

The Queen Vs Richard and Mary Aylward:

Justice and Mercy on the Hastings Road,

Canada West, 1862

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April 25, 2020

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It is one of Canada's more unusual, yet largely forgotten, murder cases. The incident itself took place in a frontier settlement in North Hastings, Canada West, on May 16, 1862. The settlement, Doyle's Corners (now Maynooth), was named after one of its founding families, who had arrived there in 1856.¹ The incident was unusual for a number of reasons, including the fact that one of the accused murderers was a young twenty-three-year-old mother, Mary Aylward. The Aylward family- Mary, Richard and their three small daughters - had recently moved to this bush settlement in the summer of 1861. The Aylwards, like eighty-eight other settlers that year, had responded to the favourable advertising from Martin Peter ("M.P.") Hayes, Colonization Agent for Hastings Road, inviting them to take up a free grant lot on the Hastings Road.² Within a year of arriving at Doyle's Corners, this Irish Catholic couple was arrested, tried and convicted of the premeditated murder of their fifty-four year old Scottish Protestant neighbour, and fellow settler on the Hastings Road, William Ross Munro; a murder in Monteagle, said to have been connected, unusually, to an incident involving a hen.

¹ See Appendix 4 for maps illustrating the Colonization Roads in Canada West, Townships of Hastings County and Doyle's Corners. Doyle's Corners was at the junction of Hastings Colonization Road (ran north south) and Peterson Colonization Road (ran east-west). The settlement was also at the intersection of four of Hastings County's townships: Monteagle, Wicklow, McClure and Herschel. See also Pauline Ryan, "A Study of Irish Immigration to North Hastings County," *Ontario History*, 1991, p23-37. It was one of three Irish settlements in North Hastings established in 1856: Umfraville (near Madoc), Doyle's Corners, and the O'Brien Settlement, west of Doyle's Corners on Peterson Road.

² For a description of the Colonization Road program advertising/pamphlet, see *Canada, The Land of Hope*, 1857, p 9. For further reading on Doyle's Corners in those early settlement years, refer to annual Hastings Road Colonization Agent Reports. For actual texture about the settlement and the work of M.P. Hayes, see *The Hastings Road, A Story, A Road to The Wilderness*, 1975, p 23. The Hastings Road was officially opened for settlement in July 1856 as part of the government's ambitious settlement plan for the southern Canadian Shield. The free grant lots were one hundred acre lots made available to qualifying settlers on the following conditions; they must be over eighteen, reside on the lot within one month of application, build a shanty (at least 20 by 18 feet), cultivate a minimum of twelve acres over four years and reside on the lot for the same period. After fulfilling these conditions, title was provided to the settler free of all costs. The government advertised these free lot grants in the British Isles, United States, the West Indies and Lower Canada.

Overview

Though the Aylwards were found guilty of murder at the one-day trial held in Belleville on October 20, 1862, the jury strongly recommended mercy. Several commutation petitions on their behalf were sent to Governor General Lord Monck by the inhabitants of Hastings County in the weeks following the sentencing. In the end, the Royal Prerogative of mercy was not extended, and the Aylwards were publicly hanged, as sentenced, on December 8, 1862 in Belleville.³

The Aylward Affair triggered intense debates in the media and the Legislative Assembly for months after the Aylward trial. Those debates devolved further into the role religion played, together with the spectre of public hangings and the nature of justice itself. The intensity of the debate reached a fever pitch, with rumours that angry mobs took to the streets of Quebec City where Lord Monck, Thomas D'Arcy McGee and Lewis Wallbridge were burnt in effigy.⁴ Denying clemency to the Aylwards, proved to be an especially problematic decision for McGee, an Irish Catholic, who was president of the Executive Council in Sandfield Macdonald's fragile Reform government. Ultimately, the Council's decision to let the law take its course in the Aylward case fed into a national political crisis for the government.⁵

The Aylward case was unusual for a number of reasons. The incident itself involved a dispute between neighbours that seemingly arose quickly and ended violently. The murder weapon, a scythe,

³See "Six Executions have Taken Place," *The Belleville Intelligencer*, Feb 27, 1945. Mary and Richard Aylward were among six people reported to have been hanged in Hastings County by 1935. Richard and Mary Aylward were also, notably, the first and only public double hanging of a husband and wife in Canada.

⁴*Hastings Chronicle*, March 4, 1863. Also see Bruce Hodgins, "Lewis Wallbridge," Dictionary of Canadian Biography (DCB), Vol.10 for details on Mr. Lewis Wallbridge, Belleville farmer, lawyer and a moderate Reformer elected for Hastings South in 1857.

⁵For an in-depth review of the impact of the Aylward Affair on the Macdonald government, see David A. Wilson, *Thomas D'Arcy McGee: The Extreme Moderate, 1857-1868*, Vol 2, Chapters Six, Ten and Seventeen. McGee, a Catholic, faced intense criticism from his co-religionists and from the Liberal-Conservatives, who used the failure to commute the Aylward sentence "as a convenient club with which to beat the Reform administration." Also see Canada, Debates of the Legislative Assembly, for February 1863, where the leading members of the Sandfield Macdonald government, including McGee, defended their government's handling of the Aylward Affair. Especially relevant is McGee's speech on Feb 23 1863, condemning his political adversaries and defending his decision on the Aylwards. McGee, in his words, was not in Cabinet to act partially towards his co-religionists, but to "do justice." Interestingly, Thomas D'Arcy McGee did not attend the Cabinet meeting on the Aylward clemency decision and questions were asked about his whereabouts (p. 312). As David Wilson pointed out, the Aylward Affair contributed to the "depth if not the breath" of anti-McGee feeling in Canada (p 158).

which Mary Aylward allegedly used to strike and kill William Munro, was lost by one of the local Constables on the way to the Belleville jail. The closest to an eye witness was sixteen-year-old Alexander Munro, son of the victim. Young Alexander Munro testified to the first part of the incident but didn't witness the actual incident. After being shot by Richard Aylward, Alexander ran away - with allegedly twenty-six pieces of lead in his back - before the fatal blow was struck on Alexander's father. William Munro did not die immediately and, as a result, questions were raised about whether or not the blow from Mary Aylward actually killed Munro. Questions - raised initially by the Catholic clergy in Belleville immediately after the Aylward hangings - related to whether or not a "quack doctor," who had treated William Munro's wounds somehow caused his death. All this made for a very unusual set of circumstances and ended at trial in a battle over character, mainly Mary Aylward's character.

Having said the Aylward trial was unusual, so was the highly charged environment of the Hastings County Fall Assizes. The Moorman trial, the previous case on the docket at the Assizes, three days before the Aylward trial, was presided over by Chief Justice Draper, Crown Prosecutor Adam Wilson, and James O'Reilly for the defence - the same combination that occurred in the Aylward trial.⁶ Morris Moorman, a long-time resident of Belleville, stabbed nineteen-year-old Lorenzo Taylor around midnight on October 1, 1862. The incident was witnessed and a verdict of guilty was expected. The jury in the Moorman trial deliberated for half an hour and returned a not-guilty verdict. The Chief Justice was, reportedly, astounded and the community more than rattled.⁷ The newspapers reported the shock and surprise in the court room following the verdict. Draper also wrote one of the very few comments observed in his bench book; "Strange verdict, I would have expected at least manslaughter."⁸

⁶ For a detailed account of the Moorman trial, see "The Assizes, Trial of Morris Moorman," *Belleville Intelligencer*, October 24, 1862.

⁷ IBID

⁸ See RG 22-2323 Hastings Court of Common Pleas, Judgement Docket Book, 1856-1882, Ontario Archives. Judge Draper's bench book covers witness testimony and verdict related to Moorman trial of October 17, 1862.

In the wake of the Moorman verdict, Draper, as it turned out, would use the Aylward case to send a larger message about "strange verdicts." His treatment of Mary Aylward was even more severe than his reputation suggested.⁹ On the matter of mercy, John Sandfield Macdonald, Attorney General for Canada West, was also in a mood to send a message; there would be no more of what he called "intermediate verdicts," where juries decided one way in the courtroom and expected mercy outside the courtroom.¹⁰ Justice for the Aylwards, as will be shown, was subjugated to these messages, and, against all odds, there would be no mercy for the Aylwards.

The Aylward trial and its aftermath bear closer attention today, one hundred and fifty-eight years later, for a number of reasons: to re-examine the legal process around the trial, given the criminal justice system of the day; to offer corrections on some of the more erroneous claims about the trial that circulated in its aftermath, including jury-packing and appeals; to assess the case for clemency for the Aylwards, as it was made in the nineteenth century; and to speculate, based on new evidence, on how community dynamics at Doyle's Corners were among the important factors that contributed to one of Canada's tragic murder cases.¹¹

The Aylward conviction, as the Crown witnesses' testimony affirmed, was tied to Mary Aylward's words and her conduct before and after the incident. Yet, Mary and Richard Aylward's version of the incident never made it to trial, because they could not actually speak in their own defence, given the rules of the criminal justice system in 1862.¹² But when Richard and Mary did speak, after the verdict, their revelations were tragically different from those that emerged from the Crown

⁹ For an overview of Draper's life, see George Metcalf "William Henry Draper," DCB, Vol. 10. Details on Adam Wilson's career, see Graham Parker, "Sir Adam Wilson," DCB, Vol. 12. And for information on James O'Reilly, see Donald Swainson, "James O'Reilly, DCB, Vol. 10. For additional commentary and sources, refer Appendix 7 for details on Draper, Wilson, O'Reilly, and Finn.

¹⁰ John Sandfield Macdonald Letter Dec 3, 1862, Provincial Secretary, Correspondence, Reel 2485, Image 612.

¹¹ For a similar review of the impact of culture and identity on a guilty verdict, refer Robert Sharpe, *The Lazier Murder*, 2011.

¹² See Girard, Phillips and Brown, *A History of Law in Canada, Vol. One: Beginnings to 1866*, 2018, Chapter 29. The rules of the criminal justice system in 1862 did not allow defendants to speak directly on their behalf. Defence lawyers spoke for the defendants. Mary and Richard Aylward, it should be noted, also declined to speak when given the opportunity post-sentencing.

witnesses at the trial. In consideration of what Mary Aylward did say, together with other corroborating evidence, this paper builds on Mary Aylward's version of events and provides for a radically new narrative with respect to the nature of community at Doyle's Corners; a community that reflected far different divisions than the religious divisions commonly ascribed to the Aylward Affair - the Roman Catholic Aylwards murdering Protestant Munro. The community divisions, intensified given the economic backdrop of 1862 - poor crops and poverty- and made the incident over a hen far from a trivial matter. This more complex narrative, also builds on Desmond Morton's view that the community very much mattered, and that later generations "should be appalled at Mary Aylward's fate, and still wonder why her husband, who had killed no one, should be hanged beside her."¹³

Census data, township land information and local histories have been collected here, with a view to reconstituting Doyle's Corners as it existed in 1862. To help the reader with that reintroduction, appended are maps, family tree information, and supplementary backgrounds on all the players involved in this murder case(refer index and appendices).¹⁴ Finally, this paper attempts to limit any 'presentism' bias by seeking out third party advice from legal historians to ensure that conclusions, however speculative, remain consistent with nineteenth century legal standards and values.¹⁵

The indictment files for Richard and Mary Aylward indicate the Crown charged Richard and Mary with the premeditated murder of William Munro.¹⁶ According to Solicitor General Adam Wilson's charge, the Aylwards "feloniously, wilfully and, with intent, murdered William Munro." Richard Aylward

¹³ See Desmond Morton, "A Murder in Hastings County," *The Beaver* April May 2005, p 32-39. Morton provides an account of the issues behind the Aylward Affair and concludes a miscarriage of justice.

¹⁴ See Index and detailed Appendices 1-12 for Detailed family trees, maps and other information on all players in Aylward Affair. Note that names of many people at Doyle's Corners are not consistent across primary sources i.e. Census, land, local histories. Best efforts used in cases where inconsistencies exist.

¹⁵ See Girard, Phillips and Brown, *A History of Law in Canada Vol. One, Beginnings to 1866*, Chapter 29 on Criminal Trial Procedures. This chapter covers processes and procedures of trials like Aylward trial.

¹⁶ RG 22-392-0-2264, Richard and Mary Aylward Criminal Assize Indictment Case File, Ontario Archives. The criminal indictment file was created by Adam Wilson, Crown Attorney. The file contains the Grand Jury's bill of indictment which sets out the charges as well as the fact that the indictment was a true bill meaning the Crown had enough evidence for trial. There is no other correspondence in the file i.e. Crown's trial notes etc. as might be expected in a criminal indictment file from 1862. Gaps in these historical files did exist but are said to relate largely to 1864-1879 and 1881-1891. There are major gaps in the Aylward indictment file from 1862.

was further charged with the assault and attempted murder of Alexander Munro. The Aylwards pled not-guilty to the charges, and defence counsel James O'Reilly argued for an acquittal for Richard, and a reduced charge of manslaughter for Mary.

The official trial transcript of the Aylward trial is found in Draper's bench book for the 1862 Hastings County Fall Assizes.¹⁷ The bench book is a record of the witness testimony and subsequent verdict. It does not include the important arguments made by Adam Wilson and James O'Reilly or their closing summaries. Nor does the bench book include Draper's charge to the jury or his sentencing of the Aylwards. For all of that additional information, the primary source is the newspaper coverage of that time and, specifically, trial coverage provided by the *Hastings Chronicle*.¹⁸ There is no official report of the William Munro inquest, other than trial testimony and newspaper accounts. Additionally, the Belleville Jail Register contains the only record of the Aylward committal.¹⁹

The Aylward Trial - Belleville Court House - Monday, October 20, 1862

The reporter for the *Belleville Intelligencer* provided a pen portrait of the Aylwards to its readers when the trial began. The description of Mary ran as follows: "medium size, dark hair, fair complexion, a bright eye, features well proportioned, an intelligent look, the impression of her character a favorable one. Few could believe, judging from her countenance, she could commit the fearful crime." Richard was identified as having "nothing extraordinary about his appearance; five foot ten, well proportioned, his cheek bones are rather prominent and he has a low forehead. His temperament is highly nervous

¹⁷ Hastings Court of Common Pleas Judgement Docket Book, 1856-1882, RG 22-2323, Ontario Archives, Judge Draper's Bench book, Fall Assizes, 1862. Ontario Archives. The Aylward murder case was one of ten murder cases, and one of seventy-nine capital cases in total, tried by Draper at the 1862 Assizes. Six of those ten murder cases resulted in a guilty verdict, with five hangings including Richard and Mary Aylward. The others hanged were Chris Boulton, Edwin Keenan and Henry Banks (all executed June 12).

¹⁸ Main trial coverage is found in *Hastings Chronicle and Literary Journal*, October 29, 1862 in a wide-ranging article "The Assizes: Trial of Richard and Mary Elward [sic] for the Murder of William Munro. Shocking Revelations, Verdict of Guilty, Sentence of Death Pronounced. Unfeeling Conduct of the Prisoners." The first report of the incident also in the *Chronicle*, June 4, 1862, was reported by A.F. Wood, Esq. Mr. Wood said to have been reporting after he returned from Monteaagle with the Coroner, to investigate the murder.

¹⁹ See Belleville Jail Register. Mary was committed on June 5 and Richard committed on June 6 by Robert Corrigan. Both Mary and Richard were committed by Robert Corrigan, a local official from Madoc. The entry in the Jail register also notes that both Richard and Mary were semi-literate and could read and write, though "imperfectly."

and he becomes easily excited."²⁰ Such were the pair that were the focus of the trial in the Belleville court room Monday morning, October 20, 1862.

After the opening process and jury selection, the first Crown witness to be called at trial was sixteen-year-old Alexander Munro, who was the Crown's only witness to give an account of what actually happened on Friday May 16, 1862.²¹ According to Alexander, the Munros had settled in Monteaagle Township a few months before the Aylwards on May 16, 1861. The Munros and Aylwards were neighbours living across the road from each other.²² Initially the neighbours got along, but by May 1862, the relationship had deteriorated. On the day of the incident, William and Alexander Munro heard a shot coming from the Aylward property around four in the afternoon, and assumed that Richard Aylward had shot one of their hens. The Munros then proceeded to the Aylward shanty and confronted Richard Aylward about shooting one of their hens. Richard denied shooting the hen but the argument escalated and all three men headed to the Aylward field in search of the hen. According to Alexander Munro, Richard was armed with a shotgun and when the men reached the field, Richard Aylward turned the gun on William Munro. William grabbed Richard's shotgun and with this altercation taking place, Richard then pulled a pistol out of his pocket. William Munro managed to knock the pistol out of Richard's hands. Alexander grabbed the pistol from where it landed on the ground and Richard shot Alexander in the back with the shotgun. Alexander claimed Richard shot him at close range, hitting him in the back with a blast of twenty-six pieces of cut lead. After Alexander was shot and ran back to his shanty, Mary apparently came up behind William with a sharpened scythe, slashing William in the arm and head, putting a three-inch gash in the side of his skull. Alexander Munro testified a doctor came to see the injured William Munro "some days after deceased was wounded."²³ Finally, after many days of

²⁰ *Belleville Intelligencer*, Dec 12, 1862.

²¹ *Hastings Chronicle*, October 29, 1862. Regarding juries in 1862, see Consolidated Statutes for Upper Canada, 1859, pp. 335-340. Qualifications for jurors were the following: men only between the ages of 21 and 60, possessing their "natural facilities," and not infirm. Jurors had to have property and be in the Tax Rolls for the preceding year.

²² The Aylwards lived across the road, to the north of the Munro's, in Wicklow Township.

²³ *Hastings Chronicle*, October 29, 1862

agony, Alexander recounted, William Munro died in his shanty. Alexander offered no further detail on what kind of medical treatment either William or he received for their respective injuries or the identity of the doctor who provided the treatment. The doctor, referred to in Alexander Munro's testimony, would have made for an ideal witness in the Aylward trial. Such a witness could have clarified how many pieces of lead were, in fact, taken out of Alexander Munro's back and could have given direct testimony about the nature of any treatment given to William Munro prior to his death.

The Crown then brought forward six other neighbours from Doyle's Corners, each testifying in varying detail as to Mary Aylward's specific words and her conduct before or after the incident. Three of these six witnesses came from one household and were related: Mrs. Matthew (Mary Ann) McCrae (sometimes spelled Mcray), her twenty-one-year-old single daughter Isabella, and Mrs. McCrae's nephew, William Johnston (sometimes spelled Johnson), who was living with the McCrae family.²⁴

Mrs. Mary Ann McCrae, a forty-one-year-old wife and mother of eight, lived with her husband Matthew on the lot immediately east of the Aylwards in Wicklow Township.²⁵ Mrs. McCrae's family, originally from Ireland, had come to the settlement from Lower Canada in the winter of 1861. Mrs. McCrae provided key evidence about the missing scythe that addressed the Crown's premeditated murder charge. She testified that she saw the Aylwards in possession of the murder weapon, the scythe - with a piece off the tip - both before and after the incident. The fact the Aylwards had sharpened the scythe in the presence of Mrs. McCrae a week before the incident-when there was no hay to cut - was viewed as part of the Aylwards' premeditated plan. According to Mrs. McCrae, Mary Aylward said that she "cut the head off the old man" and that Richard had shot Alexander. Mrs. McCrae didn't believe Mary at first, but changed her mind after Mary showed her the bloody scythe as proof. Mrs. McCrae

²⁴See Appendix 9 for details on witnesses, Mary Ann McCrae, Isabella McCrae and William Johnston. Also see Appendix 4c for locations of witnesses relative to Aylward property.

²⁵The McCrae family, including the adult sons, Stephen and James McCrae, all had lots in the area. It may be that the McCrae family lived on one of the other two lots assigned to James or Stephen. James McCrae also figured into the background at the trial as he was referred to on more than one occasion. He was said to have witnessed some of the interchanges between the McCraes, William Johnston and the Aylwards. James McCrae was not a witness at the Aylward trial.

reported that when she visited Munro after the incident, he refused to see a doctor and that Munro was "resigned to his death."

Isabella McCrae, close in age and by her own account, "on good terms" with Mary Aylward, was next up, and gave a brief account of Mary's plan to "tempt the deceased over their fence" and kill him with a gun or pistol. Isabella added that Mary was prone to saying a lot of things and that Isabella often ignored her. Why Isabella chose to believe Mary's words about killing William Munro when she often ignored Mary, was not probed. Nor was there any direct proof Mary had tempted William Munro over the fence on the day of the incident. How well Isabella McCrae knew Mary Aylward, and what kind of relationship these two women actually had, was not to be discovered at trial.

As it turned out, William Johnston, the last of the three related Crown witnesses from the McCrae household, proved to be an important and controversial witness.²⁶ Young William Johnston, nephew of Mrs. McCrae, said he had "no house of his own," and that he lived with his uncle. Johnston testified that he saw Richard and Mary on the day of the murder, around 4pm. Mary and Richard were walking along the road, about a mile from the Aylward shanty, and came across Johnston sitting on a log by the side of the road. According to Johnston, Mary had the gun and Richard was "trailing a scythe." Mary allegedly told Johnston that she meant to hit [Munro] not on the head but on the neck and cut his head off."²⁷ Under cross-examination, Johnston said he never had any "trouble" with Mary but, he added, quite unexpectedly and, seemingly out of nowhere, that he heard that "she [Mary] had an arrest warrant out on Johnston, but that he never saw it."

