spring tide, which takes place in the course of next month.—Times.

Some thousands of weddings were too take place in Great Britain on Tuesday, many of the Prince's countrymen having determined to be united in wedlock on the same day with the bride to the British throne.

The Roman Observer, in a telegraphic despatch quoting Lord Palmerston's declaration that the Pope had taken the initiative by asking Mr. Odo Russell whether he might reckon on the hospitality of England, the Roman Observer adds: "The Pope's English 'Prime Minister' does not merit the honor of a contradiction."

Premiums to be offered for competition by the County of Renfrew Agricultural Society for the year 1863.

ESTABLISHED UNDER THE ACT VICTORIA CHAP. II. MAY 14th 1863.

STANDING CROPS AND FENCING.

Best field Fall Wheat not less than 4 acres, old land. 3 00
2d. 2 50
3d. 2 00
4th. 1 50
5th. 1 00
Best field Fall Wheat not less than 1 acre, old land. 2 00
2d. 1 50
3d. 1 00
4th. 0 75
Best field Fall Wheat not less than 4 acres, new land. 3 00
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4th. 1 50
5th. 1 00
Best field Spring Wheat not less than 1 acre, old land. 2 00
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3d. 1 00
4th. 0 75
Best field Spring Wheat not less than 4 acres, new land. 3 00
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Best field Spring Wheat not less than 1 acre, new land. 2 00
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4th. 0 75
Best field Oats not less than 4 acres old land. 2 00
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Best field Oats not less than 1 acre old land. 1 50
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266th. 0 01
267th. 0 01
268th. 0 01
269th. 0 01
270th. 0 01
271st. 0 01
272nd. 0 01
273rd. 0 01
274th. 0 01
275th. 0 01
276th. 0 01
277th. 0 01
278th. 0 01
279th. 0 01
280th. 0 01
281st. 0 01
282nd. 0 01
283rd. 0 01
284th. 0 01
285th. 0 01
286th. 0 01
287th. 0 01
288th. 0 01
289th. 0 01
290th. 0 01
291st. 0 01
292nd. 0 01
293rd. 0 01
294th. 0 01
295th. 0 01
296th. 0 01
297th. 0 01
298th. 0 01
299th. 0 01
300th. 0 01

Best field Oats not less than 1 acre 301st. 0 01
302nd. 0 01
303rd. 0 01
304th. 0 01
305th. 0 01
306th. 0 01
307th. 0 01
308th. 0 01
309th. 0 01
310th. 0 01
311st. 0 01
312nd. 0 01
313rd. 0 01
314th. 0 01
315th. 0 01
316th. 0 01
317th. 0 01
318th. 0 01
319th. 0 01
320th. 0 01
321st. 0 01
322nd. 0 01
323rd. 0 01
324th. 0 01
325th. 0 01
326th. 0 01
327th. 0 01
328th. 0 01
329th. 0 01
330th. 0 01
331st. 0 01
332nd. 0 01
333rd. 0 01
334th. 0 01
335th. 0 01
336th. 0 01
337th. 0 01
338th. 0 01
339th. 0 01
340th. 0 01
341st. 0 01
342nd. 0