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Article abstract

In 1882, an accused, elderly African-Canadian woman—a former slave and known midwife, healer, and abortionist in the town of Woodstock, Ontario—was implicated in the death of a younger White woman, allegedly from a botched abortion. The article focuses on the ways the accused was viewed by the local media, specifically references to her race, age, and “suspect” knowledge of medical practices. Tried in a court of law and found not guilty, the press nevertheless declared themselves “morally certain” of her guilt and attempted to sway public opinion in a way that brought race to the forefront. The trial and its aftermath raise a number of important questions regarding socially-constructed configurations of race, gender, justice, rumour, and respectability in a nineteenth-century Ontario town chiefly populated by Anglo-Celtic Protestants.

NOT GUILTY, BUT GUILTY

Race, Rumour, and Respectability in the 1882 Abortion Trial of Letitia Munson

by Rebecca Beausaert

Introduction

In the early morning of 16 September 1882, thirty-five-year-old white hotel waitress Ellen Weingardner was found dead in her home in the township of Oxford West, just outside the town limits of Woodstock, Ontario. Letitia Munson, an older black widow and well-known empiric in the community, discovered her remains in the temporary home that she had provided to Weingardner, her new husband, and her young daughter in the spring of 1882. One week after arriving, the husband disappeared and, upon divulging to Munson that she was pregnant, Weingardner was allowed to reside with the Munson family for a number of months. She was eventually given her own home on the same lot adjacent to the Munsons'. At the time of her death, medical officials estimated that Weingardner was seven to eight months along in her pregnancy.¹

During the inquest into Weingardner's death, medical and legal authorities testified that the deceased was found in bed surrounded by a large quantity of blood; blood-stained clothing and foot tracks were also found on the floor and outside the home. Local doctors Levi H. Swan and Albert B. Welford testified that in their post-mortem examination of the body they discovered puncture wounds in Weingardner's uterus, which they believed could not be self-inflicted due to their extremely painful nature. They asserted that such wounds must have been the result of instrumental violence to the womb by another party. Suspicion soon fell on Munson who, according to a local newspaper report, had long "borne a very bad reputation"² for allegedly performing abortions and other unlicensed medical and obstetrical services. Munson was subsequently arrested and upon a search of her home,

¹ "Found Dead," *Woodstock Sentinel-Review*, 22 September 1882, 1.

² *Ibid.*

Abstract

In 1882, an accused, elderly African-Canadian woman—a former slave and known midwife, healer, and abortionist in the town of Woodstock, Ontario—was implicated in the death of a younger White woman, allegedly from a botched abortion. The article focuses on the ways the accused was viewed by the local media, specifically references to her race, age, and “suspect” knowledge of medical practices. Tried in a court of law and found not guilty, the press nevertheless declared themselves “morally certain” of her guilt and attempted to sway public opinion in a way that brought race to the forefront. The trial and its aftermath raise a number of important questions regarding socially-constructed configurations of race, gender, justice, rumour, and respectability in a nineteenth-century Ontario town chiefly populated by Anglo-Celtic Protestants.

Résumé: *En 1882, une vieille femme afro-canadienne -- ancienne esclave connue dans la ville de Woodstock comme sage-femme, guérisseuse, et avorteuse -- fut accusée d'être impliquée dans la mort d'une jeune femme blanche, qu'elle aurait essayé de faire avorter. Nous examinons ici la façon dont les médias de la région ont représenté l'accusée, particulièrement les allusions à sa race, son âge, et ses connaissances “suspectes” de pratiques médicales. Quoiqu'elle ait été reconnue non coupable lors de son procès, la presse a continué à se déclarer “moralement certaine” de sa culpabilité, et a essayé d'influencer l'opinion publique par des articles qui ont particulièrement attiré l'attention sur sa race. Le procès et ses suites suscitent de nombreuses questions concernant la façon dont la population à majorité anglo-celtique et protestante d'une ville ontarienne du XIXe siècle pouvait concevoir la race, le genre, la justice, la rumeur, et la respectabilité.*

authorities discovered instruments and pharmacopeia believed to have recently been used to induce an abortion. Munson

speaks to not only the story's compelling and tragic nature, but also of the moral outrage that it provoked throughout

was committed to jail and officially charged with “procuring a miscarriage” at the fall session of the assize court that year.³ However, much to the surprise of the citizenry of Woodstock, Munson was judged “not guilty” by the jury and the case was dismissed. In its evaluation of the trial, the local *Woodstock Sentinel-Review* declared that, although the jury was “morally certain” that Munson was guilty, a lack of evidence meant that they could not “conscientiously convict.”⁴

The trial of Letitia Munson raises a number of important questions regarding socially-constructed configurations of race, gender, justice, rumour, and respectability in a nineteenth-century Ontario town chiefly populated by Anglo-Celtic Protestants. That the case made headlines in at least nine different newspapers across southern Ontario⁵

³ Archives of Ontario (hereafter AO), RG 22-3906-0-8, Oxford County Supreme Court assize minute book, “The Queen v. Letitia Munson.”

⁴ “Oxford Assizes,” *Woodstock Sentinel-Review*, 24 November 1882, 4.

⁵ In a broad consultation of newspapers printed across southern Ontario in 1882, reports of the trial were found in the following: *Toronto Globe*, *Dumfries Reformer*, *Hamilton Spectator*, *London Free Press*, *Toronto Mail*, *Woodstock Sentinel-Review*, *Ingersoll Chronicle*, *Toronto World*, and *Guelph Weekly Herald*. In the case of the Munson trial, re-prints of stories written by reporters from the *Toronto Globe* and the *Woodstock Sentinel-Review* were published in the smaller newspapers.

Woodstock and the surrounding area. Reporters took great pains to condemn Munson's supposedly dissolute character, her weak moral underpinnings, and her suspect knowledge of obstetrical medicine. By stripping Ellen Weingardner of any sort of agency over her own body and placing her as the victim of the distrustful medical knowledge of a black "doctress," the press attempted to sway the public's opinion of the woman by implying that the over-educated and over-articulate Munson needed to be controlled and regulated. Such a response highlights, as Clayton James Mosher has argued, "Black offender/White victim crimes represented the greatest threat to the prevailing white structure of authority."⁶

The charge became even more serious when the press claimed that Munson had been flagrantly performing this service for some time, despite concerted efforts by local law enforcement officials to detain her. Though Munson insisted that her familiarity with and ability to treat various ailments should be considered a valuable asset to the community, the press condemned her as a "terrible bane."⁷ Indeed, even after the criminal justice system exonerated her from the charge of procuring a miscarriage, she was still forced to face the accusations reporters meted out in the press. Through various accounts of the trial, press reporters maligned and vilified Munson, thereby rein-

forcing the white moral and social order of the community.

Though a handful of abortion cases were tried in Oxford County prior to Munson's in 1882, no trial of such a notorious and infamous nature provoked the same sort of sensationalized response from the local media due to the racial dynamics at play. Through a careful discursive reading of various newspaper accounts, this article examines how the ramifications of Letitia Munson's trial "extended beyond the courtroom [and] into the realm of popular discourse."⁸ It will address the struggle that an elderly black widow faced when she circumvented white legal and moral authority, and how she was subsequently demonized in the media. Though local historians have traditionally deemed race relations in Woodstock (and Oxford County as a whole) as generally hospitable and harmonious, the press' treatment of Letitia Munson and her family tells a different tale. The Munson case reveals ways in which members of the town's black population were marginalized by the print media, and by extension, the public readership.

Though recent trends in the field of African Canadian historiography have moved beyond glorifying black men and women who "succeeded" and have focused on re-evaluating the voiceless/agent-less paradigm, much work remains to be done in this regard. From news-

⁶ Clayton James Mosher, *Discrimination and Denial: Systemic Racism in Ontario's Legal and Criminal Justice Systems, 1892-1961* (Toronto: University of Toronto Press, 1998), 195.

⁷ "Letitia Munson," *The Globe*, 17 November 1882, 1.

⁸ Barrington Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958* (Toronto: University of Toronto Press, 2010), 12.

paper accounts it is clear that Munson played an important role in her community, yet she remains an obscure figure in African-Canadian women's history. Her unusual level of education, skill, and efficacy provided much-needed health care to the broader community at large (both black and white), and she appears to have enjoyed a measure of financial success in this regard. At a time when Woodstock's medical community was wholly male, Munson provided indispensable care, attention, and refuge to females in need, often at her own expense and in the face of growing fears over her so-called "bad" reputation. The ways that the abortion trial was sensationalized and the press' estimation of her character, however, undeniably hindered Munson's ability to continue providing important medical and obstetrical services to the community.