While William Johnston's rather spectacular admission of his arrest warrant seemed to go unnoticed at trial, information about the warrant emerged later, in the *Canadian Freeman*.²⁸ As was

²⁶ See Appendix 9. William Johnston was one of the more difficult witnesses to place in Census records. The name could be misspelled but there are multiple William Johnson/Johnston in Hastings County in 1861 making the task near impossible. Nevertheless, he is assumed, by virtue of details at the trial, to be a young single transient male, and having the same religion as the McCraes.

²⁷ IBID

²⁸ See Correspondence, *Canadian Freeman*, April 9, 1863

reported, a fight had sometime earlier broken out at Doyle's Store and was witnessed by another neighbour, Mrs. Ann Perin.²⁹ William Johnston and William Munro had, apparently, threatened to kill Richard Aylward in Doyle's Store. A deposition was allegedly provided by Richard Aylward to Andrew Jelly, the latter being magistrate at the time.³⁰ The threats also resulted in Richard Aylward "keeping a gun to guard [himself] from these ruffians." Although Richard Aylward's deposition, if it existed, could not be considered as evidence, Andrew Jelly could have testified.³¹ As well, Ann Perin would have been another interesting "fact" witness in the Aylward trial.

Two other neighbours from Doyle's Corners, Margret Glenn and Theophilus Golden (sometimes spelled Golder), who both lived to the east of the Aylwards, supplied more evidence for the Crown on Mary's conduct.³² Margret Glenn recounted how Mary took her to the scene of the incident to show her "the cut in Munro's hat." She too heard Mary take responsibility for the incident, and according to Mrs. Glenn, Mary said "she [Mary] would do it again."³³ Theophilus Golden testified that Mary admitted to killing "Old Baldie" and, that if he were alive, "she would cut the head off him again, or any person that would do anything to her." There was no mention by either of these witnesses if Mary also told them stories or whether they always believed her. The implication was that the Aylwards were involved in a very public conspiracy to kill William Munro.

A final witness for the Crown, George Selby, a fifty-year-old widower, who lived the furthest away from the Aylwards in Herschel Township, testified to being at the Aylward house to collect money for a load of hay.³⁴ Mary told George Selby how Munro was in the habit of "abusing her, and calling her

²⁹ See Appendix 12, for background notes on Ann Perin.

³⁰ See Appendix 10, for background notes on Andrew Jelly. Andrew Jelly was an innkeeper from Marmora, Reeve of Tudor Township and member of the Hastings County Council. Jelly also referred to as the Aylward's arresting officer in *Hastings Chronicle* June 4, 1862 piece as well as in Desmond Morton article.

³¹ Richard Aylward's affidavit was not "viva voce" evidence. It could not be "cross examined" in court. But Andrew Jelly, magistrate, most certainly could. Jelly also referred to as the Aylwards' arresting officer in *Hastings Chronicle* June 4, 1862 as well as in Desmond Morton's article.

³² See Appendix 9 for background detail on Margret Glenn and Theophilus Golden. Theophilus Golden is not found in the Census sources.

³³ *Hastings Chronicle*, October 29, 1862.

³⁴ See Appendix 9 for background on the Selbys. George Sr, referred to as Henry in the 1861 Census was likely the witness.

improper names, and that she had given it to him for now, and she wished she had given him another blow and finished him at once."³⁵ Under cross-examination, George Selby reported that when he saw the scythe, it had no handle. George Selby's introduction of the scythe without a handle was another detail that went unexplored. Why would the handle be off? Perhaps the most telling part of Selby's testimony was that Munro had been abusing Mary-- a key point that O'Reilly did not explore. To the extent that illustrating provocation by Munro would provide Mary Aylward with a motive, we can understand why this line of questioning would have been problematic for the defence. Regardless, the defence strategy of the Aylwards was going to be complicated, given the unusual circumstances of the case.

The last two 'fact' witnesses for the Crown were called to give their accounts of the inquest and arrest of the Aylwards. Augustus Yeomans, a young twenty-six-year-old doctor from Madoc, testified that he travelled from Madoc and performed the inquest on William Munro on Monday June 2, 1862.³⁶ Yeomans testified as to the results of his inquest, including a detailed description of William Munro's wounds. He told the court room that the head wound was three and one-half inches and had penetrated Munro's brain. He also reported on a large abscess on the brain together with other wounds on the left arm of Munro. Yeomans confirmed the injuries were caused by a blow "of great force" and consistent with a thin, sharp instrument that could have been a scythe. He thought that the wound he saw on Munro's head could "certainly have occasioned death." The issue about what other kind of medical treatment William Munro received before he died, was not explored with this witness. Indeed,

³⁵ *Hastings Chronicle*, October 29, 1862.

³⁶ See Appendix S, Timelines and Appendix 10 for background notes on Dr. Yeomans and William Eadus. Given no formal inquest report or arrest report, the process and the timelines around the inquest of William Munro have been assembled here using the testimony of Dr. Yeomans and Constable Eadus together with other newspaper reporting. It is deduced that the inquest took place on the morning of Monday June 2, 1862 which is consistent with Dr. Yeoman's testimony that he started from Madoc on Saturday May 31 and arrived in Monteagle on Monday June 2.

if medical treatment took place, why would the defence not clarify what was done and the usefulness of such treatment from the perspective of a medical professional?

William (W.E.D.) Eadus (sometimes spelled Edes), a fifty-seven-year old Constable from Madoc, recounted details of Mary and Richard Aylward's arrest and their trip to the Belleville jail.³⁷ He told the court of how the Aylwards immediately handed over the scythe and how Richard's pistol was retrieved from an unnamed "man who was sitting at the [Aylward shanty] door." He then announced to the courtroom that the scythe was stolen when he stopped at a tavern on his way to Belleville with the prisoners - sometime between the arrest of the Aylwards and when they committed to the Belleville jail.³⁸ Even after offering a reward, Constable Eadus reported that he was unable to recover the scythe or pistol. The details around the remarkable loss of the physical evidence were not pursued by the defence team - details on precisely where and when the evidence went missing. Neither coroner nor the "shame-faced" constable were cross-examined by the defence on any part of their key testimony. Given the lack of defence witnesses generally, this failure to cross-examine key witnesses, was a weakness in the defence strategy.

As it turned out, the Aylward Affair was the second incident on Hastings Road that involved the local Madoc constabulary and the difficult job of policing Monteagle.³⁹ On January 10, 1859, Robert Dickey, the son of respectable and wealthy Scottish parents, "well educated and respected by all his acquaintances and beloved by many" was shot. On April 21, 1859, Samuel Peter Rock was convicted for the murder of Robert Dickey. Like the Aylwards, there was no commutation for Rock, and he was

³⁷ See *Hastings Chronicle*, October 29. Constable Eadus testified that he arrested both Aylwards "before the inquest" on Monday morning. He also went on to testify that Mary had been arrested the preceding Saturday, which would have been Saturday May 31. This prior arrest, was consistent with newspaper accounts that identified the initial arresting officer was Andrew Jelly, also from Madoc. Desmond Morton referred to this earlier arrest as well in his piece i.e. "Andrew Jelly and his posse."

³⁸ See Appendix 5, Timelines. Belleville jail records show that Mary Aylward was committed first to jail by Robert Corrigan, Madoc Coroner, on Thursday June 5. Richard Aylward was committed by Robert Corrigan, the next day, Friday June 6. Also see Appendix 10 for background notes on Robert Corrigan.

³⁹ Levenston, *Hastings Road, A Story*, pp 30-40, for details on the first, and what was referred to at the time, as "The Hastings Road Tragedy." The Aylwards, as a result, were the second tragedy on the Hastings Road.

hanged in Belleville on June 13, 1859. What is interesting about this first Monteagle incident involving Samuel Peter Rock, is where Rock's arrest took place and who was involved. According to the story, Rock was arrested at Andrew Jelly's Tavern in Madoc. In Rock's last address to the community, from the gallows before he was hanged, Rock thanked a "Mr. Corrigan." Corrigan, the Madoc coroner, had apparently saved Rock "from the people of his [Rock's] country and the Scotsmen on the road who "would have hung him on the spot."⁴⁰The arrest of Rock was no easy task, and, reportedly, both Andrew Jelly and Robert Corrigan had their hands full. In light of the Rock incident, M.P. Hayes, Colonization Agent, recommended that local magistrates should be appointed to administer justice on the Road. Haye's recommendation could not have been implemented because there was no mention of a Monteagle Magistrate when the Aylwards were arrested. According to the *Hastings Chronicle*, Andrew Jelly was on the scene again to prevent the "lynching of Elward [sic] and his wife."⁴¹

Unfortunately, Constable Eadus never mentioned in his testimony, the name of the tavern where the scythe went missing. It is possible the evidence was stolen from Andrew Jelly's tavern in Madoc, the same tavern that played host to the Rock arrest three years before. Robert Corrigan, the same Corrigan who "saved" Samuel Rock, was the official who committed the Aylwards to the Belleville jail. At some point during the trip from Doyle's Corners to Belleville, custody of the Aylwards must have transferred from Eadus to Corrigan. The transfer of the Aylwards at Jelly's Tavern in Madoc would have made sense given the distances travelled; from Doyle's Corners to Madoc (90k) and from Madoc to Belleville (40km).⁴² We will never know if Andrew Jelly or Robert Corrigan might have offered some additional testimony as to what did or did not happen to the missing scythe.

⁴⁰ Levenston, *Hastings Road, A Story*, p. 35.

⁴¹ *Hastings Chronicle*, June 4, 1862. This is the first report of the incident as covered by A.F. Wood, from Madoc. Wood relayed in this report how someone named Finlayson had just returned to Madoc "after the Coroner" to tell of the murder in Monteagle. Desmond Morton piece also refers to Finlayson and Jelly as those involved in the initial Aylward arrests. Also see Appendix 10 for background notes on A.F. Wood and Mr. Finlayson.

⁴² It is interesting to think about the Aylwards journey from the backwoods to their cells in the Belleville jail. Who actually accompanied them along the way other than William Eadus? There are no records that mark the trip of the Aylwards from Monteagle to Belleville and if their three small children travelled with them.

In successive testimony, all seven Crown witnesses testified with one repetitive theme; Mary told stories to some of her neighbours about killing William Munro before the event and "boasted" about it afterwards to at least six neighbours, near and far. Richard was relegated to an almost silent accessory in this conspiracy to murder William Munro. The scythe, much heard about but lost as physical evidence, was also secondary to the Crown's strategy. Adam Wilson, Solicitor General, had only one target in his case for premeditated murder, and that was Mary Aylward in word and deed.

The Curious Aylward Defence Strategy of James O'Reilly

The Aylwards were represented by the Catholic defence team of James O'Reilly from Kingston and a local twenty-five year old Irish Catholic solicitor from Belleville, John Finn.⁴³ Surprisingly, the defence called only one witness, the twenty-eight year old Catholic farmer, John Rouse, who lived southwest of the Aylwards in Monteagle Township.⁴⁴ Rouse turned out to be a mixed blessing for the defence. Rouse testified he visited William Munro five days after the incident and during that visit he advised Munro to have the Aylwards arrested. Rouse, like Mrs. McCrae, also wanted Munro to see a doctor, and offered to go and get the "Indian doctor" to tend to Munro's wounds. Munro's dying declaration to Rouse, was that it was too late for a doctor and that he [Munro] should never have "interfered" with the Aylwards.

After Rouse's testimony, Alexander Munro was recalled to the stand. Alexander Munro testified, under cross-examination, that he was present when Rouse visited his father and that William Munro asked Rouse to "go for the Indian doctor." Furthermore, Alexander testified that Rouse had agreed to go the next morning and "take Alex McDonald with him."⁴⁵ Alexander Munro said under oath

⁴³ It is generally assumed that James O'Reilly was brought in to defend the Aylwards by the Catholics in Belleville. O'Reilly was a friend of Roman Catholic Bishop Edward John Horan in Kingston. The Rev Michael Brennan had written Bishop Horan about the clemency request and ask for the Bishop's help. While no evidence of a similar request made to Bishop Horan regarding O'Reilly's appointment as defence council was found, it would not be unreasonable to think that the clergy may have intervened to assist the Aylwards on the strong recommendation of Michael Brennan.

⁴⁴ See Appendix 4c re Map of Doyle's Corners, and Appendix 9 for detail on John Rouse.

⁴⁵ *Hastings Chronicle*, October 29, 1862

he did not actually hear Rouse propose that the Aylwards should be arrested nor did he hear the deceased make any such answer." With that major correction to the key defence witnesses' testimony, the defence rested. There was no further discussion on what John Rouse did or did not do in relation to the doctor. There was no link to Alexander's earlier trial testimony about the doctor who visited William and Alexander Munro after the incident. Who was the doctor who treated William Munro's head wounds? Certainly, Alexander Munro could have answered that question in his original testimony or during his cross-examination following the Rouse testimony. As well, Alex McDonald could have been called as a witness to testify about the doctor who treated William and Alexander's wounds. But Alex McDonald was not a witness at the trial. John Rouse was the only witness called by the defence. If John Rouse was to be the only character witness for Mary Aylward, safe to say, he fell wide of the mark. Munro's dying declaration, in light of Alexander Munro's additional commentary, lost all of its expected impact on the jury. And worse for the Aylwards, Rouse was the first and last defence witness.

Newspaper coverage in the *Chronicle* made reference to Judge Draper declining to receive further evidence based on some technical issue; evidence specifically regarding what William Munro said about the Aylwards. This legal technicality is assumed to relate specifically to potential witnesses who may have heard William Munro provoke the Aylwards prior to the incident. Draper precluded any such evidence unless it could be shown the Aylwards were aware of it prior to the incident. The newspaper reported there were other witnesses in the courtroom but O'Reilly decided not to call them. Who were these witnesses and what did they have to say about William Munro's provocation of Mary Aylward? Did O'Reilly bring some witnesses forward and then later decide in the court room that such witnesses would not be effective given the judge's direction? No further information on these witnesses was provided in the primary sources so we will never know what the defence had in mind for these witnesses and how their respective evidence would have aided the Aylwards. This decision by O'Reilly, not to call any further witnesses, represented a critical turning point in the Aylward trial.

Summations, Jury's Verdict and Surprising Aftermath

According to O'Reilly's ending summation, Mary's attack on William Munro was an act of self⁴⁶ defence in aid of her husband followed by a temporary fit of insanity which accounted for her conduct after the attack.⁴⁶ William Munro was the stronger man and he had provoked the Aylwards when he, Munro, brought up the matter of the hens. Mary Aylward, according to the defence, given this provocation and upon seeing the struggle between her husband and William Munro was perfectly justified in law to seize a weapon, and, in that moment, defend her husband's life on her own property. Mary's behaviour after the incident was, to O'Reilly, the result of a "fit of insanity caused by the excitement of the scene through which she passed."

Consultation with two Ontario judges suggest that O'Reilly's defence strategy was ultimately confusing given the traditional defences employed in manslaughter cases. The judges advised that for manslaughter cases, the usual defence was either an insanity or self-defence. For the defence to combine both into one strategy, potentially left the jury with a confusing and complicated picture of Mary Aylward: sane enough to defend her husband, yet absolved of her post-incident conduct, on the basis of some form of temporary insanity. The defence was thereby weakened to the extent that the insanity aspect cast doubt over Mary Aylward's mental capability to defend her husband. While it is difficult to know whether O'Reilly's argument was confusing to the jury, it is clear his strategy was non-traditional with respect to manslaughter cases. It is impossible to know why O'Reilly, an elite lawyer with over ten year's experience by 1862, adopted this strategy other than the difficulty of a single self-defence strategy given the complicated nature of Mary Aylward's post-incident conduct. Alternatively, in light of all the unusual aspects of the trial, O'Reilly may have been brought in to defend the Aylwards at a late date, and he simply was not prepared.⁴⁷

⁴⁶ See James O'Reilly's summation as reported in *Hastings Chronicle*, October 29, 1862.

⁴⁷ See Girard, Phillips, Brown, Chapter 29, p. 579. According to Phillips et al, defence lawyers in the nineteenth century were often conscripted at the last moment and did not have the advantage of time to prepare. If O'Reilly was a "volunteer"

The strategy for Adam Wilson, Solicitor General and Crown Prosecutor, was by comparison, relatively straightforward, if not simple. He recounted the general theme of premeditated murder offered by the multiple character witnesses.⁴⁸ There was not the slightest evidence for any "intermediate verdict," he asserted. Further, on the matter of premeditated murder and the connection to the missing physical evidence, Mrs. Mary Ann McCrae's testimony was critical to the Crown's case for pre-meditated murder. She witnessed the sharpening of the scythe and she believed the scythe she saw in the possession of the Aylwards before and after the incident was the one that gave the fatal blow. For final dramatic flair, the Solicitor General offered that he had "never met with a case gloried in their work of death." The Crown Prosecutor's summation also ended with a direct appeal to the jury and it was not an appeal for the Aylward orphans; Wilson concluded that, given the evidence produced in the trial, and in the interests of justice and humanity, "it would be an outrage to let them [Mary and Richard Aylward] escape." With his character witnesses front and center, Wilson presented what seemed like an open and shut case.

Draper's charge to the jury was also direct in keeping with his reputation in criminal cases.⁴⁹ His comments were unequivocal and set the stage for the verdict. He confessed he could not see where the evidence lay that would acquit Richard and he did little to hide his view that Mary Aylward was anything but a cold-blooded murderer.⁵⁰ He commended the Crown's key witness, Alexander Munro for his performance at the trial and stressed that his version of the incident was "not in the slightest impeached" even though Alexander underwent a most "searching examination backwards and forwards

assigned to the Aylward case by the Rev Bishop Horan and the Belleville clergy, it is difficult to know when he was brought in and how much time he had to prepare his defence. If he had little time to prepare, it would explain why he failed to cross-examine prosecution witnesses and deal with some of the inconsistencies and uncertainties that were certainly evident at the time in the Aylward trial.

⁴⁸ See Adam Wilson's summation as reported in the *Hastings Chronicle*, October 29, 1862

⁴⁹ See *Canadian Law Journal*, Vol. XIII, Dec. 1877, pp 344-361 where Draper's reputation described as "somewhat severe" in criminal cases. Further described in this article, Draper's "law is clean cut, no jagged edges; no ends to pick up at the end of a judgement." In 1862, Judge Draper had been on the bench almost fifteen years and was Chief Justice of the Court of Common Pleas of Upper Canada (since 1856). Draper was also a former Attorney General and Premier of United Canada.

⁵⁰ See Justice Draper's Charge to the Jury as reported in *Hastings Chronicle*, October 29, 1862

and with a view to shaking his testimony, but without effect." He dismissed O'Reilly's self-defence strategy with a clear directive to the jury that the law did not protect Mary and Richard Aylward when they were, at the time of the incident, engaged in an unlawful act. The missing scythe, he continued, represented "fearful testimony." If Mrs. Mary Ann Mccrae was to be believed, he instructed the jury, then by sharpening the scythe a week before the incident was the result of premeditated murder by the prisoners. If William Johnston was to be believed, Mary Aylward committed "the most cold-blooded barbarity and not an act committed in passion." Further, if other Crown witnesses could be believed, there was a disturbing pattern to Mary's conduct, as she "coolly and unconcernedly with her husband [dragged] the bloody instrument of death after him [Richard] while "thrusting her disgusting confidence on every one with whom she can in contact with." Draper found it very improbable the scythe would be found lying in the field." He also clearly stated his view that he did not see where the evidence lay for a manslaughter charge even setting aside Mary's "declarations both before and after the act." The Chief Justice left little doubt about his view about the case; he left no doubt about his view of Mary Aylward.

After Draper's direction, the jury deliberated for two hours and came back with a verdict of guilty but with a strong recommendation for mercy. Draper told the Aylwards that he would lay the request for clemency before the proper authorities, but added that the law allowed him no discretion. He told them "not to spend the short time which outraged humanity yet allows you in the world, in vain hopes and useless endeavors, for a mercy which you denied to a fellow human being." Rather, Draper instructed, "turn your hearts to your God, that He by the mercies of his beloved Son, may deign to grant his pardon to even such criminals as you are and that when you go hence, you may stand in his presence washed from your sins through his mercy." The evidence was in, and the law must prevail. The sentence of the court was that the Aylwards would hang on December 8, 1862.

Once the jury's verdict was in and sentencing had taken place, the Aylwards finally spoke and a radically different perspective on the incident emerged. Richard announced to the courtroom that they

could "hang away" but that he was innocent. Mary echoed her husband and added that it was "Doyle and Roddy" who were behind this incident.⁵¹ Richard and Mary's claim never received much traction by the court or in the media. It received much more attention later. The immediate focus after the verdict shifted to the jury's recommendation for mercy and the process of commutation of the Aylward death sentence.

Clemency Denied

Between the time the sentence was pronounced against the Aylwards and their execution, letters and petitions were sent to the Attorney General for Canada West, John Sandfield Macdonald, and the Executive Council. Some of the petitioners simply wanted mercy for the Aylwards, requesting that the death sentence be commuted to a life sentence, in a place and for a term, as the Governor General might allow.⁵² These came from all religions and from all classes including the "first and leading men of [our] country."⁵³ Notably, one came from the widow and the son of the deceased, Christina and Alexander Munro.⁵⁴ Another such appeal came from Robert Elliott, a young farmer and a Wesleyan Methodist, and seventy other settlers from Doyle's Corners who asked the Governor General to spare the Aylwards and reduce their sentence to imprisonment for life or to "transportation to some distant land."⁵⁵

A smaller set of petitions went beyond commutation and requested a review of the case. Such appeals came from the Belleville priests Rev. Michael Brennan and Rev. Edmund Burke Lawlor, and the Catholic community. Their petitions argued there was no real evidence against the Aylwards and that

⁵¹ See Richard and Mary Aylward's comments at the end of the trial, *Hastings Chronicle*, December 1862

⁵² All the letters and references to the petitions in the Aylward clemency case can be found in the Sessional Paper {No 16}, Second Session of the 7th Parliament of the Province of Canada, March 3, 1863. For more complete petitions including all signatories refer Library and Archives Canada {LAC}, Provincial Secretary, Numbered Correspondence Files, 1844-1867, Microfilm Reel 2485. Specific images on the reel refer to individual petitions as referenced in the Sessional Paper {No 16}.

