

The True Witness.

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J. GILLIES,
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MONTREAL, FRIDAY, JAN. 23, 1863.

NEWS OF THE WEEK.

OUR latest European dates extend to the 8th
inst. News unimportant. The Imperial Par-
liament was expected to meet on the 5th of next
month, and the financial state of the country is
reported as highly prosperous. The cotton
famine is diminishing in intensity.

New Year's Day brought with it none of
these mystic utterances in which it is the fashion
of Louis Napoleon to indulge. The Roman
question is for the present in abeyance, the King
of Sardinia seeing that his filibustering designs
upon his neighbors must, if persisted in, embroil him
with France; and that his present chances of
wresting Rome from the Pope are as slight as
are those of the Greeks of obtaining Prince
Alfred for King.

A forward movement of the army of the
Potomac is again reported; we have no doubt
however of the Confederate's ability to meet, and
again repel the storm. Dependence has suc-
ceeded to presumption in the North; and the
Montreal Witness, the Yankee organ in Canada,
in a late editorial admits that the only chance
left to its friends consists in their ability to raise
and equip an army of negroes to fight the battles
of the often thrashed, and thoroughly dispirited
whites.

Our Provincial Parliament is summoned for
the twelfth of next month, and rumor is busy as
to the new political combinations that may be
looked for.

The Arabia is reported. The most impor-
tant item of news is to the effect that Louis Na-
poleon is again intent upon offering his good
offices as a mediator betwixt the American belliger-
ents, and that Great Britain still declines
stirring in the matter.

The following statement appeared last week in
the columns of the Montreal Witness, and sub-
sequently in those of the Transcript. As it is
unjust towards the Grey Nunnery, and tends to
discredit that truly Catholic institution, we feel
called upon to notice it, and to expose the false-
hood of its allegations:—

"ANOTHER PLEA FOR A HOUSE OF REFORM.—To
the Recorder's Court yesterday, a young, sickly
looking girl, who gave her name as Julia Lane, ap-
plied to be committed for two months. In reply to
questions put by the Court, she said she had been
for two months in the Grey Nunnery, that she was
subject to falling-sickness, was unable to walk, and
was sent out of the institution yesterday. She also
stated that her mother was dead, her father had died
in the jail in this city, and she had no relatives. She
was sent to prison for two months."—Transcript,
16th inst.

The girl above alluded to, Julia Lane, never
was, at any time, or for any period however
short, an inmate of the Grey Nunnery. She is
one of those unfortunate creatures, of whom we
have unfortunately so many in Montreal, who
are always destitute, constantly drunk, and fre-
quently in prison. During the intervals betwixt
one sentence of imprisonment and another, she
has often applied to, and received relief in the
form of food or fuel, from the department of the
Grey Nunnery under the control of Sister
Woods; and if this relief has been sometimes
withheld, it has been solely because of the
abominable habits of the applicant, and of the
vile use which she made of the relief afforded.—
The "falling-sickness" with consequent inability
to walk, is a phenomenon not unrequent amongst
the consumers of bad whiskey; and as one of the
latter, the unhappy Julia Lane was frequently
afflicted with the disease and its symptoms, to an
alarming degree.

The case of this poor creature, however me-
lancholy, is one for which no House of Industry
could afford any relief. The utmost, that by the
agency of the latter we can hope to effect, is the
mitigation of suffering; but for vice, and the suf-
fering which vice entails upon its votaries, we
must seek a cure in the moral order, and in the
ministrations of the priest. We heartily wish
our separated brethren all the success that their
kind hearts can possibly desire in their benevo-
lent project of establishing a House of Industry;
but no matter upon what system founded, or how
successfully conducted, there will still remain a
vast amount of destitution—the destitution of
the abandoned drunkard—which it will be impos-
sible to mitigate, and for which impotence no con-

scientious Catholic will presume to hold it, or its
Protestant Directors responsible.

In justice to the Transcript we must add that
in an issue subsequent to that from which we
have quoted, it has contradicted its previous
allegations, and has put the story of Julia Lane,
and her treatment by the Grey Nunnery, in its
true colors. The Witness however, which is
strictly evangelical, and which does not therefore
feel itself under any obligation to refrain from
maligning Papists and their institutions, has been
guilty of no such weakness. It first published to
the world that Julia Lane had been turned out
of the Grey Nunnery because of her being sub-
ject to "falling sickness;" and that false state-
ment it has not seen fit to correct.

