

The True Witness.

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MONTREAL, FRIDAY, MARCH 6, 1863.

Mr. Gillies of this office is now on a visit to our subscribers throughout the Upper Province, with full power to settle all accounts, and to make such arrangements as may to him seem appropriate. We take this opportunity of recommending him and the object of his visit to our Western subscribers.

NEWS OF THE WEEK.

When first it was rumored that Lord Russell had, through his agent Mr. Odo Russell, made to the Sovereign Pontiff the cool proposal that he should abdicate his sovereignty in favor of the King of Sardinia, and that the British Government would, in that case, kindly undertake to furnish the Pope with quarters in the island of Malta, and dry lodgings in Valetta, the news excited no little commotion. By those who best knew Lord Russell, the unbounded and unflinching arrogance of the little man, and that he is equally ready as a moment's notice to undertake the command of the Channel Fleet, or to superintend a delicate and most dangerous surgical operation, the rumor was looked upon as exceedingly probable; by more it was greeted with blank surprise; whilst the majority perhaps treated it as too monstrous for the pages of the modern historical romance. It turns out however, that it was perfectly correct: and from the correspondence just laid before the Imperial Parliament, we learn the full particulars of this most extraordinary diplomatic transaction.

Lord Russell, in the first series of the now published official correspondence, informs Mr. Odo Russell, that "Her Majesty's Government are of opinion that Rome should be the capital of the Italian Kingdom;" and such being the "opinion" of the Palmerston-Russell Ministry, it was clearly the duty of the Sovereign Pontiff to abdicate at once in favor of Victor Emmanuel: in which case "the Admiral of Her Majesty in the Mediterranean would convey the Pope to Malta, to Trieste, to Marcellas, or Valencia, and if His Holiness should choose to remain in Malta, Her Majesty's Government would there provide a mansion fit for his reception"—with board no doubt for himself and one man servant.

This liberal offer was by Mr. Odo Russell duly communicated to Cardinal Antonelli, who again laid it before the Sovereign Pontiff—and both no doubt, must have enjoyed a quiet but hearty laugh over the impertinence of the entire proceeding. His Holiness however with all due gravity caused Mr. Odo Russell to be informed that for the present, he had no design of giving up housekeeping, and of going into furnished lodgings—though if ever the whim to that effect should take him, His Holiness would give Johnny Russell's kind offer all the attention that it deserved.

If the first series of correspondence between Lord Russell and his man Jack, puts them both in merely a ridiculous light before the world, the second places the latter in a very unenviable position. He—that is to say Mr. Odo Russell—wrote a rigmorale letter to his employer at London, setting forth how the Bourbon Committee at Rome had sent a detachment of 260 armed men to join Tristano, dressed as French soldiers so as to "deceive the Italian outposts and patrols." Upon the receipt of this intelligence Lord Russell wrote a flaming despatch to Earl Cowley, to be communicated to M. Drouyn de Lhuys, remonstrating with the French Government for sanctioning what his little Lordship was pleased to term "these barbarous outrages." The French Government having written for information to their General at Rome—the Count de Montebello—learned that Mr. Odo Russell's statement was a tissue of falsehoods, and the issue of the affair must have been very unpleasant, personally, to their author. He, it seems, having had the impudence to call upon General Montebello, was by the latter very coolly received, and bowed, not to say kicked, out of the room, as a bearer of false reports. Such has been the ignominious termination of British "non-interference" in the affairs of the Italian Peninsula. Meanwhile, the gallant resistance of the loyal Neapolitans to their alien invaders, is making rapid and steady progress, in spite of the atrocities of the latter. In vain have these shot in cold blood no less than