⁵³ Sessional Paper {No 16}. Letter dated November 11, 1862 signed by John Finn.

⁵⁴ Christina and Alexander Munro petition, Nov 15, 1862, LAC, Reel 2485, Image 645.

⁵⁵ Robert Elliott petition, dated Oct 27, 1862, LAC, Reel 2485, Image 649. Elliot was a farmer from the Hastings Road who lived a distance north of the Aylwards. Refer Map in Appendix 4c and Appendix 12 for detailed notes on Robert Elliott.

neither Alexander Munro, nor any of the witnesses, swore as to who inflicted the fatal blow against William Munro.⁵⁶ These petitioners believed William Munro's head wound "had been opened by an Indian quack doctor" which ultimately contributed to his death. Furthermore, they were concerned that William Munro's dying declaration needed more attention. Finally, the clergy called out for mercy, if only for the Aylward children, and alleged that Mary Aylward was pregnant with a fourth child.⁵⁷

Another of the petitions for mercy came from an unexpected source, Robert Read, Legislative Councillor for Hastings County.⁵⁸ Robert Read, another Wesleyan Methodist, and his fellow petitioners were among the first to publicly voice the community astonishment over the Moorman acquittal. In Read's view, the Moorman trial produced a community reaction that caused the conviction of the Aylwards. Furthermore, Read characterized Doyle's Corners as a place with "no law, no magistrates; where everyone thinks it proper to defend his supposed rights by the strong hand."⁵⁹ Read appealed on behalf of the children who "would be left fatherless, motherless and friendless in a strange country and a strange land." It was one of the few times Doyle's Corners was ever described during the coverage of the Aylward trial and it was a very curious description. The petition revealed an insight into Doyle's Corners, yet the insight came from outside that community. Did Robert Read know something about Doyle's Corners and its reputation with regard to frontier justice?

While the petitions came in, the political machinery for clemency also moved forward. Records from the Provincial Secretary's Department and Department of Justice Registers from 1862 highlight the process. Draper's report of October 23, 1862 had been received and referred to Sandfield Macdonald

⁵⁶ Reverend Michael Brennan and Reverend Edmund Lawlor petitions, dated November 12, 1862m Reel 2485, Image 672.

⁵⁷ See Provincial Secretary Office Correspondence, Aylward file. The Attorney General investigated the rumours of Mary Aylward's possible pregnancy. A letter was dispatched to Sheriff John Dunbar Moodie in Belleville and a medical examination said to have been performed by Dr. William Hope, a doctor from Belleville with the gaoler's wife, Ann Dafoe also in attendance at the examination. The subsequent report to Macdonald on December 2, indicated that Mary Aylward was not pregnant.

⁵⁸ See Appendix 8 for background notes on Robert Read. Robert Read, businessman and distiller from Belleville, was later elected as a Conservative MP in the first post-confederation general election in 1867. Read was also appointed to the Senate by Sir John A. Macdonald in February 1871 where he remained until his death in 1896.

⁵⁹ Robert Read Petition dated November 12, 1862, Reel 2485, Image 683.

on October 31, 1862.⁶⁰ Macdonald's report was read in Council on Wednesday December 3, 1862.⁶¹ In that report, Sandfield Macdonald dismissed the allegations of the petitioners as "conjecture" as they related to the Aylward case. He seemed to have no doubt all the circumstances alleged in the petitions were dealt with by the jury prior to their decision to convict. After a careful review of the evidence, Macdonald wrote, "one is certainly disposed to think with the Chief Justice" that there were no grounds for commutation.⁶² While the jury recommended mercy, Macdonald believed that juries generally wanted it both ways - to convict inside the court room and show mercy and empathy outside that courtroom. Macdonald remarked that "Royal Clemency should not be invoked in such cases so long as the law remained which imposed the punishment of death for murder."⁶³

On December 3, 1862, four members of the Executive Council laid the Attorney General's report along with Draper's notes of evidence before the Governor General, Lord Monck, to review the Aylward commutation request.⁶⁴ After fully considering the circumstances of this case, Monck ruled that the law be allowed to take its course.

Public Spectacle - Hanging of Mary and Richard Aylward

Just before noon, on Monday, December 8, 1862, before a crowd estimated to be five thousand, Mary and Richard Aylward were hanged in Belleville.⁶⁵ At quarter past eleven that morning, the Aylward procession mounted the five- by- nine-foot scaffold, the "ghastly engine of death." Rev. Lawlor

⁶⁰ Provincial Secretary's Office, Canada West, RG 5C1, Vol. 724, File No. 1387 of 1862 (14 pages). Department of Justice Registers, RG 13A1, Vol. 423, No 965)

⁶¹ Minute Book of the Executive Council of Canada, RG 1E1, Volume 87, State Book Y, pages 137-8.

⁶² That John Sandfield Macdonald articulated with Draper may be have been relevant in terms of how they both saw the law in 1862.

⁶³ John Sandfield Macdonald Letter Dec 3, 1862, Provincial Secretary, Correspondence, Reel 2485, Image 612.

⁶⁴ See Minute Book of the Executive Council of Canada, RG 1E1, Vol. 87, State Book Y, pages 137-138. The four members of the executive council present were John Sandfield Macdonald, Adam Wilson (Solicitor General), Michael Hamilton Foley (Postmaster General), U.J. Tessier (Public Works). It is not clear whether there was a separate meeting with the Executive Council to go over the Attorney General's report or whether the entire commutation discussion was held with the full cabinet. Interestingly, there is no evidence that the President, Thomas D'Arcy McGee attended this meeting or if the four members represented a quorum. Little is known about the clemency process in pre-Confederation Canada.

⁶⁵ According to the *Intelligencer's* report of Dec 12, 1862, the Aylwards took their last meal at 6pm on Sunday Dec 7. A Mr. Cary, was reported to have spent the last hours with Richard Aylward "in religious devotion." Mrs. James Grant remained with Mary Aylward, also in religious devotion.

accompanied Richard, while Mary, dressed in white with a crepe shawl over her shoulders, was attended by young Rev. John Brennan, the thirty-year-old nephew of Rev. Michael Brennan. Richard and Mary fell to their knees and the final prayers were said.⁶⁶ The priests left the gallows and the Aylwards were alone with their executioner. The ropes were adjusted and after the trapdoor opened, the "gallows mob" watched as the pair kicked and writhed together. Mary died within a minute and a half. Richard died "in fearful agony" after two and a half minutes. It would be approximately thirty-five minutes before the bodies of Mary and Richard were taken down and moved by horse-drawn wagon to St Michael The Archangel Church for a mass of Christian burial. Their bodies were buried in the church cemetery and, according to the reporter for the *Belleville Intelligencer*, thus ended the Aylward tragedy.⁶⁷

But the Aylward tragedy was far from over. In his eulogy later that day, Rev. John Brennan declared that the Aylwards should not have been hanged because they were defending themselves on their own land. Petitions for clemency, he said, had been ignored by an unmerciful Executive Council and the hanging brought back "the day of Cromwell when such acts were committed."⁶⁸ Brennan echoed earlier concerns over the impact of the Moorman trial on the fate of the Aylwards and criticized the defence team for not calling other character witnesses who could have provided "rebutting testimony."

Debates immediately ensued about Brennan's eulogy and the *Belleville Intelligencer* was heavily criticized for publishing it.⁶⁹ Opinion was deeply divided on the trial, largely along religious lines. To the Catholic press, Mary was a victim of abuse who defended her husband from attack on their own

⁶⁶ The estimates of the crowd varied depending on the primary newspaper source. The *Belleville Intelligencer*, Dec 12, 1862, refers to the crowd as one-fourth women, with people arriving by sleigh as early as the day before the execution. The reporter continued that the immense crowd had "young men drunk and unable to stand, ... quarrelling, hooting and yelling combined to make it one of the most terrible and heart-rending scenes [Belleville] ever witnessed."

⁶⁷ Another unusual fact was that the Aylwards were buried in the cemetery at the Belleville Catholic church. This was not normally done as most people convicted of capital crimes at this time were usually buried in the jail grounds.

⁶⁸ See "Funeral Services of Richard Aylward and his Wife" in *Belleville Intelligencer*, Dec 12, 1862.

⁶⁹ *Hastings Chronicle*, Feb 18, 1863.

property. According to the Catholic *Canadian Freeman*, the trial had been bungled, clemency unmercifully withheld and the Aylwards "murdered in the due course of the law."⁷⁰ To much of the Protestant press, in contrast, Mary Aylward was presented as a cold-blooded murderer with a history of trouble-making who deserved the punishment; "justice must always overtake the murderer," argued Bella Flint in the *Globe*, "whether Protestant or Romanist."⁷¹

Mary Aylward Speaks After the Trial - Alternate Version of the Incident

Alongside the newspaper reports of the execution and the eulogy, the *Hastings Chronicle* also published two letters from Mary Aylward to her daughters on December 12, 1862, two days after the hanging. The letters are the only record of Mary Aylward's account of the incident and provide the only details that are available about her early life. The letters also serve to provide context of her life at Doyle's Corners.

Mary O'Brien Aylward, as she said in her letters, was born near the small parish of Ardpatrik, County of Limerick Ireland, and emigrated with her brother John, around 1850, to the United States to be near her sister Ellen in Connecticut.⁷² After arriving in the United States, she later met and married Richard at Church of St. Peter Roman Catholic Church, Poughkeepsie, New York on August 15, 1855.⁷³ Richard was also a Roman Catholic from Ireland, and came from County Carlow, Leinster. The Aylwards soon moved to the Puslinch/Guelph area of Canada West, in February 1856, to be near Richard's aunt, Mrs. Ann Elyward Doyle (sometimes spelled Aylward) – the matriarch of the very same Doyle family

⁷⁰ See "Analysis of the Evidence in the Aylward Case," *Canadian Freeman*, March 12, 1863. See also *True Witness*, February 20, 1863.

⁷¹ See Bella Flint's letter to the editor, "The Aylward Case," *The Globe*, Feb 24, 1863

⁷² For a copy of Mary O'Brien's baptismal record, see Irish Catholic Parish Records, 1655-1915, Parish of Ardpatrik/Kilfinane, Diocese of Limerick, 1832-1866, National Library of Ireland, Microfilm 0249/03. Mary was baptised in November 1838 making her twenty-four years old at her death. Mary's parents shown as Jacobi O'Brien and Marie Dwyer according to the parish record. For the preface to Mary Aylward's letters to her daughter, see *Hastings Chronicle*, December 10, 1862. Letters also printed in *Bellville Intelligencer*, December 12, 1862. Mary, in her letters, mentions Kilferrin [sic] which corresponds to Kilfinane, Limerick as identified in the baptismal record. Kilfinane and Ardpatrik are both small towns in the south of Limerick, about 4km apart.

⁷³ See copy of marriage register, Church of St. Peter, January 1, 1839-December 31, 1857. The wedding was presided over by Rev. M. Riordan with witnesses recorded as William Duane and Ann Gillespy.

that came to lend their name to the Doyle's Corners settlement on the Hastings Colonization Road by 1862.⁷⁴ The Aylwards would move three more times in the next six years - first to Addington Road in the fall of 1856, then to Flint Mills, Kaladar, where they stayed four years, before moving to the "unfortunate place" on Hastings Road. By Mary's account, we see the family moved frequently, staying the longest in Flint Mills, Kaladar where rumour and innuendo (rumours related to Mary and Richard being brother and sister) seemed to arise.⁷⁵ But, Mary's introduction of the Doyle family, was also interesting for what it said about that familial relationship - one that was far from positive. In her letter, she alluded to lending money to the Doyles and getting little of it back.⁷⁶ Mary's letters certainly conveyed that all was not well between the Aylwards and the Doyles and more about their relationship was to be revealed.

Mary Aylward's letters to her daughters were dated December 6, two days before her execution, but were not first printed in the newspapers until December 10, two days after their execution. In the first letter to her eldest daughter, named Ellen, Mary told a different story about the incident compared with the testimony of Alexander Munro.⁷⁷ In Mary's version, the week leading up to the incident of May 16 included a series of altercations involving the Munro hens straying into the Aylward field. Mary told of being repeatedly harassed by William Munro during each of these

⁷⁴ See Aylward and Doyle family trees appended in Appendix 1 and 2.

⁷⁵ Mary's preface to her letters is not part of the letters themselves and were reported separately in the primary sources. Mary gives some details about the Aylwards life in the Flint Mills phase. Flint Mills (now Flinton) is in the Lennox and Addington County. A mill town, on the Skootamatta River, established by Belleville businessman, Billa Flint, to house his employees. The interesting connection with Billa Flint is noteworthy as he later pens a letter to the editor of the *Globe* about the Aylwards. Mary also references a storekeeper by the name of "Sidway" who worked for Billa Flint. According to Mary, this Sidway could provide a character reference for her and dispel any rumours that circulated about the Aylwards. This Sidway knew Mary's brother, Lewis O'Brien and Mary's sister Ellen who lived nearby. This Sidway person would have been another good character witness at the trial of Mary Aylward. See Appendix 8 and also Larry Turner "Billa Flint," DCB, Vol.12 for commentary and background on Billa Flint.

⁷⁶ See "The Execution of the Murders Aylward," *Hastings Chronicle*, December 10, 1862. Though the newspaper is difficult to read in places, the amount of the loan appears to be \$600 or \$6. Certainly, in 1862, \$600 would have been a very large sum of money for such a loan.

⁷⁷ Mary Aylward's letters to her daughters are printed in the *Hastings Chronicle*, December 10 and the *Belleville Intel/igencer*, December 12, 1862. The names of the Aylward children vary across sources, as between these letters, Census records, newspaper reports and House of Providence Orphanage Registers. The ages of the children also vary between these primary sources.

altercations. The letter also characterized Munro as a quarrelsome man who had disagreements with Matthew McCrae and who complained to the Aylwards that they were letting their children go on Munro's property. Munro would visit the Aylwards on one day to complain about the hens or to throw stones at Mary and call her names. On other days during that week, there would be no exchange with the Munros over the hens and Mary assumed peace had been restored. On some of these occasions Mary was alone as she referred to Richard working away at the McDonald farm. By Friday May 16, the Aylwards were both at home when the final altercation with the Munros took place. Richard did fire his gun at the hens as they had been in and out of the field that afternoon. Hearing the shot, the Munros came again to the Aylward shanty to, once again, accused Richard of shooting at the Munro hens. Richard admitted to firing at a rooster but denied killing any hen. The verbal altercation escalated after the Munros would not leave the Aylward property. The argument that started at the Aylward shanty moved to the Aylward field. In Mary's version of the incident, Richard followed the Munros to the field with a shotgun in his hand and a pistol in his pocket. The Munros threw Richard on the ground and in the process the pistol ended up in Alexander's hands. Mary related - in her confused state - how she heard William Munro threaten to shoot Richard with his own [Richard's] pistol. She told of Alexander cocking the pistol on his father's instructions and though she had thoughts of running away, Richard called out to her that he feared for his life. Mary, in a frenzied state, struck William Munro with the scythe which was lying on the ground near her. She seemed not to know who she hit. A shot was fired and Mary said that Alexander ran away with his back on fire. In this letter, Mary seemed unaware of who shot Alexander but she took responsibility for striking William Munro. She said that she did not mean to kill Munro, but that she only did so in defence of her husband, and only after William Munro's threat to kill her husband.

In the second letter to all her daughters, named Mary, Ellen and Sida, Mary declared her love for her children and urged them to be true to the Roman Catholic Church as she was leaving them to an

"uncharitable world." She claimed again that whatever she did on her own soil among her own children was in defence of her husband "as a wife was bound to do." She said that there was no truth in what Isabella McCrae said about her at trial and that the scythe was sharpened "for cutting underbrush." She claimed William Munro had put a dead dog in the Aylward well and "asked me [Mary] how I like the soup in it." She offered her forgiveness to those who did not show her mercy, including "the Doyles and the Roddys," who brutally kicked her and threatened her in the past. She went on to name these men directly as John and Martin Roddy together with Michael Doyle, Richard Aylward's first cousin.

With Richard's claim at the end of the trial that he was innocent, together with the publication of Mary Aylward's letters published two days after the execution, a new perspective on the incident and the community at Doyle's Corners emerged. This new perspective was radically at odds with the testimony heard during the trial. Was Mary telling the truth in her letters? What kind of community existed at Doyle's Corners? What kind of lawlessness existed at Doyle's Corners? Who exactly were these Doyle and Roddy men and what did they have to do with William Munro?

Doyle's Corners - The Aylward Neighbourhood and Community Dynamics

In 1861, when the Aylwards arrived, Hastings Road had a total population of six hundred and seventy-six people, of which two-thirds were male, and forty-five per cent were Roman Catholic, the largest single religion.⁷⁸ According to Marilyn Miller's study, Hastings Road settlements were unique in that they had fewer families and more non-family males relative to the two other Colonization settlements on the Opeongo or Addington Road.⁷⁹ One reason for more single men, was the lumber mill located northwest of the Aylwards, near Papineau Creek. Census records from 1861 support the fact

⁷⁸ See 1861 Census Hastings Road. Of the six hundred and seventy-six people who lived on Hastings Road, four hundred and forty-eight (66%) were male. Catholics numbered three hundred and four (45%), Church of England, one hundred and sixty-seven (25%), Wesleyan Methodist numbered eighty-six (13%) and Church of Scotland numbered forty-nine (7%). These four groups represented 90% of the religious makeup of Hastings Road in 1861. See also Appendix 12 for ethnic and religious backgrounds of the main settlers in Doyle's Corners that were living in Doyle's Corners.

⁷⁹ Marilyn Miller, *Straight Lines in Curved Spaces*, p. 27. Miller looks at the settlement patterns with respect to these three colonization roads of Hastings, Opeongo and Addington Roads. By overlaying Census records, Miller analyzes the demographics related to the settlement of these areas.

that there were lumbermen in Doyle's Corners with as many as eight single "shanty men" residing in the neighbourhood.⁸⁰ Given this demographic, and like all other bush settlements "fighting, drinking and feats of strength" were normal entertainment in Doyle's Corners.⁸¹ Young transient males, some of them living in lumber shanties, presented a measure of difficulty for young women in such a society. Based on her letters, and on the physical description of Mary Aylward at trial, it is not hard to believe her claims of verbal and physical violence from the men at Doyle's Corners; men like William Munro, and William Johnston, given the alleged episode with the arrest warrant. And now, according to her letters, Mary was violently attacked by men named Doyle and Roddy- these were not just any men, but Mary's own family by marriage, the Doyles.

Doyle's Corners, the settlement that encompassed the Aylward neighbourhood, originally came into being in 1856 when a group of Irish Catholic families moved to the settlement from the Puslinch/Guelph area. Among the first to arrive was the elder John O'Neill Doyle, in November 1856.⁸² Also among that original "Puslinch Group" of settlers were the Morans, the Lynchs, Farrells, and the Roddys.⁸³ The founding families of Doyle's Corners were a large connected group of Irish Catholic farmers, yeomen, businessmen and tavern keepers. The Puslinch group were comprised of men looking for land and opportunity in the new frontier. They came as a group and settled largely in Monteagle and Herschel Townships, presumably on the best of the marginal agricultural land available in the area.⁸⁴ Relative to the Aylwards, they had the advantage of several years of settlement with their farms already

⁸⁰ Robert Carr, lumberman, appeared on the 1861 Census along with eight young men aged 18 -25 that lived in the same household.

⁸¹ See Marilyn Miller p. 40, for a discussion on the place of violence in the culture of the Ottawa Valley in 1862. Doyle's Corners also reflected that culture given the local lumber mill, the presence of shanty men and the male-dominated society

⁸² John O'Neil Doyle location ticket application dated Nov 20, 1856.

⁸³ See location ticket applications and attached maps.

⁸⁴ See 1962 Hastings County Soil Survey, for data on the agricultural capacity of Hastings County. The fifteen northern townships of Hastings County, lying in the Precambrian Shield, had some of the roughest and poorest agricultural land in the province. These northern townships were classified as Group 5, Poor Cropland, out of a total of six categories (p. 57). While there were some scattered farms that were suitable for farming, the area generally had low agricultural output. This study confirmed that the best agricultural land in the County was to the south in Rawdon, Huntingdon and Hungerford townships. Many, like the Aylwards, came to North Hastings on the promise of good land. The advertising behind that promise was, sadly, either misinformed or intentionally misleading.

under cultivation and businesses underway. Among the Puslinch group, no one was more ambitious than Michael Patrick ("M.P.") Doyle.⁸⁵

In 1861, M.P. Doyle was single and twenty-five years old, not much younger than his first cousin, Richard Aylward. Although he came to the settlement with his extended family, 1861 Census records report M.P. Doyle with Martin Roddy (sometimes spelled Roddie, Rody or Roady) family in Herschel Township, on the west side of Hastings Road.⁸⁶ Martin Roddy, twenty-seven years old, had applied for this location ticket in January 1861, the same month as Richard Aylward.⁸⁷ By 1861, Martin was married with five small children under the age of ten. Martin's older brother, John Roddy, was also married and living in Herschel Township with his wife and two children by 1861. By virtue of M.P. Doyle's residency with Martin Roddy and their position in the "Puslinch Group," the bonds between the Doyles and the Roddys were close, presumably like brothers.