At the urgent request of several friends who
take a warm interest in the case of the Aylwards,
we have been induced to publish *in extenso*, the
full and reliable history of that sad affair from
the pen of our esteemed correspondent Sarsfield,
who is perfectly acquainted with all its details.
We have heard of a design to raise subscriptions
for the orphan children, the interest upon the
sum raised to be paid over to Mrs. James Grant
of Belleville, the lady who so nobly has taken
charge of the abandoned little ones. We hope
that this truly benevolent design may be carried
into execution; and that thus in some measure
Catholic charity may repair the evils done by
man's injustice.

THE AYLWARD TRAGEDY.

To the Editor of the True Witness.

SIR,—A desire is expressed by you in the last
number of the True Witness to be furnished
with the full facts of the melancholy case of the
Aylwards, husband and wife, who were executed
at Belleville on the 8th December;—with the
view of rescuing the administration of justice in
Canada from the obloquy, or rather suspicion,
which the late executions in Upper Canada have
brought upon it. Believing in the purity of
your motives, and at the same time being sin-
cerely desirous of placing all the circumstances
relative to the untoward and unhappy event be-
fore the public in their true light, I now assume
the task; leaving the public to judge how far the
Administration is responsible for the death of
the unhappy victims whose earthly fate by the
laws of this country was placed in their hands.
In order then that a fair and impartial record
should be made, I propose to give it in the form
of a narrative, descriptive of the scene of the
alleged murder—of the accused, their trial, the
efforts made to obtain the Executive clemency,
and their execution. Although the space de-
manded in your journal for that purpose may ex-
ceed the ordinary limits of a newspaper com-
munication, the importance of the subject de-
mands that the fullest publicity should be given to
it, and every circumstance connected with the
fearful tragedy. To commence then with the

SCENE OF THE ALLEGED MURDER.

Some few years ago, the Government being
desirous of settling the country in the rear of the
County of Hastings, caused to be surveyed a
number of Townships in that locality, and offered
a free grant of fifty acres of land to each person
who chose to embrace the opportunity of locat-
ing himself, and making a permanent home in that
heretofore unclaimed wilderness; and in order
to afford every facility for reaching the future
settlement, a road was made from the front or
cultivated portion of the County to these lands
at the expense of the public. The Aylwards
were amongst the first to accept the conditions
offered; and in 1860, husband and wife, relying
on the promises of the Government, with stout
hearts and a cheerful hope in the future, com-
menced to clear the forest in the neighborhood
of this new road, and erected a comfortable log-
house as a home for themselves and their infant
children. The same year a Scotchman, named
Munro, with his family, followed in the wake of
the Aylwards, and settled on the adjoining lot to
them. The closest intimacy sprang up between
the Aylwards and their new neighbors. Being
the first settlers, and far removed, some sixty
miles, from any other habitation, they constantly
exchanged those acts of courtesy and friendship
so necessary in their lonely situation. The first
years' crop, as it is always on new land, was an
abundant one, and everything foretold a prosper-
ous and happy future for the new settlers. The
following winter all parties worked with a will
and an energy to extend their clearance, and in
the spring the Aylwards had a large fallow pre-
pared, which they sowed with wheat; but alas!
just as the fresh blades appeared over ground,
commenced the difficulty which resulted in death,
and brought ruin and destruction, and blasted the
hopes for ever of so bright and promising a
future. Munro had a number of fowls which
were attracted to Aylward's field of new sown
wheat, and commenced destroying the grain
planted after many days of toil and hard work by
him. He told Munro of the depredations being
committed by his fowls, and expressed his fears
that unless they were housed up, the destruction
of his whole crop would be the result. Munro
promised to secure the fowls, at which Aylward
expressed his satisfaction; but the next morning
upon Aylward visiting the field, to his horror he
found that Munro had neglected to perform his
promise, and that a fresh "patch" during the
night had been destroyed. Aylward again remon-
strated with Munro in strong language, and
threatened to shoot the fowls unless they were
taken care of by him. Unfortunately Munro, in-
stead of expressing regret at the depredations com-
mitted on his neighbor's property, refused, and un-
feelingly told him that he might watch his field
of wheat, and at the same time dared Aylward
to shoot his fowls. Upon this a coldness natu-
rally sprang up between them, and Aylward to
his surprise found that Munro was evily dispo-
sited towards him; and sorrowfully did he realize his
position in having for a neighbor a person who
could thus act so selfishly, and allow the fruits of

his hard industry to be thus destroyed, when he
could so easily prevent it. And now let me
give you

A DESCRIPTION OF THE AYLWARDS.

