THE RESULTS OF archaeological excavations are generally a combination of the expected and the unexpected. On a recent urban archaeological dig at Head House Square in Philadelphia, among the unexpected findings were the skeletal remains of two human infants, found amid the household debris and other garbage used to fill an abandoned privy pit in the late eighteenth century.

Because of the nature of the site and the trash deposit, the archaeological data alone could not supply sufficient information to explain the presence of these bones in such an unlikely context. The unique advantage of historical archaeology, however, is that it can call upon evidence from both archaeological and historical sources to synthesize an understanding of past behavior. In this case, historical sources provide the missing context necessary to explain the presence of human
infant bones in the privy pit trash. Under what circumstances would eighteenth century infant dead have been disposed of in such a manner?

In January 1973 Head House Square in Philadelphia construction began on a shopping mall and restaurant complex known as the New Market. Adequate funding enabled full archaeological participation in the machine excavation of the center of an entire city block.¹ Among the remains uncovered, one feature in particular yielded by far the greatest volume of eighteenth century material. The feature was a brick-lined privy pit located at the rear of the property that is now 110 Pine Street. Historically it appears to have been associated with the property of the Pine Street Friends Meeting House.²

In quantity and quality the artifacts found in the privy pit far surpassed expectations. There were two periods of deposition, one dated 1750-65 and the other 1780-85, as determined by dates of artifact manufacture. (The objects were apparently deposited in a diagonal stratigraphy.) The pit contained over 33,000 sherds, fragments of over 1500 recognizable vessels. Ceramic, glass, metal and bone artifacts represented some of the finest American and imported wares available at the time. There were also small domestic finds such as pins, beads, buttons, dress hooks, lead counters and wax seals. The artifacts in general suggest domestic refuse and reflect a fairly high standard of living.

The pit also contained 11,009 pieces of bone, of which all but 52 were animal bones, the remains of human food, ornaments, pets and vermin. However the 52 bones proved to be something of a surprise. Comparison with skeletal material indicates that these bones represent the remains of two human infants, one a nine month fetus or full term

¹ In cooperation with the developers of the New Market complex, the Head House East Project was conducted under the supervision of Dr. Barbara Liggett, Consulting Archaeologist to the Philadelphia City Historical Commission. The project was funded by Van Arkel and Moss Properties, Inc., the Kravitz Corporation, and the William Penn Foundation (formerly the Haas Community Fund).

² The Pine Street Friends Meeting House was built in 1752-3, used as a Friends' School after 1832, and finally demolished in 1861. The Friends Meeting House Yard measured 120' along the Pine Street frontage and 102' deep. The privy pit was situated 2' west of the eastern property line and 20.5' north of the southern property line. See Barbara Liggett, *Archaeology at New Market* (Philadelphia, 1981), 107. See also Philadelphia County Deed Book, vol. ACH-15, 66, Philadelphia City Archives.
newborn and the other a seven month fetus or premature newborn. Only some of the bones of the two infants were found, including most of their long bones, scapulae and pelvic parts, twenty-one cranial fragments and nine vertebral fragments.

A forensic examination of these remains yielded little evidence, as the individuals were much too young for their bones to show any indications of race or gender. However, there might have been one possible clue to social status. At the suggestion of Wilton M. Krogman, an X-ray examination was conducted to look for evidence of primordial dwarfism.³

It is known that malnourishment of the mother can adversely affect the growth of the fetus.⁴ Fetal growth retardation, or in Dr. Krogman's term "primordial dwarfism", can be seen in X-rays of the bones of affected individuals as transverse striations or lines of increased density.⁵ However, other factors such as hormone imbalances or heavy metal poisoning can cause the same phenomenon. Therefore, although the presence of these lines or striations could be interpreted as evidence of maternal malnutrition possibly suggesting the mother's low social status, alternative interpretations would be equally valid.

Dr. Krogman examined X-rays of the infant bones and reported that "None of these bones showed any transverse striations, i.e., so-called 'lines of arrested growth'. Hence, there is no intrinsic evidence of a maternal disturbance, e.g., mal- or under-nutrition. . . .I see no cogent reason to invoke 'primordial dwarfism'."⁶ He added that while the infant bones, particularly those of the lower limb, seemed undersized for their stages of development, they were not significantly so and were within normal size ranges for modern populations. Therefore there was no proof of growth retardation for these infants and the

³ The initial identification of these remains was made by Dr. Alan Mann, Anthropology Department, University of Pennsylvania, in November 1975, and was confirmed by Dr. Wilton M. Krogman, formerly of the Anatomy Department, University of Pennsylvania School of Medicine, in December 1976.


⁵ Stanley M. Garn, Frederick N. Silverman, Keith P. Herzog & Christabel G. Rohmann, "Lines and Bands of Increased Density, Their Implication to Growth and Development", Medical Radiography and Photography, XLIV (1968), 58-88.
forensic examination could not be made to yield even this flimsy evidence for health or social class of the mother.

Circumstances surrounding the excavation of the privy pit created some problems which had implications for the interpretation of these remains. Excavation took place in February and March 1973, under less than ideal conditions. The weather was cold and wet, the construction schedule was very tight, excavation of the pit meant walking and standing on fragile remains, and the soil matrix in the feature was a uniformly thick, viscous, soupy brown mud. The most delicate excavation techniques had to be bypassed. This had several unfortunate consequences for processing and analysis.

First, many small fragments were lost into the backdirt, since they clung to the mud and could not be seen or extracted. Some fragments were retrieved by flotation, but among those lost were probably many of the missing bones of these skeletons. Second, many in situ associations were lost, including all the skeletal articulations. Third, stratigraphic changes could not be distinguished in the field. The strata were distinguished in the lab by a statistical analysis of dates of artifact manufacture, and a diagonal interface between the 1750-65 layer and the 1780-85 layer was hypothesized. Unfortunately, the infant bones were found at roughly that hypothesized interface between those two layers. To which of the two periods of deposition they belong cannot be precisely determined, although the 1780's period is a “best guess.”

It should be emphasized that the trash was not a backyard kitchen midden kind of deposit, nor was it the gradual accumulation of debris inside a privy in use. The contents of the pit had been deliberately brought on site to fill in a cleaned and abandoned privy. Each of the two deposits represents a single instance of fill, and the trash could have come from anywhere in the city.

In short, here are the known facts about these infants. There are two of them, one full term and one premature, the products of two separate pregnancies. They were interred in the trash used to fill an abandoned privy in a reasonably wealthy neighborhood roughly between 1750 and 1785. However, it is not known whether all of the bones were originally present, whether the skeletons were articulated, how they were situated in the ground in relation to each other, nor where in the city
they actually came from. They could have gone into the pit as part of the trash or simply contemporaneous to it. We do not know the race, class and social status of the mother, and we do not know whether the infants were live-born or stillborn, nor of what they died. Whether the seven month fetus was a natural or an induced premature delivery is also unknown.

Since so much information remains unknown, many questions cannot be answered about the physical circumstances surrounding the archaeological deposition of these two infants. What was done, therefore, was to consider several of the most likely alternative explanations and examine the historical evidence for confirmation or refutation of each of those possibilities.

First, may the premature infant be regarded as an abortion? That abortion was known and practiced in the period is well documented. Most medical writers of the period discuss it, though usually to condemn it. However, premature labor was also induced for therapeutic reasons. In the absence of anesthesia and antiseptics, successful Cae-sarian section was impossible. Therefore, when pelvic deformity or some other problem indicated that a full term pregnancy could not be delivered normally, an induced premature labor was the usual answer.