A Brief Historical Synopsis of Oxford County

The history of race relations in Oxford County, lauded by local historian Joyce Pettigrew as one of mutual assistance and affection, was far more complicated and wrought with inter-racial conflict than has been acknowledged. Located in southwestern Ontario approximately 140 kilometers southwest of Toronto, Oxford County was originally the home of the Neutral tribe of the First Nations who were displaced when

the area received its first wave of immigrants (primarily of British origin) after the American Revolution. White settlement increased in the 1830s and 1840s due to the abundant mill streams, creeks, and rivers which aided the development of milling and lumbering operations. By 1881, the county seat of Woodstock boasted a population of 5,373.⁹ This population, as with other smaller communities across Ontario, was largely of English, Scottish, and Irish descent. At one time, however, Oxford County also contained the fifth largest concentration of blacks in the province.¹⁰ According to 1881 census figures, forty-two men, women, and children of "African origin" were living in the town of Woodstock alone.¹¹

After the abolition of slavery within the British Empire in 1833 and the passage of the 1850 Fugitive Slave Act in the United States, Oxford County became the final destination for a number of freed and escaped slaves who travelled north largely via the waterways of the Great Lakes. Blacks were recorded living in the area as early as 1829, situated principally in the township of South Norwich and the towns of Ingersoll and Woodstock. The presence of a large community of abolitionist Quakers in the Norwich area and employment opportunities in Ingersoll and Woodstock account for these clusters of settlement. Ingersoll was also one of the northernmost termini on the

⁹ Canada, *Census of Canada, 1881 – Population* (Dominion Bureau of Statistics, 1881), 83.

¹⁰ Michael Wayne, "The Black Population of Canada West on the Eve of the American Civil War: A Reassessment Based on the Manuscript Census of 1861," in *A Nation of Immigrants: Women, Workers, and Communities in Canadian History*, ed. Franca Iacovetta (Toronto: University of Toronto Press, 1998), 71-6.

¹¹ Canada, *Census of Canada, 1881 – Population* (Dominion Bureau of Statistics, 1881), 286.



Figure 1: Bird's Eye View Map of Woodstock, Ontario, ca. 1880. Source: Woodstock Museum National Historic Site, x1982.01.348

Underground Railroad. In the early years black men found work cutting timber, constructing the Great Western Railway, engaging in seasonal agricultural labour, and building plank roads.¹² Jobs dried up in the 1850s and 1860s, though, when competition developed with newly-arrived Irish immigrants.¹³ Subsequently, many blacks left and moved on to other communities in search of work; a number also returned to the United States to reunite with family at the end of the Civil War, reflecting larger trends of emigration amongst the black population across

much of southern Ontario in the later nineteenth century.

Race, the Law, and Historians

In recent critiques of the first generation of black historical scholarship in Canada, historians have addressed the problem of characterizing regions that received large waves of black migrants (such as the Maritimes and Upper Canada/Canada West) as welcoming havens devoid of white feelings of racial superiority. In these first studies, authors described incidences of racism and prejudice as occur-

¹² Joyce A. Pettigrew, *A Safe Haven: The Story of the Black Settlers of Oxford County* (Otterville, ON: South Norwich Historical Society, 2006), 59.

¹³ Pettigrew, *Safe Haven*; Mosher, *Discrimination and Denial*, 83.

ring within a vacuum; such conflicts were rarely pinpointed as long-term factors that negatively shaped the experiences of black men and women living in bi-racial communities. These depictions also mask the complicated relationships that developed between black migrants and white Canadians. “Canada may not have been a perfect refuge,” according to historian Sharon Hepburn, “but it was better than the United States.”¹⁴ Extreme hardship and racism towards racial minorities like blacks, however, were endemic in Canada, as Jason H. Silverman, James W. St.G. Walker, and Mosher have shown.¹⁵ Canadians’ supposed innate sense of color-blindness and higher tolerance of “others” compared to their American neighbours is a myth which has long since been debunked by post-colonial theorists and historians of race and immigration. Indeed, as Owen Thomas contends, racism certainly did not cease once the forty-ninth parallel was crossed.¹⁶ “Blacks faced a daunting number of barriers to full inclusion in Canadian society,” Barrington Walker writes, and “they were ef-

fectively (while not legally) restricted to the lowest forms of menial wage labour, and faced restrictions upon where they could live and where they could travel.”¹⁷

Historians of the black community in Oxford County, mimicking larger patterns in Canadian historiography, have downplayed instances of interracial conflict and social strain. To date, Pettigrew’s book *A Safe Haven: The Story of the black Settlers of Oxford County* is the only published work that attempts a broad survey of the county’s early black settlers. Published in 2006, Pettigrew’s account contends that blacks prospered in Oxford County because whites—such as the sizable community of Quakers—felt a “responsibility” to help provide them with jobs, homes, and religious and educational institutions.¹⁸ Such an approach is akin to that of earlier historians of African Canadian history such as Fred Landon and Daniel Hill who also tended to characterize blacks as voiceless freedom-seekers.¹⁹ Pettigrew states that “stories of discrimination are few” and “for the most part, the black settlers were well received

¹⁴ Sharon A. Roger Hepburn, “Following the North Star: Canada as a Haven for Nineteenth-Century American Blacks,” *Michigan Historical Review* 25:2 (Fall, 1999), 93.

¹⁵ See Jason H. Silverman, *Unwelcome Guests: Canada West’s Response to American Fugitive Slaves, 1800-1865* (Millwood, N.Y.: Associated Faculty Press, 1985); James W. St.G. Walker, “Race,” *Rights, and the Law in the Supreme Court of Canada: Historical Case Studies* (Toronto: The Osgoode Society for Canadian Legal History and Wilfrid Laurier University Press, 1997); Mosher, *Crime and Colour, Cops and Courts: Systemic Racism in the Ontario Criminal Justice System in Social and Historical Context, 1892-1961* (Toronto: Commission on Systemic Racism in the Ontario Criminal Justice System, 1993).

¹⁶ Owen Thomas, “Cultural Tourism, Commemorative Plaques, and African-Canadian Historiography: Challenging Historical Marginality,” *Histoire Sociale/Social History* 29:58 (November 1996), 431-39.

¹⁷ Walker, *Race on Trial*, 3.

¹⁸ Pettigrew, *Safe Haven*, 40.

¹⁹ For a collection of Landon’s writings, see *Ontario’s African-Canadian Heritage: Collected Writings by Fred Landon, 1918-1967*, eds. Karolyn Smardz Frost et al. (Toronto: Natural Heritage Books, 2009); Daniel G. Hill, *The Freedom-Seekers: Blacks in Early Canada* (Agincourt: Book Society of Canada, 1981).

by the rest of the population. They were a progressive group of people. English and Scottish settlers tended to be neighborly.”²⁰ However, she merely mentions in passing that on two occasions the Ku Klux Klan burned crosses near the homes of blacks and that a segregated school system existed.²¹ Pettigrew also invokes the “great man/woman” methodological approach by devoting attention to the more renowned and successful blacks to emerge from Oxford County; as a result, the stories and struggles of less privileged black farmers, labourers, housewives, washerwomen, domestic servants, and healers go unacknowledged.

As the Munson trial reveals, when blacks “acted out” in Oxford County and became entangled with the law, the treatment they typically received in the press was indicative of wider societal conflict, racial intolerance, and gender stereotyping; such entrenched attitudes, as this case study demonstrates, reached far beyond the walls of the courthouse.²² Although the Canadian justice system was supposedly free from racist, classist, gendered, and religious bias, for visible minorities such as blacks, undoubtedly their “race was on trial too.”²³ Recent

scholarship in the field of gender and race relations has shown that racialized women in particular had an exceptionally complex and tenuous relationship with the law. As Karen Dubinsky and Franca Iacovetta note in the case of accused murderess Angelina Napolitano, ethnically- and racially-motivated stereotypes unquestionably aided the construction of “victim” and “villain” in the public domain.²⁴ When “mulatto” seamstress Clara Ford was tried for the murder of a prominent white Toronto man in 1894, her race also became a point of contention though she, like Munson, was eventually acquitted. Throughout the trial, the press skewered Ford, alleging that she exhibited “bizarre” and “abnormal” conduct because of her “African blood.”²⁵ Analyses of cases that were happening contemporaneously, in conjunction with reports from the local media, allow a very different story of the black experience in Oxford County to be told.

In his exemplary work on the inequalities faced by blacks in Ontario’s civil and criminal courts, Barrington Walker asserts that historians’ use of legal cases is important when fleshing out popular attitudes towards blacks, particularly in

²⁰ Pettigrew, *Safe Haven*, 40.

²¹ *Ibid.*, 40-41.

²² See Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: Osgoode Society for Canadian Legal History by University of Toronto Press, 1999); Robin Winks, *The Blacks in Canada: A History* (New Haven: Yale University Press), 1971.