The husband and wife were Irish Catholics,
both young and much attached to each other.—
The man was twenty-six years of age, of me-
dium size, but strong and robust; of a very in-
telligent caste of features, more than usually so
for a person in his rank of life, and like the
generality of his countrymen, wayward and im-
pulsive, capable of displaying strong friendship, but
easily estranged by unkindness or acts of selfish-
ness. Mrs. Aylward had a very youthful ap-
pearance, and did not look to be more than
eighteen or nineteen years of age, although some
two or three years older. She was considered to
possess more than the ordinary share of
beauty, and was of a light and elastic figure.—
Any person who visited their house could not
but be struck with the neatness and cleanliness
with which everything about it was kept in, and
which gave an air of comfort and cheerfulness
to their humble home. At the time of her death
she was the mother of three small children, girls,
the youngest an infant at the breast; all are very
promising children, whom any lady in the
land might be proud to own. Those who knew
her well say that she was passionately fond of
her husband; and it is more than likely that her
strong affection for him precipitated the awful
tragedy which it is now my duty to relate, and
which appeared in evidence at

THE TRIAL.

The Chief Justice of the Common Pleas, the
Hon. William H. Draper, C. B., presided.—
The case was tried at the last Fall Assizes for
the County of Hastings held at the Town of
Belleville. The Solicitor General, the Hon.
Adam Wilson, appeared for the Crown, assisted
by Mr. John O'Hare, County Crown Attorney.
The prisoners were defended by Mr. James
O'Reilly as Counsel, Mr. John Finn acting as
their Attorney. The Solicitor General in his
opening address to the Jury, detailed to them
the facts of the case which were substantially as
follows:—

"In the latter part of May, 1862, the deceased,
Munro, in company with his son, a lad about
twenty years of age, came to the prisoners' house,
and accused the male prisoner of having stolen one
of his hens. The latter denied the charge, which
was reiterated by Munro in a very offensive manner;
he was greatly excited, and declared that he would
not leave the premises until he had got his hen. Ayl-
ward told him he had not got his hen, but that he
might have shot one in the wheat field near his house
that morning, and perhaps he (Munro) might find it
there; and at the same time told him that he did not
want to have any altercation with him, but begged
him to go away and leave him in peace. Munro re-
fused to go, and stated 'he would remain as long as
he pleased.'"