The Aylwards, by the summer of 1861, had immediate neighbours on three sides: John Lynch to the west, William Munro to the south, and Matthew McCrae and his family to the east.⁸⁸ The land to their immediate north and west was largely unoccupied except for the lumbermill at Papineau Creek that was the place where the shanty men worked. To the south, in Monteagle, also lived the Patrick Moran family who were part of the Puslinch group. Close by, at the nexus of the four townships was Doyle's Tavern, operated by John Doyle, and Doyle's Store, with M.P. Doyle, proprietor. Doyle's Corners, aptly named, was the centre of the community. The "driving force" of that community was M.P. Doyle who ran just about everything including a post office {'Tara'} and a stage coach operation by 1861.⁸⁹

Mary Aylward, like all the women in the community, was surrounded by men; the Munro men, M.P. Doyle, Martin and John Roddy, William Johnston, Angus McDonald and the shanty men who

⁸⁵ See Appendix 12 for background notes on M.P. Doyle.

⁸⁶ See 1861 Census for M.P. Doyle which showed him at the residence of the Roddy family.

⁸⁷ See Appendix 12 for location ticket information for Martin Roddy.

⁸⁸ See Appendix 4c Map of Doyle's Corners for lot- by- lot detail.

⁸⁹ Kirby, *Mary Aylward*, p 35.

worked in the area. The other women in this community, the McCrae women and Margaret Glenn, had large families of their own including their own adult sons who lived nearby. At the core of the community were the relationships of the "Puslinch Group" including the large Doyle clan, the Aylwards "kin," who lived clustered to the south in the settled part of Monteagle Township. Added to the Puslinch Group, were the McDonalds, where Richard Aylward was working the week before the incident. This McDonald farm was located a distance away in Herschel Township.⁹⁰ Donald McDonald was also among the early settlers to the area with his application for a free grant dating back to January 1857. The McDonald farm was in Herschel Township, due west of the Rouse property. The McDonalds, Catherine and Angus, were also closely connected with the Doyles, as Catherine was about to marry M.P. Doyle, and Angus McDonald was to be their witness. The McDonald clan also included Alex McDonald, who was described as the man who went with John Rouse to fetch a doctor for William Munro. The McDonalds, though they were Scotch Catholic, forged strong connections with the Doyles. However, the familial bonds between the co-religionist Aylwards and the Doyles, were far from close and clearly had some bad blood in them.

Taking Mary Aylward at her word in her second letter to her daughters, M.P. Doyle along with his friends, Martin and John Roddy, allegedly broke down the door of the Aylward shanty, knocked Mary Aylward down and kicked her two days after she gave birth to her youngest daughter. Again, in that letter to her daughters, and on that same occasion, Mary outlined these same men beat Richard Aylward severely. Before they left, M.P. Doyle hit Mary with a handspike while John Roddy kicked her and threatened to "take both their lives at once."⁹¹

⁹⁰See Map 4c and Appendix 12 for location of McDonald farm and details on the McDonald family. There is some inconsistency between the primary sources with respect to members of the McDonald family. Census records, when compared with marriage records for Catherine McDonald, serve to highlight one such issue. When M.P. Doyle married Catherine McDonald in November 1862, Donald McDonald was named as her father, Elizabeth Case as her mother. Catherine's brother, Angus McDonald, named as a witness. Yet Census records for 1861, show different age and marital records for Donald McDonald. Further work on the McDonald clan would be needed to sort out this inconsistency.

⁹¹ Mary Aylward's Letters, *Hastings Chronicle*, Dec 10, 1862,

Father Edmund Burke Lawlor's Letter - New Evidence

Mary Aylward's reputation for telling stories had already been established at the trial, and the biggest of her stories, that she planned to kill William Munro, was certainly believed by the Crown witnesses at the trial. Her stories about the Doyles and the Roddys could have been true, but did not fit with the defence strategy at trial. However, there is new evidence - previously unknown to historians of the Aylward Affair- that has come to light, indicating Mary Aylward may well have been telling the truth about the lawlessness in Doyle's Corner. This evidence comes from a letter written by a Catholic priest who had ministered to Catholics in Monteagle since 1848 - Father Edmund Lawlor. This new evidence provides one of the biggest revelations yet to come about the community, and its leading citizen, M.P. Doyle.⁹²

The primary purpose of the letter was to inform Bishop Horan about Lawlor's recent visit to Doyle's Corners and the difficulties the visit produced for Lawlor. Lawlor had apparently been replaced as the priest in Monteagle by a new priest from Ottawa, Father Cody. Lawlor hadn't been apprised of the change by Bishop Horan, and he was upset by the circumstance. But what is striking about the letter, is what it had to say about the community and its leading citizen, M.P. Doyle. As Lawlor told it in his letter, he assumed the circumstances arising from the new priest, was the result of another nefarious activity by the "notorious Doyle," and his brother-in-law, the "contemptable" Angus McDonald. As Lawlor told it in the letter, M.P. Doyle and Angus McDonald had duped the new priest, Father Cody, into saying mass at the "notorious" Doyle's house. Father Lawlor believed, in light of the fact that this was news to Lawlor, Doyle had forged the Bishop's signature on a letter to make it appear Bishop Horan had

⁹² See Reverend Lawlor letter dated February 5, 1864 to Bishop Horan, Horan Archive, Archdiocese of Kingston. For other details on Father Lawlor see Father Legree, *Lift Up Your Hearts* and Flynn, *Built on a Rock: Story of the Roman Catholic Church in Kingston 1826-1976*, p.289. Father Lawlor was not without controversy at the end of his tenure in the Kingston Archdiocese. He spent fourteen years ministering to the Stoco (Sugar Island) parish, Hungerford, and ended his service there "as a discontented man." It is easy to speculate that the Aylward affair took a toll on Father Lawlor. He left the Archdiocese of Kingston after many years of service and moved to Toronto. See Appendix 6 for more detailed background on Father Lawlor.

authorized the changes with respect to who was to say mass in Monteagle and in whose house mass was to be said.⁹³ The Moran Catholics as well as Lawlor needed some answers to these important religious questions. As Lawlor concluded in his letter, the Bishop was well advised to send a letter via Patrick Moran, Justice of the Peace, outlining the way forward for the Catholics of Monteagle.

In this letter to Bishop Horan of Kingston, then, we also find Lawlor's views on the tensions within the Monteagle Catholic community that followed the Aylward Affair. Lawlor, in his recent visit, found the Catholics there to be "strangely and sadly divided" since the Aylward Affair. Lawlor referred in his letter to a "sadness" in the community with Catholics "exceedingly grieved for the manner in which the affair has been conducted." A breach among the Catholic Puslinch group at Doyle's Corners had also emerged and, according to Lawlor, it involved the Doyle Catholics on one side and the Moran Catholics on the other. Also hinted at, but not fully described, was some kind of "whitewashing the Munros and the McCraes" was going on in the community. Lawlor added his own view that the Doyle party was somehow "instrumental in bringing the Aylwards to their hard fate."

Lawlor's letter also provides striking new evidence with respect to the atmosphere in the community in Doyle's Corners after the Aylwards were hanged. The letter very definitely suggests tensions within the Catholic community - between the Doyles and the Morans - arising in the aftermath of the Aylward verdict. It also hints at some kind of alliance between the Munro-McCrae-Doyle families that Lawlor might describe as an unholy one. On another level, it certainly confirmed Mary Aylward's view that M.P. Doyle was a man not to be trusted. Lawlor identified both M.P. Doyle and Angus McDonald as men capable of misrepresentation and fraud.

Lawlor's letter also raises other questions. If Mary was telling the truth about her treatment by the William Munro or M.P. Doyle, where was the local Justice of the Peace, or other neighbours, when

⁹³ Father Lawlor referred to Doyle forging Bishop Farrell's signature on a document relating to a recent election. Bishop Farrell was an interesting choice for the name on the alleged document. The Farrell family, that moved to Doyle's Corners as part of the Puslinch group, may have been related to Bishop Farrell. Further work would be needed to clarify that relationship.

the abuse of Mary Aylward was going on? Patrick Moran, if he was the JP in May 1862, would most certainly have found himself in the middle of the tension between the Aylwards and the Doyles. But we know very little about Patrick Moran, or any of the other members of the Puslinch Catholic group, and what they thought about the Aylward Affair. Other than John Rouse - the only Catholic who testified at trial - or any of the neighbours who signed the Elliott clemency petition, there was only silence among the Catholics in the community relative to the Aylward Affair.

It is equally plausible that none of the claims made by Mary Aylward were true. This may explain why Mary Aylward was dismissed by so many people. Richard and Mary were characterized by Billa Flint, a prominent Protestant businessman from Belleville, as a disagreeable couple who moved a lot because they couldn't get along with people. Other modern explanations as offered by Paul Kirby suggested Mary Aylward suffered from an undiagnosed mental disorder; what might be called post-partum depression today.⁹⁴ In Mary Aylward's case, based on evidence here, it could also have been a case of post traumatic stress induced by repeated incidents of violence and abuse. If Mary had women friends in the bush settlement who could speak for her general condition, there was little evidence to be found. The silence from the community is more understandable if the Roddys and Doyles were as violent as reported by Mary Aylward and Father Lawlor. Given the male-dominated society, a woman successfully standing up to the dangerous Doyles and Roddys would be difficult to imagine.

⁹⁴ See Paul Kirby, *Mary Aylward*, p 20. Kirby poses the question about whether or not Mary Aylward might have suffered from post-partum depression. Women's experiences in nineteenth century Canada were most famously chronicled by Susanna Moodie and her sister, Catharine Parr Trail. For other sources on the texture of day-to-day life in the lonely and harsh backwoods of Hastings County, refer diary of Mary Victoria Campion, Marmora Township, Hastings County, 1862. Pregnancy, and delivering babies without doctors, were common concerns of these pioneer women. See Tivy, *Your Loving Anna*, p. 26 where Anna Leveridge writes to her sister about a women friend about to have a baby. The friend tells Anna that she has never had a doctor and that she simply has to make up her mind that "if you are to live, you'll live; and if you die, you die; a comfortable sort of a feeling." Anna Leveridge was a woman who, as the introduction to her letters suggests, "improved her surroundings, helped her neighbours, and saw beyond her disappointments." Mary Aylward's life on Hastings Road appeared altogether different.

The Aylward Trial Revisited

Ultimately, the unusual legal aspects of the trial remain. It cannot be overlooked that the defence strategy of James O'Reilly was non-traditional for a manslaughter defence. The complicated strategy proved less effective in terms of defending Mary Aylward against the charge that she intended to kill William Munro. The defence seemed inadequate to the task of dismantling the conspiracy theory advanced by the Crown witnesses. The conspiracy theory advanced by Isabella Munro and William Johnston come to mind as two of the more far-fetched theories that should have been more easily mitigated. Testimony from Alexander Munro, a sixteen-year-old, was not invalid in 1862, yet an assumption that it would be looked at carefully seems reasonable. The failure to cross-examine many of the other witnesses, especially in cases that called out for clarification, is a valid criticism of the defence team. Alexander Munro could have been cross-examined more specifically about the nature of the medical treatment he and his father received. Mrs. McCrae's testimony could have been cross-examined more fully given the possibility that the scythe was sharpened for the purpose of cutting the underbrush on the Aylward property before spring planting. Constable Eadus' testimony about the missing scythe could have benefitted from more detailed questioning by the defence.

Other witnesses like Patrick Moran, Alex McDonald, James McCrae, and Ann Perin might have been called to provide much needed additional testimony. Why O'Reilly failed to call these witnesses remains a mystery notwithstanding the risk that any such testimony could also provide Mary Aylward with a motive for killing William Munro. Certainly, some of these witnesses could have provided other independent testimony or mitigated some of the theories advanced by the Crown witnesses. The strategy of calling one defence witness is quite difficult to understand given the unusual aspects of the case. O'Reilly's overall legal defense performance at the Aylward trial was not consistent with his professional reputation. It is argued here that, sadly, the Aylwards defence suffered as a result.

Many of the views about the trial were not accurate and also contributed to the difficulties with much of the subsequent debate about the Aylward Affair. Some of the more problematic issues are best highlighted with Thomas D'Arey McGee's speech in the Legislature on February 23, 1863.⁹⁵ McGee strongly defended his decision regarding denying the Aylward clemency. But he got a few things wrong in that speech. The fact the Aylwards did not seek an appeal, he argued, was evidence of their guilt. Yet the ability to review the Aylward trial for "error" did not really exist as an option, as it would have been a matter for the consideration of the presiding judge.⁹⁶ Furthermore, and has been mentioned earlier, given there was no complete record in criminal trials other than witness testimony and verdict, any such review would be hopeless. Not until 1892, were broader rights of appeal available in Canada.⁹⁷

On the matter of religious prejudice against the Aylwards, McGee pointed out there were five Catholics on the jury, and as many as four Catholic witnesses, with one of those related to the Aylwards. He was right about the jury but wrong about the witnesses and the Aylward relatives.⁹⁸ McGee was correct there was no evidence of jury-packing to support the argument for Protestant religious injustice at the trial. By the evidence collected here, religion was not a factor in jury selection given five of the twelve jurors were Catholic. As was also pointed out in *The Globe*, in this regard, the case for religious bigotry relative to the trial, is not easily made."⁹⁹ Ironically, it was tensions and cruelty among Catholics in Doyle's Corners that may have been an even bigger issue behind this tragedy. Whatever the

⁹⁵See McGee speech, Feb 23, 1863, Legislative Debates. McGee, harassed by the Irish Canadian nationalist opposition on his role in the commutation, claimed that "the public mind ought not to be further irritated on the [Aylward] question." Some of his reasons for that claim are discussed later in this paper.

⁹⁶See Girard, Phillips and Brown, p 567-570 on the issue of appeals in jury trials in 1892. Appeals were not available for jury trials/felony cases in 1892. Common law, according to Phillips et al, gave judges the ability to "review for error" but it was a very limited power. Phillips et al suggests that the power to review was "useless" given no record in criminal trials - only verdicts.

⁹⁷See Girard, Phillips and Brown, p. 570.

⁹⁸See Appendix 12 re Jurors. Census records confirm five Catholics on the Aylward jury which is a dramatic result given the circumstances of trials in 1862. Also see Appendix 9 for Witnesses. Of the seven Crown witnesses, Census records confirm that there were no Catholics. The only Catholic was the defence witness, John Rouse. There was one witness, Theophilus Golden that could not be classified directly using Census records.

⁹⁹See "The Aylward Case," *The Globe* April 13, 1863.

internecine tensions that existed between the Irish Catholics and the Protestants on Hastings Road, those tensions did not compare with the bad blood among Catholics in Doyle's Corners.

Regarding the witnesses and "family" connections at the trial, McGee was off the mark. The only witnesses related at the trial were Mary Ann and Isabella McCrae, and William Johnston. There were no relatives of the Aylwards who testified. While the matter of the religious backgrounds of the witnesses may have been a factor, no one seemed to know, or care, about the real family connection with the Doyles. The Doyles were not seen or heard either during the trial or in its aftermath. And the Doyles were the family connection that most mattered.

The Moorman verdict did affect the outcome of the Aylward trial. How else is the language used by the Chief Justice to describe Mary Aylward even necessary or justifiable? Draper's charge to the Moorman jury, by comparison, was direct and almost clinical. He added his views that Moorman, on evidence, was guilty but the words directed at that jury were measured. The Aylward jury could not have misunderstood Draper's full assault on Mary Aylward the following Monday. Unlike Moorman, the Aylwards did not have fourteen character witnesses speaking on their behalf.¹⁰⁰ The Moorman verdict catapulted the Aylwards into a political realm that was beyond O'Reilly's ability to mitigate on their behalf. The resulting 'messages' had, apparently, everything to do with justice, but very little to do with the Aylwards. After Draper's charge to the jury, the Aylwards were doomed.¹⁰¹

The Aylward Affair represents a poignant example of where the rule of law was historically invoked to send a larger message to the public. In so doing, given all the unusual aspects of the Aylward trial, the messengers may have also perpetrated an injustice on the people at the margin of that

¹⁰⁰ See Moorman trial *Belleville Intelligencer*, October 24, 1862. Interestingly two of the fourteen character witnesses for Moorman included Robert Read and Dr. William Hope.

¹⁰¹ See Hastings Chronicle, Brennan eulogy and Read petition.

message. The conduct of Chief Justice Draper, in the shadow of the Moorman verdict given the lack of appeal process, represented a compelling example of nineteenth century jury control.¹⁰²

Clemency Revisited

The case for clemency, and perhaps retrospective justice for the Aylwards, also remains far from closed. We, like Desmond Morten, should wonder why the Aylwards were hanged in 1862. Richard Aylward, on the evidence, was not guilty of murder and we should ask why he was hanged. We should also ask how and why Mary Aylward, in particular, lost out on the "lottery of death."¹⁰³ Draper, in his preamble to the Aylward clemency file, communicated that the jury "offered no reason" for their request for mercy.¹⁰⁴ Does a jury need to offer a reason? The justification for mercy is the same today as it was in 1862. The jury, the Belleville clergy, together with all the other petitioners strongly recommended mercy. Mary Aylward exhibited behaviours that suggest she was not in her right mind when the incident took place. The conspiracy theories advanced by some of the Crown witnesses did not hold up. The Moorman trial did produce a highly charged environment and, in so doing, did add further uncertainty to the Aylward trial. All these issues represent grounds for commuting the sentence of the Aylwards. Clemency for the Aylwards, like all defendants, depended heavily on the discretion of the Chief Justice and the Attorney General. Mercy was always within the Executive Council's

¹⁰² See Girard, Phillips, Brown re jury control. Chapter 29, p 567. Jury control involved Judges using their role in trials to direct juries at a time in history when there was no appeal process. The "methods" of jury control, described by Girard, Phillips and Brown included the judge's ability to comment on evidence as well as their explicit charge to the jury.

¹⁰³ See Carolyn Strange, *"The Lottery of Death: Capital Punishment, 1867-1976"* HeinOnline, 1995. Strange outlines that a federal committee, which looked at Capital Punishment in 1953, concluded that decisions around capital punishment were reached in "seemingly lottery-like fashion." Standards of mercy were "nowhere spelled out and post-conviction case reviews revealed for the first time that the most critical decisions in criminal justice were those least governed by rules." Between 1867 and 1960, according to analysis done by Guy Favreau cited in Strange's report, only twelve of fifty-seven women sentenced to death were hanged i.e. a rate of 21.3%, representing less than half that for males, 47.4%. Women's risk of execution was two to three times lower than their male counterparts. As Strange pointed out, the "rarity of women's capital convictions lent notoriety to women killers that far outweighed their limited numbers." By contrast, Robert Sharpe in his book on the Lazier murder concluded that Thomset and Lowder's odds in the "latter of death" were 50-50, as the rate was higher in that decade. Thomset and Lowder, like the Aylwards, would lose out in the lottery. All factors that would increase the odds of Thomset and Lowder pardon "were unlikely to sway the "political men, with an "eye on popular opinion and mood of the public." (p. 120).

¹⁰⁴ Sessional Papers (No 16), March 1863, Dept. of Justice Register, LAC. Refer Draper's letter dated October 23, 1862.

discretionary prerogative to grant. Mary Aylward, against all odds, lost out on the lottery of death and it represented then, as it does now, a curious exception to the gendered justice practices associated with nineteenth century clemency.

Doyle's Corners - Community Dynamics Revisited

The cause of the bad blood between the Aylwards and the Doyles remains a mystery. Mary's claim that the Doyle family owed money to the Aylwards and did not pay it back could have been true. The Doyles, with their store and other businesses, clearly had the means to repay a loan to the Aylwards. If the "notorious Doyle" was as bad as his reputation suggests, it is entirely possible the Doyles didn't repay the loan because no one could make them. It also seems likely that tension might have arisen from other sources. Perhaps the bachelor M.P. Doyle made advances to the young Mary Aylward that were not reciprocated. Perhaps M.P. Doyle and his friends got violent when they drank. Whatever the cause of the bad blood, there is evidence to suggest there were those who thought M.P. Doyle was a notorious young man. That M.P. Doyle got married in Eganville weeks before his cousin was hanged says something about the man.¹⁰⁵ It was also no surprise M.P. Doyle's signature was not to be found on the petition for clemency that came from Robert Elliott and the settlers on Hastings Road.¹⁰⁶ The bad blood between the Doyles and the Aylwards ran deep and the relationship with M.P. Doyle proved to be lethal for the Aylwards.

If we take Lawlor at his word, the Munros, McCraes and Doyles were joined in an unholy alliance that resulted in "sending the Aylwards to their hard fate."¹⁰⁷ The Munros, McCraes, Glenns and Selbys were all Protestants but were of varying ethnicities; the Munros from Scotland, the McCraes and Glenns

¹⁰⁵ Renfrew County Marriages, 1858-1865, Ontario Archives. MS 248, Reel 14. Copy of marriage register for Michael Patrick Doyle and Catherine Brennan dated November 3, 1862. Michael Doyle, 23, married Catherine McDonald, 18, at St. James Roman Catholic Church, Eganville. In the marriage register, Catherine is recorded as the daughter of Donald McDonald and Elizabeth Case. The Church records show that the Rev. Joseph Eugene Guigues, Bishop of Ottawa, officiated at the wedding. Witnesses at the wedding were recorded as Angus McDonald and Mary Doyle. Church documents also indicate that marriage bans were dispensed with by authority of the Bishop.

