

The True Witness

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NEWS OF THE WEEK

Our European files for the past week are very barren of interesting matter. No great political changes have occurred on the Continent, and from the manufacturing districts in the North of England the tidings are more cheerful than they have been of late.

There has been hard fighting on this side of the Atlantic betwixt the two hostile parties, and the results are upon the whole very cheering for the cause of Southern independence. The great Federal expedition against Vicksburg has been gallantly repulsed by the Confederates, who inflicted great slaughter upon their enemies.

The strong and well grounded confidence that Protestant journalists place in the ignorance of their readers upon all matters connected with the doctrine and discipline of the Catholic Church, and of ecclesiastical history outside of the pale of their own little insignificant sects, is well illustrated by the St. John's Colonial Presbyterian of the 25th ult.

The Greek Church encourages the circulation of the Bible in the vernacular language of the people, in which also its own ritual is generally celebrated, and while associating tradition with the written word of God as a Rule of Faith, the Greek Church provides that the former must be in accordance with the first oecumenical councils, and the Synods held in Constantinople in 692, and 879, 880.

To us we reply, that the Greek Church does not encourage the circulation of the Bible in the vulgar tongue amongst the people; because its Rule of Faith is, formally, identical with that of the Catholic Church, as is admitted by our opponent. Not the Bible alone, but the Bible as interpreted by the Church, and through her Synods, is the Rule of Faith to the Christians of the East, as it is to those of the West; and on this fundamental point they both differ from all Protestant sects.

refer our contemporary to Geiseler's Compendium of Ecclesiastical History, as a Protestant authority upon the subject, which he will be more likely to accept favorably than that of a Catholic historian.

With respect to the other Constantinopolitan Synod, that of 879 880, the same rejoinder is applicable. Neither by Rome, nor by Protestants of any sect, has it been received as authoritative on matters either of doctrine or of discipline; and again in this respect, where the Catholic differs from the Greek Church, there the former agrees with all existing forms of Protestantism.

If, however, we would learn the precise extent of the dogmatic differences betwixt the Catholic Church and the schismatic Greeks, we may find it clearly defined in the letter of Michael Cerularius, Patriarch of Constantinople, A.D. 1053, and addressed to John, Bishop of Trani in Apulia. Next to Photius, Michael Cerularius may be looked upon as the chief agent in the deplorable schism which separated the East from the West; and as no man could have been better acquainted than was the last-named with the differences which led to that schism, so also no one could have been more deeply interested in making out what is called "a good case" against Rome, and in justification of the very serious movement which he contemplated.

That such actually was the case, appears also from the debates at the Council of Florence, when, for a time, the breach betwixt the two Communions was closed up. It is therefore false that, as our contemporary pretends, "the Mass of the Greek Church is essentially different from that of the Roman;" for were there any such essential difference to-day, the same essential difference must have been in existence prior to the eleventh century—since the present rituals or Liturgies of both are, by all admitted to be identical with those employed eight hundred years ago; and would have been pointed out, and insisted upon by the promoters of the schism, in justification of the separation of Churches differing "essentially" from one another on matters relating to faith and worship.

nonsense!—we respectfully ask of our contemporary, "If the Greek Church prays for the dead," is it not evident that that Church believes, or that, when its present Liturgy was compiled, it did believe, that the dead were, or might be, in a state intermediate betwixt heaven and hell, and wherein they might be assisted by the prayers of the faithful upon earth? But if the Greek Church believes, or believed, this—and upon any other hypothesis its custom of praying for the dead is inexplicable—it holds, or certainly once held, all that the "Roman Church" teaches as of faith concerning purgatory:—

"Purgatorium esse, nimirum ibi detentis fidelium souffris, potissimum vero acceptabili Altaris sacrificio, juvari."—Cunc. Trid. Sess. 25.