Seven Thousand adherents of the rightful king of Naples; in vain does the London Times, and other organs of European Liberalism exhort the Piedmontese to still more energetic measures to crush the resistance of a brave and loyal people—for "brigandage" is becoming more bold and more formidable, the more it is repressed, and—as the organs of the intrusive Government assure us—the more it is thoroughly extinguished in blood. The Times takes comfort however in the fact that there are many lewd and disorderly priests in the City of Naples, who have availed themselves of the invasion of their native land by the Piedmontese, to throw off their allegiance to the Church, and to give full scope to the indulgence of their carnal appetites. As a set off to the alarming progress of the "brigands," the Times' correspondent recounts with much glee the proceedings of a public meeting lately held in the City of Naples, and under the protection of Piedmontese bayonets; whereas some of these lewd priests, aforesaid, distinguished themselves by "deepest scorn and indignation" which they "reserved for the Church and her Ministers." Of these, one of the most prominent was a certain Santaniello, who, to judge by the report of his speech published in the Times, must be a very extraordinary person indeed; for he is represented as piously giving God thanks for that he was not only horn an Italian, but that he "was born a Christian"—and not, of course, as is the case with less favored mortals, a child of the devil. Neo-Christianity is evidently going a-head in Italy, and great is the satisfaction of the Protestant world, as one by one the fundamental doctrines of the old religion are cast to the winds by the apostles of the new Evangel. Men who were "born" Christians will no doubt approve themselves the spiritual as well as the political and social regenerators of a revolutionized Italy.

The designs of the Emperor of France with regard to this Continent are still wrapt in impenetrable obscurity. The Poles continue their gallant, but it is to be supposed, hopeless struggle with the colossal power of Russia; but unless they are aided by some of the European Powers, the result will, we fear, be but an increase of the sufferings of the unhappy people of Poland.

From the theatre of war on this Continent we have nothing important to relate. Vicksburg is not yet taken, and the military operations of the week have been limited to occasional and indecisive skirmishes. At sea the Confederate cruisers have made some very valuable seizures, and the Yankee gunboat *Indianola* has been destroyed by the Confederate man-of-war, the *Queen of the West*.

The political news is more exciting, and more important than the military. The Legislature of Indiana has had its proceedings suddenly closed by the secession of all its Republican members; and an entire change of policy by Abe Lincoln is announced. General McClellan is to be reinstated in command of something, somewhere, by way of stopping the clamors of his friends: and the conservative party in the North is to be conciliated, if possible, by the appointment of some of its members to seats in the Washington Cabinet. The enrolment of the blacks proceeds but slowly.

PROVINCIAL PARLIAMENT.—The long dreary debate on the Address is at an end, Ministers having had majorities in their favor. Still the torrent of talk flows on, turbid as ever, but no important measures have as yet been brought forward. Our readers will, we are sure, excuse us for not inflicting upon them the debates, weary, stale, flat and unprofitable, of the Canadian Parliament, or Talk-house.

To the Editor of the True Witness.
Sir—The country owes you much for the fearless and able manner which you have treated the case of the unhappy Aylwards; and I am pleased to find that the statement of facts which was furnished you by your correspondent *Sarsfield*, has not been questioned by the press in either section of the Province. In a short time the evidence taken at the trial, officially authenticated, will be furnished to the public; you can fearlessly await its publicity, fully relying that the history of the tragedy, as it appeared in the columns of the *True Witness*, will be sustained in every essential particular. It is of much moment when a newspaper published in the interests of religion, and exercising so vast an influence as your journal undoubtedly does, discusses a question of such momentous interest as that which is involved in the Aylward affair, that it should have truth for its basis; and that the facts should be clearly and fairly stated. The public have then the privilege of drawing their own conclusions, and of forming an intelligent opinion equally with yourself. The 1st number of the *True Witness* contains the proceedings of a meeting of the "Catholics of Belleville," convened for the purpose of taking into consideration the subject of a letter which appeared in the *Canadian Freeman*, relative to the Aylwards, and signed an "Irish Catholic." At that meeting documents were read, and incorporated into a resolution, giving expression to the belief on the part of the meeting, that had these papers been produced at the trial, the Jury would not have found the Aylwards guilty of murder. I take the liberty of reproducing these papers here in order that the few remarks I intend to make on them may appear more intelligible to your readers:—

"May 20th, 1862.
"This day came before me Richard Aylward, and deposed that on Friday last, Wm. Munro and his son

Alexander, without any provocation on my part excepting an attempt to shoot their heads, knocked me down, and attempted to take a gun out of my hands with the avowed intention of shooting me. Not succeeding in this, Alexander Munro seized a pistol which had fallen from me in the struggle, endeavored to shoot me with it, in which he was abetted by the old man. He further deposes that he is in bodily fear in consequence of threats made by the said Munros, and William Johnston, all of whom he wishes bound over to keep the peace, Johnston having on one occasion threatened his life.

