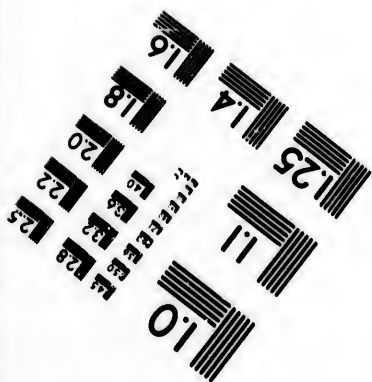
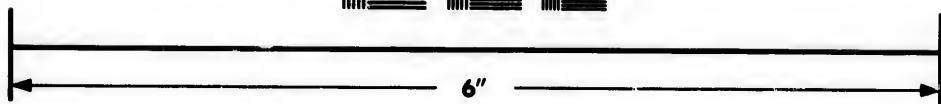
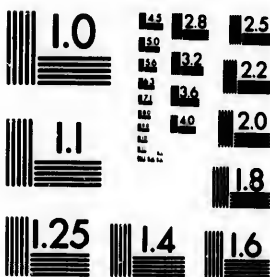


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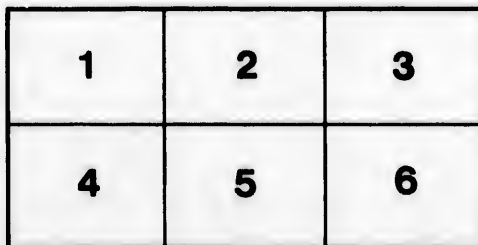
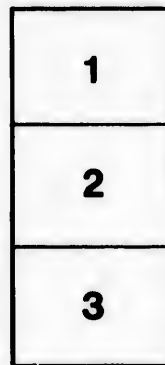
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THE AYLWARDS
AND
THEIR ORPHANS.

UNJUST HANGING OF PRISONERS AT
BELLEVILLE, C. W., TRIAL FOR
MURDER AND PROOFS OF
THEIR INNOCENCE.

A FULL REPORT OF ALL THE FACTS.

PUBLISHED BY H. E. D. (Formerly Reporter to the Press.)

FOR PUBLIC INFORMATION.

And to call forth sympathy for the Orphans.

"For them no more the blazing hearth shall burn,
"Or busy house-wife ply her evening care;
"Nor children run to lip their sire's return.
"Or climb his knees the envied kiss to share."

(Elegy in a Country Church-yard.)



QUEBEC
PRINTED BY L. P. NORMAND,
59, Desjardins Street, St. Roch.

1868.

P R E F A C E .

Canada has just witnessed the dissolution of her Parliament. We have undergone the excitement of a General Election.

Two parties viz: the *Ministry* and the *Opposition*, who have differed on many issues in the last Parliament are contending with each other for the right to rule us.

Some Hon. Members of the late Ministry have enlisted under the banner of the opposition.

What new arrangement may take place—whether or not a *third* party may rise to power—these are problems that cannot be solved.

But we address ourselves to a class more important than any political party. We are addressing ourselves to **THE PEOPLE OF CANADA.**

One point came up for discussion in the last session of the House: yet it remains unexplained. And yet we believe that no other point has since that period created so much interest outside the house. We allude to the fate of the unfortunate Aylwards!!

Had they been murderers of the deepest dye still their helpless little children—their three helpless orphans, thrown on the world without any means of support claim public sympathy—the Government it appears refuses any in this matter!!!

It is strange that Members of the last Ministry, though now in opposition have not given us any account of their past or present views regarding the Aylward Execution. *Our leading statesmen in office and out of office* are wonderfully united in the Silence!!

With the exception of Hon. Mr. Alleyne, Messrs. Hunt, Ferguson and O'Connor, no commiseration was expressed by Members in the house when the Aylward trial was mentioned.

These are the only exceptions: these gentlemen acquitted themselves creditably. Our Orators in office and out of office are dumb on the Aylward Case.

Now, the Public desire an explanation of this singular silence. The fate of the Aylwards awoke pity and regret in millions of persons—in every class and creed.

It is a Gross Blunder to say that this sympathy is a *party cry*. No.—It was a feeling of Humanity—proved by facts.