A few angry words then passed between them,
when Munro suggested that the hens might be in
the wheat field then, and that Aylward might go
and shoot them, but not to take them away. At
this Aylward, who was all this time standing on
the threshold of his own door, retired inside and
procured his gun; and the three—Aylward,
Munro and the son of the latter—started towards
the wheat field. When a short distance from the
house, the boy, the only witness present, swore
that Aylward turned round and faced Munro,
with the gun presented towards him. Munro
seized the gun, and a fierce struggle ensued for
the mastery. Munro, being a larger and much
stronger man than Aylward, forced him back
towards the house, when in the struggle a pistol
fell from the person of Aylward, which Munro
called upon his son to secure; while picking up
the pistol, he states that he saw Aylward ap-
proach him with the gun in his hand; he had just
time to fall on his knees at Aylward's feet, when
Aylward, placing the gun close to him, fired and
lodged the contents, slugs, in his back. The
boy says that he at once got up and looked
around, and saw Mrs. Aylward standing where
he last saw his father engaged with Aylward.
He ran home as soon as he could, and in a short
time his father appeared covered with blood and
bleeding profusely from a deep wound or gash in
his head, and one in his right arm. His father
lost a great quantity of blood, and where he lay
a deep pond of blood gathered. Munro lingered
for about twelve or thirteen days, when he died.
An Indian Herb Doctor, on the fourth or fifth
day, was sent for, who applied some sort of herb
to the wounds, but without avail. No precau-
tion was taken to stop the bleeding, and of course
the man died of exhaustion and loss of blood.—
It was evident that if proper precautions had
been taken in time, the man might have recovered.
No regular physician being nearer than
seventy-five miles, none was procured, and the
poor man had to submit to the unskillful treat-
ment of a quack! So far there was no evidence
to implicate either of the Aylwards with having
inflicted the wounds, as the boy only saw Mrs.
Aylward standing where Munro was last seen;
but the boy did not see his father at the time.
The defect in this part of the evidence was sup-
plied by the declarations of the Aylwards to
other parties in the neighborhood. Mrs. Ayl-
ward, upon the day of the fatal occurrence,
stated, as was also proved at the trial, in the
presence of her husband, that she saw her hus-
band engaged in a struggle for the gun; and while
they were engaged she seized a scythe that was
in the house, and ran to her husband's assistance,
and struck Munro on the head with the scythe
and on the arm, at the same time intending, as it
was alleged, to cut off his head; and would have
done so only the blow missed—and suiting the
action to the word, she took hold of the scythe and
showed how she intended to do it. In the pre-
sence of parties, when she heard that Munro
was suffering much agony from his wounds, she
prayed "that God would increase his pain," and
regretted that she did not "kill old baldy Munro"
at once, as she intended to do. It was further
given in evidence that about a week previous to
this, the Aylwards sharpened the scythe at a
neighbor's house, and when asked what they want-
ed with the scythe in May, there being no hay or
grass to cut, the witnesses stated that they gave
some equivocal answer. The sharpening of the
scythe the Crown assumed was evidence of a
design, or premeditation, to inflict injury with it

on Munro. Again it was stated in evidence that
Aylward told a person four or five days after the
recontre with Munro, that he had taken the
scythe from the snath previously, and told his
wife to use it if he ever required help; and to
clap the climax of this fearful testimony, another
neighbor swore that Mrs. Aylward had stated
that she intended to finish old Munro by inducing
him to cross their fence, and that she would re-
turn towards her house, and that her husband
would shoot him, and she would be a witness for
her husband, to swear that Munro had followed
her with intent to take improper liberties with
her. Such was the evidence for the prosecution.

For the defence, owing to there being no per-
son present but the lad Munro, his father, and
the Aylwards when the occurrence took place,
no evidence could be given except the dying de-
claration of Munro, who, when asked to have
the parties arrested, said, "No, I don't want
them arrested; I am as guilty as they are." Munro,
at another time, gave an account of the affair
himself, but as the Crown was unable to
prove that he believed himself then in a dying
state and beyond the hope of recovery, the state-
ment was not received.

