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Infanticide as heinous a crime as there is, even in 1840

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Freelance

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Elizabeth Williams, for the murder of her infant (male) child, aged five weeks, was tried, and found guilty.

- Gazette, Thursday, Sept. 10, 1840

The jury didn't even bother retiring to deliberate, so overwhelming was the evidence against Betsey Williams. Just 20 years old, she was found guilty of murder and sentenced to hang.

Williams had been arrested five months before, in April 1840, and voluntarily gave a deposition. Legal scholar Ian C. Pilarczyk observes that the document is a rare instance from those days that allows the voice of the defendant to be heard. The words' dry, matter-of-fact tone makes them even more chilling.

"I gave birth roughly five weeks ago at the said René's, a native living in the native village of the Lake of Two Mountains where the male child in question was baptized by the resident priest," Williams said. "I left the lake Saturday morning, April 11 of this year, with my child to return to my father's where I arrived around one in the afternoon.

"Along the way, fearing that my father would mistreat me if I arrived at his house with my child, I came up with the idea . to leave it in the woods."

The baby's name was François Xavier.

In an affidavit, Dometheld Charlebois, daughter of a farmer in St. Benoît parish, attested that a woman carrying a baby sought shelter in her father's house from that Saturday's foul weather. The mother nursed the baby, allowed Dometheld's mother to wash it, accepted some castoff clothes for it and left after about two hours. Later, Dometheld heard that the woman had stopped at a smithy about two miles away but by then was without the child.

François Augustin Menard, another farmer, attested that a woman with a babe in arms had stopped by his house for a brief rest. Later, Menard saw her in the distance, walking on without her burden. Suspicious, he retraced the woman's steps and, two days later, found the baby's body near a fallen tree.

"I left [the baby] under a pine in the area called le petit brûlé," Williams's deposition continued. "I was taken prisoner at my father's, in St. André, by the police last Monday the 13th of this year, and returning from Montreal I saw my child, dead, at the justice of the peace's, Mr. Globenski, in St. Eustache. It was purely fear of my father caused my child's death. My child was in good health when I abandoned it."

There can scarcely be a more heinous crime than infanticide. Nevertheless, the pressures on Betsey Williams must have been enormous.

She was a mulatto, and while race seems to have played no part in her arrest and subsequent trial, her colour would have helped drive her to the margins of society. So would

her poverty and, by the standards of the day, her immorality: she was living unmarried with an Indian and already the mother of two other children.

It's possible, though her testimony is ambiguous, that she had been thrown out by René, the baby's father. Yet for Williams to return to her own father, an abusive man, was not much of an alternative.

The Montreal newspaper L'Ami du Peuple was sympathetic toward "this poor creature, the trial of whom may lead to certain circumstances which attenuate a crime we believe to be completely out of keeping with the Canadian nature or sentiment."

Betsey Williams had no lawyer during her brief trial that September, and offered no defence. She was sentenced to hang on Oct. 9.

But then things began to turn in her favour. On Sept. 28, neighbours in the Two Mountains district petitioned the governor general, Baron Sydenham, to exercise clemency. The petition bore more than a dozen signatures and maintained that Williams's crime demonstrated "her imbecility of mind, more clearly, than a willful intention of depriving her infant of life." At least for these neighbours, as well as for L'Ami du Peuple, there was nothing marginal about Betsey Williams.

In any case, as Pilarczyk argues, convictions for infanticide, to say nothing of executions for the crime, were exceedingly rare in Lower Canada at that time.

On the fateful day, The Gazette reported, "preparations were made in front of the New Gaol for carrying the awful sentence of the law into effect." But then, no execution took place. Betsey Williams was granted a conditional pardon at almost the last minute, and subsequently served three years in the House of Correction.

The petitioners of Two Mountains had been heard.

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