(Signed) "RICHARD AYLWARD.
"Sworn before me this 20th day of May, 1862,
(Signed) "ANDREW JELLY, J. P."

Anne Perrin being sworn, deposed as follows:—
On Sunday the first of June, I saw Mary Aylward at her own house, we spoke about the death of Munro, and she said she was sorry she gave him the blow.
(Signed)

(Signed) A. A. YOMANS, (Witness).
her ANNE PERRIN, mark.

In discussing this case, it is of much importance to have the opinion of the Catholics of Belleville, as given at this meeting fully known; for it will tend much to assure the public that there existed no undue bias against the prisoners on the part of the Jury who tried them; and the publication of the documents to the nonproduction of which at the trial so much importance is given, must prove exceedingly gratifying to the friends of the Administration as it shows that no evidence has been discovered since the trial bearing upon the case, and that which the Catholics at that meeting supposed to be evidence is nothing of the kind, and could not be received as evidence at the trial. The first document is a copy of the deposition of Aylward himself, taken before a magistrate after he did the alleged act for which he was tried; and clearly could not have been received as evidence in his defence any more than his declarations of innocence, or his own history of the transaction to contradict the testimony of sworn witnesses that he did the act complained of, which was the issue to be tried by the Jury. Then as to Johnston "having on one occasion threatened his life," surely any tyro in the law knows that Aylward's statement that Johnston (a witness against him) did actually threaten his life, could not be given in evidence to contradict Johnston's testimony on the charge of murder, or on the charge of an assault on a third party.

The second document is a paper alleged to be signed by Anne Perrin, wherein she states that she saw Mrs. Aylward at her own house, and that Mrs. Aylward said she was sorry she gave Munro the blow. Now in the name of common sense, how could Mrs. Aylward's expression of sorrow to Anne Perrin on the first of June, contradict a witness who stated that on a different day she said that she was not sorry, or that she intended to cut off Munro's head? The thing is absurd; and I only regret that the Catholics at that meeting instead of depending on these papers to make out a case, did not fearlessly rely, as they justly might have done, on the facts adduced at the trial to vindicate the memory of the poor Aylwards, and boldly to charge the Administration with gross culpability in not advising the exercise of the royal clemency, so strongly recommended by the Jury, and so earnestly prayed for by all the leading men of Hastings with the solitary exception of the Grit M. P.

We have no hesitation in saying that we fully agree with the respected writer of the above, with respect to the legal worthlessness of the affidavits therein contained. As evidence which could, or should have been adduced on the trial, they were not worth a straw; and we think that the Counsel for the prisoners exercised a wise discretion in not attempting even to lay them before the Court. The case for the defence was a good one without them, and would not have been improved by the production of the silly and irrelevant documents in question.

For, as on the 20th of May, the day on which Aylward made his affidavit, Munro was lying wounded on his death bed, it is clear that the deponent had no cause to apprehend violence from him whom he sought to bind over to keep the peace; and that, therefore, he had some object in view in making the said deposition, other than that of protecting himself against the violence of Munro. That object was to put on record his version of the transaction of the 16th; but, *legally*, this could not have been admitted as evidence; whilst *morally* it was as worthless as the *ex parte* version of the same transaction given by the younger Munro—than which we can conceive nothing more worthless. Aylward and Munro were both interested parties, and both therefore, *morally*, most incompetent witnesses. One statement however could, *legally*, be received; whilst the other, as the statement of the accused person on his trial, could not be admitted as evidence.

The peculiarity of the Aylward case is this: that only four persons, and all four interested parties, had, or could have, any the slightest knowledge of the circumstances under which the elder Munro met his death. These four persons were the two Aylwards, and the two Munros; and the sole questions at issue are these: In the struggle which terminated fatally for the elder of the latter, did Aylward attack the two Munros? or did the two Munros attack Aylward? Upon these points the elder Munro preserved, during the ten or eleven day of his last illness, a strict silence: the younger Munro, on the other hand, asserted that Aylward attacked him and his father, thus commencing the fray; whilst, on the contrary, both the Aylwards asserted with their dying breath, that the two Munros attacked Aylward, by attempting to wrest from him the gun which the latter had in his hands. Of these two contradictory statements the latter is, intrinsically, by far the more

probable; and as the extrinsic evidence is in both cases, *morally* worthless, we have only the intrinsic, to help us to a correct appreciation of the respective credibility of the two conflicting accounts.

