

## *A Matter of Context: Elizabeth Wilson Revisited*

ELIZABETH WILSON'S STORY is one of the melodramas of the early American republic. Executed in Chester, Pennsylvania, for the murder of her illegitimate eight-week-old twins, Wilson went to her death protesting her innocence and naming the lover who deserted her as the killer of her children. For almost an entire year of imprisonment while she awaited trial, Wilson offered no explanation for her children's death, claiming that she had abandoned them along a public road where they might be found. After she was tried, convicted, and sentenced to death, Wilson changed her story. On December 6, 1785, the day before she was to be hanged, Wilson accused her lover of the crime and described her children's murder in detail. With this information, her brother William raced to Philadelphia to obtain a stay of execution. The Supreme Executive Council postponed Elizabeth Wilson's hanging until January 3, 1786, giving William a chance to corroborate her story. While he was allegedly successful, William fell ill in the course of his quest and recovered with the execution imminent. He arrived back in Chester bearing a second stay, but twenty minutes too late to save his sister from the hangman.

Wilson's story had widespread and enduring appeal. It was tragic and romantic; it was an unsolved murder mystery; and it was pertinent to a variety of cultural currents of the time. The case was not only sensational, but controversial because it involved the execution of an arguably inno-

I would like to thank the following individuals for their contributions to the project: John J. Slonaker of the Pennsylvania State Archives, now retired, whose meticulous response to my inquiry led to the previously misfiled court papers concerning Elizabeth Wilson; Patrick Spero of the University of Pennsylvania, who became involved in this project as a fact checker, but whose guidance, insight, advice, and encouragement made him an invaluable mentor; Pamela G. Harper of the Delaware County Historical Society, whose patient, unflagging assistance led to a major source of background material; David Goudswaard, whose unpublished manuscript pointed the way to the Friends Historical Library; and Anne Marie Bedford, who provided housing, comfort, and camaraderie during research trips. Most of all, I am grateful to Charlotte Mann, an incomparable friend who listened uncomplainingly to multiple renditions of this article; and to my husband, Bob Tufts, whose love, confidence, and support never wavered.

cent woman. Philadelphia diarist Elizabeth Drinker noted “the sad tale” in her journal and commented that Wilson’s story was “generally believed to be the truth.”<sup>1</sup> Charles Biddle, the vice president of the Supreme Executive Council who gave William Wilson the final stay of execution, expressed doubts about whether the death penalty was appropriate in a case such as Elizabeth Wilson’s.<sup>2</sup> She had been convicted under an old law that made concealment of the death of a bastard child a capital crime, even if the child had been stillborn. Because of the Wilson case, the law became coupled in the public mind with a seeming miscarriage of justice, reminiscent of abuses that fueled the Revolution. The comments of both Drinker and Biddle reflect the ongoing philosophical debate about the new nation’s ability to manage crime and punishment in a more enlightened way than the British had.<sup>3</sup>

The tale also had religious appeal. The pamphlet *A Faithful Narrative of Elizabeth Wilson; Who was Executed at Chester, January 3d, 1786* appeared on the streets of Philadelphia just a few days after her execution.<sup>4</sup> Although it was written anonymously “at the request of a friend unconnected with the deceased,” its likely author was John Stancliffe, a Baptist minister who counseled Wilson while she was imprisoned. It was Stancliffe who took down the statement implicating Elizabeth’s lover and it was he who accompanied her to her death and presided at her funeral.<sup>5</sup> Stancliffe was a missionary whose active participation in the pamphlet trade served his evangelical vocation.<sup>6</sup> *Faithful Narrative* was no excep-

<sup>1</sup> *The Diary of Elizabeth Drinker*, ed. Elaine Forman Crane (Boston, 1991), 2:918.

<sup>2</sup> Charles Biddle, *The Autobiography of Charles Biddle, Vice-President of the Supreme Executive Council of Pennsylvania, 1745–1821* (Philadelphia, 1883), 202.

<sup>3</sup> Known as the “Bloody Code,” English criminal law was a maze of inconsistent, intricate, and contradictory laws that placed protection of property above the life of the individual and subjected those convicted under its laws to heinous forms of corporal punishment and death. Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (1989; repr. New York, 1991). The English penal code was incorporated into Pennsylvania law in 1718.

<sup>4</sup> *A Faithful Narrative of Elizabeth Wilson; Who was Executed at Chester, January 3d, 1786* (Philadelphia, 1786).

<sup>5</sup> *Ibid.*, 5–7.