¹⁰⁶ See Robert Elliott petition.

¹⁰⁷ See Reverend Lawlor's letter.

from Ireland, and the Selbys from England. The Munro-McCrae-Doyle alliance, hinted at by Lawlor, therefore crossed ethnic and religious divides. M.P. Doyle, with his social and economic power, also had the power to isolate and remove the Aylwards from the society at Doyle's Corners. Some of the petitions that flowed after the trial alleged the Munro-McCrae-Doyle alliance against the Aylwards ended in perjury by the McCraes in court. It is also conceivable that if the Doyle family used their power to remove the Aylwards from the community for their own reasons. What also seems likely is that the Munros and the McCraes decided, either out of fear or for their own reasons, to help M.P. Doyle with that effort.

While it is highly unlikely a wholesale conspiracy against the Aylwards existed among all the Crown's character witnesses, it is more likely the witnesses who did not testify were far more relevant than the ones who did. It is not coincidental, that petitions from Hastings Road also raised the issue of perjury as it related to the testimony given by Isabella McCrae and Mary Ann McCrae. Were there others in the community- some of whom signed petitions - who knew something behind those perjury claims? We will never know the exact nature and context related to these claims. Nonetheless, given Lawlor's perspective on the alliances and tensions within the community, such perjury claims deserve to be considered.

The community at Doyle's Corners, by virtue of the evidence collected here, had its alliances and tensions. Some of the tension was hinted at during the trial but could not be pursued in light of O'Reilly's chosen defence strategy. O'Reilly had a difficult task given the Crown's seven witnesses. But the task was impossible either way without other witnesses who needed to come forward. On the evidence provided here, there is a high probability the Doyles prevented other witnesses from coming forward. Alex McDonald, for example, may have been one such witness. Given the McDonald clan was soon to be aligned by marriage with the Doyles, it is easy to understand why McDonald's testimony may have been suppressed by M.P. Doyle. Mary Aylward was in need of character witnesses and there were

none - certainly no Puslinch Catholics - who testified on her behalf at trial. Ironically, it was Robert Elliott, that young Wesleyan Methodist farmer, who was among the stronger voices of support among the neighbours at Doyle's Corners. It was Elliott who organized the petition for clemency and, interestingly, he was not a Catholic nor was he allied with the Puslinch group. What motivated him to help the Aylwards in such a visible way is not known.

Tragic Epilogue

Within months of the Aylward Affair, many of the settlers along the Hastings Road were in distress and virtually destitute. According to M.P. Hayes' annual report, 1862 had been "a trying one to settlers in the backwoods."¹⁰⁸ Hayes went on to say the planting season was adversely affected by a cold and dry spring. Grains, like spring wheat, were decimated by some kind of aphid which was rampant throughout Canada West. An early frost in North Hastings destroyed almost half of the potato crop. Turnips were among the crops that performed better in 1862 and represented a major food source for the people of Doyle's Corners. The Hastings Road settlers ultimately raised a petition to ask the government to improve the road, and thereby provide them with employment; a way to earn money to buy food and supplies and reduce their suffering.¹⁰⁹ Many of the sixty-six signatures on the 1863 Hastings Road petition look familiar - Alexander Munro, George Selby, John Rouse, M.P. Doyle, Angus McDonald, Robert Elliott, and Patrick Moran.

¹⁰⁸ See M.P. Hayes, Colonization Report for 1862, p. 67-70. Hayes report specifically mentions the progress of the Papineau Mill, and how the mill represents great advantage to the progress of settlement. Hayes also refers to a large group of German and English settlers who came to the settlement in the summer of 1862 with the intention of settling. Unfortunately, only seven families out of nearly six hundred remained. Their decision to leave, Mr. Hayes suggests, was due to the "unpromising appearance of crops" and the "bad condition of the Road which prevented these people from going back far enough to see the really prosperous part of the settlement." M.P. Hayes, like the other Colonization agents, was unduly optimistic in many of his reports.

¹⁰⁹ See Petition No. 3375, dated March 2, 1863 from Settlers of Hastings Road to Mr. McDougall, Commissioner of Crown Lands, Feb 21, 1863. Also see M.P. Hayes' Colonization Reports for 1862 where conditions on the road are outlined further. Much has been written about the failure of these settlements by the 1860's including reports by George Spragge, Pauline Ryan, C.F. Aylesworth, Marilyn Miller, Derek Murray, Florence Murray, John C. Walsh. Pauline Ryan, in her paper, talks about the Aylward Affair directly and its sectarian origins. Ryan suggests that most of the debate about the sectarian conflict between the Aylwards and the Munros, took place in Belleville. Interestingly, Ryan goes on to say that there was little debate in Doyle's Corners on the matter, given there was no recorded evidence about any trouble in the settlement. Ryan concluded many of the residents in Doyle's Corners felt that justice was served in the matter of the Aylwards. Ryan offered no specific evidence to back up this latter statement.

The exodus from the Hastings Road continued for those who could no longer manage the environment or the conditions. The stark reality of poor land and poor crops bore no relationship to the promise of a new life for many free-lot settlers. Monteagle, for those settlers, had become as Al Purdy would later describe it in his poem: "a little adjacent to where the world is. Where Sisyphus rolls a big stone year after year up the ancient hills."¹¹⁰ Given that settlers faced impoverishing conditions on the Hastings Road in 1862, the matter of a hen was not so trivial. Richard Aylward, like his fellow settlers, faced an extraordinarily difficult planting season in May 1862. Clearing the Aylward property of rocks, stumps and the underbrush in May 1862, would have been a physically arduous task. Richard Aylward was also working at the McDonald farm - a job that would have been vitally important in terms of his economic livelihood. The Aylwards, by the spring of 1862, may have been no longer physically or mentally equipped for the daily - and often violent - struggle for survival in the bush settlement of Doyle's Corners. Seen in this context, the hen was a catalyst that led to their undoing.

M.P. Doyle, however, thrived and went on to become Reeve of the settlement in 1871.¹¹¹ Thomas Netterville, another free grant settler from Wicklow Township, applied for a timber licence for the Aylward property in March 1863.¹¹² The Netterville application was temporarily delayed, since M.P. Hayes reported that the assignment from Richard Aylward to John Finn, had not yet taken place. Some years later, Thomas Netterville, who was by then the town Treasurer, became the patented owner of the Aylward property.¹¹³

¹¹⁰ Al Purdy's *"The Country North of Belleville"* in Al Purdy and Sam Solecki *Beyond Remembering: The Collected Poems of Al Purdy*, 2000.

¹¹¹ See Boyce, *Historic Hastings*, 1967, p 370, for background on M.P. Doyle. By 1871, Tax Assessment Rolls from Hastings County reveal 256 names of those that still lived in the townships around Doyle's Corners. The names of those who stayed included M.P. Doyle, John Doyle (65 yrs old), John Doyle (45 yrs old), Martin Roddy, John Roddy, Robert Glenn Sr and Robert Glenn Jr, George Selby and the three sons of Matthew and Mary Ann McCrae - James McCrae, Stephen McCrae and Matthew Jr. Also, on the assessment rolls for 1871, are other familiar names from the original Puslinch group of families, like Farrells, and Morans. The rolls indicate that most settlers had cleared about thirty acres with values assessed anywhere from \$65 to \$240. Interestingly, M.P. Doyle gave no value to his stated 100-acre property.

¹¹² See Netterville Application for Permission to Cut Timber on Free Grant Lots dated March 28, 1863, Ontario Archives, Wicklow Township Records. On the application, it stated that there was a house (16 by 20 feet), a stable (12 by 16 feet) and 28 acres under crop or ready for crops. How much of that work on the lot was the result of Richard Aylward's efforts is not known.

¹¹³ See Historical Books, Abstract/Parcel Register Book, OnLand.ca records for Lot 30, Cone. 1, Wicklow, Hastings Co.

By way of postscript, the Aylward orphaned girls - called Mary, Ellen and Sida in the letters their mother wrote to them - are among the silent victims in this story. With the help of Reverend William Brennan, the little girls were moved to the House of Providence, a Catholic orphanage in Toronto, and into the care of the Sisters of St. Joseph, on December 14, 1863.¹¹⁴ One of the girls, named Eliza, reportedly died at the House of Providence on November 28, 1865.¹¹⁵ Mary, aged fifteen, moved to Notre Dame des Anges, a boarding house for young working women, on June 6, 1873.¹¹⁶ The Aylward daughter named Lydia moved to the household of Mr. and Mrs. Eugene O'Keefe on September 5, 1881, when she was eighteen, likely to work as a maid.¹¹⁷ After 1881, the two Aylward girls either married and changed their surname, moved away from Toronto, or otherwise disappeared into history. No other reliable information on their lives has been found as of this writing.

Mount St. Patrick Cemetery is an abandoned Catholic cemetery on Stanley Street in an older section of Belleville. There are no monuments or markers of any kind in this cemetery. A small sign indicates to passersby that there are two thousand "faithfully departed" buried in unmarked graves within its sacred grounds. One of those unmarked graves, according to the parish priest at St. Michael the Archangel, belongs to Mary and Richard Aylward; an all-too silent elegy to this tragic story of justice and mercy on the Hastings Road in 1862.¹¹⁸

¹¹⁴ See Sisters of St. Joseph Archives, Toronto, House of Providence Orphan Asylum Register 1856-1873, Item 301-112. Orphan Asylum Register 1874, Item 301-115. Adult Inmates of the House of Providence 1859-1882, Item 302-11. Someone by the name of T. Brennan signed the girls in to the orphanage.

¹¹⁵ Orphan Asylum Register, Item 301-112. A search of the only Catholic cemetery of the time, St. Michael's Catholic Church Cemetery, revealed no death record for Eliza Aylward on November 28, 1865 or in the months before or after November 1865. Unlikely that Eliza, as a Catholic, would be buried anywhere else, so a possibility that the date recorded is wrong.

¹¹⁶ Orphan Asylum Register, Item 301-112. Record of name corresponds with 1871 Census for Mary Aylward. No other record available either from House of Providence or 1881 Census.

¹¹⁷ Orphan Asylum Register, Item 302-1-1. Originally, one of the girls went by the name of "Minnie" in the registry but her name was later changed to Lydia in these records. Lydia mirrors closely to "Sida" which was the name reported by Mary Aylward in her letter and during the trial. Lydia Aylward moved from orphanage to adult wing of House of Providence on October 12, 1878. No record of a Lydia Aylward was found in the primary sources after the 1881 Census.

¹¹⁸ The Aylward case is one trial with its own complicated narrative involving a verdict generated at a specific time and place in history. It is important to remember that verdicts vary, as do the narratives that underpin verdicts. The Aylward case, like all others referred to here, represents a window into the criminal justice system as it existed in 1862. And the view on the trial is concerning for the criminal justice system of the time.

But there are other windows - other equally troubling cases alongside other unexpected acquittals - that exist. In the Robert Corrigan case, a Protestant named Robert Corrigan, made enemies with his Catholic neighbours in a Quebec town, and was

savagely beaten and died in 1855. When the case went to trial, seven Catholic defendants were unexpectedly acquitted by the jury (refer Phillippe Sylvain, "Robert Corrigan", DCB, Vol, 8).

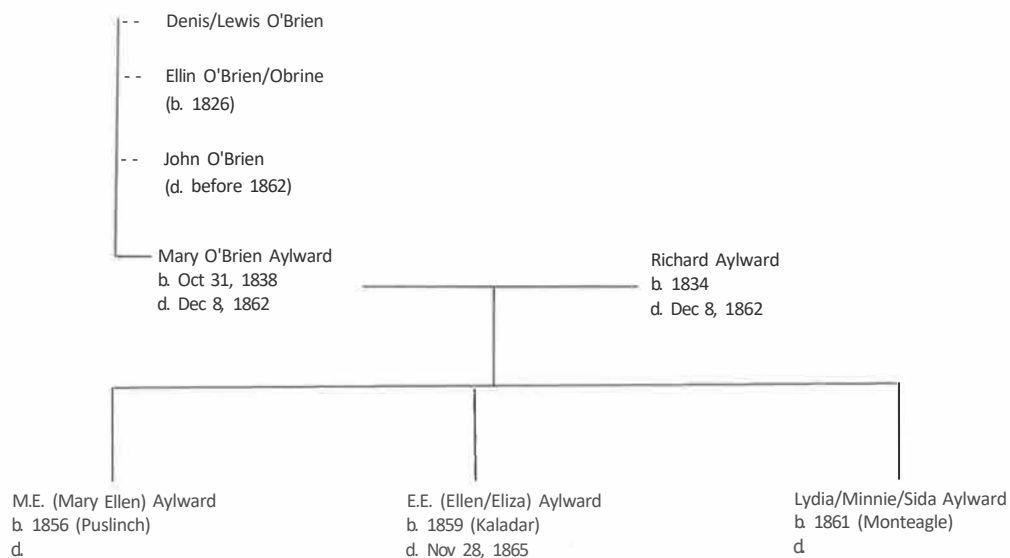
For an example of an unexpected acquittal, see Carolyn Strange and Tina Loo's article "Spectacular Justice." The outcome for this defendant, "Side Show Shorty" proved the opposite of the Aylward circumstance. In this 1903 case from Picton, a black circus worker, Edward "Yellow" Johnson was murdered and a fellow black worker, Edward "Side Show Shorty" Clark was unexpectedly acquitted of the murder. Jury trials, Strand and Loo argue, unlike circuses, are "open-ended, and while verdicts are anticipated, they are rarely pre-determined."

Also, see Bernadine Dodge, "Dissonant Voices in a Victorian Court Room: The Murder Trial of Dr. William King Cobourg, 1858-59." Dr. William King was hanged for the murder of his wife at Cobourg jail in June 1859. Like the Aylward case, the trial of William King involved an incomplete inquest, random decisions by local coroners and little control over the physical evidence. Unlike Mary Aylward, William King was a doctor of high standing in his community, which made his crime all the more "heinous."

The Peter Lazier case, in Prince Edward County in 1884, chronicled by Robert Sharpe, *The Lazier Murder*, is another window into the legal process and how verdicts are shaped by the ordinary people involved- like Richard and Mary Aylward (p 152-3). In this Lazier case, similar to the Aylwards, the verdict was reached quickly, an appeal was not available and the trial's outcome heavily influenced by the trial judge. The accused, Joseph Thomset and David Lowder were, like the Aylwards, working-class people. The case against them "far from clear" and the circumstances involved a community "out for blood." Thomset and Lowder were hanged. All these cases - and many more not discussed here - reveal the "false certainty" of verdicts described eloquently by Carolyn Strange and Tina Loo. These cases provide examples of how other factors - culture, public mood, changing pattern of criminal justice in the late 19th century - impact verdicts. The Aylward guilty verdict, as argued here, is one of the more troubling verdicts, in that it too, involved a case that was far from clear and a judge convinced of the guilt of Mary Aylward. The Aylward window is open and, at least for this writer, the view reflects one of the more tragic miscarriages of justice in our history.

Appendix 1

Aylward Family Tree

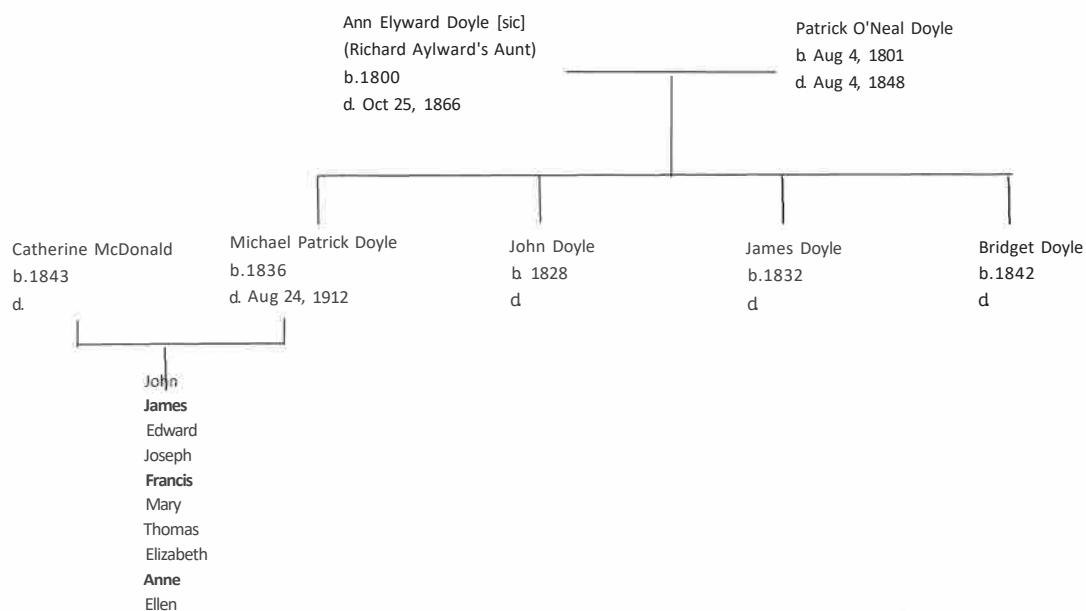


Sources: 1861/1871/1881 Census; House of Providence Archives; Mary Aylward's letters to her daughters. Mary O'Brien Aylward baptismal record sourced at Catholic Parish Records, National Library of Ireland, Microfilm 0249/03. Mary O'Brien baptised Nov 1, 1838, Parish of Ardpatrick/Kilfinane, Limerick. Mary's parents recorded as Jacobi O'Brien and Mariae Dwyer. Richard Aylward reported to be born in County Carlow, Uenster, in 1836, and emigrated to US in 1850 (Kirby book, p. 26). Census data inconsistent re birthdates.

Notes: Richard Aylward shows up in two Census for 1861. In the Addington Road Census, he is 27 years old, married to Mary with religion as English Church (Item 1654094). In the Hastings Road Census, Richard is 25 years old, married, and Roman Catholic. Ellin Obrine is found in the 1861 Addington Road Census as a 35-year-old single, Roman Catholic woman living with the Aylwards (Item 1654098)

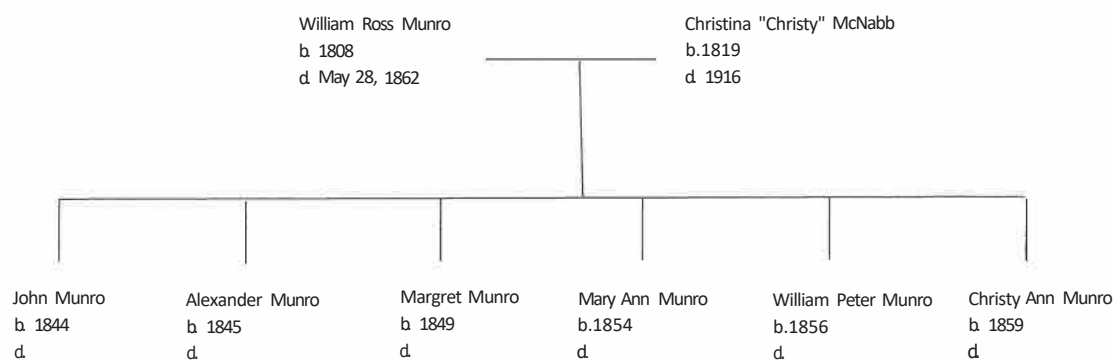
Appendix 2

Doyle Family Tree



Sources: 1861/1871 Census; Catholic Cemetery Archive, Archdiocese of Hamilton; *Guelph Mercury* (M.P. Doyle Obituary); and Paul Kirby's book, *Mary Aylward*
Note: According the 1861 Census, all of the Doyles shown on tree, except Bridget, born in Ireland. According to Paul Kirby's book, Patrick O'Neal Doyle was born in Borris-Inch, County Carlow and married Ann Elyward in 1826. Richard Aylward's birthplace is similarly recorded as County Carlow, Ireland.