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7 For example, see Aristotle's Masterpiece, Or, The Secrets of Generation displayed in all the parts thereof (London, 1684), also Aristotle's Master-Piece Completed, in Two Parts (New York, 1793). In his instructions to midwives, "Aristotle" cautioned them (see e.g. 1684 edition, 101) to be, "by no means daring to give directions for such Medicines as will cause abortion, to please those that have unlawfully conceived, which to do is a high degree of wickedness, and may be ranked with Murther." Similarly, see William Buchan, Domestic Medicine: Or, A Treatise on the Prevention and Cure of Diseases by Regimen & Simple Medicines (London, 1792), 531. Buchan wrote:

Every mother who procures an abortion does it at the hazard of her life; yet there are not a few who run this risk merely to prevent the trouble of bearing and bringing up children. It is surely a most unnatural crime, and cannot, even in the most abandoned, be viewed without horror; but in the decent matron it is still more unpardonable.—Those wretches who daily advertise their assistance to women in this business, deserve, in my opinion, the most severe of all human punishments.

See also Nicholas Culpeper, A Directory for Midwives: Or, A Guide for Women, in their Conception, Bearing, and Suckling their Children (London, 1762), 69. Writing for midwives on the subject of drugs that would bring on delayed menstruation, Culpeper cautioned them explicitly:

Caut.[ion] 1. Give not any of those to any that is with Child, lest you turn Murtherers, wilful Murther seldom goes unpunished in this World, never in that to come.
Known techniques for inducing labor that could also be used for inducing abortion included strong diuretics, emetics and purgatives, violent exercise, blows to the abdominal or lumbar regions, "breaking the waters", and, by the early nineteenth century at the latest, the use of ergot.9

Despite these evidences of eighteenth century abortion, there is also evidence that a seven month fetus was regarded as a normal and viable, if somewhat early, infant.10 When pelvic deformity precluded normal delivery and early labor had to be induced, it was usually done in the seventh month, because seven month fetuses were believed to have a better chance of survival than eight month fetuses11

...and, in effect, the Children prove abortive (I mean not to live) if born in the 8th Month; And why Children born in the 7th or 9th Month may live and not in the 8th Month, may seem strange, yet it is true. . . .12

Thus, even by eighteenth-century standards, a seven month fetus would have been regarded as at least a potentially viable infant. An eighteenth-century woman wishing to rid herself of an unwanted pregnancy would have been more likely to attempt to induce abortion at an earlier stage of gestation, before the fetus was likely to be viable. Therefore the possibility is unlikely that the premature infant found at New Market was an illegal abortion performed to destroy the fetus. The two infants whose remains were found in the privy pit may both be considered as some kind of "birth", although whether natural or induced for some reason, it is impossible to say.

The next alternative to consider is that the remains found in the trash deposit represent a standard practice. Could neonatal dead or stillborns have been customarily so unceremoniously discarded?

In the medieval period in England, dead unbaptized children were

10 "Aristotle", 1684 edition, 70, and 1793 edition, 44: "It is now a received truth, that a perfect Child may be born in the 7th Month, by the authority of the learned Hippocrates; and therefore we must believe that a Child born at the end of the 7th Month, in Lawful Matrimony, may be Lawfully begotten."
11 Claire E. Fox, 112 & 158.
not to be buried in the churchyard. However, by 1577 the Bishop of Durham was admonishing his followers:

...that if any infant dye without publique baptisme first to it ministred, that the same is not to be condemned or adiudged as a damned sowle, but to be well hoped of, and the body to be interred in the church yeard, yet without ringinge or any divine service or solemnity, because the same was not solemnly professed and receyved into the church and congregacion.

In 1664, the “Duke of York’s Laws” in force in New York (which influenced Penn’s Great Law of 1682) document the fairly early requirement for public, authorized burial places.

However, these instances deal with a somewhat earlier period than that of the privy pit trash deposits in question. In order to verify more precisely what was being done in Philadelphia in the eighteenth century, Philadelphia church records were consulted for evidence on burial practices regarding newborn and stillborn corpses in the period.

This avenue of inquiry created certain problems. First of all, burial


A womman that dyeth in chyldying schal not ben byred in chirch, but in chirch-yarde, so that the schylde furst be taken oute of hure and byred outewyth chyrch-yarde.


When any child has died without baptism, they take the corpse of the little one and place it in some secret place and transfix its little body with a stake, saying that if they did not do so the little child would arise and injure many...


See *The Statutes at Large of Pennsylvania*, I (1680-1700), 79

‘Whereas the Private Burials of Servants & Others gives occasion of Much Scandal against Diverse Persons (& sometimes not undeservedly) of being guilty of their Deaths from which if The Person suspected to be innocent, there can be Noe Vindication, nor if guilty noe punishment, by reason they are for the most part buryed without the knowledge or view of Any Others than such of The Family as by nearness of Relation as being Husband, Wife or Child are unwilling or as Servants are fearful to make discovery if Murder was Committed for remedy thereof & for the greater decency of Burials there shall be in Every Parish to be sett apart & fenced-in for places of Publique Burial, And before The Corps be buried there shall be Three or Four of the Neighbours called of which One is to be One of the Overseers of the Parish who may in case of suspicion view The Corps, & if none yet according to the Decent Customs of Christendom they may accompany it to The Grave, And that Noe Persons whether Free or servant shall be buried in any other place than those so appointed unless Such who by their owne appointment in their lifetime have signified their desire of being interred in The Burial Place of Some Other Parish’
records were only sporadically and inconsistently kept. When they exist at all, they are as likely to be called Death Records as Burial Records. Since a “death record” need imply nothing as to the place or mode of burial, a record that could not be identified specifically as a Record of Burials could not be used. In addition, most of the eighteenth century burial records were recorded in the following uninformative format:

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Name and Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1757</td>
<td>Oct. 13</td>
<td>George—Son of Mathew Ivory</td>
</tr>
<tr>
<td></td>
<td>Oct. 16</td>
<td>Ephraim Bonam’s Child</td>
</tr>
<tr>
<td>1780</td>
<td>Nov. 30</td>
<td>James Butland’s Child</td>
</tr>
<tr>
<td>1782</td>
<td>Mar. 21</td>
<td>Child of Thomas Mayberry</td>
</tr>
</tbody>
</table>

Although these specific entries are taken from the Burial Records of Christ Church (Anglican), Philadelphia, they are typical of the entries in most eighteenth century church burial records which have been examined.

Other burial record entries are slightly less uninformative, but even more cryptic. For example, the Christ Church burial record also contains the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Name and Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1782</td>
<td>Aug. 16</td>
<td>Child of Mrs. Minckells, not baptized</td>
</tr>
</tbody>
</table>
| 1785 | Sept. 6 | Child of Jas. Ashton (not baptized)  
[How old were these children? Were they not baptized because they did not live long enough, or for some other reason?] |
| 1793 | May 14 | A. . .Child of Henry Capper  
[What was omitted here? Proper name? Gender? Or “Stillborn”?] |

and these:

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Name and Details</th>
</tr>
</thead>
</table>
| 1727 | Feb. 3 | Mary, Wife of Edward Shepard.  
Robert Shepard, their Child  
[Could one assume a mother and child who died in childbirth?] |
Despite these problems, it was still possible to determine from such burial records what was being done to bury stillborn and neonatal dead. Ages at death eventually start to appear as common features of the entries, earlier in some records and later in others. The Anglican records for Christ Church and St. Peter’s in Philadelphia begin sporadic listings of ages at death in 1831; they are not given consistently before 1848. (But even in a record where ages at death are generally given, one cannot assume that an entry omitting the age necessarily indicates a stillbirth.) In the instance of the Philadelphia Anglicans, the gravestone inscriptions in the St. Peter’s Church Yard provide some supplementary data on ages at death after roughly 1760. Existent Presbyterian burial records list ages at death sporadically after 1789. Around 1805 a printed record form was instituted, so that “Disease” and “Age” became standard entries in the Presbyterian records. The records of the Society of Friends in Philadelphia were the most satisfactory, because age at death was recorded for every Burial Record entry at least as early as 1760 (the first year for which entries were examined).