That given by Aylward may be false, but it is coherent and consistent throughout, and harmonises with all the other known facts of the case. That of the younger Munro is *per se* highly incredible, very incoherent and inconsistent, and perfectly irreconcilable with other statements by him made on the trial. It is not probable that one man would attack two, of whom one alone was much more than a match for him; it is not probable, or consistent with the hypothesis of "malice prepense" on the part of the Aylwards, that the man should have left his house in company with two powerful foes upon whom he meditated an attack, when, if so disposed, he might have assaulted them at the house, and conjointly with his wife and with equality of numbers on his side; and the hypothesis of Aylward having been the assailant, is irreconcilable with the admitted fact that it was the Munros who came over to the Aylwards for no other conceivable purpose than that of having a row with the latter, or in other words of "getting satisfaction" out of them for having short their—the Munros'—fowls.

On the other hand, it is very probable that two strong men should attack, and attempt to wrest a gun from the hands of one weak one; and that they should do so, is perfectly consistent with the reason assigned by Aylward for rushing out towards his young wheat—viz., the design of again shooting any fowls that might be trespassing therein—a design which of course the Munros would be interested in frustrating; whilst it is not easy to understand why Aylward, having gone a considerable distance from his house in company with the two Munros, should suddenly, and without provocation have turned round upon them for the purpose of attacking them. The account of the transaction given by the Aylwards, though legally worthless, and from the peculiar circumstances of the case—such as the absence of all disinterested witnesses—incapable of legal proof, is certainly far more probable and truth-like than that given by the younger Munro.

The latter also tells us that Aylward suddenly turned round, and without provocation presented his gun at him and his father with his left hand—not a very formidable mode of attack, as any one familiar with the use of firearms will recognize—and pulled out a pistol with his right.—From this it is clear that Aylward, before the row commenced, must have been walking in front of the Munros, or he would not have had to turn round to bring his gun to bear upon the latter. But no one who meditates evil against another, is such a fool as to walk in front of him against whom he entertains a malicious intent.—Just as a policeman always makes his prisoner walk *before*, and not *behind*, him—so he who meditates violence against another always takes good care to walk behind the object of his hostile designs; and the fact that the two Munros were behind Aylward when the row commenced, more than counterbalanced any advantage which the possession of firearms gave to the latter.—We have had some little bush experiences in the matter ourselves; and from these we know that no man, meditating hostilities, would be such a fool as to allow him, against whom he meditated those hostilities, to walk *behind* him; for by so doing he would be giving to his intended foe all the advantages of position that the latter could require. This though apparently, and to persons not acquainted with the usages of bush life, a small matter, is of importance in enabling us to test the respective credibility of the two contradictory versions of the Aylward-Munro tragedy. It does not of course prove the truth of that made by the former; but it raises reasonable doubts as to the truth of that of the latter; and according to the principles of British jurisprudence, the accused on a charge of felony should have the benefit of every doubt. We are not called upon to show that the Aylwards were innocent of deliberate and premeditated murder; all that can be expected of us is to show that the evidence adduced against them did not conclusively establish their guilt.

And this is the only point that we have intended to make, or have endeavored to establish. It is not true that we have represented the Aylwards as "martyrs to their religion"—as the *Witness* in its issue of the 26th ult. falsely pretends; and we have on more than one occasion given full credit to our Protestant fellow-citizens for the charitable and active exertions by them made to avert the catastrophe of the 8th Dec. Respecting the selection of the day—a solemn Festival of the Catholic Church, and one especially distinguished in the ecclesiastical calendar of the Church of England—we have expressed a strong opinion; but as we pretend not to infallibility, as our opinions have no bearings upon the merits of the case—that is to say the guilt or innocence of the Aylwards; and as the justice of those opinions is impugned by the *Witness*, we willingly admit that on this one point we may have been in error; and that the

selection of the Feast of the Immaculate Conception of the Blessed Mother of Our Lord, was the result of an inadvertence on the part of the Judge, who sentenced the Aylwards, and of the Executive, who insisted upon that sentence being carried into execution in all its particulars.