<sup>6</sup> Publication of a felon’s “dying sayings” was a common practice, with both commercial and morally instructive motives. Daniel E. Williams, “Victims of Narrative Seduction: The Literary Translations of Elizabeth (and ‘Miss Harriott’) Wilson,” *Early American Literature*, 28 (1993): 148–70. Such “true crime pamphlets,” particularly those dealing with murder, were “the staple fare of popular print culture in Philadelphia” from the time of the Revolution until the 1830s. Clare A. Lyons, *Sex among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730–1830* (Chapel Hill, NC, 2006), 369. Stancliffe had published two other religious pamphlets in 1784. Later, when posted to Wilmington, Delaware, he solicited pamphlets from a col-

tion. It focused mainly on Wilson's confession and repentance, depicting her as a lapsed Christian who found religion anew and, at the last, faced death trusting in the redemptive mercy of Christ.<sup>7</sup> The pamphlet was not only widely disseminated in Philadelphia, but was reprinted in Connecticut, New York, and Massachusetts.<sup>8</sup>

News of Elizabeth Wilson's case soon reached Boston, where a poem about her was published that year. *Elegy, &c. Fair daughters of America, and eke of Britain's isle* reflects two concurrent social and nationalistic themes: a reassessment of the traditional view of women and an exaltation of motherhood in the new republic.<sup>9</sup> Here, Wilson's story manifests the emerging perception of women not as sinful daughters of Eve, their traditional role, but as inherently virtuous, yet—especially young women living alone in the cities—vulnerable to sexually predatory men. Elizabeth's story contributed to the "literature of seduction" popular during the late eighteenth and early nineteenth centuries. "Elegy, &c." also emphasized Wilson's status as a nursing mother, a fact brought out at her trial and reported in newspapers in Philadelphia and Portsmouth, New Hampshire. She became an emblem of mothers of the new republic, simultaneously nurturing the next generation of citizens while grieving those who had been lost.

In 1854 and 1877, the *Delaware County Republican* offered other versions of the story.<sup>10</sup> As the morally didactic aspects of the tale took prominence, Elizabeth emerged as a daughter of "humble but respectable

---

league, thinking to sell "some dozens of them." Letter of John Stancliffe to Rev. Samuel Jones, Aug. 4, 1790, Historical Society of Pennsylvania.

<sup>7</sup> Among other statements in a similar vein was Elizabeth Wilson's acknowledgment that she was "a guilty rebel . . . My sins are more in number than hairs of my head . . . I know I deserve not only death, but hell; yet, nevertheless, I hope to obtain mercy, through the blood and righteousness of the Adorable Redeemer, to whose boundless mercy I commend my poor naked soul." *Faithful Narrative*, 5. Given the similarity of these statements to others of the genre, they were likely embellished or coached by Stancliffe. Williams, "Victims of Narrative Seduction," 167n20.

<sup>8</sup> The numerous reprints of *Faithful Narrative* are a testament to the enduring nature of the story. While publications of a similar type were common in the eighteenth century, few were ever published in multiple editions or reprinted, as Elizabeth Wilson's story was. The last edition of the pamphlet was published in 1807, twenty-one years after the original. Williams, "Victims of Narrative Seduction," 149, 151.

<sup>9</sup> *Elegy, &c. Fair daughters of America, and eke of Britain's isle* (Boston, 1786).

<sup>10</sup> Wilson's story was retold in the *Delaware County Republican* on January 6, 1854, in an article authored by Dr. Fahnestock, a descendant of William Wilson's employer. See also, newspaper clipping from the scrapbook of William C. Amor, May 1877, Historical Society of Dauphin County, Harrisburg, PA.

parentage,” a young beauty<sup>11</sup> whose mother had died and who grew up without a guiding maternal hand. At the age of seventeen, the story went, the sheltered Elizabeth fell in love. She became pregnant, was abandoned by her lover, and gave birth to a stillborn child. With her reputation in ruins, she left for Philadelphia and returned home in about a year, pregnant once again as the result of a liaison with a deceitful married man. In the 1877 version, Elizabeth becomes mentally unstable and ultimately welcomes her own death.

Henry Graham Ashmead reiterated the moral cautionary theme in his 1884 *History of Delaware County, Pennsylvania*.<sup>12</sup> This version of Wilson’s story is probably the most widely read, yet the most inaccurate. While purporting to have verified his facts as closely as possible, Ashmead’s version is replete with errors and interwoven with strands of mysticism and wisps of ghost stories. Ashmead errs in many particulars,<sup>13</sup> but his overarching themes include Elizabeth’s beauty and “sprightliness”; her piety, as manifested by her following the teachings of Elder Fleeson, an itinerant Baptist preacher; the support of her family, as evidenced by her ultimate return to her father’s home and her brother William’s efforts on her behalf; and the tremendous sympathy that Elizabeth’s case allegedly generated among the judge, the prosecutor, and the jury that tried her. The retelling of her brother’s involvement coincides with other sources, and includes a description of William Wilson fording the ice-choked Schuylkill River, having his horse drown under him, and swimming the rest of the way across the river. Ashmead wraps up his tale with the legend that on rainy nights, those living along the road to the place of execution often hear spectral hoof beats as a ghostly William Wilson once again tries in vain to save his sister’s life.