An examination of these burial records and gravestone inscriptions has revealed that wherever ages at death were reported, neonatal deaths and stillbirths were regular entries. A sampling of such entries follows:

From the Christ Church (Anglican) Burial Record: 17

1788 June 21 Child of Thos. Lear (Stillborn)

From the St. Peter’s (Anglican) gravestone inscriptions: 18

“Sacred to the Memory of George Stritch Meade, infant son of George and Henrietta Constantia Meade, Who died August 29th, 1771. Aged 3 days.”

17 Records of Christ Church, volumes 5 & 6, HSP
"In Memory of Daniel Stoy Junr. Who departed this Life July 6th 1793 Aged 6 days."

"In Memory of Henry and Rosanna Hawkins' Children
* * * *
James and Mary, died 6th November 1786, aged 10 days."

From the Philadelphia First Presbyterian Church List of Burials 1796-97: 19

June 3d [1796] Peter Odlens Stillborn

From the Philadelphia Second Presbyterian Church Burial Records: 20

1790 Aug. 23 a Child of Ebenezer Branam Aged—0—
    Septr. 11 a Child of Jacob Service Aged 5 days
    Novr. 22 Edward Graham—6 days

1791 Decmr. 23 a Child of John Stelley—3 days

From the Society of Friends Philadelphia Monthly Meeting
(Middle District only, after 1772) Burial Records: 21

[1760] 10th Mo. 6 Thomas Thompson's Infant Stillborn
[1762] 10 Mo. 5 Thomas Williams Still Born Child
[1763] 8 Mo. 9 John Mears Son Joseph Aged 12 Days
[1772] 4 Mo. 29 A Still Born Child of Wm. Smith

19 A List of Burials of the 1st Presbyterians from the 1th of May 1796 to the 1th of May 1797, Presbyterian Historical Society.
One specific series of entries in the Friends' Burial Records provides further evidence that premature births were not so specified, at least in burial records, but were regarded and handled in the same way as infants born full term. Among the other entries in the Burial Record of the Monthly Meeting for the Southern District are the following:

1781 8 mo. 21 A stillborn Child of Joseph Few’s
1782 4 mo. 28 A stillborn Child of Joseph Few’s
      12 mo. 12 A stillborn Child of Joseph Few’s
1783 8 mo. 31 A stillborn Child of Joseph Few’s
1785 10 mo. 10 A Still Born Child of Joseph Few’s
[followed at irregular intervals by more]

Simple arithmetic shows that Mrs. Joseph Few had four stillborn children in the space of almost exactly two calendar years, with an average eight months between deliveries. In which case, her pregnancies could not have been of much more than seven months duration, and yet the Burial Record entries list these premature infants as simply “A. . .Child.”

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22 A Record of Births and Burials, kept by direction of the Monthly Meeting of Friends in Philadelphia for the Southern District, volume 1 1772-1806, Philadelphia Friends Meeting.
23 Personal communication, Ronald Bolognese, M.D., Director, Section on Perinatology, Department of Obstetrics and Gynecology, Pennsylvania Hospital.
Although burial records of other Philadelphia Protestant churches have not been consulted, it may be assumed that the records which have been examined are representative of general Protestant behavior of the period. Surviving eighteenth-century Philadelphia Roman Catholic burial records are not explicit enough to provide documentary evidence of Catholic practice. However, Philadelphia Catholics appear to have behaved similarly to the Protestants. Eighteenth-century Catholic burials were handled at the parish level. Depending on the attitudes of the parish priest, stillborn and other unbaptized infants might have been buried in the public burying ground, but ordinarily they were interred in the consecrated ground of the parish cemeteries.

It is possible to question the burial record data given above on the basis that completeness and accuracy of archival records cannot be assumed. In other words, not all stillbirths were necessarily included in such records. Perhaps only some fraction of them were buried in official cemeteries while other legitimate infants were disposed of in some other fashion. The only method which readily suggests itself for assessing the validity of this argument is a demographic comparison of observed and expected frequencies.

If the total population of a group is known and the approximate birthrate is known, then the number of births for a given time period may be estimated. If the estimated annual birthrate is combined with the estimated stillbirth rate, then a crude measure of the expected annual number of stillbirths may be derived for that group.

Some recent attempts have been made at demographic reconstruction based on eighteenth century Philadelphia church and other records. Historic birthrate estimates are contingent on a variety of demographic variables for which reliable documentary evidence is generally not available. It would appear that even for the best documented and most homogeneous of Philadelphia religious groups, the Society of Friends,

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24 Personal communication, Jerry Gillette, Research Historian, Presbyterian Historical Society, Philadelphia.
26 Personal communication, Miss Bridget Keenan, Cemeteries Office, Philadelphia Archdiocese.
reconstructions of live birthrates and stillbirth rates remain problematic. Rough estimates of birthrates for the total Philadelphia population suggest that the numbers of stillborns appearing in the Quaker and other burial records are at least adequate to account for all probable occurrences of stillbirth. Consequently, churchyard burial seems a sufficient explanation for the customary disposal of all eighteenth century newborn or stillborn infant dead.

This consideration of the churchyard interment of eighteenth century infant dead leads the discussion back to the fact that the privy pit was associated in the relevant historical period with the property of the Pine Street Friends Meeting House. If, as has been demonstrated, Quakers ordinarily buried their stillborn and infant dead in Friends' Burying Grounds, then the two infants found at New Market may simply represent the remains of two conventionally disposed of Quaker infant burials.

It must be reiterated that the infant remains in question were not found buried in the ground as such, or even in an exposed refuse heap. They were found in a very well defined, highly concentrated trash context, one with almost no soil matrix, that had been placed in a brick-lined pit and subsequently sealed with clean fill. This closed context reflects two single, deliberate, instances of trash deposition and not the gradual or accidental accumulation of debris. Therefore the infant remains found in this trash could not have been put there by the customary process of burial. They must have gone into this brick-lined pit while it was open, either as part of the trash deposition or contemporaneous with it.

However, eighteenth century Quaker burials were generally in unmarked graves. The bones found in the privy pit trash are very tiny

29 Any rigorous attempt to quantify occurrences of stillbirth in the burial records would have to contend with entries such as this from the Society of Friends Burial Records for the Middle District:
[1767] 12th Mo. 21—Besides the foregoing Names 90 were Buried this Year Seventeen Children as appears by Orders given to Isaiah Bell most of which are without Name Sex and Age wch renders any other Record Useless—
30 Book of Discipline, From our Yearly Meeting held at Philada and the Jerseys by Adjournment from the 21st. to the 26th. of the 1st. mo. 1719 (1761 ms ) 36, Quaker Collection, Haverford College.
and it is not impossible that infant burials in Pine Street Meeting House Yard could have been disturbed by some workmen and some of the bones, unnoticed, been redeposited into the trash-filled pit. This could have happened, for example, during construction of the wing for the Women's Meeting in 1773.