For the loudest in expressing this just sympathy were persons whose religious opinions differed from those of the Aylwards.

It is true that **THE PRESS** so often the faithful advocate of the poor and oppressed—in many instances, was true to this cause.

We may mention as honourable examples.—*The Daily News, The Chro-*

nicle, Courrier du Canada and some Montreal Journals.

Government, it is true, sent a Return to an Address from the Legislative Assembly asking for all Notes and papers connected with this Execution.

This printed Return contains the Evidence at the trial and the Petitions sent to Government. But we do not find in it the addresses of the Judge or that of the Coroner, nor those of the Lawyers. Other facts distinct from the trial, but throwing much light on the subject are omitted.

Now we intend to give in this pamphlet not only the Government Statement of the trial but likewise all leading facts which were made known either before or since the Execution.

Nations and Individuals resemble each other in most cases. If a neighbour is injured we naturally sympathize with the party aggrieved, we will only suppose that an injury has been inflicted, if it be only by general report—still humanity—our own interest—prompts us to know the facts.

And if we find that no Injury has been done we will observe noninter-vention—if the contrary we should peaceably seek legal and constitutional redress.

Peace and good will will then be promoted by this publication.

We trust that those who were wrong will repent and amend, then all parties will be satisfied.

Revolution we abhor—we are loyal to the Queen and the constitution of Canada. But no Canadian Minister has any authority to infringe on the rights

of that class of persons who are outside the house.

The Rights of her Majesty's subjects are concerned even when the oppressed individuals belong to the lowest and bluntest class. All are interested in the RIGHTS OF THE POOR WHO ARE OUTSIDE THE HOUSE.

Peaceably then we present our Publication premising the following observations. 1st. We do not mean directly or indirectly to censure the Governor General. So long as he is the Lieutenant of her Majesty in Canada he is entitled to our respect. 2nd. We do not aim at overthrowing the present Government. Our humble influence could not affect their position. But admitting as we do the ability of Ministers in many well known matters since the Premier took office nevertheless we do say that a Gross Blunder has been committed in the treatment the Aylwards received—we will give it no harder name than a Gross Blunder!!!

Repentance, Amendment and Restitution will be the duty of the Ministers who dictated such a policy.

We will just glance at it.

Aylward and his wife were tried before the Court of Queen's Bench, at Belleville, C. W. towards the end of October 1862.

They were found guilty of the murder of William Munro. *But the jury in that verdict strongly recommended them to mercy.*

The Judge sentenced them to be hanged on the 8th Dec. following:

Immediately several petitions, numerous and respectably signed by Protestants as well as by Catholics were

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These petitions asked that the lives of the prisoners would be spared, viz :

On the grounds that the affray was a quarrel merely. That it occurred in a remote settlement where no police could interfere. That the prisoners if executed would leave behind them three helpless children, one of them a babe at the breast—that these would have no means of support—besides other grounds.

No mercy could be obtained from Government though they read the petitions.

Lastly the R. C. clergyman, pastor of the convicts certified to the Government that he believed a month's delay absolutely necessary for their spiritual preparation for Eternity.

But the delay was refused. The Aylwards were hanged on the 8th Dec.

Since then Hon. Mr. Wilson who as Solicitor-General for C. W. prosecuted the Aylwards has been raised to the Bench. Mr. Wallbridge famous throughout Canada as being the only man in that district who refused to sign a petition for some mercy towards the Aylwards—rigid Mr. Wallbridge is now Solicitor General for Upper Canada in lieu of Hon. Mr. Wilson, promoted to be Judge.

Strangers and those who have not fully read this occurrence will find the following Memoir on the Aylward case instructive.

There is nothing more extraordinary in the Annals of Law and Justice.

We however who are alive can amend the past by the future

We sincerely hope that the People of Canada will peacefully and strenuously oppose Aylward Executions for the future.

We trust that this little publication may help to increase the fund for the Aylward orphans, viz :

It may as we hope direct the attention of good citizens to their undeserved fate. For however violent they may have appeared—taking their conduct in the worst light that reason permits—they did not deserve the death they underwent.—[Note.]