Appendix 3 - Munro Family Tree



Sources: 1861 Census for Torbolton (Item #1016107), Carleton County and Hastings Road; Paul Kirby's book, *Mary Aylward*

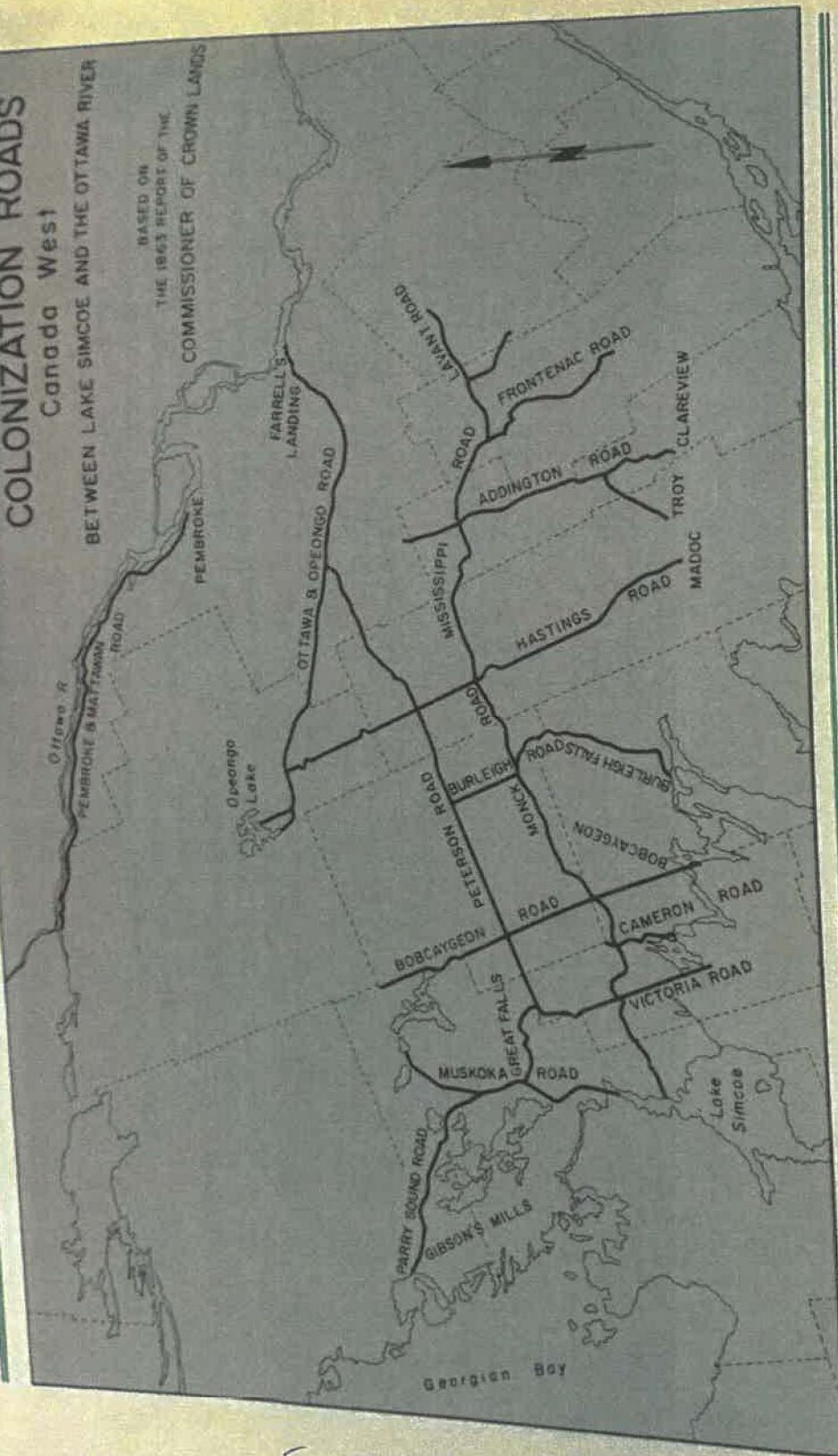
Note: 1861 Census shows Scottish born, Church of Scotland, William R Munro (53) married to Christy McNabb Munro since 1842. By 1861, according to this Census source, William and Christy had six children between the ages of seventeen and two years old. Alexander was the second oldest son of William Munro. Kirby, in his book on Mary Aylward, (p 49), references William Ross Munro was the eldest son of Alexander Munro and Marry Ross Munro who came to Canada in 1823. Kirby also makes reference to Christina being born in Scotland in 1819 and came to Canada with her parents in 1827. Kirby also references another child of William and Christy Munro, a newborn named Daniel James, presumably born in 1862.

COLONIZATION ROADS

Canada West

BETWEEN LAKE SIMCOE AND THE OTTAWA RIVER

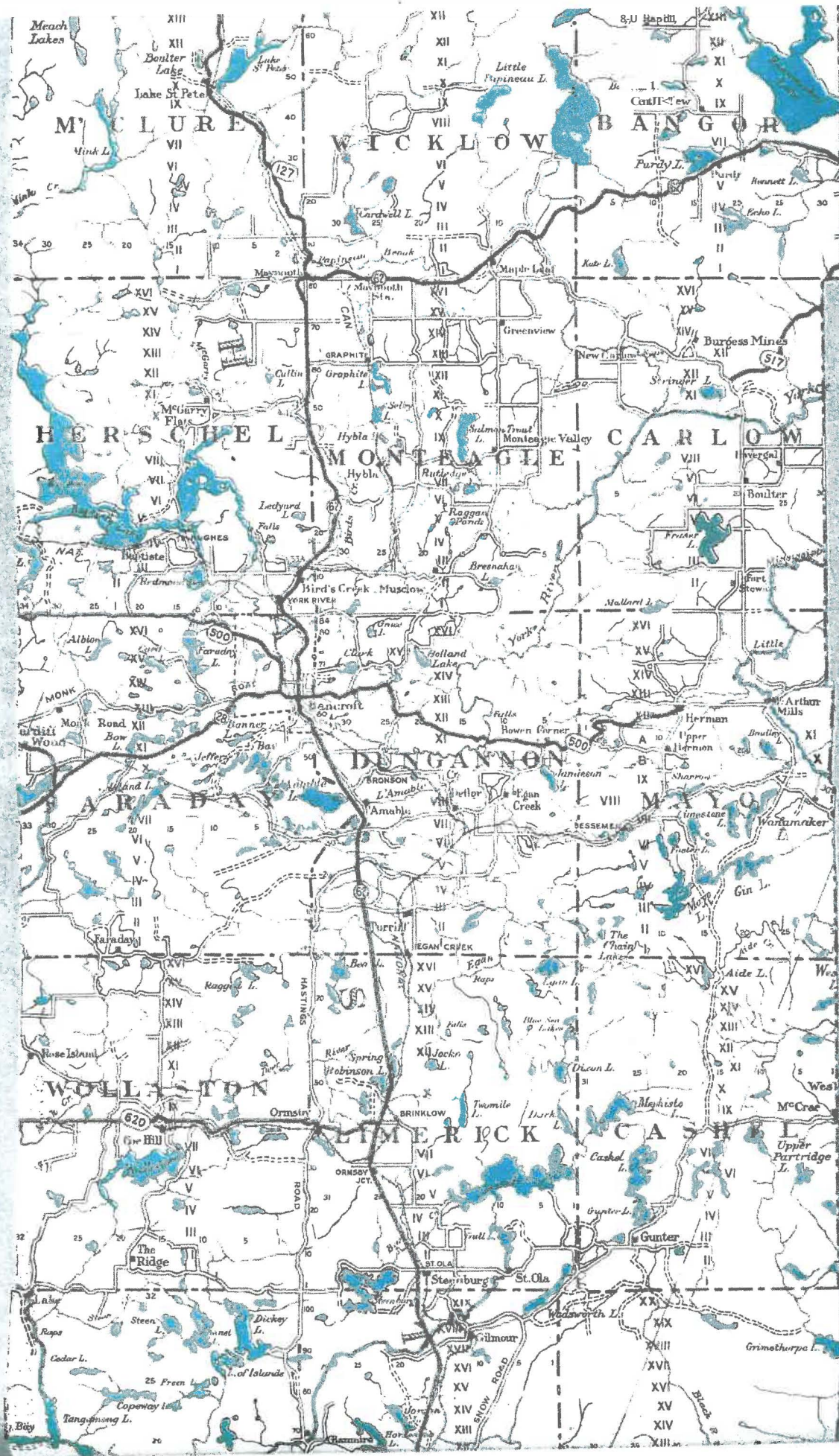
BASED ON
THE 1863 REPORT OF THE
COMMISSIONER OF CROWN LANDS



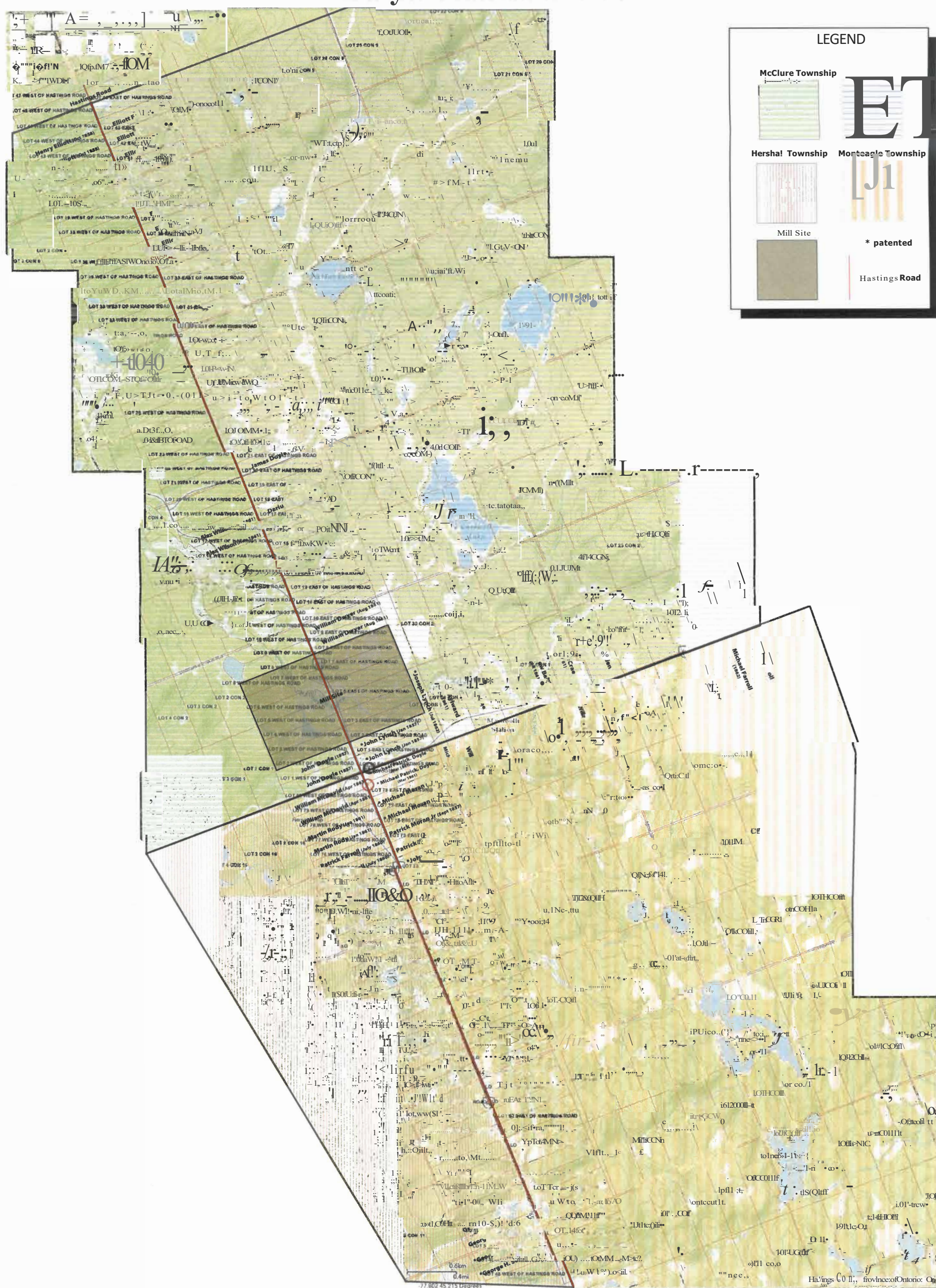
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FOOTPATHS TO FREEWAYS



Doyle's Corners-1862



Appendix 5 - Timelines May 16, 1862 - December 1863

April 25, 2020

Timelines - Aylward Affair:

- May 16, 1862, a dispute broke out between the Aylward's and their neighbour, William Ross Munro. Munro's hens had been straying into Aylward's' land and eating their newly-sown grain. William believed Richard shot at the hens and came, with his sixteen-year-old son Alexander, to complain to the Aylward's. The dispute continued and tensions escalated resulting in Richard shooting Alexander Munro (son of William) and Mary Aylward came up behind William with a sharpened scythe, slashing him in the arm and head, putting a three-inch gash in the side of Munro's skull.
- May 21, 1862: John Rouse goes to visit William Munro "five days after" Munro is injured. ¹Rouse proposed Munro see a doctor and have the Aylward's arrested. It is here that Munro says that he had "no business" interfering with the Aylward's.
- May 28, 1862: William Munro dies (12 days after fatal blow) after refusing medical treatment. Newspaper coverage refers to a funeral for William Munro. He's said to be buried on the property.
- Saturday May 31, 1862: Mary Aylward arrested by Andrew Jelly, JP, Tudor²
- Saturday May 31, 1862: Augustus A. Yeomans, Physician and coroner, leaves Madoc for Maynooth.
- Monday June 2, 1862: Yeomans, arrives in Maynooth to perform inquest.³
- Monday, June 2, 1862: W.E.D. Eadus, Constable, went with Yeomans, to arrest the Aylward's before the inquest.⁴
- Wednesday June 4, 1862: Mr. A.F. Wood, Esq., gives his first report on the Aylward affair. Wood has a few facts wrong but gives some interesting additional information about Andrew Jelly. Andrew Jelly, with a party of neighbours, arrested the Aylwards and take them to county jail in Belleville.⁵ The suggestion seems to arise that the Aylwards were arrested twice: one by Jelly and a second time by Eadus.
- June 6, 1862: Mary Aylward arrives at Belleville Jail and is committed by Robert Corrigan.
- June 7, 1862: Richard Aylward arrives at Belleville Jail and is also committed by Robert Corrigan.
- June - Dec 8, 1862: Mary and Richard are placed in separate cells in the Belleville Jail. No information available as to who may have visited them during their time in jail. Newspapers make reference to the visits by the Belleville clergy.
- Friday October 17, 1862: Trial of Morris Moorman in Belleville. Jury deliberated for one half hour before rendering non-guilty verdict. Community was startled as a guilty verdict was expected. Same Judge, Crown and Defence team as in Aylward case.
- Monday October 20, 1862: Trial of Mary and Richard Aylward in Belleville. Jury deliberated for two hours before rendering guilty verdict but also added their recommendation for mercy.
- October 23, 1862: Case Report prepared by Chief Justice W. Draper on the case of Mary and Richard Aylward.⁶
- October 31, 1862: Draper's case report transmitted to Provincial Secretary's Office.
- November 11, 1862: date of first 2 (of 10) petitions.
 - o Two petitions arranged by John Finn
- November 12, 1862: date of 3 more petitions;
 - o James Kennedy petition
 - o Robert Read petition (and 39 others). Robert Read was a member of the Legislative Council of Canada from October 1862 to Union

¹ Rouse testimony, as reported in the newspapers.

² Eadus testimony reveals that "Mary Aylward had been arrested the previous Saturday [May 31] and then again with Richard on June 2.

³ Yeomans testimony in the trial, as reported in newspapers.

⁴ Eadus testimony in the trial, as reported in newspapers.

⁵ Edward Buckley, Parish of St. Michael, p 33.

⁶ Reference made in Provincial Secretary File no 1387 of 1862 (14 pages)??, Public Archives of Canada

- o Reverend Edmund Lawlor petition (150 others) and Reverend Michael Brennan (and 273 others)
- November 14, 1862: Department of Justice corresponded with Provincial Secretary's Office regarding the Kennedy and Finn petitions.⁷ Petitions referred to Attorney General [J.S. Macdonald]
- November 22, 1862: Additional petition from John Finn and Chrystinia and Alexander Munro. The latter signed in the presence of M.P Hayes, Colonization Road Agent, Hastings Road on November 15, 1862.
- November 24, 1862: Department of Justice corresponded with Provincial Secretary's Office regarding the Munro petition. 2 more petitions referred to Attorney General [J.S. McDonald]
- November 27, 1862: Additional petition from John Finn and signed by "some of the witnesses who appeared on the part of the Crown."⁸
- November 29, 1862: Petition from Robert Elliott (and 70 others) from Hastings Road, Tara Post Office (i.e. Maynooth).
- November 29, 1862: Department of Justice corresponds with Provincial Secretary's Office regarding certain petition from Hastings Road residents (Robert Elliott petition??)
- December 1, 1862: Letter telegraphed from Attorney General J.S. Macdonald to Sheriff J.W. Dunbar Moodie Bellville, requesting that Mrs. Aylward be examined to see if she is pregnant.
- December 2, 1862: Letters from Sheriff's office to JSM that Dr Hope (Belleville gaol surgeon) in conjunction with Mrs. Dafoe [gaoler's wife] examined Mary Aylward and concluded that she was not pregnant.
- December 3, 1862: Attorney General [J.S. Macdonald] report on Aylward Case read in Council and filed.⁹
- December 3, 1862: Clemency denied and sentence of Death confirmed by Executive Council of Canada.¹⁰
- December 5, 1862: Petition from John P McDonnell (and 7 others) asking for a respite in the Aylward execution to allow for the case to be reviewed and "Facts which would mitigate the punishment"¹¹
- December 5, 1862: Petition from Michael Brennan that the prisoners are not in a "fit state to be executed on Monday next."¹²
- December 5/6, 1862: Petition from John Finn dated Dec 5 and wired on Dec 6. Evidence of Finn request received by Provincial Secretary's Office.
- December 6, 1862: John Finn telegram referred to Attorney General (J.S. McDonald)
- December 8, 1862: Mary and Richard Aylward were hanged in Belleville.
- February 23, 1863:
 - o Thomas D'Arey McGee speech. McGee as President of the Executive Council, defending Aylward the decision with respect to Aylward death sentence.
- February 27, 1863: First Reading of Langevin Bill to prevent public executions.
- March 2, 1863:
 - o 2nd Reading of Langevin Bill. Referred to Select Committee comprised of Langevin, McGee, Cartier, Wilson, Morris and Jackson.
 - o Followed by request by the Legislative Assembly (motion made by Huot and seconded by Patrick) to Provincial Secretary's Office for papers relating to Aylward Case.
- April 13, 1863:
 - o Alley's motion, Aylward Case House regrets failure of GG to commute the Aylward sentence.
 - o House went into Committee, Robitaille, Chair of Select Committee on Public Executions. Bill passed through Committee without amendment.
- April 14, 1863 - 3rd reading of Langevin bill.
- Tuesday March 11, 1863: Langevin's bill order reprinted.

⁷ Department of Justice Registers, Public Archives of Canada.

⁸ Sessional Paper (No 16) 1863.

⁹ Provincial Secretary's Office, Canada West RG SCI, Volume 724, file no. 1387 of 1862.

¹⁰ Minute Book Minutes, Dec 3, 1862.

¹¹ Sessional Papers (No 16).

¹² IBID

- May 1, 1863: John A. Macdonald's non-confidence motion
- May 5, 1863: Houlton motion, Prevention of Public Executions, 2nd Reading.
- May 7, 1863: Vote on non-confidence for John Sandfield Macdonald government
- May 13, 1863: Session closed re 7th Provincial Parliament of Canada
- May 19, 1863: Meeting held in Belleville to raise money for Aylward Orphans.
- December 14, 1863: Aylward orphans placed at House of Providence, Toronto and into the care of the Sisters of St. Joseph.

Appendix 6 - Clergy in Aylward Affair

April 25, 2020

Name	Age	Details/Comments	Religion
Reverend Michael Brennan	66	<ul style="list-style-type: none"> Believed to have been born 1796, Mooncoyne, Kilkenny, Ireland <u>Aug 28, 1829</u>: ordained by Bishop Macdonell (33 years old) and took over the mission at Bay of Quinte. (St Michael Parish book, p 14) Bay of Quinte mission presumed to include Belleville, Hallowell, Marmora and the surrounding territories which have no pastor" (St Michael Parish book, p 16). Some "2,916 Catholics" in 1835. (St. Michael book, p18) <u>1839-1849</u>: Hastings County known as Victoria District. Irish immigrants came to Marmora, Madoc, Tweed and Stoco. <u>1840</u>: Susanna Moodie referred to Michael Brennan in her book "Life in the Clearing" as with "courteous manners and a racy wit." (p 25) <u>October 23, 1862</u>: Brennan wrote Bishop Horan requesting Horan intercede with Government for stay of execution (p34) <u>Oct 31, 1869</u>: died (aged 73) in Belleville after 42 years of service to the people of Belleville. He left "neither writings nor monuments save a parish sound and secure" (p 39) The "good and zealous priest" was a tall, bony individual of quite homely features. Had the strength of a "lumberjack" and carried a blackthorn cane which gave him the nickname "Blackthorn Brennan" (p 25) "the most stern rectitude in matters of justice and moral conduct, in truth, he was immutable and ever loyal to his God and country." (p 39) He had a "staggering devotion to his responsibility" (p 39) 	Roman Catholic
Rev John Brennan	31	<ul style="list-style-type: none"> Nephew of Rev Michael Brennan also thought to have been born in Kilkenny, Ireland <u>1859</u>: became curate of St Michael's Parish in Belleville for his uncle, Michael Brennan (p39) <u>December 8, 1862</u>: Father John Brennan, curate, delivers the sermon "which reverberated throughout Canada" (St Michael's parish, p 36) and with this speech became "the most controversial participant. (p 38) 1888: parish priest in Picton (p 61) 1861 Census: Item #2697403. 	Roman Catholic
Father Edmund Burke Lawlor		<ul style="list-style-type: none"> Prior to coming to Hastings County in 1855, he was a priest in Halifax, Kingston, Dundas, Guelph, Thornhill and Toronto. (Built on a Rock, p 281) 1827: Father Lawlor visited Catholics in the Brewer's Mills district. (Built on a Rock, p 296) 1855: Father Edmund Burke Lawlor was the parish priest at St. Edmund's Catholic Church, Sugar Island (now Tweed) and served there until 1869 (Kirby book, p 42). (Built on a Rock, p 281) 	Roman Catholic

		<ul style="list-style-type: none"> • 1858/1864: Father Edmund Lawlor of Stoco/Tweed ministered to the Maynooth Catholics (his letter dated Feb 1864). Legree book says Lawlor, from the Kingston Archdiocese was the first priest in Maynooth 1861- 63. • 1862: served as spiritual advisor to the Aylwards. • Walked the Aylwards to the scaffold (Kirby, p 43) • Instrumental in collecting and forwarding petitions related to Aylward commutation of the death sentences (p 43) • 1869: requested a transfer from Tweed • 1871: moved to Toronto (Built on a Rock, p. 281) • Lawlor became a "discontented man" and "resisted the the authority of the Bishop for 2 years - wouldn't leave the Tweed church. Caused issues. (Built on a Rock, p. 289) • 1904: died in Toronto (Kirby, p 43). • Based on information collected, assumed Lawlor would be middle-aged by 1862. No Census records found. 	
Bishop Edward Horan	45	<ul style="list-style-type: none"> • Born 1817 in Quebec • 1830: entered the seminary at 13, and ordained 1842 • 1848: sent for further training to Harvard and Yale, natural history • 1858: succeeded Patrick Phelan and became Bishop of Kingston. Considered authoritarian and "ruled with iron fist." (p. 46-60, Built on a Rock) • 1861: assisted with bringing Sisters of Providence of St Vincent de Paul who introduced the first house of providence in Canada West. • Involved in patronage and politics, good friend of John A Macdonald and other prominent Conservatives (DCB) • 1874: Retired • Fighter for schools, ran his diocese with iron glove . • 1875 died at 58 years of age 	Roman Catholic
Bishop John Farrell	44	<ul style="list-style-type: none"> • 1820. Born in County Armagh, Ireland • October 1845: Ordination. Served in Kingston • 1853: Pastor at Peterborough • 1856: Bishop of Kingston. Later that year Bishop of Hamilton. St. Mary's Cathedral • 1873: Died at 53 years of age. Buried at St. Mary's Church, Hamilton (A History of the Diocese of Hamilton, p 8-9) • Might be a relation to the Puslinch Farrells who settled in Hastings. 	Roman Catholic

Notes: Ages shown as they would have been in 1862.