²³ Walker, *Race on Trial*, 183

²⁴ See Karen Dubinsky and Franca Iacovetta, “Murder, Womanly Virtue, and Motherhood: The Case of Angelina Napolitano, 1911-1922,” *Canadian Historical Review* 72:4 (1991), 505-531.

²⁵ Carolyn Strange, “Wounded Womanhood and Dead Men: Chivalry and the Trials of Clara Ford and Carrie Davies,” in *Gender Conflicts: New Essays in Women’s History*, eds. Franca Iacovetta and Mariana Valverde (Toronto: University of Toronto Press, 1992), 159.

communities that historically contained sizable populations of white citizens. Though the vast majority of criminal cases in Oxford County involved white perpetrators and victims, cases involving blacks as both plaintiffs and defendants were highly sensationalized in the media and often attracted larger crowds at the courthouse. For instance, in 1895 when a “young colored man” was charged with seducing a “prepossessing mulatto” girl under the Charlton Act, the *Woodstock Sentinel Review* reported, “the police court room was crowded with spectators.”²⁶ Examining individual cases such as Letitia Munson’s, where the “black villain/white victim” paradigm was indirectly at the heart of the case, demonstrates that “knowledge about race was a product more of social attitudes than of biological reality.”²⁷

For historians of race, legal sources such as judge’s bench books, case files, and court transcripts can “shed critical light on how ‘blackness’ [was] articulated, constructed, deployed, contested, imagined, and re-imagined in juridical discourse.”²⁸ With the exception of an entry in the *Dictionary of Canadian Biography*²⁹ and a very brief summary of the trial in an assize court minute book, Letitia Mun-

son’s story appears to have survived solely through newspaper headlines. Though Amanda Glasbeek warns that crime stories appearing in newspapers were generally “glib,” “formulaic,” and carefully chosen,³⁰ veiled articulations of race, class, and gender can be gleaned from the newspaper reports that appeared at the time of the trial. Aside from providing the purported facts surrounding the case, these stories also spoke to and shaped the attitudes of the dominant social groups in the community. Particularly, some of the white community’s attitudes regarding the framing of the crime, the moral standing of the “victim” and “villain” within the community, and whether it was believed justice was served or denied are made clear, even in the wording of the headlines. In the published accounts of the Munson case, we see proof of Walker’s assertion that “white Canadians projected wildly contradictory stereotypes onto black Canadians (childlike and cunning, savage and infantile) and exhibited a strange mixture of both longing and loathing for them.”³¹

The Death, Inquest, and Trial

Under the heading “Found Dead. The Work of an Abortionist,” the

²⁶ “A Young Couple of Color,” *Woodstock Sentinel-Review*, 10 January 1895, 8.

²⁷ Walker, *Race on Trial*, 10

²⁸ Barrington Walker, “The Tale of Ida Jane and George: Murder, Miscegenation, and Bastardy in 1893 Raleigh, Ontario,” *Canadian Review of American Studies* 30:2 (2000), 212.

²⁹ Gus Richardson, “Mrs. Letitia (Lecitia) Munson,” *Dictionary of Canadian Biography Online 1881-1890 (Volume XI)*, accessed 20 February 2010, http://www.biographi.ca/009004-119.01-e.php?&id_nbr=5728&interval=15&&PHPSESSID=vmnuak219t53kg80sej0bvt14.

³⁰ Amanda Glasbeek, *Feminized Justice: The Toronto Women’s Court, 1913-1934* (Vancouver: UBC Press, 2009), 22.

³¹ Walker, *Race on Trial*, 12.

Woodstock Sentinel-Review reported on 22 September 1882 that the inquest into Ellen Weingardner's death had begun, less than a week after her remains were uncovered. When called upon to describe her relationship with the deceased, Letitia Munson told the court that she had known the girl for five years, going back to when Weingardner was a hotel waitress in town. Around this time Weingardner took up "intimate relations" with and was "led from virtuous ways" by a male hotel employee.³² When this liaison resulted in a pregnancy, Weingardner sought out Munson for support, though it is unclear in published reports how or why she came to consult the older black woman. The press points out on numerous occasions, though, that young girls knew to go to Munson to "get rid of their incumberances [sic]."³³ Weingardner eventually gave birth to a baby girl at Munson's home, then left town shortly thereafter. In her testimony, Munson claimed that Weingardner had told her that after she left Woodstock she married a man named John Wonch who died in December 1881. Evidently this marriage produced three children, but none are mentioned as residing with Weingardner when she died. Around the late spring of 1882 Weingardner returned to Wood-

stock, "being again in a delicate condition,"³⁴ accompanied by her four-year old daughter and a man named John Camp³⁵ whom she introduced as her husband. The couple had previously been living in the nearby town of Tillsonburg, but sought out Munson for "assistance and advice"³⁶ concerning Weingardner's pregnancy. When Camp disappeared a week later, it was rumoured about town that he intended to return to his first wife who was living in a small community north-east of Woodstock. Afterwards, Weingardner was given the Munsons' second home³⁷ on an adjoining lot in which to live with her daughter for the remainder of her pregnancy.

According to the *Sentinel-Review*, on the night of Friday 15 September 1882 Weingardner walked up town to Stark's Drug Store where she sought out local physician George L. Beard. A clerk agreed to send Dr. Beard out to see her as soon as he came back; no visit, however, was made that evening.³⁸ At the inquest and trial, neighbours testified that they saw Weingardner on the night in question and she appeared ill, but when they inquired after her health, she only replied that she felt weak. Munson stated in her testimony at the inquest that Weingardner had been suffering from ague,³⁹ but

³² Description by reporters in "Oxford Assizes," *Woodstock-Sentinel-Review*, 24 November 1882, 4.

³³ "Abortion at Woodstock," *Toronto World*, 23 September 1882, 1.

³⁴ "Oxford Assizes," *Woodstock-Sentinel-Review*, 24 November 1882, 4.

³⁵ The name is "Camp" or "Kemp" depending on the newspaper consulted.

³⁶ "Oxford Assizes," *Woodstock-Sentinel-Review*, 24 November 1882, 4.

³⁷ The home is referred to as a "shanty."

³⁸ "Found Dead," *Woodstock Sentinel-Review*, 22 September 1882, 1.

³⁹ "Ague" was a nineteenth-century term for malaria or prevalent fever.

she refused to treat her for fear of making the ailment worse or causing death. Munson claimed to have left Weingardner at 10 o'clock p.m., and when she went to check on her at 6 o'clock a.m. the next day, found the girl deceased in her bed. Witnesses corroborated Munson's story and agreed that she had been seen visiting Weingardner on the evening in question. Upon discovery of Weingardner's body, Munson asked son Frederick to alert neighbours Catharine and Barbara McGinnis that Weingardner had died in the night.

Coroner Archibald McLay testified that Weingardner was seven or eight months "enceinte"⁴⁰ when he examined her the afternoon following her death. At this time, McLay claims that Munson informed him that Weingardner had gone into labour that evening, but she did not stay with her during her travail because "she was an old woman and could not stay up."⁴¹ However, according to medical reports it did not appear that Weingardner had gone into labour or given birth before her death.

In his testimony, Woodstock Police Chief Constable Thomas McKee described having found bloody footprints near the bed of Weingardner's home, a tub outside the home stained with blood, and ashes sprinkled over blood marks on a path to the home. The *Guelph Weekly Herald* reported that the bed where We-

ingardner lay was in a "dreadful condition," soaked in blood and surrounded by clothes lying on the floor, also blood-stained. McKee searched Munson's home and found a number of "instruments," particularly a long, curved one wrapped in cloth in a trunk under a bed. He also claimed to have found:

[...] immense quantities of wearing apparel, most new, dresses and other articles by the dozen, as well as bed linen; four or five sets of instruments, such as would be used in cases of abortion, and which Mrs. Munson explained were used by her for opening abscesses, when people suffering from such diseases applied to her for help; several books and papers treating on medical matters; a large number of letters from people in various parts of the United States and Canada, many of them asking advice about getting rid of their indiscretions; several phials of drugs, and some capsules of balsam copaiba.⁴²

The *Globe* reported that one of the instruments was marked with blood and at least one of the recipes for medicines "was for use in the fiendish commerce with infant life."⁴³

Drs. Levi H. Swan and Albert B. Welford performed a post-mortem examination of Weingardner's body and testified that "instrumental violence" was the cause of death. Their inspection uncovered a punctured membrane in her uterus, which they believed to be the result of the insertion of a round wire or knitting needle.⁴⁴ However, in order to

⁴⁰ Enceinte is a synonym for pregnancy; "Oxford Assizes," *Woodstock-Sentinel-Review*, 24 November 1882, 4.