As a friendly warning we will glance at dangers that may be avoided by those who have the task of Legislating for Canada.

Report had it that certain statesmen at one period Members of the Executive Council were strongly addicted to strong liquors.

Sots be they who they may make silly statesmen. Drunkards are Disasters in any Ministry.

We give more credit to the opinion that some unhappy Blunder at first gave foundation to this long series of Blunders.

In fact Blunders are apparent on every stage of the proceedings.

We believe that no man of feeling will read these pages with anger towards us. What man who has children can be insensible to the associations that arise in parents torn from their offspring—in little ones torn from them. Cold and dark must be the heart that withholds sympathy from such scenes.

In one sense The Aylwards were fortunate. They died amidst the consolations of the R. C. Church—the Very

Rev. Mr. Brennan, their pastor testifies that in his "Sermon," which we give here.

In that dread hour they were cheered by a Faith which no power on earth can subvert.

In union with so many Christians in every age, they died in peace forgiving their persecutors. They were denied mercy by their Rulers here. But they knew (and the Public know) that the Merciful Ruler of all will judge differently. *With these Christian sentiments the Aylwards met death in peace.* We can forgive others though we detest their principles.

Some members of the Ministry which approved of hanging the Aylwards have now held the Reins of Government more than 12 months.

We do not deny that the ability and integrity of these Gentlemen is much extolled. But in this case we look for Wisdom in vain.

Perhaps this humble publication written without animosity—may serve them as a friendly warning.

Canadian Ministers no doubt undertake heavy responsibilities. But the people are heavily taxed and pay large salaries to Ministers.

Socrates we are told replied to his accusers by maintaining his right to public maintenance in consideration of the service he had done to Athens.

Canadian statesmen who will *Blunder* with human life—Those who would obstinately *force* an unpopular policy—might find in one respect indeed the fulfillment of the wish expressed by the Athenian sage.

Such legislators might perhaps *awake* from their day dreams or find the seat of Government removed for a time, to the Provincial Lunatic Asylum at Beauport.

Wishing peace and prosperity to Canada we close.

The following List contains the Names of the Ministers who by their vote in the Executive Council concurred in the Hanging of the Aylwards;

Atty. Gen. W. Hon. John Sandfield McDonald, Atty. Gen. E. Hon. * L. V. Sicotte, Sol. Gen. W. * Hon. A. Wilson, Sol. Gen. E. * Hon. J. Abbott, Com. Crown Lands, Hon. Wm. McDougall, Com. P. Works, * Hon. U. J. Tessier, P. Sec., * Hon. J. O. Bureau, Post Gen. * Hon. M. H. Foley, M. of Finance, Hon. Wm. Pearce Howland, P. of Council, * Hon. T. D. McGee, R. Gen. * Hon. James Morris, Agriculture, * Hon. F. Evanturel.

* Since the Aylward Execution after the vote of non confidence in the above Ministry the Gentlemen whose names are marked with a star have left the Government, Hon. Mr. Wilson having been promoted to be Judge.

Tried before Chief Justice Draper.

THE QUEEN	} <i>Indictment for the Murder of William Munro, at the township of Monteagle, on the 16th May, 1862.</i>
vs.	
RICHARD AYLWARD	
and	
MARY AYLWARD.	

1st. ALEXANDER MUNRO, sworn. —I live on the town-line between Monteagle and Wicklow, and have lived there since the 16th May, 1861.

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Indictment for
Murder of
William Munro,
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Monteagle, on the
14th May, 1862.

MUNRO, sworn.
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14th May, 1861.

The prisoners came two months later to live on the opposite side of the road. The deceased is my father. 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 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 till he got the hen. Prisoner Richard was 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 gable end. The field was, I think, sown with wheat. Then prisoner Richard turned, with the gun towards 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. He stepped back and fired, and hit me in my back, over the left shoulder. I was on my knees, leaning forward. I ran home directly. The gun