Sources: 1861 Census,

- Paul Kirby's book, *Mary Aylward*,
- St Michael's Parish, Belleville, (Brennans, Lawlor)
- Father Lawlor's letter to Bishop Horan dated Feb 5,1864,
- Archdiocese of Hamilton (Farrell)
- Legree book (Lawlor)

Appendix 7 - Legal Players in Aylward Trial

April 25, 2020

Name	Age	Details/Comments	Religion
Judge William H Draper	61	<ul style="list-style-type: none"> Born 1801 in London, England (DCB) Son of a clergyman 1820: Emigrated to Upper Canada Was a school teacher in Port Hope for a period of time . Practiced in Port Hope, Ontario (Thomas Ward Law Office) 1828: called to the Bar 1836: Elected as a Tory to the Legislative Assembly, Member for Toronto 1841: Attorney General and Premier of United Canada 1856: became Chief Justice of Common Pleas 1862: presided as Judge over 79 cases, 10 murder trials of which Aylward was one. 1863: Named Chief Justice for Upper Canada 1869: President of Court of Error and Appeal 1877: died at his home in Yorkville 30 years on the bench (1847 -1867) "marvelous persuasiveness and skill as a debater" (Source: Canadian Law Journal, Dec. 1877) "his law is clean cut, no jagged edges; no ends to pick up at the end of a judgement (IBID) "in criminal cases, he was said to have been somewhat severe" (IBID) 	Church of England (buried at St James Cemetery, Toronto)
Adam Wilson	48	<ul style="list-style-type: none"> Born in 1814 in Edinburgh, Scotland (DCB) 1830: Emigrated to Upper Canada 1834: articulated with Baldwin & Sullivan. (Hon. Robert Baldwin Sullivan & Hon Robert Baldwin. 1839: Called to the Bar 1841: married Emma Dalton, daughter of Thomas Dalton, editor of <i>The Patriot</i> paper published in Toronto 1859: Mayor Toronto (15th) 1859: elected the member for York after death of Hartman . Avowed opponent of Cartier-Macdonald administration. 1861: unsuccessful candidate for West Toronto . May 1862: he became a member of the Executive Council and Solicitor General in Sandfield Macdonald - Sicotte's cabinet which he held until May 1863 October 1862: Crown Prosecutor in Aylward trial 1863: appointed Judge of the Court of Queens Bench and switched to Common Pleas. 1868: Returned to Queens Bench 1868: an appellate judge in the case of Patrick James Whelan 1871: appointed to Law Reform Commission 1878: made Chief Justice of the Court of Common Pleas 1881: Chief justice when the Ontario Act of 1881, which revolutionized the court structure in Ontario, was passed (DCB) 1884: Chief Justice of the Court of Queen's Bench 1887: retired and was knighted by Queen Victoria. 	Episcopal

		<ul style="list-style-type: none"> • 1891: died suddenly from apoplexy Dec 28 Toronto (<i>The Globe</i>, Dec 30, 1891) • 24 years on the bench • Politics: Reformer (DCB) • His style was "lucid but tended towards a gluing together of precedents, with little evidence of broad-ranging synthesis" (DCB) 	
James O'Reilly	39	<ul style="list-style-type: none"> • Born in 1823 in Westport, County Mayo, Ireland (DCB) • 1832: Emigrated to Upper Canada and settled in Belleville. • 1847: called to the Bar of Upper Canada after articling in Kingston and Napanee • 1862: Named as Defence Council for Aylwards • 1868: Successfully prosecuted Patrick James Whelan and revealed O'Reilly "as an able, energetic and vociferous attorney" (DCB) • 1872: Elected as MP for South Renfrew in 1872 but declined to see re-election in 1874. • 1875: died May 15, 1875 in Kingston • "religion largely explains O'Reilly's career" (DCB) • Close rapport with Bishop Horan of Kingston 	Roman Catholic
John Finn - Co Defense Counsel	25	<ul style="list-style-type: none"> • Born in Ireland, • 1861 Census shows John Finn, single, living with parents (Father James a grocer) in Belleville. Item# • <u>1860</u>: Called to the Bar after practice as attorney/solicitor in Belleville. Hastings Directory 1861, shows John Finn Attorney with John O'Hare, Barrister. John O'Hare, also identified as Clerk of the Peace and County Attorney. • <u>March 19 1862</u>: John Finn nominated to be Secretary of St. Patrick Society in Belleville. Finn wrote a letter March 26 to the Editor of the Belleville Intelligencer outlining the purpose of the St. Patrick Society (St Michael Parish book, (p269) • <u>April 1862</u>: meeting of the St Patrick Society chaired by Mr. James Grant (St Michael's Parish book) • <u>October 1862</u>: co defense counsel for the Aylwards. • 1866: school trustee and church warden in Belleville (St Michael's, p 419) • 1861 Census: Item #1601467 	Roman Catholic

Source: 1861 Census, DCB, Law Society of Ontario Archives, Hastings Directories for 1860/61, 1868/69, History of Belleville Church

Appendix 8 - Political Players in Aylward Trial

April, 25 2020

Name	Age	Details/Comments	Religion
John Sandfield Macdonald	50	<ul style="list-style-type: none"> Born Dec 12, 1812, St. Raphael, Upper Canada in township of Glengarry to Scottish parents. Prime Minister of Canada, 1862-1864 Premier of Ontario, 1867-1871 Noted for his independent spirit, he ran away from home when he was 11 years old (Hodgins, p247) 1835: accepted as student at law by Law Society of Upper Canada. Articled with Archibald Maclean in Cornwall - a leading Tory for Stormont. 1838: continued his articling with William Henry Draper, the then Solicitor-General 1841: won election as a Conservative for Glengarry in the first parliament of the new Province of Canada 1850's: Cornwall law practice prospering with Macdonald involved in many cases March 1861: last session of the 6th Union parliament met. May 1861: GG Head dissolved parliament and election followed. Sandfield won election in Cornwall and his brother Donald held Glengarry. John A Macdonald had secured a very "tenuous majority." May 20, 1862: Opposition defeated the government's militia bill, Lower Canadians moved from Cartier to Sicotte and the government resigned. GG Monck chose Sandfield Macdonald to form government. May 24, 1862: becomes Attorney-General for Canada West. September 1862: Sandfield Macdonald promoting the Intercolonial Railway October 1862: Sandfield Macdonald involved in treaty negotiations with Wikwemikong Indians of Manitoulin Island. Antoine Dorion resigns cabinet over railway and damages government's reputation among Montreal liberals. Dec 3, 1862: Cabinet meeting and meeting with GG Monck re Aylward commutation. Sandfield Macdonald recommendation was for justice to take its course (refer letter dated Dec 3, 1862). Also, in December 1862: Sandfield Macdonald "overwhelmed with work" (Hodgins, p 272) May 1, 1863: John A Macdonald moves a non-confidence motion against Sandfield Macdonald in a "scathing attack" May 8, 1863: Sandfield Macdonald government defeated. May 12, 1863: several cabinet resignations including Thomas D'Arcy McGee. Sandfield Macdonald described as "a maverick, lacking many of the prejudices characteristic of Victorian British Upper Canadians" (Hodgins, p 266) <u>References:</u> Archives of Ontario (FI Fonds), and LAC, (MG24) and DCB. 	Roman Catholic

Thomas D'Arcy McGee	37	<ul style="list-style-type: none"> Born April 13, 1825 May 1862: becomes president of the Executive Council in Sandfield Macdonald's Reform government of 1862 December 3, 1862: No evidence that Thomas D'Arcy McGee was in the meeting with the GG Monck re Aylward commutation. February 1863: gives speech in Legislature re Aylward verdict and his decision not to commute the sentence. Died April 7, 1868 References: DCB, Wilson 	Roman Catholic
Lewis Wall bridge	46	<ul style="list-style-type: none"> Born in 1816 in Belleville 1839: called to the bar and practising law in Belleville 1854: ran unsuccessfully against Clear Grit Billa Flint in Hastings South 1857: won Hastings South as moderate Reformer 1859: used his influence to secure moderate delegates from Belleville area to the Reform convention. Wall bridge was "ambivalent" towards John Sandfield Macdonald's first Reform ministry of 1862 (DCB) 1860's: ran a successful law practice in Belleville - had the largest and most respected in Belleville (DCB) 1861: ran "reluctantly" in Hastings South and won (DCB) 1863: absented himself from the vote extended separate schools May 1863: joined with other moderate Reformers in the reconstructed Sandfield Macdonald -Antoine-Aime Dorion ministry and became Solicitor General for Canada West (DCB) August 1863: re-elected and became Speaker 1878: ran as a Conservative in Hastings West and lost 1882: named Chief Justice of Manitoba by the John A Macdonald government 1887: died and buried in Belleville References: DCB, Ontario Archives (F55, Wall bridge Family Fonds) 	Church of England
George Benjamin	63	<ul style="list-style-type: none"> Born April 15, 1799 in Sussex England . 1830: came to Canada after a time in North Carolina 1834: moved to Belleville and established himself as a newspaperman re the Intelligencer. Joins the Orange Order. Friends with Ogle Gowan and James Hunter Samson. 1836: is a notary public and town clerk of Belleville 1846: Grand master of Orange Order (DCB) 1847-1862: Warden of Hastings County 1856: elected as a moderate Conservative member for North Hastings 1861: re-elected in Hastings North 1863: Benjamin doesn't run for re-election 1864: died after a long illness References: DCB 1861 Census: Item #763723 	Church of England

Robert Read	48	<ul style="list-style-type: none"> • B 1814, Suffolk, England • 1861 Census shows occupation as farmer in Sidney Township, Hastings County. Also had a distillery in Belleville • 1840: married Miss Margaret Campion in Montreal July 2, 1840 • October 1862: represented Quinte, Legislative Council of Upper Canada until 1867 • October 1862: testified as a witness in Maurice Moorman trial (supported Moorman and gave a character witness) • October 1862: main signatory on a petition for commutation of Aylward sentence • 1867- Feb 1871: Represented East Hastings, in the House of Commons • 1867: elected as Conservative MP for East Sidney, Belleville • February 24, 1871: appointed to the Senate by John A Macdonald where he remained for 25 years until his death in 1896. • References: Hastings County Archives, Hastings Directories, Canadian Biographical Dictionary & Portrait Gallery, Ontario Vol. 1880. • 1861 Census: Item #62116 	Wesleyan Methodist
Billa Flint	57	<ul style="list-style-type: none"> • b. Feb 9, 1805 • Described as "life long inflexible Liberal" with "forceful insistent personality" (DCB) • 2nd youngest of hard drinking Brockville merchant and religious mother. Father came from Connecticut and settled around Brockville. Billa Flint established store between Prescott and Kingston • Speculator/promoter of water, rail, • 1837: of the first steam sawmills • 1837: defended by Henry Draper in a case involving religion/property. Wesleyan group lost but won on appeal in 1840. Celebrated case. • 1845: Founder of Temperance Society • 1847: elected for Hastings • 1858 - 1879, Reeve of Elziver Township • 1863: won a seat in Legislative Assembly after being defeated in 1854 • 1867: called to the Senate • 1866: mayor of Belleville • 1873: Warden of Hastings County • 1860: extensive business holdings, timber limits. • 1870:, acquiring sawmills including one at Bancroft • 1894: died at 84. • 1861 Census: Item #1599182 • References: DCB, La Barge Billa Fling, King of Hastings County, • 1861 Census: Item #766278 	Wesleyan Methodist

Source: 1861 Census

Appendix 9 - Witnesses in the Aylward Trial

April 25, 2020

Name	Age	Profession	Religion	Comments
Alexander Munro	16	Farmer	Church of Scotland	<ul style="list-style-type: none"> Munro sometimes spelled Monroe or Monro. Born in Upper Canada Second son of the murder victim William Ross Munro Key witness for Crown. Alexander was with his father, William Ross Munro, the day of the incident. Also named by Mary Aylward in her letters as one of her abusers. Moved with family from Torbolton to settle on Hastings Road in May 1861. 1861 Census: Item #1016110
Mary Ann Mccrae	41	Wife and mother	Church of Scotland	<ul style="list-style-type: none"> Mccrae sometimes spelled Mccray Born in Ireland witness for Crown direct neighbour living to the east of Richard Aylward. Mccrae family came from Upper Canada (Dundee/Huntingdon, Quebec) to Monteagle Married to Matthew Mccrae (47) and had 8 children under the age of 23. Sons James (23) and Stephen (19) also have lots on Hastings Road 1861 Census: Item #1366807
Isabella McCrae	21	Single woman - mothers' helper	Church of Scotland	<ul style="list-style-type: none"> Witness for Crown single daughter of Matthew and Mary Ann Mccrae named by Mary Aylward in her letter suspected of perjury in some of the petitions for clemency. 1861 Census: Item #2305015
William Johnston	21	Farmer/yeoman	Presbyterian/Church of Scotland	<ul style="list-style-type: none"> Johnston sometimes spelled Johnson Witness for the Crown Nephew of Mary Ann Mccrae. In his testimony, said that he lived with the McCraes in Monteagle since March 1862. 1861 Census: Item #2824732.
Margret Glenn	46	Wife and mother	Presbyterian	<ul style="list-style-type: none"> witness for the Crown Born in Ireland. lived in Monteagle with husband Robert and two sons. Land records show the Glenns on Hastings Road with location ticket for free grant lands May 16, 1861 1871 Census: Item #3364545

Theophilus Golden		Farmer	(may be Roman Catholic)	<ul style="list-style-type: none"> • Golden sometimes spelled Golder. • witness for the Crown • land records show Theophilus Golden applying for Lot 25, Wicklow Township May 16, 1861 and therefore neighbour to the east of Richard Aylward • no Census data • Kirby book references that he came from Scotland
George Selby	50	Yeoman/Farmer	Church of England	<ul style="list-style-type: none"> • witness for the Crown • born in England • Land records show two George Selbys in Hastings County with land applications for free lots: George Horatio Selby and George Selby Sr. • Land records not consistent with Census Records. • Census records show a "Hens" Selby - short/misspelled name for Horatio - as the likely witness. Widower with four children: Theophilus Selby (18), George Jr (14), and two younger children. • Land records show that the Selbys applied for free land grants in Herschel Township on Dec 13, 1861 and Dec 20, 1861. The latter of the applications to George Selby Sr was patented. • 1861 Ag Census shows him owning acreage in Hastings • 1861 Personal Census: Item #767303
John Rouse	29	Farmer	Roman Catholic	<ul style="list-style-type: none"> • Sole defense witness • born in Ireland. • Married by 1871, to Mary Ann with three children under eight. • Land records indicate application for Dec 16, 1860. location ticket, East Side of the Road in Monteagle. Land was patented. • 1861 Census: Item #898360

Sources: Census, 1861, 1871, 1881, On Land Records, Newspaper coverage of the Aylward trial, Kirby book *Mary Aylward*

Note: ages shown as at 1862.

Appendix 10 -Expert Witnesses, Other Parties at the Aylward Trial

April 25 2020

Name	Age	Personal Details (1861 Census)	Religion
William (W.E.D). Eadus	57	<ul style="list-style-type: none"> Constable from Madoc Origin: United States . Free grant lot applied for in Tudor Township on August 1, 1859 and was patented. Testified that he arrested the Aylwards and took them to Belleville Jail 1861 Census: Item #2007248 (Reel 1033) 	Church of England
A, (Augustus) Yeomans	26	<ul style="list-style-type: none"> Medical doctor from Madoc. Married to Amelia Le Suer Yeomans, also a physician and social reformer Performed inquest on William Ross Munro 1861 Census: Item #60400 (Reel 1033) 	Methodist
Mr. (David) Finlayson	48	<ul style="list-style-type: none"> Finlayson reported to be first on the scene after the incident "after the Coroner" to investigate the case. Referred to in respect of going to summon the "nearest coroner" after William Munro died. Joined Reeve Andrew Jelly to arrest the Aylwards <i>Belleville Chronicle</i>, June 4, 1862. How did news travel from Monteaagle to Madoc? How was it that Finlayson would be the one to call for the arrest of the Aylwards? 1861 Census: Item# 893095 (Reel 1034) 	United Presbyterian
Andrew Jelly	31	<ul style="list-style-type: none"> Innkeeper from Marmora Member of Hastings County Council and Reeve of Tudor Township The person, notified by Finlayson, who then set off to arrest the Aylwards, <i>Belleville Chronicle</i>, June 4, 1862) Previously involved with Rock murder . Andrew Jelly allegedly took Richard Aylward's deposition regarding the fight between William Johnston, William Munro and Richard Aylward. Land records indicate that Andrew Jelly applied for a free land grand on the Hastings Road, Wollaston Township, Oct 2, 1856. A land patent was granted. 1861 Census: Item #892906 (Reel 1034) 	Church of England
A.F. Wood	33	<ul style="list-style-type: none"> Businessman from Madoc Member of Hastings County Council, County Warden, Postmaster and Reeve of Madoc Acted as "reporter" for the initial coverage of the Aylward Affair, <i>Belleville Chronicle</i>, June 4, 1862. In his report said that Munro was of good character while Aylwards were "the cause of much trouble" "very much disliked" and "very much feared" and that the 	Presbyterian Free Church

		<p>Aylwards were lucky that the people in the neighborhood were "prevented from lynching" them. Belleville Chronicle, June 4, 1862.</p> <ul style="list-style-type: none"> • 1861 Census: Item #60371 (Reel 1033) 	
Robert Corrigan	25	<ul style="list-style-type: none"> • Madoc coroner and farmer • Named as Coroner who assisted Samuel James Rock during his arrest at the Jelly Tavern in 1859. Called in the press at the time as "Hastings Road Tragedy" • Committed the Aylwards to Belleville jail on June 5 (Mary) and June 6 (Richard) • 1861 Census: Item #2006730 (Reel 1033) 	Roman Catholic
J (John). P. McDonnell	36	<ul style="list-style-type: none"> • Coroner in Belleville • Witness to Mary Aylward's letters to her daughters • Also shown as the Coroner who committed Morris Moorman to jail in October 1862 • Signed petition for clemency for Aylwards • Reported as part of the gallows procession • 1861 Census: Item #763349 (Reel 1032) 	Roman Catholic
Sheriff John Dunbar Moodie	66	<ul style="list-style-type: none"> • High Sheriff of Victoria District from 1839 - January 1863 (1851 Census, Item# • Involved with the proceedings in Belleville • Husband of the famous Suzanna Moodie • 1851 Census: Item #1026259 (Reel 11727) 	Church of England
Dr. William Hope	44	<ul style="list-style-type: none"> • Mayor of Belleville, Justice of Peace • Medical Doctor who performed examination on Mary Aylward in jail. Belleville clergy concerned Mary was pregnant and included that in their petition. Sandfield Macdonald asked Sheriff Moodie to investigate. Dr. Hope was the medical doctor involved in that investigation. • Interestingly, a character witness for Morris Moorman during Moorman trial. • 1861 Census: Item #1599572 (Reel 1032) 	Presbyterian
Mrs. James Grant	46	<ul style="list-style-type: none"> • Ann Grant. Married to James Grant, owner Grant's Hotel, Belleville • Mother of 10 children between the ages of 25 and 6 years of age. Catholic School trustee. Presumed friends of Rev Brennans and John Finn • Mary Grant took care of the three Aylward children during and after trial before the Aylwards moved to House of Providence, Toronto, in December 1863 • Mary Grant also spent the last hours with Mary Aylward and reported to be part of the gallows procession. • 1861 Census: Item #1599726 (Reel 1032) 	Roman Catholic

Zenas Dafoe	69	<ul style="list-style-type: none"> • Belleville Gaoler and High Constable • Wife Ann (64) was witness to Mary Aylward's letters to her daughters • 1861 Census: Item #766340 (Reel 1032) 	Church of England
Mr. Carey		<ul style="list-style-type: none"> • Name of the man who spent the hours with Richard Aylward before his death. <i>Belleville Intelligencer</i>, Dec 1962. • Presumably a Belleville man and a Catholic • May or may not have known Richard other than in relation to trial. • No Census information. 	Roman Catholic

Source: 1861 Census, Hastings Directories 1861, 1868

Notes: ages shown as at 1862.