⁴¹ "Oxford Assizes," *Woodstock-Sentinel-Review*, 24 November 1882, 4.

⁴² "A Horrible Crime," *Guelph Weekly Herald*, 28 September 1882, 3.

⁴³ "Letitia Munson," *Toronto Globe*, 17 November 1882, 1.

⁴⁴ "Found Dead," *Woodstock Sentinel-Review*, 22 September 1882, 1.

provide more surety as to the cause of Weingardner's death, a second examination of the body was performed by Drs. Beard and Hugh M. McKay. At the trial both physicians affirmed that they could not accurately conclude how Weingardner died; a rupture or placenta praevia (both natural causes) while rare, may have caused death. They stated, though, that they trusted the men performing the post-mortem would be able to distinguish between instrumental and non-instrumental death.

When the inquest into Weingardner's death closed at the end of September 1882, the jury stated that it was clear Weingardner had died as the result of premature labour, most likely caused by Munson's interference. At this point Munson was arrested and held in the county jail until 16 November when her trial commenced in front of the fall session of the assize court.⁴⁵ It was reported that she was brought into the courtroom wearing "her best dress and shawl and a silk quilted hood, presenting a very respectable appearance... she listened attentively... wearing a shrewd expression, and evidently following the line of the argument closely."⁴⁶ Newspapers reported that prosecutor F.R. Ball stated in his opening remarks that the question to be examined was whether Munson performed Weingardner's abortion alone *or* assisted the deceased in the crime. He believed

that Munson was indeed present when Weingardner passed away and that the accused attempted to absolve herself of the crime by washing the bloody clothes. Ball argued that it was only when Munson realized the deed could no longer be concealed that she contacted authorities. Ball questioned her son Frederick and a black man named Joseph Anderson, who was boarding with the Munsons, about their knowledge of her actions on the night of 15 September. Anderson stated that he had seen Weingardner walking to town, but did not know of anything after that point. Frederick, whom the *Sentinel-Review* described as "wearing his usual, stolid, imperturbable look and doling out in answer to the majority of questions his never-failing 'I don't know' and 'I don't remember,'" also stated he had no knowledge of his mother's actions aside from seeing her speaking to Weingardner in their yard early in the evening.⁴⁷

Neighbours Catharine and Barbara McGinnis were then called as witnesses, with Catharine needing an interpreter to translate her native tongue of Gaelic. She recalled that there were bloody clothes in the vicinity of the deceased's bed the morning after the death. She stated that Weingardner had been ill in the days prior to her death and had also sustained an injury while doing some washing. Barbara McGinnis added that bloody marks near the door of Weingardner's home

⁴⁵ In rural counties such as Oxford, most judicial matters (with the exception of petty offences tried before the lower police courts) were handled by the assize court held twice a year (usually spring and fall) and attended by a visiting circuit judge.

⁴⁶ "Oxford Assizes," *Woodstock Sentinel-Review*, 24 November 1882, 4.

⁴⁷ *Ibid.*

had been covered over with ashes by Munson who, they stated, had told them she did so in fear that the blood would mark their dress hems. Mrs. Joseph (Harriette) Packer, who also surveyed Weingardner's remains the morning after her death, confirmed that she answered "yes" when Munson asked her if she was going to divulge to authorities that Weingardner had passed away. Munson agreed: "That's right." At the inquest, Packer also made sure to mention that Munson did not "bear a good character among the neighbors."⁴⁸

When called to the witness stand at the trial, Chief Constable McKee reiterated his observation of Weingardner's body and home when he arrived on Saturday afternoon, and also corroborated Barbara McGinnis's story that bloody marks near the door had been covered with ashes by Munson. He also acknowledged that in his search of Munson's home, upon discovering ten or fifteen locked trunks, Munson readily handed the keys over and did not object to his search of their contents.⁴⁹

Munson's defense attorney, J.W. Nesbitt, called upon Doctors Beard and McKay who testified that they believed Weingardner's death was not the result of malpractice or use of instruments; instead, they reiterated the conclusions from their initial assessment of the body that death was caused by a rupture or

placenta praevia.⁵⁰ Nesbitt then called character witness Charlotte Ross who testified that she was acquainted with Weingardner and that the deceased had been very weak of late. Ross called the court's attention to Weingardner's "great destitution" and that she had in the past "begged assistance" from Ross.

Nesbitt then addressed presiding Justice Osler and the jury, emphasizing Doctors Beard and McKay's findings that even if instrumental violence had caused Weingardner's death, there was no way of ascertaining whether Munson assisted or not. Presenting a counter-narrative to the one constructed by the press, he asked the jury to consider "what motive could Letitia Munson have had to commit an act so criminal and so flagrantly in violation of the law? The deceased was a poor miserable outcast, without a dollar in the world. Wasn't she likely then to be in a mood to attempt to prevent the birth of her child?"⁵¹ After questioning Ellen Weingardner's respectability, he concluded by reminding the jury "this was one of those cases in which Dame Rumour was busy, and about which untrue statements were made in the press" and pleaded with them "to disabuse their minds of anything of the kind."

Prosecutor Ball began his address to the court by reiterating that he "felt sure that prejudice of colour would not affect their minds in any way."⁵² He went on to

⁴⁸ "Found Dead," *Woodstock Sentinel-Review*, 22 September 1882, 1.

⁴⁹ "Oxford Assizes," *Woodstock Sentinel-Review*, 24 November 1882, 4.

⁵⁰ "Placenta praevia" refers to a condition during childbirth where the placenta is attached to the uterine wall close to or covering the cervix.

⁵¹ "Oxford Assizes," *Woodstock Sentinel-Review*, 24 November 1882, 4.

⁵² *Ibid.*

question why Munson moved Weingardner to another home and why she did not alert authorities as soon as she discovered Weingardner was deceased. As a mother herself, Ball argued, Munson surely would not have left Weingardner alone on Friday night if she was having trouble or was in labour; therefore Munson must have been present when she died. He stated that such charges as Munson's were becoming "too common" and therefore, "in the interests of law and justice, and for the protection of society they were bound to find a verdict of guilty."⁵³ It is clear in the *Sentinel-Review's* report of the trial that Ball felt Munson must be made an example.

Before the final verdict was read, Osler remarked that the Crown had a good case against the accused, particularly in regard to the evidence found in Munson's home and the inconsistency of her statements concerning the state of Weingardner's health on the night of her death. However, the all-male and all-white jury⁵⁴ rendered a verdict of "not guilty" and Munson was discharged. In its concluding remarks on the trial, the *Sentinel-Review* declared that while the "jurors were morally certain of the prisoner's guilt... upon the evidence they could not conscientiously convict, as the case against her did not prove to be even as strong as anticipated, and the anticipation fell short

of any hope of conviction."⁵⁵ Though, legally, Munson was absolved of her responsibility in the case, the jury's "hope" for and "anticipation" demonstrates disagreement with the acquittal. Walker found a comparable dynamic in the murder trial of a black family from Raleigh, Ontario in 1893. "White paternalism," Walker argues, accounted for their merciful sentencing, which provoked feelings among the white citizenry that the Freeman family "got off easy."⁵⁶

Reporting the Crime: The News Media

Weekly newspapers (or "weeklies") in late-nineteenth and early-twentieth century Ontario towns were an important source of information, education, and entertainment for the literate public. Business affairs, poetry, literature, politics, housekeeping and farming tips could be found in weeklies such as the *Sentinel-Review*. Weeklies, however, rarely contained fresh "news" because smaller population densities meant that citizens were often made aware of local, newsworthy stories before they ever made it to print due to word of mouth.⁵⁷ Not surprisingly, stories of crime and scandal occupied an elevated space of importance on the front pages because of their controversial nature; sensationalized headlines (particularly for crimes of

⁵³ *Ibid.*

⁵⁴ According to identities of jury members that have been uncovered in the 1881 census, it appears that the jury was comprised entirely of white males.

⁵⁵ "Oxford Assizes," *Woodstock Sentinel-Review*, 24 November 1882, 4.

⁵⁶ See Walker, "The Tale of Ida Jane and George."

⁵⁷ Paul Voisey, *High River and the Times: An Alberta Community and Its Weekly Newspaper, 1905-1966* (Edmonton: University of Alberta Press, 2004), xviii-xxiii.

a violent or sexual nature) often accompanied the stories. Sometimes the sordid details of these affairs “hit too close to home” in smaller communities because of locals’ familiarity with the victim or the accused. Such stories also served as cautionary tales in defense of the defined social order of a community,⁵⁸ as evidenced by the number of court trials that were well-documented by local and far-reaching news media outlets alike. Though newspapers were undeniably tainted by gendered, racist, and elitist biases, their worth as historical sources can be found in both their broad range of readership and in the methods they employed to maintain a communal status quo.