was loaded with cut and; 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 them away with him. When I rose with the pistol, I saw the prisoner Mary about 11 or 12 yards away, at the place where I left prisoner Richard and deceased scuffling for the gun. I did not then see deceased, nor did I see her until I turned, having picked up the pistol, I could not say whether she had any thing in her hand; I was frightened. After I got into the house, deceased came in; he was cut on the left side of the head and in the arms; he was bleeding much. The cut was above the left elbow. He had no coat on; was 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 wheat sown that spring, I believe, not long sown before this occurrence. Our two houses are about 2½ acres apart. Our house is to the west of theirs. Our hens were over in prisoners' wheat. Deceased and I went to prisoners' house. Deceased was angry at prisoner Richard shooting at his hens more than I was. I saw prisoner Mary in the house, and her 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 I 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 any thing in it. We then walked abreast to the wheat-field. Prisoner Richard was on deceased right hand, and he had the gun in his own right hand. We went about $1\frac{1}{2}$ or 2 acres. I saw prisoner turn with the gun. I did not see deceased first try to get hold of it. Prisoner had not 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 he tried to take the gun from him. I did not interfere. I was 8 or 10 feet from them. I don't know whether the gun was cocked. I believed deceased life was in danger. Prisoner Richard got the gun at last. Prisoner Richard was drawing back, and deceased kept hold of the gun, following him. I never said to 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 trowser pocket. A double-barrelled 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 stopped 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 vest 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—that these people ought not to be prosecuted. 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. Prisoners were 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 prisoners. We passed 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 know 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 place 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 de-

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ceased was hurt. She had the gun, and loaded it at the end of our stable. He had the scythe. She said, she had cut the head off 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 it. The edge of the scythe was turned 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 observed this on both occasions. I went to Munro's about 4 o'clock. I found him lying on the floor, fainted; blood all over the floor, and part half full of blood and water. He had a cut across the top of his 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 was so weak. He died on the tenth or twelfth day after he was hurt. I saw him every day after, 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 about to die, but he did not give any account of 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 place after dinner. Our houses

are a quarter of a mile apart. They continued on their own place after deceased died. I am no relation of Munro's. I never had any difference 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 daughter of last witness, and live with her. I know prisoners. I know deceased, and remember the day he was hurt. I was in prisoners house one evening, not 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 her door, and she would take a gun or pistol and shoot him, and leave him dead at the door, and then she would go for two men to see how far he had followed her into the door, yard; that 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 at her house, after this conversation, before the fight. I do not remember being in the house after it. I spoke to her on the road. I did not think much of this at the 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 four in the afternoon. They were coming along the road from their place. She had a gun, and he was trilling 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 head, I meant to hit him on the neck and cut his head off!" She made a gesture with the gun at my neck, 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. It was about 4 p. m., about three-quarters of a mile from their place. I was sitting on a log by the road-side 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. It was the Saturday after deceased died that she 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, sworn.—I live near prisoner, 1½ miles off, in Montegale. I remember deceased being injured. I met prisoner Mary on the road after deceased was hurt and before his death. She was just outside her door. She took hold of my arm and told me to come and see where the fight was to come and see

the cut in Munro's hat. I walked a short distance and saw the hat, and would not 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 again. Her husband was not present.

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

6th. THEOPHILUS GOLDER, sworn.—I live on the branch road, ¼ mi es from deceased. After deceased was hurt, I went to prisoners' house—the morning the inquest was held, I think, or the morning before. I saw the 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 person who would do any thing to her.

7th. GEORGE SELBY, sworn.—I live 4 or 5 miles from prisoners. I heard of deceased's death. I was at prisoners' house the Sunday after he was buried. Prisoner Mary told me deceased was in the habit of coming opposite the house, abusing her, and calling her improper names, and that she had given it to him for it now, and she wished she had given him another blow and finished him once. The prisoner Richard was present. I can't say he heard her. Soon after he brought out the scythe, and said that was the scythe with which she did it. I am not sure she was in the room at that time. The scythe blade had no handle then. A few days after the fight, I saw prisoner Richard. I asked him what it was about. He said it was all about some fowls of Munro's that came to his wheat. That he had heard deceased had used threats against him, and he was determined to be prepared; and that he took the scythe out of the

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Cross-examined.—I have lived nearly 4 years out there. I have only been once at prisoners. This conversation took place on Sunday, after deceased 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.