This is all that the "Roman Church" asserts dogmatically on the subject: that there is a purgatory, and that the souls of the faithful therein detained are assisted by the prayers of the faithful, and especially by the acceptable Sacrifice of the Altar. This too is, and ever has been, the doctrine of the Greek Church on the same subject, as is evident in that it "prays for the dead"—for whom it would not pray if it did not believe that they might be aided by those prayers, and were therefore neither in the full enjoyment of heaven and its perfect happiness, nor in the torments of hell from which there is no redemption. There have been differences of opinion between the Eastern and Western Fathers as to the precise conditions of purgatory—some holding to fire, others to darkness; but the Western Church has never pronounced dogmatically upon the subject, and in her prayers for the dead she invokes for them a place both of light, and of refreshment. There is therefore absolutely not the slightest difference betwixt the doctrinal teachings of the Greek and Western Churches upon the subject of Purgatory.

So too with regard to the use of images, and the invocation of the B. Mother of God, and other Saints reigning with Christ. It is true that the Greek Church objects to images in relief, but admits and encourages the use amongst its votaries of pictures or images upon a plane surface. This involves however no essential difference, or difference of principle; for if to treat with outward marks of respect an image "in relief or embossed work" be idolatry, to treat an image painted on a plane surface, with similar marks of respect, must be no less an outrage upon the divine majesty, and an infraction of the divine commands. There is however one important admission, inadvertently made by our contemporary upon the subject of the invocation and honoring of Saints, to which he will, we trust, permit us respectfully to direct his attention. He says:—

"Though the Greek Church venerates the Virgin Mary, it knows nothing of the Mariolatry of the Roman Church, and would be utterly astounded to hear of that great dogmatic novelty, the doctrine of the Immaculate Conception."

The above extract shows that, when it suits their purpose, Protestants can discriminate, can see an essential difference betwixt *dulia* and *latria*; betwixt that honor, or religious "veneration" which may innocently be paid to the Saints as creatures, and that which is due to God the Creator alone, and which if tendered to any creature, however exalted, would be idolatry.—Under ordinary circumstances, Protestants profess to be unable to see the difference; they brand the distinction betwixt *dulia* and *latria* upon which the Catholic controversialist insists, as casuistry, hair-splitting, and, to sum up all in one word, as "Jesuitry;" but when by recognising the essential difference betwixt the higher and lower kinds of worship, signified respectively by the terms *latria* and *dulia*, they can magnify schism at the expense of the Church, their mental eyes become so keen, their metaphysical faculties are so sharpened, that they can detect a difference where none exists. The "veneration" which the Greeks pay to the B. Virgin, is, in kind, precisely the same as that which the Catholic Church offers to the same object—that is to say, the higher form of *dulia*, or *hyperdulia*, which differs from *latria* not in degree, but in kind.—But we let this pass; we are satisfied, perfectly satisfied, with the admission made by our Presbyterian contemporary, to the effect that it is possible to give religious veneration to a creature without falling into the sin of idolatry; and that the *cultus sanctorum*, or worship of the Saints, by no means necessarily involves that highest form of worship due to God alone, and distinguished by the term *latria*. Henceforth, we may expect from our Protestant contemporaries a more rational treatment of the important question—whether it be possible to venerate the Saints without being guilty of idolatry?—and the entire question at issue betwixt us and them on the subject of saint worship will thus be narrowed to the discussion of the question of fact—Does the homage, worship, or "veneration" which the Catholic Church pays to the Saints exceed its legitimate bounds? and is it in short as innocent as that which the Greeks—who know nothing of the Mariolatry of the Roman Church—pay to the B. Virgin? If our contemporary will condescend to define "the doctrine of the Immaculate Conception"—as he understands it—we shall perhaps have it in our power to show to him either, that he is grossly ignorant of its signification, or that it is by no means a "dogmatic novelty," or one which would in any degree astound those acquainted with Oriental patristic literature.