Munson’s defense attorney argued in his concluding address to the court that the jury must take into consideration the press’ treatment of both the case *and* Munson’s character. Nesbitt asserted that due to the tragic and morally sensitive nature of the case, many “untrue” statements had been published by the press. In the minute book of the assize court, Munson’s official charge is “procuring a miscarriage,”⁵⁹ but late-nineteenth century legal constructions of “miscarriage” and “abortion” were ambiguous at best. In various newspaper accounts of the case and trial, the more sensationalized “murder” was often used interchangeably with “abortion” to describe the alleged crime. In 1882, “procuring a miscarriage” carried a maximum sentence

of life imprisonment while those found guilty of murder could potentially face the death penalty. Though “murder” was never used in the courtroom to describe Weingardner’s death, the *Toronto Globe’s* headline on 26 September 1882 read “Committed for Murder” when describing Munson’s so-called complicity in Weingardner’s death.

Aside from inferences by Nesbitt and Mrs. Packer that Weingardner’s poor financial state may have influenced her decision to rid herself of the pregnancy, the press did not question Weingardner’s finances or her sexual past. At the inquest, one of Weingardner’s former employers, Mrs. Eveland, was called as a character witness. She testified that Weingardner “appeared to be respectable” because she had told her that she was married, pregnant, and a mother to three other children.⁶⁰ It is likely that because Weingardner was white, a mother, and allegedly a wife, a certain level of respectability was conferred upon her. In media accounts, Weingardner was frequently portrayed as the naïve victim and object of not only men’s sexual desires, but also the “cunning” and “suspect” medical knowledge of Letitia Munson. In cases of abortion where the mother survived, some women *were* denigrated by the press for seeking out the services of an abortionist. In Weingardner’s case, however, the press remained mute on this fact, simply stating she “appears to have suffered much

⁵⁸ *Ibid.*, 56.

⁵⁹ AO, RG 22-3906-0-8, Oxford County Supreme Court assize minute book, “The Queen v. Letitia Munson.”

⁶⁰ “Found Dead,” *Woodstock Sentinel-Review*, 22 September 1882, 1.

hardship during her life.”⁶¹ According to historian Constance Backhouse, the lack of attention paid to the actions of the deceased was not uncommon: “abortion trials typically focused on the abortionist, not the immediate desperation of an unwilling pregnant woman.”⁶² Munson, then, was forced to face the full brunt of the alleged crime and its aftermath.

An “Interesting Family”

In the midst of the inquest into Ellen Weingardner’s death, a reporter from the *Toronto Globe* traveled to Woodstock to record the proceedings. The “visitor” also called at Letitia Munson’s home to view the scene of the alleged crime and to become more familiar with the “old doctress and her interesting family.”⁶³ The reporter observed that Munson, who “came slowly along, leaning heavily on a short stick” was more than delighted to share her side of the story, but refused to incriminate herself in any way. In their forty-five minute conversation, Munson told the reporter that she was 110 years old, born a slave on a plantation in North Carolina. She was not formally educated, but her master had sent her to accredited physicians for five years and aboriginal peoples for two years to learn the “healing art” so that she may be useful around the plantation. She articulated how impressed she was with the aboriginals’

ability to use herbs to heal common diseases, but that her advancing age would not allow her to mix these concoctions as ably as she used to. Though at times the reporter appears sympathetic to Munson’s plight, the piece is also laced with condescension, such as the description of Munson who shockingly “show[ed] great facility in conversation, using language quite above the reach even of one educated with the masses.”⁶⁴

Munson’s physical appearance is also discussed at great length. She is described as “a well preserved old negro woman, with a look of great intelligence and rather pleasant face with a red bandana handkerchief in turban shape on her head. Her eyes gleaming over her spectacles, and her benevolent repetition of the appellation ‘chile’ to whomever she addresses.”⁶⁵ The reporter made special reference to Munson’s son Frederick, classified as “a heavy built, ungainly youth, black as the ace of spades, and with a face as inexpressive as a monk, except for the threatening gleam in the great black eyes.” To the reporter, the family’s primary home was no more than a “little cottage,” but special mention is made of its contents, particularly a “treasury of articles of considerable value” including numerous quilts and more expensive metal items like jewelry and cutlery. After a seemingly thorough inspection, the reporter concluded that

⁶¹ “Committed for Murder,” *Toronto Globe*, 26 September 1882, 2.

⁶² Constance Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: Osgoode Society by Women’s Press, 1991), 163.

⁶³ “Committed for Murder,” *Toronto Globe*, 26 September 1882, 2.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

these items must be “stolen goods sent to the old woman to keep, or... they were sent her as pay for her services.”⁶⁶

According to Munson’s own account of her origins, she originally settled in Oxford County in the early 1860s. The county marriage register confirms that Commedess Munson⁶⁷ and Letitia⁶⁸ [née Leeney] were married in Woodstock on 22 January 1862.⁶⁹ Around this time they purchased two frame houses in the Gore of Oxford West Township, just southwest of the town limits of Woodstock. Though the marriage register states that Munson was twenty-two at the time of her marriage, during the trial (only twenty years later) she refers to herself as 110 years old; the *Globe* reporter believed her to be no more than seventy-three years of age. The inconsistency continues in the census; in 1871, Munson is listed as forty-three years old, but only ten years later, in the 1881 census, she indicates her age as sixty-three years old.⁷⁰ At this time, she

is listed as residing with husband Commedess (age 64) and five children, ranging from one to eighteen years of age.⁷¹ In the 1871 census, only a four-year old child, Frederick, was living with the couple. In their accounts of the trial, reporters note that both Commedess and a daughter die sometime in 1881. Based on their ages, locations of birth, and Letitia’s advancing age it is likely that most, if not all, of the Munson children were adopted. Taking in children, both temporarily and through a more formalized system of adoption, was a widespread custom in many African-Canadian households.⁷²

Midwife-Healer = Abortionist/Murderess?

Aside from various character descriptions and assumptions about Munson and her family, the press paid particular attention to Letitia’s experiences performing a variety of medical services in the community; in some accounts she

⁶⁶ *Ibid.*

⁶⁷ He is identified as “Commedess” in the 1881 census, “Comegyss” in the 1871 census and the 1885 record of son Frederick’s marriage, “Comegs” in the 1861 census, and “Cummings” in the Oxford County Marriage Register. For the purposes of consistency, “Commedess” has been used throughout this chapter because at the time of the trial it was the most recent mention of his name.

⁶⁸ Available sources have provided a number of variances on Munson’s name, including “Letitia,” “Latitia,” “Letritia,” “Lucretia,” and “Lecitia.” For the purposes of consistency, the more-widely cited “Letitia” has been used throughout this chapter.

⁶⁹ AO, MS 248 Reel 12, County Marriage Registers of Ontario Canada, 1858-1869, Volume 26 Oxford County.

⁷⁰ Library and Archives Canada (hereafter LAC), Census of Canada, 1871, Schedule 1 – Nominal Return of the Living, Ontario, South Oxford, <<http://www.bac-lac.gc.ca/eng/census/1871/Pages/about-census.aspx>>; LAC, Census of Canada, 1881, Schedule 1 – Nominal Return of the Living, Ontario, Oxford South, <<http://www.bac-lac.gc.ca/eng/census/1881/Pages/about-census.aspx>>.

⁷¹ LAC, Census of Canada, 1881, Schedule 1 – Nominal Return of the Living, Ontario, Oxford South, <<http://www.bac-lac.gc.ca/eng/census/1881/Pages/about-census.aspx>>; in the 1861 census, only “Comegs” Munson is listed as living in Oxford County.