8th. Dr. AUGUSTUS A. YEOMANS, sworn.—I was practising at Madoc (70 miles from deceased's place), 100 miles from here. We started from Madoc on Saturday, 31st May, and reached the neighbourhood of deceased at 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, 3½ inches long. It penetrated into the 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 of the left arm. The weapon had gone half way through the bone, and had fractured the 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.

9th. WILLIAM E. D. EDES, sworn.—I arrested both prisoners on Monday of the week following the funeral of deceased. I went with the last witness and arrested them on Monday morning, before the inquest was taken. Prisoner Mary had been arrested the preceding Saturday. I enquired for the scythe. One of the pri-

soners got it. I then enquired for the gun, and got it; and a man who was sitting at the door had the pistol. I took the scythe, and it was carried off by some person—I don't know who—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 Hastings Road. I knew deceased, and saw him after he was injured, on the fifth day after, as near as I understood. I had a conversation with him. He said he felt very bad; that 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: this 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 live about 1½ miles from the house. I did not ask deceased how he got hurt. I had heard from neighbours what had happened: that deceased had a bit of a quarrel with the prisoner Richard, and deceased had got hurt. Deceased did not say he had interfered with prisoners, and did not tell me what happened. He was pretty bad.

REPLY.

ALEXANDER MUNRO, re-called.—I was present when the conversation took place between deceased and John Rous. 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 he

ceased 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 their 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.)

WM. H. DRAPER,
C. J. C. P.

Such is a faithful copy of the Evidence given in this Extraordinary trial. Before we proceed to any other documents, let us observe the many *flaws* and contradictions in the Evidence of all the witnesses against the prisoners.

First see how the chief witness, Alex. Munro, contradicts himself or proves that the affair was a quarrel begun by Munro.

Alex. Munro swears, “Prisoner Richard told deceased to go away. —Deceased said he would not till he got the hen.—Deceased said

“perhaps they're on now.—Prisoner Richard took a gun and we, went all 3 into the field.—We went W.”

(Cross Examined).—“Our houses are about 2½ acres apart.—Our house is to the West (W.) of theirs, —Deceased was angry at prisoner, shooting at his hens more than I was. Prisoner Richard had not the gun up to his shoulder.—I did not see him pull the trigger.—I do not know if the gun was cocked.”

So far we find from the evidence of Alexander Munro; viz:

That the Munroes (father and son) went of their own accord to the residence of Aylward,—That instead of forcing a quarrel Aylward simply said *go about your business*.

That the threatening and contemptuous words used by Munro were the cause why Aylward left his house, We find also; that he (Aylward) went out alone leaving his wife and children in the house. We see that the Munroes and Aylward went in the direction of the field in which were the hens that Munro challenged him to kill if he dared. We see that they all 3 went West, viz: towards the house of Munro.—Hence they were *about 2 acres* from Aylwards house and only ½ an acre from Munro's at the moment when the struggle began.

Let us return to the Evidence of A. Munro.—He does not say that Aylward had the gun up to his shoulder!

“Prisoner Richard turned with the gun towards the deceased and the deceased caught hold of it—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. It was 11 or 12 yards from the place where deceased struck it out of prisoner’s hand.”

N. B.—As to this next part of this evidence we defy any man to understand it. Young Munro says he took up the pistol and that he then saw Aylward point the gun at him. He (A. Munro) states that he immediately threw himself on his knees. Cross examined, he stated that he was not looking at the prisoner when he was on his knees.—He then told the Court that the prisoner had placed the gun on the back of him A. Munro and then fired. He said that he was shot in the back and that he walked home afterwards, that 26 pieces of cut lead were taken out of his back. *How* (we ask) could he walk if he received so much lead!

N. B.—Alex. Munro does not say that prisoner took aim after he fell on his knees.—In fact he says he did not look at the prisoner.

Is not this charge of aiming to kill, made against Aylward a monstrous absurdity!!

Mary Ann McRae swears 1st.—“I did not see the scythe again till the inquest. 2dly. This was I think the scythe they had ground, viz: (Mary Ann McRae) thought that

“the scythe shown her by prisoners the day of the quarrel was the one they had ground.” Therefore she saw it again *before* the inquest.

Are these contradictions or not?