<sup>11</sup> *Faithful Narrative*, the original source, makes no reference to Wilson’s appearance or to any personal qualities other than remorse. As the story became more concerned with moralistic elements over time, qualities such as beauty and goodness were attributed to her. These literary devices allowed the moral cautionary theme to work: the subject had to be portrayed as virtuous for there to be tragedy in the fall.

<sup>12</sup> Henry Graham Ashmead, *History of Delaware County, Pennsylvania* (1884; repr. [Glen Mills, PA], 1968). The almost-verbatim quotes from the *Delaware County Republican* articles suggest Ashmead borrowed generously from these sources.

<sup>13</sup> Among other things, Ashmead places the family in East Bradford Township; claims Elizabeth’s father was a Tory; says that in Philadelphia, Elizabeth resided at the Indian Queen Inn, which was run by relatives; and asserts that her twins were boys. As will be demonstrated, these statements are all incorrect.

\* \* \*

Despite the popularity and enduring nature of Elizabeth Wilson's story, facts about her were few.<sup>14</sup> The statement that formed the basis of *Faithful Narrative* gave her parents' names and the place of her birth, but offered no other background information that provided a context for Elizabeth Wilson to bring her experience into sharper perspective. Compounding the problem of a thin historical record are the embellishments that were added to her story over time. As the foregoing illustrations demonstrate, it was precisely the historically amorphous, indeterminate nature of Elizabeth Wilson's identity that enabled different authors to shape her story to their own purposes and allowed her to become variously an example of redemption through faith; an emblem of motherhood in the new republic; and a seduced and abandoned innocent serving as a moral lesson for succeeding generations. However, the unreliable, substantially fictionalized record ill serves contemporary scholars who have looked to Wilson's experience in examining issues such as infanticide, female criminality, and the way in which gender expectations affected the trial of women defendants in the early republic.<sup>15</sup> Because of its proximity in time to the events, the pamphlet published only a few days after her death has been the most reliable source of information to date; but recent research in previously unaccessed materials provides a more accurate picture of Elizabeth Wilson and the experiences that culminated in her trial and death.

Elizabeth Wilson was a birthright Quaker, the daughter of John Wilson and his wife, Elizabeth Jackson, of East Marlborough in Chester County. John Wilson was born in England in 1713. In 1735, he immigrated to Pennsylvania from the southern Irish county of Limerick with fellow Quakers Samuel and Anne Hill. All three became members of

<sup>14</sup> In addition to the sources cited here, Wilson's story is retold in George P. Donehoo, *Harrisburg, The City Beautiful, Romantic and Historic* ([Harrisburg, PA], 1927) and *The Narrative of Indian Echo Cave* (Hummelstown, PA, 1945). It was also the basis for the character of "Miss Harriott Wilson" in *The Victim of Seduction! Some interesting particulars of the life and untimely death of Miss Harriott Wilson* (Boston, 1802). This list is not exhaustive.

<sup>15</sup> See, for example, G. S. Rowe, "Infanticide, Its Judicial Resolution, and Criminal Code Revision in Early Pennsylvania," *Proceedings of the American Philosophical Society* 135 (1991): 200–232; Merrill D. Smith, "Unnatural Mothers: Infanticide, Motherhood, and Class in the Mid-Atlantic, 1730–1830," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy (New York, 1999), 173–184; Lyons, *Sex among the Rabble*, 370–72; and Jack D. Marietta and G. S. Rowe, *Troubled Experiment: Crime and Justice in Pennsylvania, 1682–1800* (Philadelphia, 2006), 119, 159. All incorporate minor points that do not contradict or weaken the authors' theses, but they do perpetuate the historical inaccuracies of Wilson's story.

New Garden Monthly Meeting on 25th day, 8th month, 1735. The Hills' removal certificate from Limerick was "read and accepted" by the meeting. Wilson's certificate, however, was "read and received under care," suggesting some extenuating circumstance in his situation that made the meeting reluctant to accept him unreservedly. Wilson lived with the Hills for three years, moved out, but returned in 1741 and rented property from them. Later that year he married Elizabeth Jackson, the orphaned daughter of John and Jane Jackson.<sup>16</sup> Elizabeth was twenty-one years old at the time and lived with her widowed stepmother, Mary Jackson.