That this possibility is unlikely can be argued on several counts. First of all, nothing in the artifact content of the trash deposit suggests the disturbance by workmen of a burial ground. Furthermore, it is highly unlikely that two neonate burials and no others should have been disturbed and redeposited in this manner. It is also improbable that so much of the anatomy of each of these two individuals would be represented if their presence in the pit were a disturbed, secondary reinterment. The confirmation of the possibility that these remains were not a redeposition was unfortunately lost during excavations; finding the two infants in their entirety and in articulated position in situ would have been the definitive proof that these were primary burials.

Documentary evidence also suggests that these infant bones do not represent normal Quaker burials from the Pine Street Meeting House Yard. Notably, there is no recorded evidence that there ever were any burials at all in Pine Street Meeting House Yard. The Society of Friends in Philadelphia owned a succession of burying plots in the eighteenth century, most of which were used for a short time or not at all. In the period in question (1750-85), the plots used were the main Burying Ground at Fourth and Mulberry (Arch), and for a very short time, the Southern Ground at Seventh and Spruce. Since graves were not marked, detailed records of burials were usually kept. In the Burial Records for the Southern District (the district centered in the Pine Street Meeting House) the only recorded burial location in the relevant period was the Fourth and Mulberry Burying Ground.

Not only were Quaker graves not marked, but apparently, when a burying plot passed out of Quaker hands, the graves in it were not moved but simply left. In other words, if there had been any graves in

31 Personal communication, Willman Spawn, former Chairman, Records Committee, Philadelphia Yearly Meeting
32 See A Record of Births and Burials, kept by direction of the Monthly Meeting of Friends in Philadelphia for the Southern District, volume 1 1772-1806, Philadelphia Friends Meeting See also Record of Interments in the Burial Ground on 4th & Mulberry Streets for the Southern District 1807-1872, Friends Historical Library, Swarthmore College
33 Personal communication, Willman Spawn
the Pine Street Meeting House Yard, they would not have been moved when the property ceased to belong to the Society of Friends in 1861. In at least some portion of the property, the graves, if any, would still remain. The most likely place to have found such graves then, would have been the part of the property which had never been built upon, the rear or southern end. In 1973 the bulldozer excavations for the New Market Building cut ±20' into the southern end of the historic Meeting House Yard property limits. During these excavations, no graves were uncovered.

Thus on the basis of the burial records and burial practices of the eighteenth century Quakers, and the archaeological evidence of the 1973 excavations, it may be concluded that the Pine Street Friends' Meeting House Yard was never used as a burial ground. The possibility cannot be completely eliminated that an occasional informal burial of a stillborn or newborn dead infant did occur there. And if they occurred, it is not impossible that a few such graves could have been disturbed and redeposited in the trash fill in the abandoned privy pit. On the other hand, as had already been stated, it is too improbable to suppose that so much of the remains of two (and only two) infants could have been so disturbed and redeposited in the trash.

The next alternative to consider is that some poor woman might have put her dead offspring in the trash because she was too poor to afford the funeral expenses. Documentary evidence shows that this possibility is unlikely.

In Philadelphia in the eighteenth century there existed a formal, legally constituted body for dealing with the problems of the needy. This committee, the Overseers and Guardians for the Poor, supervised the almshouse, the workhouse and the hospital, supported indigent families on an "out-door relief" basis, and provided contingent funds to meet the emergencies of the financially distressed. Among the contingent funds which were frequently provided were the defraying of burial expenses for those who couldn't afford them. For example, from "The Book of Minutes belonging to the Guardians of the Poor":

34 Charles Lawrence, *History of the Philadelphia Almshouses and Hospitals from the Beginning of the Eighteenth to the Ending of the Nineteenth Centuries* (Philadelphia, 1905), 20 & 22-23
35 Book of Minutes belonging to the Guardians of the Poor in the City of Philadelphia & Districts Annexed, March 23, 1768—March 22, 1774, 13 (second series), 98, 107, 127, 134, 141 & 146, Philadelphia City Archives.
Court-House Thursday evening 13th July 1769. . .Ann Flint her Child, Buryed by Order of D. Chambers.

Philadelphia April 13th 1772. . .Amos Wickerson bespoke a Coffin for a poor Child of Martin Sutors who was accidentally burnt to Death. . .The expence is 7/6—.

[Philadelphia, August 10th, 1772] John Mease reports further that he has paid. . .5/ for digging a Grave for Cathne McCormick's Child. . .

Philadelphia Feby 8th 1773. . .Thomas Afflick has paid George Blake 7/6, and gave an Order for a Coffin for his Child,. . .


To argue that charitable burials were available does not necessarily prove that all poor people utilized these services. Nevertheless it is clear that there was no need for a woman, however poor, to have to dispose of a dead infant in the trash because she simply did not have the money to bury it.

Were these interments the result of the unusual conditions of plague? Philadelphia was the scene of one of the worst epidemics in American history, the yellow fever epidemic of 1793.36 One tenth of the city's

population died in the space of four months and many of the remainder abandoned the city for the countryside. The resulting disruption of all normal social structure and customary channels of behavior justifies the use of the term "plague" for this period. People died in the streets and many of the ill were abandoned by their panic-stricken families.

However, there are two things wrong with attributing the infants in the privy pit trash to the disrupted conditions of plague. First of all, they are from the wrong period. The infant bones were found at the hypothesized interface of two trash depositions, one dated 1750-65 and the other 1780-85. While it may not be possible to define precisely the interface between them, these two trash deposits each represent a single, closed context whose dates, based on artifact analysis, can be taken as very reliable. For example, the absence of certain distinctive kinds of ceramic types and styles makes it conclusive that the latest possible date for the upper deposit was well before 1790. If the trash they were found in could not possibly have been deposited as late as 1790, then the infant bones could not have come from the period of plague in Philadelphia.

Furthermore, people in the eighteenth century were terrified of the yellow fever without knowing what caused it. Direct contagion was one of the more widely accepted etiologies for this disease. Many feared contagion so much that they didn't even want the burial wagons passing in front of their houses. Concern over the contamination of urban privies was prevalent. It is highly unlikely that with such a widespread fear of contagion, anyone would put a corpse, even a tiny one, into the trash used to fill a privy on a residential block. Thus the possibility that these infant bones are the result of the conditions of plague can also be discounted.

An important alternative remains to be considered which would successfully explain the presence of these infant bones in the privy pit trash. It is possible that they represent cases of infanticide, or at least the concealment of unwanted or illegitimate births.