The Aylwards.—In our last we promised to make our readers acquainted with the real facts of this case, which has excited a profound interest throughout the Province. To-day we hasten to redeem that promise, having received full and correct particulars from our esteemed correspondent Sarsfield, the substance of which we hasten to lay before our readers; since from its length it is impossible to give the letter in its entirety in our limited space. We may preface the story, with this expression of our opinion, formed after an attentive and impartial study of all its facts—that the Aylwards were murdered; judicially murdered indeed, and with all due forms of law; but, none the less foully and most brutally murdered.

The Aylwards, an Irish Catholic couple—the husband about 26 years of age, the wife some three years younger, and with three young children—were both of irreproachable character, and remarkable for their attachment to one another, their industry, the neatness of their little house, and their amiability of disposition.—Some three years ago they settled on a lot of 50 acres, given by Government as a Free Grant, to encourage the colonisation of the back townships of the County of Hastings; and shortly after their sitting down upon their newly acquired lot, they were followed by a Scotchman of the name of Munro, who with his family, including a young man of about twenty years of age, availed himself of the liberal terms proffered by Government to new-comers. The Aylwards and the Munros, were neighbors, and lived harmoniously together for some time; but during the spring of the second year great ravages were committed upon the Aylward's young wheat crop by Munro's hogs; and though the aggrieved party often quietly and in a most friendly manner remonstrated upon the subject with Munro, begging him to keep his hogs out of his neighbor's crops, poor Aylward could get no satisfaction, and his complaints were treated with marked indifference. Under these circumstances the latter concluded that he had the right to protect his little property from destruction, and to shoot any animals he might thenceforward find committing depredations thereupon. Indeed his wheat crop was in imminent danger of total destruction from the ravages committed upon it by Munro's hogs.

We now come to the facts which led more immediately to the death of the elder Munro, as detailed by the Solicitor General upon the trial, and elicited in evidence.

One day towards the end of May 1862, Munro together with his son, who he it remembered was about twenty years of age, came over to Aylward's house, and accused the latter of having stolen one of his hens. This charge Aylward denied; but it was reiterated again and again in a very offensive manner by Munro, who was greatly excited, and declared he would not leave the premises until he got his hen. In vain Aylward assured him that he had not got his hen, though he admitted that he might have shot one in his wheat-field, where perhaps Munro might find it; and again and again he begged the latter to leave his house in peace. The Munros refused to go, and confident in their superior force, since they were two to one, the elder declared that "he would remain as long as he pleased." Angry words then passed between them, when at last Munro suggested to Aylward that the hogs might at that very moment be in the wheat-field of the latter, destroying his crops, and that he had better go and shoot them again, but that he should carry none away with him.—Aylward turned back into his house, at the door of which he had been standing throughout the altercation; and taking down his gun, proceeded towards the wheat-field followed by his two antagonists, the Munros. According to the statement of the younger of these—who though an interested party was the only evidence against Aylward on the subsequent trial—the latter turned round, bringing his weapon presented towards the elder Munro. The latter seized hold of the gun, and a fierce struggle ensued for the mastery; but Munro being a much larger and stronger man than was Aylward, forced his opponent back towards the house. In the struggle a pistol—so the younger Munro swore on the trial, though no evidence of the existence of such a weapon was ever produced—fell from the person of Aylward; the elder Munro called to his son to pick it up, and whilst doing so, the witness deposed that Aylward fired his gun at him, and lodged its contents—slugs—in his back. The younger Munro added, that he then got up, and looking round saw Mrs. Aylward standing where he last saw her husband struggling with his father; that he then ran home as fast as he could, where shortly he was rejoined by his father, the elder Munro, bleeding profusely from two wounds—one in his head, and the other in his right arm. The wounded man lingered for about twelve or thirteen days: he had no medical attendance, but was treated by a quack calling himself an "Indian Herb Doctor;" and in consequence, apparently, of neglect or improper treatment died of exhaustion and loss of blood. So far, however strong the presumptions against the Aylwards, there was no

evidence to show that they, or either of them, had inflicted the wounds; and Munro, when near his end he was appealed to to have the persons who wounded him arrested—refused to do so, saying, "No! I don't want them arrested, I am as much to blame as they are." On his death bed, he clearly remembered that he was the sole aggressor; and that what the unfortunate Aylwards had done, they did in self-defence, and against superior physical force which they had no other means of repelling. This defect of evidence was supplied in the following manner.