Mr. O'Reilly addressed the jury on the part of
the defence, and urged with all his ability, the
fact, that the only evidence of a positive charac-
ter was that of the boy, whose testimony should
be received with great caution; as he from his
own statement accompanied his father to Ayl-
ward's house for an unjustifiable purpose, to ac-
cuse Aylward of theft, and refused to go away
when told by Aylward "to leave in peace"—
that there was strong suspicion in his mind, that
both father and son came to Aylward's house for
the purpose of bullying and abusing him; that
they were two against one, and relying on their
strength, attempted to assault Aylward. He
urged the fact of Aylwards being on his own
land, in fact in his own house at the time they
came there to assault and abuse him; a very
suspicious circumstance was the fact of Munro
asking Aylward to leave his house and go down
to the field just then; that the place where the
unhappy affair took place was still on Aylward's
own ground. Again he did not believe the boy,
when he stated that Aylward turned round and
presented the gun at Munro and within his reach.
Why if Aylward desired to shoot him, he could
have remained beyond his reach, and accom-
plished his purpose without going close up to
him, when, of course, Munro being the stronger
man of the two, aided by his son, could disarm
him at once. The boy's story is, that he went
to pick up the pistol that had fallen from Ayl-
ward, when he was shot. Now where was that
pistol? or was there any evidence to show its
existence, other than the testimony of the boy?
To him it appeared more than likely (and the
belief was much strengthened by the fact of
Aylward having been induced to leave the house
by Munro) that when Aylward and the two
Munros were walking down towards the field,
they attempted to disarm Aylward; and in
the struggle Mrs. Aylward seeing her husband
engaged in a deadly strife with the two Munros
seized the first weapon that presented itself to
her, and flew to his assistance: believing her hus-
band's life in danger, as it undoubtedly would be
if the Munros succeeded in taking the gun away
from him, she was justified in inflicting the blows
she did although death ensued. Then as to the de-
clarations of Mrs. Aylward afterwards, he had not
given much effect to them, for the reason that
owing to the terrible contest in which she had
been engaged, her nervous system must have re-
ceived a severe shock, and thereby acted inju-
riously on her mind, and whatever she said after
the occurrence must be received with great
caution by the jury. Her declarations appeared
to him more like the babbling of a crazed person,
than those of a sane woman. It should also be
recalled that the woman was of a frail and
delicate frame; and the important fact should not
be lost sight of, that she was then nursing her
infant child, and the sight of her husband's dan-
ger, when in a delicate state of health would make
her affection for her husband still more intense,
and induce an unsettled state of the brain
and nervous system, and while in that state
allow her tongue a fierceness of expression,
which in her calm and lucid moments is
so foreign to her nature. Then as to the man,
there was no evidence against him, it is not
pretended that he struck the fatal blow; and the
only evidence to fix the crime charged against
him was the expression alleged to be used by
him in telling his wife to "use the scythe when
required." But all these declarations the learned
Counsel contended, ought to be received with
great caution, for experience has taught men en-
gaged in criminal trials, that declarations of this
character are not to be relied on. The "back-
bone" of the case, he then contended, was the
boy Munro's testimony, and as this was subject
to much and grave doubt, it could not be relied
on, more particularly as Munro himself in his
dying declaration stated that he did not want
them arrested, "that he himself was as much to
blame as they were." After thus reviewing the
evidence, he then referred to the nature of his
wounds and gave it as his opinion, that if proper
medical testimony could have been obtained,
Munro would yet be alive; and that although the
primary cause of death may have been the blows
alleged to be inflicted by Mrs. Aylward, he be-
lieved that Munro's death was owing to the un-
skillful treatment by the "Quack Doctor." Mr.
O'Reilly then closed his address in a powerful
appeal to the jury to acquit the prisoners. Ayl-
ward was guilty of no offence, and could not be
found guilty of murder; and Mrs. Aylward did
no more than any other excitable woman would
have done under the premises.

The Solicitor General then in a speech of
some two hours duration, pressed hard for a ver-
dict of "Murder" against both the prisoners!

The learned Judge charged the Jury against
the prisoners, and endeavored to combat Mr.
O'Reilly's theory of the prisoners' innocence.

The Jury after an absence of three hours,
came into Court with a verdict of guilty against
both prisoners—but coupled it with a strong re-
commendation to mercy.

When the verdict was rendered the prisoners
became somewhat excited, and asserted their in-

nocence; stating that the witnesses for the
Crown in league with others of their neighbors
opposed to them, desired to get them out of the
settlement and had sworn falsely. The Judge
at once sentenced them to be executed on the
eighth day of December, then next ensuing. And
thus ended the trial of this case, which will yet
be a "Cause Celebre" in Canadian Criminal
Jurisprudence.