It is appropriate to discuss infanticide and concealment of illegitimate births together since these two acts were regarded as all but synonymous by eighteenth-century standards. A statute enacted by James I in 1623 ruled that any woman found to have concealed the death of a bastard
could be hanged for murder.\textsuperscript{37} In other words, whether or not the child was born live, the mere concealment was evidence of murder. An identical law was passed in Pennsylvania in 1718.\textsuperscript{38}

Another form of the attempts at social control of this problem was Midwives' Oaths. Midwives had been obliged since 1649 in Great Britain to swear to their responsibility of insuring that infants were not maimed or murdered, to refuse to permit secret burials of stillbirths, to report bastard births to the authorities, and to attempt to elicit the name of the father.\textsuperscript{39}

Midwives' oaths also existed in the colonies. An example, from the Minutes of the Common Council of the City of New York, 1716,\textsuperscript{40} stated in detail what midwives could not do, with fines or imprisonment specified for any violations. In a similar vein, the "Duke of York's Laws" of 1664, forbade the use of "Force, Violence, or Cruelty" by midwives or other medical practitioners.\textsuperscript{41} Recently a historian asserted that in Puritan New England:

\textsuperscript{37} As quoted in \textit{The Laws Respecting Women} (London, 1777) reprinted (Dobbs Ferry, New York, 1794), 307, the law states as follows:

\begin{quote}
'If any woman be delivered of any issue of her body, male or female, which being born alive, should by the laws of this realm be a bastard, and she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed, she shall suffer death as in case of murder, except she can prove by one witness at least, that the child was born dead.' By which law [continues the anonymous commentator] the concealment of the death is considered as conclusive evidence of the child's being murdered; and that by the mother; ...\end{quote}

\textsuperscript{39} The statute, enacted May 31, 1718 in the Province of Pennsylvania, repeated King James' law of 1623 almost verbatim:

\begin{quote}
\textit{An Act for the Advancement of Justice, and More Certain Administration Thereof:...} Section V. And be it furthermore enacted by the authority aforesaid, That if any woman shall be delivered of any issue of her body, male or female, which being born alive should, by law, be deemed a bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed, in every such case the mother so offending, being convicted thereof according to the usual course of proceedings in capital crimes within this province, shall suffer death, as in case of murder; except such mother can make proof, by one witness at the least, that the child whose death was by her so intended to be concealed, was born dead. And if any person or persons shall counsel, advise or direct such woman to kill the child she goes with, and after she is delivered of such a child, she kills it, every such person so advising or directing shall be deemed accessory to such murder, and shall have the same punishment as the principal shall have. \textit{The Statutes at Large of Pennsylvania} III, 1712-24;199 & 202.
\end{quote}

\textsuperscript{39} Thomas R. Forbes, 145-146.
One of the reasons for numerous women in the birth room was to serve as witnesses. Some mothers, having given birth alone, abandoned their newly born baby in a convenient place so that it would become a ward of a parish, or killed the child and disposed of it. . . . The consequences of bastardy were serious in a land where inheritance laws were followed strictly and only legitimate children could inherit.42

There are other indications of the severity of the problem of infanticide and the concealment of illegitimate births, notably the rise of the foundling movement in England, Europe and the colonies. The problem of foundlings is directly related to that of infanticide, since only a few hours of exposure for the abandoned infant may determine whether he will be a foundling or an infanticide.

There was no foundling home as such in Philadelphia until 1820.43 Prior to that time, the Overseers of the Poor usually sent any foundlings to the Almshouse or to be privately nursed. No attempt has been made to quantify the numbers of foundlings reported in Philadelphia for any

40 Quoted in Claire E. Fox, Appendix I, 442-445

41 The Statutes at Large of Pennsylvania volume 1 1680-1700, 85


43 Guardians of the Poor Committee on Children's Asylum Minutes March 1820—November 1822, Philadelphia City Archives
given period of years in the eighteenth century as the entries do not always clearly indicate that the infant charity case in question is in fact a foundling. However, there are such entries as these in "The Book of Minutes belonging to the Guardians of the Poor" 1768-74:

[1768] May 30th. Innocent Babe was Recommended to the Mayor as a Proper Object of Charity (by James Whiteall & James Irvine) and Obtained an Order for Relief at the House of Employment.

[1768] August 8th. A Mollata Male Child, about 2 weeks Old was left at the House of an Old Negroe, liveing at the Corner of Walnut & Fourth Streets, by a Person unknown.—The Managers being unwilling to admit the said Child into the Almshouse, James Whiteall & Benj. Paschall put him out to Nurse to a Negroe Woman named—Richards, at 6/ pr. week; the Expences to be paid by the Managers.

Court-House Thursday evening 13th April 1769. . . John Wilkes an Infant so call'd by the Overseers found at the Governors door. Recommended to the House of Employmt. & Alms-House.

And these two arresting entries from the "Almshouse Daily Occurrences 1787-1790":

Admissions in June 1788. . .30—Mary Johnston & Thos. her Child, Mr. Wm. Trotter by a Constable brought her here, as She was about to Drown her Child on Sunday the 22nd Inst.

Admissions in April 1789. . .20th—An unknown child—called Filius Fortunae, the child of Fortune, sent in by the Honble. Frc. Hopkinson & Josh. Swift from—city.

That these abandoned infants lived to become objects of public

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44 Book of Minutes belonging to the Guardians of the Poor in the City of Philadelphia & Districts Annexed, March 25, 1768—March 22, 1774; 15, 26, 3 (second series), 15, 16-17, 94, Philadelphia City Archives.

45 Almshouse Daily Occurrences 1787-1790; 35 & 63, Philadelphia City Archives.
charity was due more to fortuitous circumstances than to the desires or intent of their mothers.

By the last quarter of the eighteenth century the severity of the old infanticide laws was being lessened. The late eighteenth century laws on the subject required presumptive proof of live birth before a conviction of murder could be handed in. The only problem with this was the difficulty of distinguishing liveborn from stillborn infant corpses by the standards of eighteenth century medical examinations.

Many physicians writing general treatises on midwifery touched on the problem of identifying whether an infant had died before delivery. Others devoted more detailed attention to the problem. Among the criteria proposed for the medical examiner’s consideration were whether a layette and other necessities had been prepared for the child and even whether the death had been concealed!

Ultimately, only one or two criteria seemed to have reliability. If the dissected lungs or any part of them floated in water, the child was regarded as having breathed. Complicated by the possibility that arti-

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46 Thus, in *The Laws Respecting Women*, 307, written in 1777, on the subject of 21 James I of 1623


48 See William Hunter, “On the uncertainty of the Signs of Murder in the Case of Bastard Children,” *Medical Observations and Inquiries by a Society of Physicians* (London 1783), VI, 266-290

49 John Burns, II, 2, 128

50 See William Hunter, 284-289, John Brodhead Beck, 48-50
ficial respiration had been attempted on the infant, or that putrifaction setting in had created air pockets in the lung, this single factor was still regarded as the most conclusive in determining live or still birth. Another observation commonly relied upon was whether bruises on the infant corpse showed “extravasations of blood”, which would indicate that the child’s blood had still been circulating when the bruises were inflicted.

Why would women in the eighteenth century run the risks of being found out and convicted of murder by concealing the deaths of their bastard children? This question is the same as asking: What was the attitude of eighteenth century society towards bastardy and the accompanying circumstances of fornication/adultery?

The evidence appears to be mixed. On the one hand, recorded cases of illegitimacy seem to have occurred at a higher rate in Philadelphia than elsewhere. Records such as those of the Philadelphia Almshouse Daily Occurrences abound with entries listing women and their bastard child, or children. The St. Peter's Register Book of Baptisms 1763-1829 contains several entries such as these:

1764 June 10 Mary, Daur. of Elizabeth Lacey (illegitimate)

1765 Jan. 21 John, Son of Hugh Stinson & Ann Dunlap (illegitimate)

1768 March 3 Hugh, natural son of Hugh Frazier & Ann Watson

March 22 Thomas & Elizabeth, twins natural of Thomas Thompson & Mary Sellar

1780 Jan. 1 Louis son of Dorothy Canby illegitimate

53 Susan Edith Klepp, 91.
54 The Register Book of Baptisms Belonging to St. Peter's Church in the City of Philadelphia 1763-1829, St. Peter's Episcopal Church, Philadelphia.
That bastard children were freely baptized in the church suggests some measure of social acceptance. However such entries do not reveal the tenor of the community response with which such births and baptisms were met.