By the time John Wilson and Elizabeth Jackson married, they had undergone a stringent examination by Quaker elders in a process designed to ensure an appropriate match and grounded in considerations central to Quaker belief. Quakers supported marriage based on love but practical considerations such as spiritual and temperamental compatibility and similarity of background were given greater weight than mere sentiment. These factors were believed to foster successful unions and peaceful family life where children could be raised according to Quaker precepts. John Wilson and Elizabeth Jackson's match complied with these and other practical considerations. Elizabeth Jackson was an orphan; John Wilson may well have been. Both were poor. Their marriage relieved Mary Jackson of having to care for a spinster stepdaughter and John Wilson of the exorbitant tax imposed on single men.<sup>17</sup> The two were wed on 24th day, 10th month, 1741, at the plain limestone meetinghouse in Londongrove.<sup>18</sup>

Despite conformity with accepted norms intended to protect and nurture offspring, the viability within the Quaker community of any children

<sup>16</sup> *Faithful Narrative*; Deposition of John Wilson in the case of *Baily v. Jones*, Nov. 22, 1797, Chester County Affidavits, Depositions and Interrogatories, folder 22, Chester County Archives, West Chester, PA; New Garden Monthly Meeting Records, Friends Historical Library, Swarthmore College, Swarthmore, PA. Removal certificates were required of Quakers who would be away from their home meeting for an extended time or who were moving permanently. They served as a reference "to judge which immigrants were capable of Quaker intimacies and finally of Quaker parenthood. Without a certificate, a young Quaker arriving in the Delaware Valley could not get married for some years—until his or her true character could be judged." Barry Levy, *Quakers and the American Family: British Settlement in the Delaware Valley* (New York, 1988), 129. Elizabeth Jackson was born on 11th day, 4th month, 1720.

<sup>17</sup> In 1724, the Quaker-dominated Pennsylvania colonial assembly established the tax category of "freeman." A "freeman" was a bachelor of at least twenty-one years of age, living independently of his birth family, and not working for his parents or siblings, and he was taxed at a discriminatorily high rate. Levy, *Quakers and the American Family*, 248–49. The status also indicates the lack of family financial backing.

<sup>18</sup> New Garden Monthly Meeting minutes.

of this marriage would be implicitly limited by two significant factors: John's drinking problem, which may have been the reason for the meeting receiving him "under care" in 1735; and the couple's low economic status. On the 25th day, 4th month, 1743, a complaint was made about John Wilson "drinking strong liquor to excess." Drunkenness was a significant failing in the Quaker community, and while one isolated incident might have been overlooked, a pattern of such conduct would not. Wilson acknowledged his error, signing a written confession that was read at first-day services, but the issue came up again three years later. Elders were dispatched to counsel him, but after four months of futile effort, John Wilson was disowned by New Garden Monthly Meeting.<sup>19</sup>

Wilson could still attend worship services and he could restore himself to the meeting's good graces at any time by appropriate confession and repentance, although there is no indication he ever did.<sup>20</sup> His disownment did not affect the religious status of his wife and children. Elizabeth Jackson Wilson continued to comply with the complex dictates of Quaker life and brought up her children to do the same.<sup>21</sup> By 1746, the Wilsons had at least two living children, John Jr. and William. Over the next decade, Ephraim and Elizabeth were born.<sup>22</sup> Wilson's drinking and disownment may not have affected his family's religious standing, but it likely resulted in some degree of economic uncertainty and social isolation. His home was not a happy place. Although her motives may have been suspect, his daughter, Elizabeth, later would claim that jail was the happiest place she had been in her life.<sup>23</sup>

<sup>19</sup> Ibid., 25th day, 8th month, 1746. As noted by Jack Marietta and G. S. Rowe, "Drunkenness was the third most common problem of church discipline among Quakers and their most intractable problem." Marietta and Rowe, *Troubled Experiment*, 111.

<sup>20</sup> Despite disownment, it appears that Wilson retained Quaker practices for the rest of his life. When he gave his deposition in 1797 at the age of eighty-four, he was not sworn, but affirmed the statement he made. Deposition of John Wilson.

<sup>21</sup> Although the year of her death is not given, Elizabeth Jackson Wilson's death is noted in New Garden records, indicating she died a member of the meeting in good standing.

<sup>22</sup> John Wilson Jr. applied for a certificate of removal to Nottingham Monthly Meeting "for settlement" on the 4th month of 1765. New Garden Monthly Meeting minutes. Assuming he was at least twenty-one at the time, he was born no later than 1744. William appears on tax rolls as a freeman in 1764. He should have been at least twenty-one to qualify as a freeman, thus born about 1743. Ephraim was born in 1755, according to Quaker records. Elizabeth was twenty-seven when she was executed on January 3, 1786, born in 1758.

<sup>23</sup> *Faithful Narrative*, 4. The statement, however, must be taken in the context of the pamphlet, which was produced with both religious and commercial objectives. As Daniel Williams points out, such statements reflecting the joy of conversion were common in publications of this type. "Victims of Narrative Seduction," 165n7.