⁷² Sharon A. Hepburn, *Crossing the Border: A Free Black Community in Canada* (Urbana: University of Illinois Press, 2007), 100-02.

was recognized by the occupations of “abortionist” and “old doctress” while other descriptions relied on the more maternal “granny.” The idiom “doctress,” in particular, was historically loaded with negative connotations regarding socially acceptable feminine behaviour; doctresses were perceived with suspicion not only because they offered more general medical services (and left child-birth to midwives), but also because they were stepping across the “gender line and [practicing] like men.”⁷³ When asked if she performed abortions, Munson stated that women in a similar situation to Weingardner often approached her, but she claimed to have never performed the requested procedures, instead offering to help send the women to a poor house in the United States where they could give birth discreetly. In spite of her insistence to the contrary, the *Globe* concluded that Munson had long been performing abortions for girls who requested her assistance. Munson admitted that some pregnant girls had indeed visited her home; she recalled one occasion where a father brought his pregnant daughter to her and offered a cow in exchange for killing and disposing of the infant upon birth. Munson claimed she adamantly refused the heinous request and though the girl eventually gave birth in Munson’s home,

the infant only survived one week. Munson stated that local authorities advised her not to “make trouble about it” and to hastily burn the corpse in her garden.⁷⁴

During the inquest and trial, newspapers emphasized that Munson had long been a menace to local law enforcement officials and neighbours alike, though no instances of trouble involving the Munson family prior to 1882 have been uncovered in published sources. According to Oxford County jail records, however, Munson was detained for five days for “procuring an abortion” in August 1882, just a month prior to the Weingardner incident.⁷⁵ Nonetheless, the media emphasized that this case was just one in a long list of alleged “crimes” for which Munson was guilty but never prosecuted. The *Globe* stated that the inquest into Weingardner’s death had conjured up memories of all of the “alleged horrors connected with the Munson family” in the community and “were one-half of what is said believed, this old negress must be the incarnation of untold villainy.”⁷⁶

When asked how she generated income, Munson told reporters that while she made some money by taking in boarders and telling fortunes,⁷⁷ she also made money as a midwife and providing general medical services to the community. Though she admits to the court

⁷³ Rebecca J. Tannenbaum, *The Healer’s Calling: Women and Medicine in Early New England* (Ithaca and London: Cornell University Press, 2002), 118.

⁷⁴ “Committed for Murder,” *Toronto Globe*, 26 September 1882, 2.

⁷⁵ County of Oxford Archives, RG2, Series 6, Treasurer Box 1, Subseries A, Administration of Justice 1850-1887, Return of Prisoners confined in the Gaol of the County of Oxford, dated at Woodstock.

⁷⁶ “Committed for Murder,” *Toronto Globe*, 26 September 1882, 2.

⁷⁷ “Abortion at Woodstock,” *Toronto World*, 23 September 1882, 1.

that “people came to her for private troubles,” she also says that some ladies simply needed “advice when in difficulty.”⁷⁸ She claimed to perform such common procedures as “lancing boils,” doing so not only for financial gain, but also “out of charity.” As a healer and obstetrical consult, Munson testified that she was working “for the good of the public” and ought to receive praise instead of blame for the fate that befell Weingardner because she had given her a home rent free and “otherwise assisted her” when “all others had cast her out.”⁷⁹ The *Globe* reporter mentions that Munson often carried out procedures that were “avoided by regular practitioners,” but does not clarify whether this referred solely to abortions or other unlicensed medical services. Due to the infirmity of old age, Munson told the *Globe* reporter that she was unable to practice medicine very often.⁸⁰

In his study of the mounting friction between physicians and female midwives in nineteenth-century Ontario, J.T.H. Connor affirms that midwifery “constitutes the oldest, most traditional, and culturally widespread health care activity.”⁸¹ It was not uncommon for enslaved

women like Munson to receive medical training on plantations in the antebellum South. Being educated as a midwife was considered a particularly prized skill in both black and white populations during this period.⁸² Prior to the professionalization of medicine around the mid- to late-nineteenth century, enslaved women were often entrusted with the medical care of not only the enslaved on the plantation, but the white master’s family as well. Such responsibility imbued the role with a certain level of trust and respect. In the racial hierarchy of the plantation, a higher status was often conferred on elderly black women because of intellectual and maternal connotations associated with age and gender.⁸³ These “grannies” or “mammies” were thought to possess specialized knowledge of female anatomy and all matters related to childbirth and childrearing. Though performing abortions was considered a morally and religiously heinous crime in both free and enslaved societies in the South, female healers were asked to perform abortions if it was believed the procedure could save the mother-to-be from an imminent death. In the case of

⁷⁸ “Committed for Murder,” *Toronto Globe*, 26 September 1882, 2.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ J.T.H. Connor, “Larger Fish to Catch Here than Midwives’: Midwifery and the Medical Profession in Nineteenth-Century Ontario,” in *Caring and Curing: Historical Perspectives on Women and Healing in Canada*, eds. Dianne Dodd and Deborah Gorham (Ottawa: University of Ottawa Press, 1994), 103.

⁸² Tanfer Emin-Tunc, “The Mistress, the Midwife, and the Medical Doctor: Pregnancy and Childbirth on the Plantations of the Antebellum American South, 1800-1860,” *Women’s History Review* 19:3 (July 2010), 399; see also Rebecca Fraser, *Courtship and Love among the Enslaved in North Carolina* (Jackson: University Press of Mississippi, 2007).

⁸³ For more on black midwives on plantations, see V. Lynn Kennedy, *Born Southern: Childbirth, Motherhood, and Social Networks in the Old South* (Baltimore: Johns Hopkins University Press, 2010).

enslaved women, abortion presented a conundrum because while it might save the life of a mother, the death of the baby represented a loss of income for the master. However, Tanfer Emin Tunc argues that it is safe to assume that introducing instruments into the uterus and ingesting abortifacients was widely practiced within the “privacy” of the slave quarters as a way to control fertility.⁸⁴

It is impossible to ascertain how many female herbalists and midwives were present in towns, cities, and rural areas across Ontario because this sort of occasional employment was rarely listed in the census. Suzanne Morton notes that in late-nineteenth century Halifax County, African-Nova Scotian women who offered medical and pharmaceutical services to their communities are under-represented in surviving sources like the census where enumerators “obscured the important public but informal roles women played in the economy.”⁸⁵ The practice of midwifery generally consisted of networks of women who attended to and aided each other in their travails (sometimes referred to as “neighbour midwives.”⁸⁶) Knowledge of midwifery typically derived from women’s own experiences in the birthing room, both as mothers and as observers and helpers

of others. Connor states that generally nineteenth-century midwives and female healers were left alone by the medical profession as long as they displayed “good character’ and experience.”⁸⁷ Formally-trained apprentices and immigrant women (who often received midwifery instruction prior to their arrival in Canada), were usually exempt from scrutiny. Some male physicians welcomed the services of midwives because of their tried-and-true methods and breadth of experience. In rural areas and smaller communities, midwives generally enjoyed a higher status due to the shortage of medical professionals. It was the more “uneducated” and lesser-known midwives who posed a threat to male physicians, and who were oft-characterized as “dirty, ignorant and dangerous.”⁸⁸ Because midwives habitually charged a smaller fee (on average two dollars compared to five dollars by male physicians)⁸⁹ and could offer expectant mothers companionship and compassion, many women preferred the services of the local midwife.

Abortion, Morality, and Respectability

Given that Weingardner was deceased and could not respond to the charge of unlawfully seeking an abortion, the

⁸⁴ Emin-Tunc, “The Mistress,” 397.

⁸⁵ Suzanne Morton, “Separate Spheres in a Separate World: African-Nova Scotian Women in Late-19th-Century Halifax County,” in *Separate Spheres: Women’s Worlds in the 19th-Century Maritimes*, eds. Janet Guildford and Suzanne Morton (Fredericton: Acadiensis Press, 1994), 193.

⁸⁶ See Charlotte G. Borst, *Catching Babies: The Professionalization of Childbirth, 1870-1920* (Cambridge: Harvard University Press, 1995).

⁸⁷ Connor, “Larger Fish to Catch,” 109.

⁸⁸ C. Lesley Biggs, “The Case of the Missing Midwives: A History of Midwifery in Ontario from 1795-1900,” *Ontario History* 75:1 (March 1983), 31.

⁸⁹ *Ibid.*, 29.

focus of the trial became Munson's role in the execution of the abortion. Most cases that went to trial involved such a dynamic. Prior to the passing of formal Canadian codes, under English common law it was unlawful for an abortion to be performed after quickening.⁹⁰ By 1841, Upper Canada had dismissed the quickening law, making all abortions illegal with a maximum sentence of life imprisonment. After Confederation, the 1841 statute became federal law in the Dominion of Canada.⁹¹ In 1869, this statute was expanded to include the penalty of life imprisonment for the person procuring the miscarriage of a fetus.⁹² During the nineteenth century, increasing attention was being paid to the passage of fertility control laws, including contraceptive usage, receiving/performing abortions, and committing infanticide. Declining birth rates in an increasingly secularized society posed serious concerns, according to

social reformers, politicians, and physicians. Lawmakers discussed various alterations to abortion laws, including one in 1876 that proposed accused abortionists "go unpunished" if the mother survived the procedure. On 24 March 1876, a citizen named "T.F." contributed a piece to the *Sentinel-Review* displaying outrage at such an amendment. The reporter argued that currently "the hangman's treatment of abortionists is the proper one, and it will do society unspeakably more good."⁹³ Believing the death of the fetus as a result of an abortion should also be considered murder, T.F. referred to anyone who supported decreasing the severity of the abortion law as "moral riff raff."⁹⁴

The formation of accredited medical colleges, universities, and midwifery training schools became the standard by which proper medical practice was judged, placing a wedge between the

⁹⁰ Quickening referred to the movement of the fetus in the womb.