On the other hand, adultery and fornication were punishable crimes, as these entries from the Philadelphia "Mayor's Court Docquett 1759-1764" show:55

1761
The King vs. John Lagostin
and the King vs. Mary Schrinerin
for fornication

John Lagostin and Mary Schrinerin were each fined /10 to the Corporation of the City and committed until they paid, and he was obliged to pay "for maintaining the Child. . .”

1762
The King vs. John Clark
The King vs. Catherine Deling
for fornication

John Clark and Catherine Deling were each fined /10, as in the case above, and he had to pay "for the Maintainence of the Child”

These sorts of entries suggests that only in the presence of “the Child” could fornication be proved, or in other words that concealment of the birth of the bastard would have prevented the possibility of being convicted on a morals charge.

In general, the stigma attached to bearing a bastard, and the reactions of a woman who had done so, seem to have depended on the status, values and previous reputation of the individual woman:

a lewd woman has no shame to hide—she makes a show of her guilt, and claims, in open day, the protection which she knows has been provided for her by the poor-laws. But when a woman, with a sense of honor, finds herself the unsuspecting victim of treachery, with the witness of her disgrace hanging about her neck, in the person of her child, left to the

55 Mayor's Court Docquett 1759-1764, 51, 61, 63, 67-68, Philadelphia City Archives
reproach of the world and her own conscience, and seeing no other means of saving her character, she becomes delirious in her despair, and vents her fury on the consequences of her seduction—the child of her seducer! He [Captain Coram, founder of the London Foundling Hospital] therefore proposed to erect a sanctuary, to which these wretched mothers might fly, and there deposit the offspring and the secret of an unhallowed intercourse, and thus be enabled to return to that path from which they had unguardedly strayed.\textsuperscript{56}

Or, in the words of an earlier author:

That a young female of character and reputable connexions, and possessed of tender sensibility, may have been betrayed by the arts of a base seducer, and when reduced to a state of pregnancy, to avoid the disgrace which must otherwise be her lot, may stifle the birth in the womb, or after it is born, in a state of phrenzy, imbrue her hands in her infant's blood, in the expectation of throwing the mantle of oblivion over her crime, is a case which too frequently occurs.\textsuperscript{57}

Whatever their motivations and whatever the penalties risked, the fact remains that women were committing infanticides and concealing illegitimate births. Research on the subject of infanticides in America has yielded instances of infanticide in every period and every area examined.\textsuperscript{58} That some of these cases were not convicted, or never even came to trial, does not invalidate them as instances of the problem, for the infanticide laws and bastard-concealment laws appear to have been prosecuted selectively, depending on the wealth, position and former reputation of the woman involved. Married women were almost never convicted, and likewise unmarried women of hitherto good character, especially if they were not servants.\textsuperscript{59}

The following examples merely illustrate the reported cases of infanticide in America during the eighteenth century: From the Calendar

\textsuperscript{56} John Brownlow, 3.
\textsuperscript{57} John Brodhead Beck, 84.
\textsuperscript{59} Personal communication, Natalie Hull. For the purpose of this argument, it is immaterial whether married women were rarely convicted of infanticide and/or bastard concealment because they were rarely guilty of bastardy, because they were rarely guilty of infanticide, or simply because it was difficult to catch them at either.
Margaret Cane, servant of Thomas Odell, indicted for murder of two bastard children (although whether they were born alive was unknown), on the basis of her having concealed her delivery and having buried the infants in a tub full of hot ashes. [Disposition unknown]

1707 Elizabeth Wallis indicted for murder of a child fathered by J. Hunt. Apparently Elizabeth Wallis “was taken with fits which caused her to bite her tongue” on a Tuesday night, was senseless on Wednesday, and her relatives found a dead female infant in the bed on Thursday noon, “black and putrified”. Elizabeth continued ill till the following Tuesday. Witnesses “. . .did not think she was conscious of having had a child; she took no notice of it; she had taken several decoctions of herbs from one Peter Calico.” This case is particularly interesting because, from the description of the mother’s “fits” and senselessness, there is good indication that she was suffering from eclampsia, in which case she probably was not “conscious of having had a child.” At any rate, on the basis of the bastardy and the concealment, she was indicted for murder. [Disposition unknown]

In Deerfield, Mass., one Sarah Smith was hanged on August 25, 1697, for infanticide, having borne “‘by the providence of God one female bastard child’ and ‘being led by the instigation of the devil. . . and with intent to conceal her Lewdness the said child [she] did strangle and smother’”.

60 Calendar of Maryland State Papers No. 1 The Black Books (State of Maryland, 1943), 6-8.
61 Personal communication, George W. Corner Jr. M.D., Obstetrics and Gynecology, Guthrie Clinic, Sayre, Pennsylvania. Dr. Corner believes the women “undoubtedly had eclampsia”, and states: “The major question I would ask is: was the infant still attached to the umbilical cord? If the cord had been divided it seems to me that there would be reason to feel there might have been some human interference. However, to go on, the child could have been born while the mother was senseless and without her even realizing that she was in labor. And, yes, she could have recovered from eclampsia. . . .So my diagnosis is eclampsia with stillbirth. Unless you have other information concerning the status of infant and umbilical cord, I would say the woman was innocent.” Unfortunately, the citation in The Black Books does not include that evidence.
62 Bart McDowell, “Deerfield Keeps a Truce with Time”, National Geographic 135 No.6 (June 1969), 794. Brackets and deletions are McDowell’s.
In Virginia in Princess Ann County in May 1788, a widow named Frances Denny was accused of murdering her bastard child, although she claimed that it was born dead and that she simply concealed its death "to keep her guilt from the knowledge of her other children" [Disposition unknown].

In Pennsylvania, the records are somewhat unreliable, as cases reported elsewhere do not always appear in the court records. The Dockets of the Court of Oyer and Terminer of Pennsylvania 1778-1827 report such cases as these:

Chester Co. April 1779
Mary McDonald for "Murder of an Infant." Tried and acquitted.

Northampton Co. October 1780
Hilkiah Varvey, alias Hilkiah Vanveyan for "Murder of a Bastard Child" and Negro Abraham "Accessory after the fact to the above Murder." Both tried and acquitted.

Lancaster Co. May 1783
Margaret Gentner for "Murder in killing her Bastard Child." Insufficient evidence to indict.

But after the criminal code revision of 1786 and 1790, these entries appear in the County Prison Sentence Docket 1794-1803:

Northampton Co. June 22, 1795
Barbara Young for "Concealing the death of her Bastard Child." Sentenced to three years hard labor. Pardoned to the Governor April 30, 1797.

Washington Co. January 30, 1797
Phebe Cromwell for "Concealing the Birth and Death of her

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65 County Prison Sentence Docket 1794-1803, 15, 24, 61, 99, 114 & 127, Philadelphia City Archives.
Bastard Child." Sentenced to five years hard labor, of which half to be spent in solitary confinement. Pardoned by the Governor December 1799.

Dauphin Co. March 14 & 15, 1798
Elizabeth Bumberger and Sarah Taylor, each for "Murdering and Concealing the Death of her Bastard Child." Each was sentenced to one year hard labor and served out her time.

Dauphin Co. September 12, 1798
Daniel Rudy for "Misdemenor—taking an Infant the Child of his Sister & placing it exposed with intent to perish it—." Sentenced to one year hard labor and $1 fine. Pardoned by the Governor and fine remitted June 18, 1799.