Poverty was another concern. The Quaker emphasis on family included a parental obligation to settle sons with land and endow daughters with an equivalent "marriage portion" when they wed.<sup>24</sup> This custom kept adult children close and perpetuated Quaker community, and with subsequent marital alliances of Quaker sons and daughters, wealth was increasingly consolidated. Unlike his more prosperous neighbors, John Wilson was a poor man who would be unable to provide his sons with land or his daughter with a cash marriage portion.<sup>25</sup> Without such financial backing, the Wilson children would be weak contenders in the Quaker marriage market. The Wilson sons would have to acquire their own marriage stake, and this was no small task. Prosperous Quaker fathers planning for their children's futures continued to acquire land as they could, limiting the inventory and driving up the price.<sup>26</sup> Because young laborers and artisans earned very modest incomes and skilled apprenticeships required an investment, the time needed to acquire a decent stake for marriage, whether farming or a trade, meant that any Wilson sons who hoped to marry as Quakers would do so later than their wealthier contemporaries.<sup>27</sup> By implication, their continued status as Quakers was jeopardized. Should they become impatient with the process and marry "out of meeting" to non-Quakers, they would be disowned. Of the three Wilson sons who can be positively identified, only Ephraim would marry, raise nine children, and die within the Quaker fold.

With no marriage portion behind her, Wilson's daughter Elizabeth was even more severely disadvantaged. She, too, would lack viability in the Quaker marriage market. "The poorest [Quaker] daughters . . . often faced unpleasant choices: sinful men, parental objection, or celibacy."<sup>28</sup> With family support unlikely, respectable spinsterhood was not a choice. Elizabeth might marry one of the meeting's lesser lights, but this portended a life of poverty, sequential pregnancies, and early death. Her

<sup>24</sup> Quakers who emigrated from northwestern England in the late seventeenth and early eighteenth centuries did so not only to escape religious persecution, but to acquire land that would enable them to fulfill this spiritual and temporal obligation to their children. Levy, *Quakers and the American Family*, 86–119.

<sup>25</sup> In 1767, John Wilson is listed in East Marlborough with land and buildings valued at one hundred pounds, two horses, and five cows. In 1783, John Wilson is listed in East Marlborough as having a log house. Chester County Tax Lists, Chester County Archives.

<sup>26</sup> From 1689 to 1770, when the Wilson sons would be coming of age, the price of unimproved land in Chester County had risen 377 percent per acre. Levy, *Quakers and the American Family*, 238.

<sup>27</sup> Ibid., 143, 273.

<sup>28</sup> Ibid., 210.



only other option was to seek employment, and that was a course fraught with few choices, low pay, and the inherent peril of sexual exploitation.<sup>29</sup>

Elizabeth Wilson appears in the New Garden Monthly Meeting minutes for the first time in 1775. She was seventeen years old and had requested a removal certificate from New Garden Monthly Meeting to Bradford Monthly Meeting, in the neighboring Chester County township of East Bradford.<sup>30</sup> The reason for Elizabeth's departure is not clear. Her family appears to have been in transition, with her mother likely dead by this time and her brothers on their own. Tax rolls for the period list John Jr. and William as freemen, a status which indicates they were independent of their birth family and underscores their relative poverty. Ephraim was planning to be married the following year. One source suggests that Elizabeth became employed by Josiah Wilkinson, a farmer in East Bradford, and this is the likely explanation.<sup>31</sup> At some point, Elizabeth did, indeed, form a relationship with Wilkinson that she would rely on later in her life, and no other removal certificates for her appear in New Garden records. Eight months after her departure, Elizabeth sought to return to East Marlborough and requested a removal certificate from Bradford Monthly Meeting. She returned to East Marlborough and presented her certificate just a few weeks before her brother Ephraim's marriage in October 1776.<sup>32</sup> She attended his wedding and, with her father and her brothers John Jr. and William, signed the marriage certificate as a witness.<sup>33</sup>

The issuance of removal certificates in 1775 and 1776 indicates that Elizabeth Wilson was a Quaker in good standing at the time, but her circumstances changed drastically by 1779. The New Garden Women's Meeting minutes of 2nd day, 1st month, 1779, note that Elizabeth Wilson "hath so far given way to Temptation as to be guilty of Fornication, which is Manifest by her bearing a Bastard Child." Women at Londongrove reported the fact to New Garden and passed the informa-

<sup>29</sup> Smith, "Unnatural Mothers," 176.

<sup>30</sup> New Garden Women's Monthly Meeting minutes, 5th day, 8th month, 1775.

<sup>31</sup> David Goudsward, unpublished manuscript, 2003, Delaware County Historical Society, Chester, PA.

<sup>32</sup> New Garden Women's Monthly Meeting minutes, 7th day, 9th month, 1776.