And now comes the application to the Execu-
tive for a commutation of the sentence of death
to that of imprisonment in the Provincial Peni-
tentiary. The Petition was prepared by Mr.
Finn the prisoner's Attorney, and was signed by
all the leading inhabitants of the County of
Hastings, with the exception of Mr. Wallbridge,
M. P. P.,—by high and low—by rich and poor.
There was no distinction of rank class or creed,
the Orangemen of the County being the foremost
men on the Petition. In truth every one felt,
with the exception of the "Grit M.P.P." that
their lives ought to be spared. This feeling was
much strengthened when reports became bruited
about that there was strong suspicion that some
of the witnesses were unduly biased against the
prisoners, in fact that some of them had sworn
falsely. It will be recollected that a witness
swore at the trial, that Aylward stated that he
took the scythe from the snath previous to the
alleged murder, and told his wife to use it if ne-
cessary; horrible to relate, it was ascertained
beyond all doubt that the scythe never had a
snath, and therefore it could not be true as stated
at the trial, "that he took it" from that which
never existed. All this, taken in connection with
the fact of the jury having coupled their verdict
with a strong recommendation to Executive cle-
mency, left no doubt on the public mind but that
their lives would be spared. Van hope! as the
time fixed for their execution drew near, some
doubts were entertained of the interference of
the Executive; and the Irish Catholics whose
sympathy was deeply enlisted in favor of the
doomed Aylwards, had their suspicions aroused—
from the fact as some alleged of Munro being a
Scotchman, and a countryman of both the At-
torney and Solicitor General for Upper Canada,
in whose hands the fate of the prisoners in a me-
asure rested—that the Executive clemency would
be withheld. The feeling at once rose to fever
heat; all became excitement in Belleville, and
bitter were the imprecations that would fall on
the members of the Government if all failed. A
second petition was transmitted at the eleventh
hour praying for a postponement of the dreaded
execution for only one month, to give time to
the unfortunate culprits to make their peace with
their God. All was of no avail; the hearts of the
Executive were cold and dead to every entreaty
and remonstrance; and the two Aylwards, hus-
band and wife, were to be hanged by the neck and
they were dead, on the morning of the Immacu-
late Conception, a day sacred and dear to the
hearts of the Catholic people; a day when the
Queen of Heaven was conceived immaculate in
the womb of her mother; a day when each true
Catholic heart proclaimed with the voice of af-
fection and prayer, the beautiful Hymn of the
Church echoed throughout all Christendom:

Salve, virgo florens
Mater illibata
Regina clementia
Stellis coronata!

And then it was that the devotion and zeal
of that heroic Christian and Minister of God,
that saintly and pious priest, who for forty
years offered the ever adorable sacrifice of the
Mass in propitiation to Heaven for the sins of
man, commenced his sacred functions towards
his unhappy penitents. By day and by night
Father Brennan was at their side, comforting
and consoling them in this their hour of tribu-
lation. God did not desert them, for one of His
most favored and saintly Ministers, although en-
feebled by age, was never absent, and adminis-
tered to them the holy Sacraments of the Church.
There is a noble-hearted woman whose name I
should here mention, Mrs. James Grant of
Belleville, who, to her eternal honor be it stated,
daily visited Mrs. Aylward in her lonely cell,
sometimes remaining with her all day and a por-
tion of the night, discharging those kindly offices
of mercy to one of her own sex, so soon to suffer
the extreme penalty of the law in the presence
of a vulgar and brutal crowd of men. Mrs.
Grant the night preceding the execution remain-
ed with her all night, and in the morning ac-
companied her to the scaffold, and proved her-
self on the trying occasion a true woman indeed.
As a further evidence of the kindness and good-
ness of heart of this lady, she has adopted the three
orphan children of the Aylwards. May God
reward her; and it is to be hoped that she will
not be allowed to hear all the expense, but that
a generous public will share with her the burden.
But let me hurry on to the close. Just before the
unfortunate people stepped on the fatal drop, for
the last time they embraced each other, Mrs.
Aylward bidding her husband to maintain his
courage to the last and rely on the mercy and
goodness of God; for said she, "we will soon be
relieved from our earthly prison, and receive that
mercy from our Saviour in Heaven which re-
denied to us by man on earth." Let me draw
a veil over the horrid scene at the execution, and
conceal the fainting form of the Priest from the
public gaze, borne away from the awful spectacle
in the arms of his friends. And now the last
sad offices of the Church were to be performed
as they lay in their coffins in the Church to which
they were taken when life had fled. The sacred
edifice was crowded to suffocation, hundreds had
to depart who could not gain an entrance. Fa-
ther Brennan appeared in his robes at the Altar,
and in the most affecting manner gave a short
history of their lives, and told the people of the
edifying death of the "victims of the law,"
whose bodies were before them in the Church of
God. He solemnly avowed at the Altar and in
the presence of his blessed Saviour, that he be-
lieved them to be innocent; and in touching lan-
guage reproached the Government for not ex-
tending that mercy so strongly recommended to
them by the Jury. He advised his people never
to trust to the mercy of men, for after all the
only true fountain of mercy is Heaven, where it
is never denied to those who seek for it in sin-
cerity and truth. After reciting the Miserere