The Convict Docket 1792-1806 reports these cases:

Philadelphia City and Co. November 29, 1800
Hannah Estil for "Murder in the 2d degree in killing her Infant Child." Sentenced to seven years imprisonment, one-twelfth of which to be spent in solitary confinement. Pardoned September 11, 1802.

Berks Co. April 6, 1802.
Catharin Schneider for "concealing the death of her Bastard Child." Sentenced to two years imprisonment and died of consumption October 14, 1802.

Philadelphia City and Co. January 4, 1804
Tenea Draper for "concealing the death of her bastard child." Sentenced to four years hard labor, of which six months to be spent in solitary confinement. (According to the County Prison Sentence Docket, Tenea Draper served out her time and was discharged January 6, 1808.)

Some discrepancies can be noted. For example, Barbara Young was listed in the Docket of the Court of Oyer and Terminer as having been

Convict Docket 1792-1806, 15, 29, 56, 57, 75 & 90, Philadelphia City Archives.
acquitted of the murder of her bastard on June 22, 1795, without mention of the fact that, as recorded in the County Prison Sentence Docket for the same date, she was convicted and sentenced for the lesser offence of having concealed the death of that same child.

In addition, a widow named Susannah McGee was acquitted of the murder of her bastard child in Pennsylvania in 1791, a case which could not be found at all in the Docket of the Court of Oyer and Terminer for that year. Susannah McGee's child was found dead in the Monongahela River with a stone tied to it and bruises on its head. Although she obviously intended to conceal it, by the statutes of 1786 and 1790 this was insufficient to convict. Evidence was necessary that the child had been born live. Apparently the jury concluded that the bruises on the child could have happened in the river after its death, and that evidence for live birth was inadequate.

Occasionally, the bare entry of a case in the court records is fortuitously supplemented by details reported elsewhere. For example, the Docket of the Court of Oyer and Terminer of Pennsylvania states merely that one Elizabeth Wilson was convicted of murder in Chester on October 19, 1785. However, an entry in the diary of Elizabeth Drinker for 1797 indicates this to be another instance of infanticide:

May 16. Unsettled. Wind variable. Read a narrative of Elizabeth Wilson, who was executed at Chester, Jany '86, charged with the murder of her twin infants. A reprieve arrived 20 minutes after her execution, by her brother from Philadelphia. She persisted to the last in her account of the murder being committed by the father of the children, which was generally believed to be the truth. I recollect having heard the sad tale at the time of the transaction.

Perhaps the most interesting recorded case of infanticide in eighteenth century Pennsylvania never appeared in the court records. It is

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67 Alexander Addison, *Reports of Cases in the County Courts of the Fifth Circuit and in the High Court of Errors and Appeals of the State of Pennsylvania* (Philadelphia, 1883), 1-3

68 Henry Drinker Biddle, *Extracts from the Journal of Elizabeth Drinker from 1759 to 1807 A.D.* (Philadelphia, 1889), 303
reported in the Minutes of the Overseers and Guardians of the Poor for 1768: 69

June 18th. Ann Flint applied to Samuel Davis and James Irvine in behalf of Matthias Graff a Child about five Months Old: —She informed them that Alice Harper (the Child’s Mother) came to her near Seven Weeks agoe—told her she was going in the Country for a few Days and desired her to take the aforesaid Child to Nurse until she returned, promising to pay her at the rate of 9/.
p. week for her trouble— & that she would be in Town again in four Days or a Week at farthest; Mrs. Flint took the Child accordingly, But as his Mother was not yet returned, nor remitted her any Money, she was apprehensive that the said Harper intended to leave the Child upon her Hands, and as she was unable to keep him any longer, desired that they would send him to the House of Employment; —She further informed them that the aforesaid Harper had left some Household Goods in a Room she rented of George Plum—That she (Mrs. Flint) had applied to him to sell them, in order that she might be payed &c &c, but that Mr. Plum had refused, unless the Overseers of the Poor would give their consent.—Mr. Davis and Irvine advised with the Mayor about the Affair, and He recommened the Child to the Managers of the House of Employment &c, as a poor, deserted Infant likely to Perish, and advised the Overseers to take an Inventory of the Goods left by the said Harper, and have them sold at Publike Vendue in case she did not Return in a few days &c &c—

*     *     *     *

June 20th. Samuel Davis, Joseph Watkins, Junr., and James Irvine went to the House of the aforesaid George Plum, and having forced Open the Door of the Room in which Mrs. Harper’s Goods were, they proceeded to take an Inventory of them, (Mr. Plum and his Wife both present) on Searching a Cloaths Press they found an old Bundle, but as it did not appear fit for their inspection, Mrs. Plum took it down in the Yard, and on exam-

69 Book of Minutes belonging to the Guardians of the Poor in the City of Philadelphia & Districts Annexed, March 25, 1768—March 22, 1774, 19, Philadelphia City Archives.
ining of it found therein the bones of a Child tyed up in a White Cloth, or Handkerchief;—Mr. Watkins &c immediately acquainted the Coroner of the Discovery and in the Evening an Inquest was held,—It appeared to the Jury and all present, that the Child had been bundled up in an Old Quilt or Petticoat, and kept in the same until the Flesh was entirely consumed, and that the Bones had afterwards been collected together and tied up in the aforesaid Linnen Cloth.—The Jury were unanimously of Opinion that the Bones then before them were the remains of a Human Child, but that the manner of its Death was unknown.

On the subject of the "Quilt or Petticoat" it should be noted that by the fashions of the period of this incident, petticoats were usually quilted garments. It is not clear how mere bones could reveal the use of a quilt or quilted garment to smother the infant. However, the text says the flesh was "consumed"; this could as easily mean "desiccated" as "putrified". Desiccation of small animals such as cats found in abandoned houses is a common occurrence (in the experience of the writer) in the Philadelphia climate. Desiccated remains include skin as well as bone, which might reveal the imprint of a quilted garment, while the bones, which alone remain after completed putrifaction, would not.

Before concluding this discussion of infanticide and the concealment of illegitimate births, a brief consideration is appropriate of how these women could have managed to conceal their pregnancies and deliveries. First of all, clothing of the period fastened with strings or lacings somewhere in its construction, which could be let out gradually as the figure changed. Secondly, tight stays coupled with full petticoats and aprons, while possibly uncomfortable, could have kept the changes of the pregnant figure from being obvious. Possibly the seven month fetus found in the trash deposit was a delivery induced when the pregnancy became impossible to conceal any longer.

An explanation may now be offered for the presence of the bones of two human infants in the trash used to fill the abandoned privy at New

70 See John Brownlow, 43: "The writer has known many instances where girls (for their youth justifies the designation) have been living with their mothers, with whom they have been in constant intercourse, and even sleeping in the same bed, and yet have contrived to hide from their parents the fact of their unfortunate condition till the moment of confinement. In the same manner servants manage to undergo the labours of their office, and contrive to elude the observation of their mistresses, till the instant of giving birth to a child."
Market. Normal interment of stillbirths or neonatal deaths in such a fashion, redeposition of a normal burial from the Pine Street Meeting House Yard, disposal by a mother too poor to afford a funeral, and disposal under the stressful conditions of plague, have all been considered and rejected as likely possibilities. What probably happened is as follows.

Sometime after 1750, and most likely in the early 1780's, one or two women gave birth to infants. One of these infants was of seven months gestation and the other was full term; it is not possible to state whether they were induced or spontaneous deliveries or whether they were live-born or stillborn.