<sup>33</sup> New Garden Monthly Meeting minutes, 17th day, 10th month, 1776. The marriage certificate also establishes that Ephraim's mother, Elizabeth Jackson Wilson, was deceased, but the year of her death is not given.

tion on to the men's meeting.<sup>34</sup> Four members of the meeting—two men and two women—were appointed to counsel Elizabeth, but they were not going to spend much time trying to pull her back into the Quaker fold. Indeed, she was all but presumptively disowned. The meeting directed the elders to proceed with disownment if they did not have “sufficient encouragement to forbear.”<sup>35</sup> The ensuing conversation did not produce the desired results, and the testimony against her went forward.<sup>36</sup>

Elizabeth was given an option to appeal the disownment, but she declined and was disowned on 3rd day, 4th month, 1779. She was twenty-one years old. There is no indication of how her pregnancy came about. Certainly, by characterizing it as the result of “giv[ing] way to Temptation,” the meeting blamed Elizabeth for her predicament, but her resistance to an admission of guilt suggests other interpretations. One is that Elizabeth Wilson simply may not have viewed her behavior as inappropriate.<sup>37</sup> Another is that she may have been victimized in some way.<sup>38</sup> In either event, disownment left her bitter. Facing execution six years later, she would say that she had a “religious interest” that ended when she was twenty-one.<sup>39</sup> Disownment appears to have snuffed out any such interest.

<sup>34</sup> New Garden Monthly Meeting was composed of both New Garden and Londongrove. Meetings alternated between the two locations.

<sup>35</sup> New Garden Monthly Meeting minutes, 2nd day, 1st month, 1779.

<sup>36</sup> Efforts to meet with Elizabeth were half-hearted and her disownment took a mere three months. There was also some history involved. Josiah Pusey, clerk of the meeting, was the last person to counsel her father with regard to drinking thirty-four years earlier. The short amount of time and the presumptive nature of the disownment suggest that either Elizabeth, her family, or both were not viewed favorably and are consistent with Levy's observation that children of poorer families tended to be disowned at a greater rate than those who came from wealth. Levy, *Quakers and the American Family*, 143.

<sup>37</sup> In examining sexual transgressions addressed by the Philadelphia Women's Monthly Meeting from 1760 to 1779, Clare Lyons finds that premarital sex was the most frequent violation (twenty-two cases), followed closely by bastardy (fourteen cases). Eleven of the women disciplined for bastardy were “unrepentant” and refused to confess their behavior as “unchaste and sinful.” Lyons concludes that these women did not view sexual activity outside of marriage as reprehensible conduct that justified public confession and self-condemnation. Lyons, *Sex among the Rabble*, 84.

<sup>38</sup> Elizabeth became pregnant sometime in late 1777 or early 1778, a time when both British and American troops were prevalent in the area, and she was apparently the sole female in a household of men, one of whom had a drinking problem. These facts suggest the possibility of rape, which would account for Elizabeth's unwillingness to assume guilt and her bitterness at disownment. Given the common view of the time that conception was not possible without female orgasm, the fact that Elizabeth conceived would have negated any claim of rape. John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York, 1988), 5. Scientific advances of the Enlightenment ultimately undermined this view, as D'Emilio and Freedman point out, but in rural Chester County of 1779, it was still likely the prevalent belief.

<sup>39</sup> *Faithful Narrative*, 4.

Elizabeth's disownment for bearing a bastard child compounded the stigma of her father's drinking and the difficulties presented by her family's poverty. Even if she were to repent and be accepted back into the meeting, she would probably not be able to marry within the Quaker community. Pregnancy before marriage was not unusual in the population as a whole, but it was unacceptable to Quakers.<sup>40</sup> Despite careful examination of candidates for marriage, there were those couples whose premarital intimacy managed to elude the sharp eyes and probing questions of elders, but children born early would bring censure and the necessity of public confession and repentance before the meeting. However, at least these couples ultimately married. An unwed woman who had borne a child would be viewed as unsuitable for the role of a Quaker wife and mother.<sup>41</sup>

By 1784, Elizabeth Wilson was living in Philadelphia, a few miles distant but worlds away from rural Chester County. Second in size only to London in the British Empire at the time of the Revolution, Philadelphia was a sophisticated seaport city whose original Quaker culture had been largely diluted by the influx of international people, commerce, and ideas. In the journal of his travels through the America of the time, Moreau de St. Méry opined that repressive Quaker discipline and family life drove many young women to the city and ultimately into exploitation as prostitutes, but it would be a mistake to equate his observation on young Quaker women with established, professional prostitution.<sup>42</sup> As a poor young woman apparently without family or contacts in the city, Elizabeth was likely one of the thousands of lower-echelon women in similar circumstances who worked at some form of domestic service. During the early years of the republic, such an existence would have been "plagued with short-term employment and quick turnover," a life "filled with hardship, want and insecurity."<sup>43</sup> Women in such positions often bartered

<sup>40</sup> Smith, "Unnatural Mothers," 176. Between 1684 and 1725, disciplinary proceedings for fornication were rare and constituted only 4 percent of the cases in Welsh Tract meetings. Levy, *Quakers and the American Family*, 132.