⁹¹ See Backhouse, *Petticoats and Prejudice*; Constance Backhouse, "Prosecution of Abortions under Canadian Law, 1900-1950," in *Essays in the History of Canadian Law, Volume 5: Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo, and Susan Lewthwaite (Toronto: Osgoode Society, 1994), 252-92; Angus McLaren and Arlene Tigar McLaren, *The Bedroom and the State: The Changing Practices and Politics of Contraception and Abortion in Canada, 1880-1980* (Toronto: McClelland and Stewart Limited, 1986); Angus McLaren, "Birth Control and Abortion in Canada, 1870-1920," *Canadian Historical Review* 59:3 (1978), 319-40; Angus McLaren, "Illegal Operations: Women, Doctors, and Abortion, 1886-1939," *Journal of Social History* 26:4 (Summer 1993), 797-816; Backhouse, "Physicians, Abortions, and the Law in Early Twentieth-Century Ontario," *Canadian Bulletin of Medical History* 10 (1993), 229-49; Backhouse, "The Celebrated Abortion Trial of Dr. Emily Stowe, Toronto, 1879," *Canadian Bulletin of Medical History* 8 (1991), 159-87; Wendy Mitchinson, *The Nature of their Bodies: Women and their Doctors in Victorian Canada* (Toronto: University of Toronto Press, 1991).

⁹² Mollie Dunsmuir, "Abortion: Constitutional and Legal Developments," Government of Canada Depository Services Program, last modified 6 May 2004, <<http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/CIR/8910-e.htm>>, [accessed 14 July 2011].

⁹³ T.F., "A Bill Which It is to be Hoped will Never Become Law," *Woodstock Sentinel-Review*, 24 March 1876, 6.

⁹⁴ *Ibid.*

“regulars” (ie. educated) and the “irregulars”⁹⁵ or “quacks” (ie. uneducated). Most “regulars” refused to perform abortions for legal, moral, or religious reasons and those who did often became implicated in high-profile scandals and malpractice suits. In cases where the mother’s life was in danger due to complications from the pregnancy, licensed physicians did have the legal authority to perform abortions. Dr. Hugh McKay, a witness for the defense during the Munson trial, was a licensed obstetrician in Woodstock, and between 1873 and 1889 kept a detailed record of all of the births he attended. In 1873, he was called to the bedside of one woman who was experiencing uterine hemorrhaging which another physician had informed her was due to the “change of life.”⁹⁶ Believing she was suffering from dysmenorrheal bleeding, McKay attempted to treat her by injecting a solution; he then discovered that the woman was actually five months pregnant. He informed the woman that she would need to give birth in order for her symptoms to cease. With McKay’s help, two hours later the woman went into labour and gave birth to a stillborn fetus.⁹⁷

In situations where women were looking to rid themselves of unwanted pregnancies for social or financial rea-

sons, they could ably find “back door” abortion services provided by local midwives, herbalists, or “irregular” physicians. Michael McCulloch writes that formally-educated physicians often associated abortions with these unconventional practitioners, condemning them as “socially destructive” and the “solvent of sexual morality and the antithesis of the Christian family.”⁹⁸ Abortion services were also sometimes advertised in local newspapers, albeit in carefully shrouded medical jargon about female “troubles.” In the United States, historian Leslie J. Reagan writes that legal and medical authorities waged a war against midwives in the late-nineteenth and early-twentieth centuries by linking them to the increased number of abortions being reported across the nation. Though some female midwives were guilty of performing abortions, male medical professionals used this opportunity to assert their own moral authority and to thwart women’s power to control their reproductive abilities.⁹⁹ Because of the illegality of procuring an abortion, however, it is impossible to conclude how many women made use of such services, who performed them, and how many women died as a result of injury or complication.

Cases of abortion in nineteenth-cen-

⁹⁵ Backhouse, *Petticoats and Prejudice*, 143; “Irregular” physicians were often defined as women and people of color, though it could also refer to anyone who did not receive an orthodox medical education.

⁹⁶ “Change of life” referred to menopause; AO, F 775, MU2118 F 2189, Hugh M. McKay fonds, “Record of Midwifery Case.”

⁹⁷ *Ibid.*

⁹⁸ Michael McCulloch, “Dr. Tumblety, the Indian Herb Doctor’: Politics, Professionalism, and Abortion in Mid-Nineteenth-Century Montreal,” *Canadian Bulletin of Medical History* 10 (1993), 52.

⁹⁹ Leslie J. Reagan, “Linking Midwives and Abortion in the Progressive Era,” *Bulletin of the History of Medicine* 69:4 (Winter 1995), 573, 589.

tury Canada rarely went to trial unless the mother died as a result of the procedure. In the 1870s and 1880s, the *Sentinel-Review* printed a handful of stories about abortions that happened in Oxford County and nearby urban centres, but none provoked the same sort of reaction as the Munson case. In 1877, for instance, when the *Sentinel-Review* published the details surrounding the suspicious death of sixteen-year old Theresa Collins, the headline read no more than “Scandal at Tillsonburg” though two women were later charged with “aiding and abetting” the abortion of Collins’ fetus. Because all three women involved (including the deceased) were white and considered “respectable” among Tillsonburg’s citizenry the whole affair was considered no more than a “sad and untimely death” by the press. Like Munson, the two women were also found not guilty and cleared of all charges, but unlike Munson’s experience, the amount of hearsay published in the press was comparatively minimal and far less damaging to the women’s reputations.

In contrast to the women accused of performing Collins’ abortion, Letitia Munson claimed to have actually been educated in the medical field. Given that she was a recent widow and raising four children, it is not surprising that Munson

put her medical skills to use in order to provide for her family. It was common for older women in smaller, rural communities to provide health care services where licensed physicians and midwives were scarce. Cecilia Benoit writes that in the rural community of Stephenville, Newfoundland, for example, older white women (who were also referred to as “grannies”) were not relegated to the traditionally female-dominated practice of midwifery; instead, they performed all manner of health care in the community. These grannies wished to help “guide the community members along a path of well-being,”¹⁰⁰ echoing the sentiment that Letitia Munson stated in defence of her own provision of medical services to the citizenry of Woodstock.

Munson was just one of a number of black women who were forced to work in order to subsist in and around Oxford County. According to 1881 census figures, the most common occupations for black women in the area were domestic service, laundering, millinery work, and being a “workwoman.”¹⁰¹ Pettigrew points out that in Oxford County some black men and women occupied higher social positions because they became successful in “respectable occupations” such as law enforcement, firefighting, shop-keeping, and barbering; for the most part,

¹⁰⁰ Cecilia Benoit, “Mothering in a Newfoundland Community: 1900-1940,” in *Delivering Motherhood: Maternal Ideologies and Practices in the 19th and 20th Centuries*, eds. Katherine Arnup, Andr e L vesque, and Ruth Roach Pierson (London and New York: Routledge, 1990), 185.

¹⁰¹ According to the 1913 edition of Webster’s Dictionary, “workwoman” was a female who performed all work, or one especially gifted in needlework; These occupations correspond with those identified in Suzanne Morton’s work on African-Nova Scotian women. In late-nineteenth century Halifax County, few options for wage-earning opportunities existed outside of domestic service, laundering, and sewing. See Morton, “Separate Spheres in a Separate World,” 192.

though, black men were relegated to low-paying and low-status occupations such as farming and performing general labour. A number of black families also used their dwellings as boarding houses.¹⁰²

Sharon Hepburn argues that blacks living in rural and under-developed regions of Ontario faced a more difficult social and economic existence because “these relatively isolated men and women often felt defenseless against white hostility and had fewer opportunities than their urban counterparts to find marriage partners, to establish families, and to participate in social and religious activities with other blacks.”¹⁰³ While Oxford County contained a small yet relatively sizable population of blacks in the 1870s and 1880s, they did not benefit from the same structures of social and collective assistance found in communities containing higher densities of black residents such as Raleigh and Buxton in Kent County. In predominantly white communities like Woodstock, Hepburn articulates that blacks survived solely through a strict adherence to specific codes and norms of respectability as defined by the white social order. Black women, however, were still marginalized on the basis of their gender and class; few options for employment meant that

black women were often forced to perform hard, physical labour, which did not conform to white constructions of genteel womanhood.¹⁰⁴

Though it was reported that the Munsons lived a quiet existence and went virtually unnoticed in the community before 1882, the *Globe* claimed that around the time of Weingardner’s death, neighbours had begun to take notice of and watch the Munson family more closely. They became especially concerned with the number of visitors at the Munson household, particularly in the middle of the night. Local children claimed to have glimpsed “white faces peering out” of the windows when the blinds and curtains were drawn aside. Whispers that “Granny Munson was engaged in some nefarious trade” frightened neighbours who were convinced that “dark unmentioned crimes were connected with the dark little house where the blinds were always closed, and the door, apparently, never.”¹⁰⁵ Employing the adjective “dark” to describe the Munson household and juxtaposing it with the “white” faces was a means of fear-mongering by the press; the white population was warned that they would be “blackened” or “darkened” if they visited her “dark” home.¹⁰⁶

Carefully-selected wording that ex-

¹⁰² For more on black women and the labour market, see Peggy Bristow, “‘Whatever you raise in the ground you can sell it in Chatham:’ Black Women in Buxton and Chatham, 1850-65,” in *We’re Rooted Here and They Can’t Pull Us Up: Essays in African Canadian Women’s History*, eds. Peggy Bristow et. al. (Toronto: University of Toronto Press, 1994), 69-142.