Appendix 11 - Jurors in Aylward Trial

April 25, 2020

Name	Age	Personal Details (1861 Census)	Religion
Charles English	37	<ul style="list-style-type: none"> Married farmer from Madoc Irish origin 1861 Census: Item #60158 (Reel1033) 	Methodist
John W. Keller	47	<ul style="list-style-type: none"> Married labourer, Thurlow Township 1861 Census: Item #891319 (Reel 1034) 	Church of England
Thomas Conlin		<ul style="list-style-type: none"> Yeoman, Hungerford Township, Hastings (1878 Directory) Conlon farmers in Hastings County but no Thomas No name in 1851, 1861 or 1871 Census 	Roman Catholic (assumed)
John Hawkins	69	<ul style="list-style-type: none"> Married yeoman, Hungerford Township (1878 Hastings Directory) 1861 Census: Item#3768959 (Reel1032) 	Roman Catholic
Edward Walsh	52	<ul style="list-style-type: none"> Engineer from Belleville Irish origin 1871 Census: Item #284020 (Reel 9991) 	Roman Catholic
John Clark	31	<ul style="list-style-type: none"> Married Labourer from Belleville 1861 Census: Item #764155 (Reel 1032) 	Roman Catholic
Robert Clarke	31	<ul style="list-style-type: none"> Robert Clarke from Sidney, Hastings County Born in Upper Canada Married 1861 Census: Item #62296 (Reel 1033) 	Church of England
William Begley	31	<ul style="list-style-type: none"> Married cabinet maker from Belleville Irish Origin . 1861 Census: Item #1600131 (Reel 1032) 	Roman Catholic
Francis Brenton		<ul style="list-style-type: none"> President of Canifton Cheese Factory (1868 Hastings Directory). Brenton family name found in Belleville but no record in 1861 Census for Francis Brenton. 1878 Historical Atlas Index refers to F. Brenton, Conv IV, Belleville. 	Methodist
Jacob Baragar	47	<ul style="list-style-type: none"> Farmer from Sidney, Hastings County 1861 Ag Census: Item #2825017 1861 Census: Item #1086660 (Reel 1033) 	Episcopal Methodist
Baltus Baragar	32	<ul style="list-style-type: none"> Farmer from Sidney, Hastings County 1861 Ag Census 1861 Census: Item #1086650 (Reel 1033) 	Episcopal Methodist
Sidney Barager		<ul style="list-style-type: none"> No Census records for a Sidney Barager. Possibly name issue. The other Baragars on the jury came from Sidney Township. Other Barager named George Barager might have been the juror. 	Episcopal Methodist (assumed)

Source: 1861/1871/1881 Census, Personal and Agricultural Census, Hastings Directories 1861, 1868. Also refer Consol. Statutes for Upper Canada 1859, Section 31, Jurors (pp. 156). Qualifications include: men between 21 and 60 years of age; be in possession of one's "natural faculties i.e. not infirm," and be on the Tax Assessment Roll for the year prior. Juries selected by Mayor who compiles an annual list of names, "Reports of First Selections."

Note: Five Catholics estimated to be jury members based on these sources. That number consistent with claims made by Thomas D'Arey McGee among others about the Catholic composition of the Aylward jury.

Appendix 12 - Doyle's Corners 1862

April 25, 2020

Name	Age	Personal Details (1861 Census)	Religion
William Ross Munro	54	<ul style="list-style-type: none"> Refer Munro Family Tree also attached. Family name Munro (sometimes spelled Monroe or Monro) Land Records show W. Ross Munro application for free land grant covering Lot 30, Cone. 16, Monteagle Township, June 22, 1860 "by purchase." This is the land where the incident took place and where 56 yr old William Ross Munro lived. Another free land grant application issued to W. Ross Munro covering Lot 26, Cone 16, Monteagle. 1861 Census shows William Ross Munro in two different places: Hastings Road and Torbolton. Name is spelled differently and ages are not consistent. On Hastings Road, the W. Ross Monroe is 30 years old. The Torbolton Census shows detail on the elder W. Ross Munro, aged 53 in 1861. 1861 (Hastings Road) Census: Item #767380 1861 (Torbolton) Census: Item #1016107 	Church of Scotland
Michael Patrick "MP" Doyle	25	<ul style="list-style-type: none"> Born 1836. 1861 Census: Young single man in 1861, living with Martin Roddy family on Hastings Rd at that time. Parents are Ann Elyward Doyle (Richard Aylward's aunt) and Patrick O'Neill Doyle MP, as he was known, became a merchant, stage coach operator and land owner, Reeve in 1871. Married Catherine McDonald (daughter of Donald McDonald of Herschel Township) on Nov 3, 1862 in Eganville (a month before Aylward hanging). M.P Doyle was 23 years old when he was married - according to marriage register. Location ticket issued to MP Doyle re Part Lots 79/80, Monteagle Township, East Side of Hastings Road on March 2, 1861 (shown as patented). Interestingly, Kirby reports that this plot of land was given to MP Doyle from Michael Bolger, Guelph on Nov 17, 1858- no reason given for the transfer. (Kirby p 35) Location ticket re Lot 31, Cone. 16 in Monteagle dated Sept 3, 1860 "by purchase." William Munro was M.P Doyle's immediate neighbour to the east. Note multiple land records showing MP Doyle acquiring lots from Sheriff - he became a big landowner in area before returning to Puslinch/Guelph, around 1880. {refer obituary for MP Doyle} Died Aug 24, 1912 {Refer obituary Guelph Mercury, Aug 27, 1912} and buried in Doyle family plot at St. Joseph's Catholic cemetery in Guelph. 1861 Census: Item #1602011 	Roman Catholic
Patrick O'Neill Doyle	Died 1848	<ul style="list-style-type: none"> MP Doyle's father Irish origin. B March 16, 1802 in Borris-Ildrone, County Carlow, Lienster, Ireland {Source: Kirby} Married to Ann Elyward Doyle {Richard Aylward's aunt} Jan 30, 1826 in Leighlin Bridge, Carlow, Ireland (Source: Kirby, p 34/35). Dies in Guelph Aug 4, 1848. Buried in Doyle plot, St. Joseph's Cemetery, Guelph. 	Roman Catholic
Ann Elyward Doyle	62	<ul style="list-style-type: none"> B 1800 Elward (sometimes spelled Aylward). Mother of MP Doyle and aunt of Richard Aylward {as per Mary's letter to her daughters} 	Roman Catholic

		<ul style="list-style-type: none"> Irish origin: Carlow, Lienster, Ireland. Matches with origin of Richard Aylward which is said to be Carlow, Ireland (Source Kirby book) 1861 Census: widowed and living in Puslinch with son James (29 yr old farmer) and daughter Bridget (19). 1866; dies in Puslinch. Buried in Doyle Family plot, StJoseph's Cemetery, Guelph (Find a Grave Memorial) 1861 Census: Item #123304 	
John O'Neill Doyle	55	<ul style="list-style-type: none"> One of the elder members of the Puslinch Group that arrived earliest. Assumed to be the uncle of MP Doyle. Irish Origin: Carlow, Ireland. 1861 Census: Occupation in 1861: Yeoman/Farmer Married to Mary Doyle with 5 children. Location ticket issued to John O'Neill Doyle on Nov 20, 1856 re Part Lots 65, 66, Monteagle Township, East Side of Hastings Rd Mary Doyle named as witness to MP Doyle's wedding to Catherine McDonald in 1862. Another Mary Doyle (21) daughter of John and Mary Doyle. More likely this daughter was the witness. 1861 Census: Item #767312 	Roman Catholic
James Doyle	29	<ul style="list-style-type: none"> One of the members of the Puslinch Group that arrived earliest. 1861 Census: residence recorded as Puslinch. Mother and sister living with him. Assumed to be older brother of MP Doyle Location ticket issued to James Doyle on October 14, 1856 re Part Lots 61, 62 Monteagle Township, East Side of Hastings Rd Location ticket issued to James Doyle re Part lots 21/22, Wicklow Township on Jan 5, 1864 James Doyle - original Doyle on Hastings Road James and Bridget are assumed to be siblings of MP Doyle as this James living with mother Ann Doyle in 1861 and is at an age where he could be sibling with 25-year-old MP Doyle. 1861 Census: Item #123033 	Roman Catholic
John Doyle	33	<ul style="list-style-type: none"> Given age, assumed to be the older brother to MP Doyle. Location ticket issued to John Doyle re Part lots 1 and 2, McClure Township, West side of Hastings Road, Jan 24, 1857. Note re this lot re John Doyle never locating on this lot as it was cleared for a potential church. Hotel/tavern operator Item. Married to Sharlott with 5 children by 1871 1871 Census: Item #252646 	Roman Catholic
Patrick Moran	55	<ul style="list-style-type: none"> One of the elder members of the Puslinch Group that arrived earliest. Born in Ireland Location ticket issued to Patrick Moran re Part Lots 75/76 Monteagle, East side of Hastings Road on Sept 21, 1857 Another Location ticket issued to Patrick Moran re Part lots 67/68, Monteagle, East side of Hastings Road on July 9, 1858 (patented) 1861 Census: Married to Bridget (1834), with 5 children aged 25 and under. Michael {25}, Patrick (24), John (22), Charles (19) and Bridget {18}. Patrick had two sons with their own applications for location tickets on Hastings Rd by 1861: Michael and John. Named by Reverend Lawlor as place where mass has been said for six years. 	Roman Catholic

		<ul style="list-style-type: none"> Also named by Reverend Lawlor as JP for that part of Hastings Road 1861 Census: Item #1602040 	
Michael Moran	25	<ul style="list-style-type: none"> Single son of Patrick and Bridget Moran Location ticket issued to Michael Moran re part Lot 77/78, Monteagle Township, East side of Hastings Road, on July 9, 1858. 1861 Census: Item #1602042 	Roman Catholic
John Moran	22	<ul style="list-style-type: none"> Single son of Patrick and Bridget Moran Location ticket re Part Lots 69/70 Herschel Township, West side of Hastings Rd on Dec 3, 1856 1861 Census: Item #1602044 	Roman Catholic
Martin Roddy	27	<ul style="list-style-type: none"> Roddy sometime spelled Roady, Roddie or Rody. Born in Ireland Moved with Doyle party to Hastings Rd from Puslinch/Guelph area 1861 Census: Martin Ready, living on Hastings Road, married to Mary with 5 children, aged 10 and under 1861 Census also shows Michael Doyle at the Martin Roddy house. Location ticket issued to Martin Rody re Part lots 77/78 Herschel Township, west side of Hastings Road on January 25, 1861. 1861 Census: Item #767287 1861 Ag Census: shows Martin Ready 	Roman Catholic
John Roddy	30	<ul style="list-style-type: none"> 1861 Census: John Roddy, yeoman, married in 1856 to Mary, with 2 little girls aged 4 and 3. 1861 Ag Census: John Roddy, shows as farming lots 63,64 in Herschel Township, Hastings Road Location ticket issued to John Rody [sic] re Part lots 63/64 Herschel Township, west side of Hastings Road on March 7, 1861 and subsequently patented. 1861 Census: Item # 767308 	Roman Catholic
Joseph Lynch Sr	69	<ul style="list-style-type: none"> One of the elder members of the Puslinch Group that arrived earliest. Irish farmer, born in Ireland Married to Ellen with 4 children: Mary (30), John Jr (28), Joseph (26) and Ellen (21), and another John Jr (6). John Lynch free land grand application for Lots 1 and 2, Fifth Range, East side of Hastings Road, Wicklow Township dated January 24, 1857 Joseph Lynch free land grand application for Cone 1, Lot 31, dated July 1, 1862. Joseph Lynch arrived after the incident of May 16, 1862. Lot was immediately west of Richard Aylward. 1861 Census: Item #1230047 	Roman Catholic
John Lynch	28	<ul style="list-style-type: none"> single son of Joseph and Ellen Lynch. Location ticket issued to John Lynch covering Part lots 1 and 2, Wicklow Township, East side of Hastings Rd on Jan 24, 1857 (patented). Born in Ireland 1861 Census: Item# 1230008 1871 Census: married to Julia (32) with 3 children. Also, Joseph Lynch (18) living at this household. <u>Note:</u> Catholic Church records from Maynooth (St Ignatius Parish) record the marriage of John Lynch and Julia Ryan, presided over by curate Father Cody from Eganville around 1861. Presumably one of the first marriages in the settlement (Also see Wee Bit of Wicklow, p. 77) 	Roman Catholic

Patrick Farrell	18	<ul style="list-style-type: none"> Farrell sometimes spelled Farrall. Part of the Puslinch group. Single son of Andrew and Anne Farrell of Guelph. Location ticket issued to Patrick Farrell re Part 75/76, 4th Range, West Side of the Road, Herschel Township on July 8, 1860. 1861 Census: Item #1213136 	Roman Catholic
James Farrell	20	<ul style="list-style-type: none"> Single son of Andrew and Anne Farrell Location ticket issued to James Farrell re Lot 20, Cone 16, Monteagle Township, South Side of Madawaska Branch Rd dd Nov 15, 1862. Southeast of the Aylward property. 1861 Census: Item #119733. 	Roman Catholic
Donald McDonald	30	<ul style="list-style-type: none"> One of the early settlers. No reference to McDonald being among the Puslinch group. Given McDonald was Scottish, not likely he came with Puslinch group. Born in Scotland. Yeoman, married to Ann, with 3 children under the age of 9 1861 Ag Census: Shows Donald McDonald on lots 73, 74, Range 4, Hastings Road (Item# 1828282) Location ticket issued to Donald McDonald re Part Lot 73/74 Herschel Township dd July 9, 1857 and was patented. Marriage register for MP Doyle and Catherine McDonald in November 1862 shows Catherine McDonald's parents as Donald McDonald and Elizabeth Case. 1861 Personal Census. Item #767282, 30-year-old. Age may be wrong. This Donald, not old enough to have 18-year-old daughter named Catherine. Catherine shows up in Alec McDonald household below with Angus McDonald. 	Roman Catholic
Alex McDonald	61	<ul style="list-style-type: none"> Alex McDonald, from Canada West, shown as married to Ann McDonald (60), with 6 children including Alex Jr (30), Angus (25), Julia (24) and Catherine (18) John (3) and William (1). Last two children likely not born to Alex and Ann. No land records found for Alex McDonald. Note: Mary Aylward refers to Richard Aylward working at McDonalds, in one of her letters. John Rouse testimony about going with Alex McDonald for the doctor to treat William Munro's injuries. Newspaper coverage refers to Rouse going to get the "Indian doctor" and taking Alec McDonald with him. 1861 Census: Item #1602012 	Roman Catholic
Angus McDonald	25	<ul style="list-style-type: none"> Single son of either Donald or Alex McDonald. Angus shows up in the household of Alex McDonald. Lives in Herschel Township Was a witness to the marriage of MP Doyle and Catherine McDonald. Mentioned by Rev Lawlor as a man of dubious character. 1861 Census {Item #1943268} 1871 Census {Item #540194.} Angus McDonald, married and living in Cornwall. 	Roman Catholic
Catherine McDonald	18	<ul style="list-style-type: none"> Married MP Doyle on Nov 3, 1862 at St James Catholic Church in Eganville (copy of county marriage register) Parents, recorded on marriage register, are said to be Donald McDonald and Elizabeth Case of Herschel Township, Hastings. Yet 1861 Census shows Donald as 30 years old and not married to Elizabeth Case. Catherine and Angus McDonald either siblings or first cousins. 	Roman Catholic

		<ul style="list-style-type: none"> 1861 Census: Item# 767293 Catherine shown as residing with Alex McDonald household. 	
Thomas Netterville	40	<ul style="list-style-type: none"> March 28, 1863: Applied for timber licence re Richard and Mary Aylward property in Wicklow. Application denied as title to the Aylward property not yet settled. Colonization Agent, MP Hayes, records that he cannot process the licence until the assignment of lot from Aylward to Finn to Netterville is processed. Timber document also mentions house on the Aylward property was 16 X 20 feet, a stable which was 12 X 16 feet, with 28 acres ready in crop and under cultivation. Location ticket for free grant re Lot 7, Cone 1, Wicklow, dated April 23, 1864. Thomas Netterville received patent for Aylward property in October 1871. He was at the time working on the township council as Municipal Treasurer (Refer "Wee Bit of Wicklow" p 123) 1871 Census: Spelled Thomas Netterville, married to Bridget (40), with 7 children under 18 yrs old. (Item #2526505) 	Roman Catholic
Robert Elliott	22	<ul style="list-style-type: none"> Elliott sometimes spelled Elliot Land records indicate Robert Elliott applied for free land grant re Part Lot 41/42, West Side of Hastings Road. McClure Township on Oct 28, 1858. Another Elliott, Henry, applied for the Part Lot 43/45 beside him on same day in 1858 Many Elliott family names show up as applying for free land grants on the East Side of the Road, Wicklow Township: David and John Elliott with location tickets also dated October 28, 1858. 1861 Ag Census: shows Robert, John Jr. David and Henry but no entries on 1861 Personal Census 1871 Census: (Item# 1779641) Robert Elliott, 26 years old and widowed. Must have been at least 18 when Robert Elliott applied for free lot in 1858, making him at least 22 by the year 1862. Census record for 1871 shows his age at 26 which must be an error. 	Weslyan Methodist
Ann Perin	30	<ul style="list-style-type: none"> Ann Perin identified in <i>Canadian Freeman</i>, April 9, 1863 article as neighbour who witnessed fight between William Munro, William Johnston and Richard Aylward in Doyle's Store. 1861 Census: Found Ann Peru, Item #767281. Obvious spelling error. Married to Joseph Peru (sp) with four children under eight. 1861 Census: Item #767281 	Roman Catholic
Fred Aylward		<ul style="list-style-type: none"> Land records show a Fred Aylward applied for a free land grant Lot 1, Cone. 3, Township of Bangor January 7, 1864 No Census records. May be a relative of Richard Aylward. 	
Mill Site (McClure and Wicklow Townships)		<ul style="list-style-type: none"> Land records indicate Lots 3-8 East Side of Hastings Road reserved for mill site in Wicklow Township -north of Aylwards and west of Papineau Creek. Same Lots 3-8 on the West Side of the Road in McClure Township - north of John Doyle's tavern. Note on lumbering activities: Daniel McLachlin from Am prior managed several lumber camps in this area by 1860 (Wee Bit of Wicklow, p 63). Jonas Grant operated a saw mill and grist mill on Lot 18, Conc.1, Wicklow around 1870. Operated on power generated by Papineau Creek. He made shingles. Lumber produced here used to build Methodist Church in 1882, Lutheran Church in 1901. (p. 68) 	

William McDavid	52	<ul style="list-style-type: none"> McDavid said to have operated a lumber mill, Lot 4, HER, Wicklow, in 1875 {Wee Bit of Wicklow, p. 69}. Lots 3,4,5,6,7 granted to the McDavid's in 1875 {Wee Bit of Wicklow, p. 100} and grist mill also built there. Land records show William McDavid assigned free grant lot, Part Lots 77/78 Range 4, Herschel, on April 30, 1861. William McDavid (52), farmer from Thurlow Township, Hastings, in 1861. 1861 Census: Item #891758 	Universalist
Andrew Barr		<ul style="list-style-type: none"> Application for free grant lot covering Cone. 1, Lot 27, North side of Hastings Road, Wicklow. April 25, 1861. East of the Aylward property. No Andrew Barr in Hastings in 1861 One Andrew Barr {23}, Scottish born, labourer, Renfrew {Item# 980312} One Andrew Barr {52}, Scottish born yeoman, Addington {Item #271337} 	C of S
Robert Carr	30	<ul style="list-style-type: none"> Lumberman presumed to be working at Papineau Creek Mill north of Aylward property. Census shows eight shanty-men residing at Carr property in 1861. 1861 Census: Item #1602020 	Roman Catholic
James McCrae	24	<ul style="list-style-type: none"> Single son of Matthew and Mary Ann McCrae Origin Scotland. James mentioned in testimony at Aylward trial. Son James named in trial as a witness to some of the exchanges between the Aylwards and William Johnston; and between the Aylwards and the Mary Ann McCrae. 1861 Census: Item #1366808 1871 Census - shows James married to Elizabeth with four children under six. Interesting that James changed religion to Presbyterian, along with his wife, by 1871. Also living with the McCrae family, is a young woman named Mary Golden, aged 32, single, C of E Surname matches to other witness, Theophilus Golden. 	C of S {changed to Presbyterian by 1871}

Sources: 1861 Census, 1871 Census, Land Records (Location Tickets), Church records. Each lot is 100 acres measuring about 1,320 feet by 3,300 feet and comprising 4.356K square feet

Ethnicity of Doyle's Corners:

Irish Catholic Settlers: Aylwards, Doyles, Morans, Lynchs, Farrells, Roddys, Rouse, Netteterville, Carr

Scottish Catholic Settlers: McDonalds (marry into Doyle family)

Scottish Protestant Settlers: Munros (C of S), Andrew Barr (C of S)

Irish Protestant/Presbyterian Settlers - McCraes (C of S), Glens {Presbyterian}

English Protestant Settlers: Selbys (C of E)

Wesleyan Methodists: Elliotts (Robert Elliott born in Canada West)

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