Whatever the circumstances, these infants were apparently unwanted, probably illegitimate. The mother (or mothers) either murdered them, in a primitive form of "retroactive birth control," or at least concealed their births and deaths, in order to avoid the stigma, threat of prosecution, loss of reputation, and possible loss of employment (or at least to avoid the responsibility) or mothering a bastard child.

Possibly the two infants went into the privy as a part of the trash, in a bundle which the privy pit workmen did not examine too closely, or possibly they were slipped into the pit at roughly the same time as the trash, by some person who saw an opportunity to dispose of them in the relatively rare instance of a privy being closed up and abandoned. Either possibility is equally likely, and for the purposes of this hypothesis, it matters little which actually occurred.  

The presence of two infants in the one trash pit is a bit more difficult to explain. Coincidence seems too improbable an explanation. Perhaps one woman, like the Alice Harper reported in the Minutes of the Overseers and Guardians of the Poor in 1768, concealed the evidence of one or even both of her misdeeds for some time until she found a safe place of disposing of them. Or perhaps a local "granny woman" of small scruples obliged two separate women and used this trash pit to dispose of two newborn infants whose existence she had agreed to help conceal.

Had the remains of the two infants been discovered and recorded in

71 See Roger Lane, Violent Death in the City, Suicide, Accident and Murder in Nineteenth Century Philadelphia (Cambridge, Mass, 1979), 98 In his study of nineteenth-century Philadelphia infanticides

The typical means of disposal in the incidents brought to trial was to throw it into the privy, often shared by five or six families and sometimes the site of the unattended birth itself
Skeletal remains attributed to the nine month old fetus.

Privy pit at New Market where the infant remains were concealed.
situ, it might be possible to suggest which of the two possibilities mentioned in the above paragraph is the more likely. The position of the bones in the ground could have revealed whether they represented primary burials or the secondary interments of disturbed remains that had originally been kept elsewhere for some time.

It should be noted that these infant remains from the privy pit trash may not be as unique archaeologically as they seem. These bones were not identified in situ, they were recognized in the lab only during an extensive and detailed analysis of the faunal remains. So few urban trash deposits have been excavated, and of these such a small fraction have been analysed to the extent of a detailed faunal study, that it is impossible to say what the incidence of human infant bones in urban trash deposits really is. Thus, the infant bones from New Market raise several interesting questions about trash deposition, privy pit excavation, pit analysis, and the significance of bone studies.

What is most interesting about these remains from the New Market trash pit is that the attempt to explain their presence led into unexpected aspects of eighteenth century behavior. Women in Philadelphia employed at least two main methods of coping with an illegitimate pregnancy. Infanticide and concealment of the birth and death of a bastard were necessarily covert acts. To openly carry and bear an illegitimate child, however, was deviant but overt behavior. Why would a woman choose to commit one form of deviant behavior rather than the other?

Deviant behavior is, of course, socially defined, and its significance must be discussed in social terms. In eighteenth-century Philadelphia, one may look for the determinants of deviance with regard to illegitimacy according to social class. The following somewhat simplified discussion may serve as a model for explaining the differences in eighteenth-century Philadelphia women's behavior with regard to bastard births. ²²

Five major social groups in the city might be usefully distinguished:
1. The powerful, the influential, the rich.
2. Moderately successful merchants and professionals, major craftsmen.
3. Minor craftsmen, skilled laborers, small shopkeepers.
4. Servants, unskilled laborers.
5. The unemployed, "the poor".

²² See also discussion on page 172 above.
The first two groups had access to other resources than infanticide when faced with the problem of an unwanted birth. An affluent woman could leave town until her baby was born, and then return home without it. She could afford to "farm out" her child, in other words to pay for its support but otherwise abandon it.  

Even if a woman of the first two groups did commit infanticide or concealed the death of her bastard, she would have been able, with the protection of her family and servants, to hide her crime. Thus, whether or not upper-class women frequently were guilty of deviant acts, they could avoid the "deviant" label.

The women of the third and fourth groups, the petite bourgeois and the servants, would be those most likely to commit the infanticides. "As to illegitimate children and foundlings, they are for the most part born of domestic servants..." These women, employed in various kinds of service occupations, were the ones who stood to lose by loss of their reputation, since they were dependent on public acceptability for their livelihood. To them, loss of "good character" meant ruin.

The women who would be most likely to openly bear and raise their bastards were the women of the fifth group, the poor. These women could admit, or even flaunt, their indiscretions; having nothing to lose, their lives did not depend on public approval.

Writers of the day, in their usual moralistic tone, recognized the differences between women who cared about public values and those who did not. For example, William Hunter wrote about the woman pregnant out of wedlock, who

\[...\] finds herself abused, disappointed of his affection, attention and support, and left to struggle as she can, with sickness, pains, poverty,
infamy; in short, with complete ruin for life! A worthless woman can never be reduced to that wretched situation, because she is insensible to infamy; but a woman who has that respectable virtue, a high sense of shame, and a strong desire of being respectable in her character, finding herself surrounded with such horrors, often has not strength of mind to meet them, and in despair puts an end to a life which is become insupportable.

Despite the moral judgements projected upon these women by upper class male authors such as Hunter, the primary motivation for infanticide and/or concealment of bastards was probably not shame, but fear of economic ruin.

Thus there were socially determined reasons why some eighteenth century women would be inclined to choose to murder or conceal their bastards while others would not. The dependence of women in the service trades upon public approval for their livelihood was probably the major determining factor. Marital status may have also been involved, as widows living alone presumably would have been better able to conceal their pregnancies and deliveries than live-in household servants or other working-class women. Doubtless, religion and the strength of an individual's commitment to the teachings of her church was another significant variable. Factors such as ethnic origin or specific type of employment may also have been relevant. Information on the backgrounds and social position of the women involved do not generally appear in the alms-house and church records on bastardy or in the criminal records on infanticide. Therefore hypotheses on this matter cannot readily be tested.76

Infanticide, or the related act of concealing the death of bastards, has been offered here as the most likely explanation for the presence of the infant bones in the New Market privy pit trash. This case is an example of what was apparently an all-too-common form of social deviance in the eighteenth century. Since infanticide is among the types of deviant

76 There is some corroborating evidence from nineteenth century Philadelphia and elsewhere which suggests that upper-class, married women wishing to rid themselves of unwanted pregnancies were more likely to opt for abortion, leaving infanticide as the recourse, according to Roger Lane, 96, “for the most destitute and frightened of mothers... not only unwed but apparently alone.” (See also James C. Mohr, Abortion in America, The Origins and Evolution of National Policy, 1800-1900 (New York, 1978), 100-102.) However, as Lane also states, “it is strictly impossible to infer the typical circumstance from the few cases that came to trial.”
behavior that are covert or concealed, however, it is very difficult to
study in the historical record. Information on abnormal or covert be-
havior, where it exists, is usually only implied by the evidence; it is
rarely if ever discussed. Furthermore, the deviant who appears in the
documents is the unsuccessful one, the one who got caught.

On the other hand, the person or persons who concealed the death of
these two infants by putting them into the privy pit trash deposit was
successful in her (or his) own time. This case illustrates a deficiency in
the historical record: successfully concealed abnormal behavior is his-
torically invisible. It is only by the chance disclosure, such as the
archaeological discovery of these human infants in the trash deposit,
that such behavior ever comes to light. Historical sources and methods,
however, were required in order to explain and generalize from this
particular case. The disciplines of archaeology and history interacting,
each contributing forms of evidence and analysis unavailable to the
other, have produced a coherent, defensible interpretation of a mystery
that would have been impossible to solve by either discipline alone.

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