¹⁰³ Hepburn, *Crossing the Border*, 2.

¹⁰⁴ Morton, “Separate Spheres,” 200-01.

¹⁰⁵ “Letitia Munson,” *Toronto Globe*, 17 November 1882, 1.

¹⁰⁶ Barrington Walker, “The Gavel and the Veil of Race: ‘Blackness’ in Ontario’s Criminal Courts, 1858-1958” (PhD diss., University of Toronto, 2003), 84.

oticized and racialized black men and women was common in newspaper reports of alleged deviance and criminal behaviour. When the *Globe's* "visitor" interviewed Munson, for instance, he stated that she "might easily be taken for the original of Uncle Tom's faithful wife Chloe."¹⁰⁷ This comparison to such a well-known black literary figure also harkened to the archetypal image of "Mammy," the enslaved woman who was idealized as "kind, nurturing, and utterly loyal" to a white family in a "racially harmonious world in which mutual trust and caring existed for the benefit of all involved."¹⁰⁸ The physical characteristics of black men normally accompanied stories of violent, interracial conflict. Indicators of virulent masculinity such as darkness of skin tone, height, weight, and estimation of strength were usually provided. These "Negro" or "coloured" transgressors were also stereotypically labeled as libidinous with dangerous, animal-like tendencies. In a similar vein, younger black women and their bodies were habitually sexualized by the media.¹⁰⁹ Often dubbed "lusty" or "loose" and possessing a lowly or child-like naïveté, black women in their child-bearing years were subject to

intense scrutiny of their sexual morals. In Munson's case the risks that she posed to the community (which were considered much more dangerous than other popular characterizations) were her "cunning" ways and a fear that "even if guilty [she] would be able to cover her tracks so well that it would be almost impossible to trace her course."¹¹⁰ Her skill and intelligence, as the *Globe* reporter indicated, was surprising, but also unnatural and therefore suspect, dangerous, and in need of regulation.

Though Munson faced great hardship in the year prior to Weingardner's death when both her husband and daughter passed away, the media constructed these incidences as "strangely sudden" and "under suspicious circumstances."¹¹¹ The circumstances surrounding the deceased infant buried in Munson's garden were also considered peculiar though Munson maintained that law enforcement officials had instructed her on how and where to dispose of the corpse. It is these "alleged horrors" and rumours about town that propelled a witch-hunt of sorts by the Woodstock police. The *Globe* assured the public that the police were on the case and "have been for years trying to catch

¹⁰⁷ "Committed for Murder," *Toronto Globe*, 26 September 1882, 2.

¹⁰⁸ Kennedy, *Born Southern*, 104; see also Fraser, *Courtship and Love*, 25.

¹⁰⁹ For descriptions of black bodies, see Mosher, *Discrimination and Denial* and Walker, *Race on Trial*. For more on black women's bodies in the criminal court system, see Barrington Walker, "Killing the Black Female Body: Black Womanhood, Black Patriarchy, and Spousal Murder in Two Ontario Criminal Trials, 1892-1894," in *Sisters or Strangers? Immigrant, Ethnic, and Racialized Women in Canadian History*, eds. Marlene Epp, Franca Iacovetta, and Frances Swyripa (Toronto: University of Toronto Press, 2004), 89-107. For the hierarchy of skin tone, see Lorene Bridgen, "On their Own Terms: Temperance in Southern Ontario's Black Community (1830-1860)," *Ontario History* 101:1 (Spring 2009), 67.

¹¹⁰ "Committed for Murder," *Toronto Globe*, 26 September 1882, 2.

¹¹¹ *Ibid.*

the old woman.” This particularly damning piece declared, “everybody was prepared to give instances of Mrs. Munson’s depravity, and though not even charged with any crime [...] by the popular mind was guilty of all that was suspected of her, and much more.”¹¹²

Newspaper accounts of the case provided few positive reflections of Munson’s character and standing within the community. At some point in her past, Munson had rid herself of the slave name of “Lucretia,” adopting the similarly-sounding “Letitia.”¹¹³ Disposing of slave names in favour of more popular white (and often biblically-inspired) names, Hepburn argues, was a marker of being free, independent, and amenable to acceptance by white society.¹¹⁴ The fact that the Munsons became property owners upon their arrival in Woodstock (purchasing not one but two frame houses) was also an important facet of respectability for blacks in nineteenth-century Ontario; owning property conveyed a sense of great virtue, economic independence, and freedom.¹¹⁵ Munson also aided the community by taking young, black children into her home. No doubt caring for and providing them with necessities was a heavy burden for an older woman to carry, exacerbated by the fact that she

was a member of a racialized minority in a white town. Finally, Munson allowed Ellen Weingardner into her home where she boarded rent-free because, according to Munson’s testimony, “Camp left her without any money, and... I didn’t want to see her out of doors.” As repayment, Weingardner did “little chores around the house.”¹¹⁶ Such acts of generosity by Munson, particularly towards young, unmarried girls in the community, simply provided fuel to the fire when defaming Munson’s character.

Conclusion

Little is known about the Munson family in the years following Letitia’s exoneration of the abortion charge in November 1882. Evidently still living in Woodstock, Frederick Munson (now working as a cabinet-maker) married Feemie Curtis of Chatham, Ontario in 1885.¹¹⁷ According to the 1891 census, a four-year old child (also named Frederick Munson) is listed as living with Curtis’s parents in Chatham, but he is referred to as a “nephew.”¹¹⁸ Except for Frederick, the remaining members of the Munson family disappear from the historical record. It is likely that in the aftermath of the trial, Munson became a social pariah and wanted to disconnect herself and her

¹¹² *Ibid.*

¹¹³ “Found Dead,” *Woodstock Sentinel-Review*, 22 September 1882, 1.

¹¹⁴ Hepburn, *Crossing the Border*, 111.

¹¹⁵ *Ibid.*, 45.

¹¹⁶ “Found Dead,” *Woodstock Sentinel-Review*, 22 September 1882, 1.

¹¹⁷ AO, RG 80-7, MS 934 Reel 5, Indexes to Marriages 1873-1929; According to the 1881 census, Feemie Curtis’s given name was Josephine.

¹¹⁸ Census of Canada online, 1891, accessed 20 February 2010,

<<http://www.collectionscanada.gc.ca/databases/census-1891/001081-100.01-e.php>>.

family from the scandal as much as possible. Following her implication in the Weingardner case and her advancing age, Munson probably had difficulty securing work and without a means to provide for herself and her children, was forced to move the family elsewhere.

While Letitia Munson was not the first to be accused of and tried for abortion in Oxford County, her case was certainly unique in terms of how carefully constructed racialized and gendered ideologies were used to produce a very specific definition of what constituted respectability in the late-nineteenth century. Though some reporters appear to have felt sympathy for Munson (especially when commenting on her garrulity and high level of intelligence), to most her role as an arbiter of alleged immoral practices was more than enough to deem her a threatening and unrespectable menace. Unlike a jury that must base its decision on reliable evidence in a courtroom, the local media was able to carry out its own form of unsubstantiated “justice” through exaggerated, sensationalized,

and inconsistent reports of the crime and its alleged perpetrator.

By attempting to carve a niche for herself in the medical community, Munson became implicated in Weingardner’s death because she was a member of a marginalized racial minority. Though she performed much-needed medical services, and particularly to women in need, by allegedly performing an unlawful abortion she circumvented norms of white respectability and the moral principles of classically-trained physicians. As a result, Munson’s standing within the community immediately became suspect. Though legally judged not guilty and released of all charges related to Ellen Weingardner’s death, the critical medical and obstetrical services that Letitia Munson provided to the town of Woodstock were tainted and denigrated by the press who, instead of highlighting her knowledge, charity, and benevolence, crafted a story of an elderly black “doctress” who was performing suspect and illegal medical procedures in a community of unsuspecting white men and women.