<sup>41</sup> For an extensive discussion of the spiritual role of Quaker wives and mothers, see Levy, *Quakers and the American Family*, 193–230.

<sup>42</sup> Moreau de St. Méry's *American Journey (1793–1798)*, ed. Kenneth Roberts and Anna M. Roberts (Garden City, NY, 1947), 312–13.

<sup>43</sup> Lyons, *Sex among the Rabble*, 210–11. During the 1780s and 1790s, the rise in wages was disproportionately slow in comparison with increases in basic necessities such as food, clothing, and housing. Rowe, "Infanticide," citing Billy G. Smith, "The Material Lives of Laboring Philadelphians, 1750 to 1800," *William and Mary Quarterly*, 3rd ser., 38 (1981): 174, 178, 188.

casual sexual access for money or material goods to supplement their income from low-paying, uncertain employment, or, indeed, for mere survival.

Elizabeth resided at the Cross Keys Inn at Third and Chestnut streets, a “decently conducted old time ‘pub’ frequented chiefly by the residents of the vicinity who nightly drank their ale and smoked their pipes.”<sup>44</sup> Despite this rather tame description, tavern life a few blocks from Philadelphia’s bustling waterfront was anything but sedate. By the latter part of the eighteenth century, the more respectable taverns had moved toward the city center. Those situated near the waterfront were more likely to be identified as “disorderly,” and, unlike their more dignified counterparts where reputable women rarely entered, served a clientele that included both men and women.<sup>45</sup> Taverns that served the laboring classes were frequently raucous places for men and women to socialize, dance, and drink. Tuesday and Friday, the nights before market days, were particular times of socializing for the “lower sort,” and on Saturday, drab workaday garb was put aside for one’s dressed-up best and a chance to see and be seen in the evening promenade. From this demographic group emanated a “boisterous culture of self display and rowdy demeanor.”<sup>46</sup>

By the time Elizabeth Wilson established herself in Philadelphia, the brazen pretensions of members of the lower class had begun to annoy city leaders, who resented their presumption of upward social mobility unaccompanied by appropriately republican moral restraint. One manifestation of this lack of restraint was a tenfold increase in the number of illegitimate children in an adult population that had tripled.<sup>47</sup> As Clare Lyons points out, it would be impossible to determine the nature of the relationships that produced these children. Some were undoubtedly consensual unions, including those entered into for economic gain. Many more were

<sup>44</sup> *Faithful Narrative*, 4; Mary Emma Boggs and Benjamin Randolph Boggs, “Inns and Taverns of Old Philadelphia,” typescript, 1917, Historical Society of Pennsylvania. Ashmead claims that Elizabeth was related to the proprietor, identified in *Faithful Narrative* as Mr. Bogart, but this unsubstantiated statement likely was an attempt to imbue her with respectability by suggesting some level of familial supervision. Ashmead, *History of Delaware County*, 172. Honest servants lived in the houses they served. Women who lived at public houses tended to be prostitutes. Billy G. Smith, *The “Lower Sort”: Philadelphia’s Laboring People, 1750–1800* (Ithaca, NY, 1990), 178.

<sup>45</sup> Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore, 2002), 50.

<sup>46</sup> Lyons, *Sex among the Rabble*, 211.

<sup>47</sup> These increases occurred during the period 1772 to 1810 and represent cases managed by the Overseers of the Poor involving the support of illegitimate children. Lyons, *Sex among the Rabble*, 66. Because support of illegitimate children was also handled by private arrangement, the number of illegitimate births reflected in the overseers’ records is understated for the population as a whole.

likely the result of sexual coercion. Women of inferior status, such as servant-class women like Elizabeth Wilson, and those without the protection of husbands and fathers, were easy targets for sexual exploitation.<sup>48</sup> Such a woman's consent to sexual relations was all but immaterial, and for laboring-class women, refusal of sexual overtures could mean a loss of position. Women in these circumstances may have viewed unwelcome sexual advances as a necessary evil to be avoided when possible and tolerated when not.<sup>49</sup>

Elizabeth Wilson bore two more children between 1779 and 1783, and she became pregnant again early in 1784.<sup>50</sup> This time, she would bear twins. A twin pregnancy, her fourth, would soon have been obvious, and a "decently conducted" neighborhood pub could not risk its reputation by employing an unmarried woman in such a condition. Elizabeth was likely asked to leave the Cross Keys and, for a while, she rented a room in the home of Joseph Rhoades on Union Street, present-day Delancey.<sup>51</sup> As her money ran out and her delivery date drew near, Elizabeth left the city. She did not return to her father's home in East Marlborough, but went instead to the home of Josiah Wilkinson in East Bradford. There, Elizabeth gave birth to twin daughters on October 1, 1784.<sup>52</sup>