It was deposed on the trial—that the Aylwards had themselves acknowledged before several persons in the village, to having inflicted the wounds of the effects of which Munro died—that Mrs. Aylward had given an explanation to the effect that, seeing her husband struggling with Munro for the gun, she seized a scythe that was in the house, and running to her husband's assistance struck Munro with it on the head and on the arm. It was further deposed that she—Mrs. Aylward—also made use of very violent language when speaking of the transaction, saying that it was her design to "cut off his head;" and that when she heard that Munro was suffering from his wounds she made an ejaculation to the effect that she hoped "that God would increase his pains," and again expressed a regret that she had not killed "old Bally" at once," as she intended to do. But as all this hearsay evidence, or tittle-tattle as to what a nervous, and excited woman said, after the event had occurred, could by no means affect the moral or legal value of the act preceding, we only wonder why the jury were such idiots as to listen to it.

It was also deposed that, about the middle of May, Aylward had had his scythe sharpened; and that, four or five days before the sad event took place, he had taken it off from the *smith*, or handle, telling his wife to use it, if ever he should require help; but as it also appeared that Aylward's scythe never had been attached to a *smith*, or handle, it is also evident that the Crown witnesses were not only perjured, but very clumsy perjurers to boot. Another effort was made by one of these gentry to instigate malice against the accused, by the retelling of a cock and a bull story about Mrs. Aylward having told somebody that "she intended to finish old Munro by inducing him to cross their fence, and that she would then retire towards her own house, and that her husband should thereupon shoot him, and she could be a witness for her husband to swear that Munro had followed her with intent to take improper liberties with her." Again we wonder why such irrelevant twaddle, which had nothing whatever to do with the questions, "Did the Aylwards inflict the fatal wounds upon the deceased Munro? and if so, under what circumstances and provocation?"—was ever submitted to a Jury. And yet, such as we have detailed it was the entire case for the prosecution.

The accused were zealously and eloquently defended by James O'Reilly, Esq. of Kingston. He pointed out that the only positive evidence against the prisoners was that of the younger Munro, who as an interested party was a very incompetent witness; that, by the admission of this witness, there could have been no malicious intent upon the part of the Aylwards, seeing that when the two Munros taxed him in his own house with theft, and grossly insulted him, he repeatedly begged and prayed of them "to leave in peace." That all the evidence tended to show that, relying on their great superiority of strength, the Munros had come over to the prisoner's house with the express intent of picking a quarrel with him, and of assaulting him: that the story about the pistol lacked confirmation, seeing that if true, the pistol was in the younger Munro's possession, and might have been produced in Court, which it was not: and that, admitting that Mrs. Aylward did inflict the fatal wounds, she did no more than was her right, before God and man, to do—when her husband was on his own ground violently assaulted by one so greatly his superior in strength and size as was Munro: As to the subsequent violent language of Mrs. Aylward, he insisted that no attention should be paid to it; as, even if correctly reported, it was but the raving of a greatly excited and nervous female, agitated by the tragic events of the day, by the brutal assault upon her husband, and by the active part which she in consequence had taken therein, whilst in an extremely delicate state of health, and nursing her third child. As to her husband, it was not so much as insinuated that he struck the blow, or that he inflicted the wounds which led to Munro's death. This, and much more, did Mr. O'Reilly ably and eloquently urge in his client's behalf.

The judge having charged the jury, the latter after an absence of three hours came into Court with a verdict of *GUILTY*, coupled with a strong recommendation to mercy. The sentence of death was at once passed upon them; and by way we suppose of adding insult to injury, and making the monstrous and most unjust sentence doubly offensive to Catholics, the Feast of the Immaculate Conception was selected as the day for the consummation of the judicial iniquity. In the meantime active exertions were made