We have also said that the brutal and unprecedented conduct—as reported in the *Belleville Protestant journals*—of the spectators of the execution—their hideous cries to "hurry them up," and their eagerness to feast their eyes upon the death struggles of the unhappy convicts, are calculated to raise suspicions that, amongst some, there existed a prejudice against the Aylwards as Papists; but at the same time we have, in the strongest terms, repudiated all intention of attributing the diabolical sentiments of the crowd around the scaffold, to any considerable number of our separated brethren. There are bad and cruel men of all denominations, amongst those calling themselves Catholics, as well as amongst Protestants; but the theological errors of the latter cannot prevent us from recognising and cheerfully admitting the fact, that the petition for mercy to the Aylwards was signed by every Protestant "to whom it was presented," with one solitary and painful exception. The rabble around the scaffold on the 8th of December, roared and bellowed to "hurry them—the victims—up;" and amongst those who so roared and bellowed, there were probably many excellent voters, whose sweet voices might decide the fate of a contested election; but with the exception of this rabble; and perhaps of the man who refused to sign the petition for mercy, we do not think that there was a Protestant who would not gladly have hailed a reprieve to the Aylwards as an act of simple justice on the part of the Executive.

But all this has nothing to do with the question of the guilt or innocence of the Aylwards; and this alone is the question which interests us, and which has induced us to give the tragedy such prominence in our columns. This question alone, and to the exclusion of all side issues, we have endeavored to discuss; and that we have done so fairly, is pretty evident from this—that neither by the *Witness*, nor by any other journal in Canada, has the truth of a single one of our statements of the facts of the case been impugned; and that, though we have been accused of misrepresentation, and unfair pleading, no single instance of either has been specified by any one of our opponents. The *Witness* of the 26th ult. commenting upon our report of the Aylward case, as given by the *Globe*, says that "it does not contain a single new fact;" thus paying us the highest compliment, by admitting that the first statement, as originally given in our columns by *Sarsfield*, is identical, in all substantial facts, with that given subsequently by the *Toronto Globe*. Higher compliment than this no man could desire; for it is an admission by an opponent that all the facts of the case have been correctly given from the first by the *True Witness*.

Again, the *Witness* says of our analysis of the evidence given on the trial, as reported in the *Globe* that:—

"The whole pleading is of the style often used in criminal courts by unscrupulous advocates, who appeal more to the national and religious prejudices of the jury, than to their impartial judgment."

But as the *Witness* does not cite one single word from our analysis of the evidence, does not attempt even to indicate one instance wherein we have been guilty of false logic, vicious argument, or "appeals to national and religious prejudices;" and as the *Witness* would no doubt gladly if it could, convict us of error, and expose the fallacy of our reasoning, we are entitled to assume that the soundness of our argument, and the fairness of our analysis of the evidence as reported by the *Globe*, are as unassailable, as is the truth of the facts, or premises from which we argued, and drew our conclusions. Again we say to the *Witness*, and to all our opponents—"Convict us, if you can, of a single false statement of facts with regard to the row in which the elder Munro received the fatal wound, and we will at once retract it, and make the necessary correction. Convict us of false or vicious reasoning from the premises which those facts supply, and we will act in like manner. But so long as, without condescending to particulars, you can deal only in vague generalities, remember that you are paying the highest compliment in your power, to our veracity, and to the soundness of our conclusions."

Once for all we repeat, and we trust that it is the last time that we shall be compelled to do so—we assign, we attempt to assign, no reason for the extraordinary verdict of the jury, for the extraordinary severity of the sentence pronounced by the judge, or for the extraordinary obduracy of the Executive—an obduracy the more extraordinary in the case of the Aylwards, seeing that the most detestable of all murderers—Yankee abortionists who in the prosecution of their filthy but lucrative trade, destroy the life of mother as well as of child—are invariably the special objects of Executive clemency, and of the sympathies of that very large section of our Canadian press whose columns teem with abortion advertisements." But in our own defence, and as a proof how false is the insinuation that