N. B.—In the following testimony we see points in favour of the Aylwards.

Isabella McRae (Cross examined) says: “I did not think much of this at the time. She (prisoner) would talk in this boasting style of what she would do.”

DEFENCE.

John Rous, testifies. “Deceased said he had no business interfering with prisoners.—This was in answer to my advice to have them arrested.”

As to the words used by the prisoner Mary they were no doubt violent—but a woman is excitable—particularly after so terrible a scene.—

We do not *positively* know any thing whatever of the scene between her and Munro.

Alex. Munro had fled when he saw her at the place of the fight.

There is no *direct* evidence whatever to show that the prisoner. (Mary) struck with the scythe. Might not Munro have fallen on the scythe—we have only the words of the poor frightened woman with regard to the wound received by Munro.

N. B. Munro’s head and arm might have been wounded by one and the same blow.

We find then according to the very words of Alex. Munro himself that it was Munro (deceased, who without any provocation seized Aylward's gun trying with all his might to get possession of it. Therefore Aylward in struggling for it only acted in self defence.

And as to the woman however violent she may have been she was bound to *defend* her husband in any way necessary.

PETITIONS.

The following Petitions were forwarded to the seat of Government, Quebec, and were received and acknowledged in due course at the office of the Provincial Secretary.

The 1st. bore date Nov. 11, and was signed by the leading men of every class and creed (with very few exceptions) residing in that county in which the event occurred. It prayed that at least the lives of the prisoners would be spared--on account of their infant orphans, and from the fact that this *quarrel* did not occur in a place like a town, where police could interfere.

A similar petition was duly laid before the Gov. General in Council--this last was signed by Rev. E. B. Lalor, former pastor of the prisoners also by 150 other persons.

A third signed by Rev. Mr. Brennan and 273 others was, with the other two, laid before the Governor General in Council.

Also a Petition from the place itself, viz: (Hastings road) signed by 70 residents--even *one* from the widow and son of the deceased. One of the points mentioned was the fact that deceased lived for 12 days after the wound and did not get proper attendance having had only a quack doctor's aid.

All the petitions prayed of Government to spare the lives of the convicts--They were received and read in the Executive Council before Dec.

But no mercy would be granted.

To conclude, the Rev. R. C. Pastor of the Aylwards with 7 others petitioners asked a delay of one month--on the ground that the Aylwards were not fully prepared for Eternity.

Hon. J. S. McDonald, Atty. Gen. W., *knew* that the delay was asked, he would give no aid to the prayer. His Example was followed.--The Aylwards were doomed and executed!!!

About three o'clock on the day of execution the bodies of the Aylwards were taken to St. Michael's Church, and placed in the centre aisle. The Church soon filled up, and the Rev. Mr. Brennan commenced the service usual on each occasions. After concluding the introductory service he stepped forward from the altar and addressed the large assembly as follows:--

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MY FRIENDS.—God in his mercy has left it in our power, through the merits of the Passion of Jesus-Christ, to offer up our prayers for the repose of souls of the faithful departed. No matter whether they died justly or unjustly, the charity of God, and the love which the Saviour bears to man teaches us this important doctrine. It is an article of our faith which no one professing the faith of our Saviour can disallow or deny.—It is recorded by the Apostle:—"I believe in the Communion of the Saints," and since the days of the twelve Apostles, this has been a cardinal doctrine of our Church.—The Apostle tells you that the man who denies any article of that denies the Truth of God—and those who act in accordance with that have the price of salvation. It is this, my friends, which has congregated you together to give Christian interment to two of your fellow-creatures. There are circumstances connected with the death of these poor creatures which have caused me to deviate from my usual course on such occasions—I mean on such occasions as the burial of the dead. The two whose corpses are before you, I have reason implicitly to believe were *never guilty of the crime for which they died* (sensation.) That I believe as I believe I am living. I do not say it because this man says one thing, and that man says another thing, but I say it from all the circumstances connected with the matter.—You all know that the Catholic Church condemns murder, and is always ready to assist in punishing it. Because God has given life.—Let no man say because this man is a Catholic, or a Protestant, or of no religion, that he is not entitled to our compassion and God's mercy. He is one of God's

creatures—God created him—God can end his days, and to Him he must give up his life.

It is often said that when juries are formed' such a man is disposed to condemn, and such a man disposed to acquit. Let that man remember that with what judgment he measures out it will be meted unto him by Him who shows mercy to the just and the unjust. I cannot but allude to the manner in which the trial and sentence of this poor man and woman took place. My friends, another trial took place in this town, at the same Assizes. At that trial, a man was arraigned for taking the life of another in his own defense. Understand, I am not condemning that man in thought, in word, or in reason, because if that man had been allowed to go home in peace, he would not have killed any one. I only allude to it by way of supposition. You all know under what circumstances the death of that man occurred, and it is only from the result of the trial that I speak to you on the subject. One or two days intervened before the trial came on. During those two days, to the surprise of some and admiration of others, he was allowed to go home without molestation, nothing would have happened. But I regret the death of any one by violence. Such a death oftentimes does not allow a man time to call on God for mercy. After that trial, my friends, some persons in this town, who boast of their acquaintance of the law, made use of these fearful words, *Aylward and his wife are doomed!*" (sensation). Their trial, remember, did not take place until two or three days after this expression was made use of. Those persons, whose consciences are so tender, who call themselves

Christians, followers of a merciful Redeemer, had no mercy for others. They forgot that vengeance belongeth unto God, and were prepared to take that vengeance into their own hands. The sagacity of the individual was surprising, but probably it was his acquaintance with the law which enabled him to penetrate into the future, and utter that terrible expression, "*Aylward and his wife are doomed!*" Well, my friends, they were *doomed* (great sensation and sobbing).—Now I will briefly allude to the cause and circumstances connected with the trial and execution of these poor creatures. Aylward and his wife were sitting at their dinner, when the poor unfortunate Munro came to the door, to ask Aylward about some fowl that were on a small field between the two shanties. Aylward said "I did not kill your hens, nor have I any on my premises. I request you to go home." This frail man hung around the place, and Aylward came out—angry words took place, and a collision ensued. Aylward supposed himself in danger of death, and called to his wife who was in the shanty. She overheard him, and came to the door and taking whatever weapon came to her hands, she went to rescue her husband from danger. In striking Munro, she did not know, owing to the fright she was in whether she struck her husband or Munro. After living twelve days poor Munro died, and it is the strong impression of a great many, that if he had not been treated by a quack doctor, he would have been alive to-day. There is not on record in British law, or in British history, a case where a Man defending himself on his own soil has been condemned to death, because his house is his

castle. There is another extenuating circumstance in her favor—she did not repeat the blow. You see, my friends, how frivolous was the quarrel which led to the terrible result. How easy it might have been arranged without resort to violence. But it was such small and trivial things that produced all this misfortune and ultimately the death of three persons. Time passed away—their trial came on. At that trial they were deprived of resources that would have acquitted them, for there was rebutting testimony which might have been obtained. But the length of the journey—the poverty of the people—and the inclemency of the weather, prevented them from obtaining that testimony. This militated against them, and in the most grievous manner, for there was as much sworn against those unfortunate creatures, as would hang all the people of Belleville. Another serious act occurred at the trial. A jury was empannelled, and sat on their cause,—they heard all the evidence and passed a verdict of "Guilty." It is strange to me how these people could not see in what manner this quarrel took place; what was its cause and its origin. Each of them should have weighed well the origin of the quarrel, and what aggravation was given to the Aylwards, before convicting them of murder. Whom the jury was addressed by, and in what manner, I do not know, because I was not present. I do not wish to lay guilt on any one not deserving it. But, my friends, that verdict *recommended those prisoners to mercy*. As long as you live, my friends, and if I could address this whole country, I would beg of you with all the energy I possess, *never again commit that mercy you have in your hands*

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into the hands of the unmerciful. I tell you if I had a thousand years to live I would never commit that mercy into the hands of others. Before your living eyes, you have a scene which brings to your minds the days of Cromwell, when such acts were committed, and one of these acts stands before you in the Church of God. You are now called upon, my friends, through the merits of the Passion of Jesus Christ, to implore His Mercy upon the souls of the departed. And I believe from the heroic and Christian manner in which they died, that God will have mercy on their souls. I say it because they had but few hours to prepare for death. Petitions were sent down to the Government, signed by the leading and most respectable men of the country and a favourable answer was anticipated. *And, a petition was sent down to that Government to grant the poor creatures a respite of one solitary month to prepare them for death, but that petition was denied.* If that month had been granted them, they never would have been hanged, for things would have been brought to light which would have acquitted them of the murder. And I repeat in the most emphatic language I can address to you, and I want you all to remember it—never commit into the hands of men that mercy which they refused. There is no clemency there. In addressing you I tell you to show respect to those what signed those petitions—they signed them because they were merciful. God grant them a merciful heaven. To-day, my friends, is the greatest day Aylward and his wife have seen on earth, for they have suffered innocently before God and man (sensation). For fear I may be misunderstood, I will explain,

and say they suffered innocently in the design or premeditation of it. No being should be condemned to death unless for wilful murder. And I am happy to say from all the circumstances connected with the affair, and my own knowledge of their conduct, *they were not guilty of that crime for which they this day have suffered.*

The following letter is from the pen of the Venerable and Reverend Mr. Cazeau of Quebec. We translate it from the *Colonisateur* of Montreal.

MY DEAR SIR:--

No one could be more surprised than I was, on hearing that some persons have placed on my shoulders the responsibility as to the execution of the poor Aylwards, (man and wife.)

Had I possessed the influence so freely attributed to me in this case—most certainly humanity—particularly my character as a priest would have inclined me to mercy—I shall just give you the facts.

The 6th of December last, viz: 3 days before the Execution fixed for the 8th, I received a letter from my Venerable Colleague and friend Mr. Brennan, Catholic Pastor of Belleville, entreating that I would use my exertions for the 2 convicts.

Mgr. the Bishop of Tloa and I were prepared to visit His Excellency the Governor General.

But as Mr. Brennan's letter did not contain any particulars, as to

the trial which had occurred without our knowledge—and as we had no statement of the steps made to obtain mercy—it was agreed (in consequence) that I should first inform myself on these points by repairing to the Hon. Attorney General for Upper Canada.

I immediately went to this gentleman who was then in company with the Hon. Solicitor General Wilson, who had himself conducted the prosecution on behalf of the Crown.

After having informed these Gentlemen of the object for which I came, I learned from them, that after mature deliberation, the Government had irrevocably determined not to alter the sentence, that this decision had been approved by His Excellency, and that orders had been given to proceed with the execution.

On my return to the Episcopal Residence I imparted to his Lordship the Administrator, what I had been told in this matter, and his Lordship and I came to the conclusion that any further exertions for the unhappy convicts would be vain.

Not having time enough to acquaint Rev. Mr. Brennan by Mail I informed him by telegraph as to the fruitlessness of the mission he had confided to me.

Such are the facts—as they occurred—and I give them with the utmost exactness.

I hope that my statement will give full and entire satisfaction.

I have the honour to remain, My Dear Sir Very respectfully yours.

C. F. CAZEAU,
Priest,
Episcopal residence, Quebec.

NOTE.

At the public Meeting of the R. Catholics of Belleville, C. W., held in the Vestry of St. Michael's Church—it was unanimously Resolved; That owing to the Unjust Execution of Richard and Mary Aylward, the Rev. Mr. Brennan, P. P., Belleville, was hereby named Treasurer for the 3 orphan children of the Aylwards.

That the Benevolent of every class and creed are invited to aid the fund for these orphans.

N. B.—Subscribers to the above fund will please address Rev. Mr. Brennan, Belleville, C. W.

His Lordship's Agent
Bourget
Bishop of Montreal
R.C.

PRICE 12½ CENTS.

**TO VINDICATE JUSTICE AND THE
OPPRESSED ORPHANS OF
THE AYLWARDS.**

N. B.—Subscribers at Quebec: Hon. Mr. Alleyn, M. P. P., Mr. Simard, Mr. Langevin, M. P. P., Rev. Mr. McGauran, P. P. St. Patrick's Church, &c., Montreal, Hon. John Rose, M. P. P., Hon. L. S. Merit, &c., &c.

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