When her children were about four weeks old, Elizabeth left them at Wilkinson's and went briefly to Philadelphia. A month after her return, at the end of November, she took her children and left for good, saying that she intended to return to the city.<sup>53</sup> Sometime in late December 1784, the naked, mangled bodies of two infant girls were found in a grove of trees not far from Wilkinson's. They were lying in a shallow depression by an old log and had been hastily covered over with leaves and brush. Elizabeth was arrested in Philadelphia shortly after the discovery of the

<sup>48</sup> Lyons, *Sex among the Rabble*, 269.

<sup>49</sup> Ibid.; Marietta and Rowe, *Troubled Experiment*, 138.

<sup>50</sup> *Faithful Narrative*, 4. There is no record of what became of these children or the one that resulted in her disownment, assuming they survived infancy. None appear to have been with her in Philadelphia.

<sup>51</sup> Ibid.

<sup>52</sup> Transcript of Conviction of Elizabeth Wilson 1st Nov. 1785, Clemency File 1775–1790, series 27.25, Pennsylvania State Archives, RG-27. The subsequent identification of these children as boys in Ashmead and other sources is itself a commentary on gendered views. Ashmead, *History of Delaware County*, 172. The death of infant boys, who would have been more valued than girls, heightens the tragedy.

<sup>53</sup> Transcript of Conviction of Elizabeth Wilson. The transcript gives the date Wilson left as November 31, though November has only thirty days. See also, *Faithful Narrative*, 3.

bodies. The *Pennsylvania Journal* of January 5, 1785, carried the story:

About a week ago a woman was committed to the Chester gaol, on suspicion of murdering her two sucking infant twins . . . . The woman was charged with murder, which she denies, but acknowledged having placed the children by the road side, in order that any person . . . who had humanity enough, aught take them up . . . the woman was seen suck[ing] the children near the spot but a little time before the bodies were discovered.<sup>54</sup>

Elizabeth was arraigned before Isaac Taylor, a Chester County justice of the peace. She denied killing her children, but admitted that she had abandoned them by the roadside. She was jailed in Chester and indicted six months later. Her trial was scheduled for October 1785.<sup>55</sup>

During her time in the Chester jail, Elizabeth was visited by several clergymen who ministered to the imprisoned. Among them were John Stancliffe and Thomas Fleeson.<sup>56</sup> Although blind (and thus rather uncreatively known as the “Blind Preacher”), Fleeson was a compelling speaker who had gained a following in his ministry. Often, young men from his congregation assisted him on his preaching tours, as Joshua Vaughn did on this occasion. Stancliffe and Fleeson encouraged Elizabeth to discuss her case, but to no avail. She maintained that she was innocent, sticking to the abandonment alibi, and said nothing more. As her trial grew closer, Elizabeth gained support among Stancliffe and Fleeson’s followers, but not everyone was convinced of her innocence. Some of the other prisoners in the jail told the ministers that they were being used and that despite her repentant demeanor, Elizabeth Wilson was “a hardened creature who did not expect to die for her crime.”<sup>57</sup>

Like other members of the clergy who counseled Elizabeth, Stancliffe and Fleeson found her “amazingly ignorant respecting her spiritual state,” a view that seemingly contradicted her claim of having had a “religious

<sup>54</sup> The matter was also reported in the *New Hampshire Mercury and General Advertiser*, Jan. 25, 1785.

<sup>55</sup> Records of the Supreme Court of Pennsylvania, Courts of Oyer and Terminer, General Gaol Delivery Dockets, vol. 1 (1778–1786), Pennsylvania State Archives, RG-33.

<sup>56</sup> *Faithful Narrative*; David Spencer, *The Early Baptists of Philadelphia* (Philadelphia, 1877), 155. Ashmead is not incorrect in establishing a relationship between Elizabeth and Fleeson, but his time frame is wrong and Fleeson, although better known, was a less significant influence than Stancliffe. Ashmead, *History of Delaware County*, 172.

<sup>57</sup> *Faithful Narrative*, 3. Elizabeth was criticized twice by her fellow prisoners and each time offered explanations that appear to have mollified her supporters, but such criticism raises questions about how she was viewed by others in the jail.

interest" until she was twenty-one. However, Elizabeth's religious ignorance by Baptist standards was entirely consistent with a Quaker upbringing. Quakers had no professional clergy, did not celebrate sacraments, and did not emphasize historical teachings and catechetical learning. Apparently, Elizabeth did not reveal her background. Whether out of bitterness for her father's disownment and her own, out of shame for the way her life turned out, or out of fear that disclosure of her past might cause the ministers to lose interest in her, Elizabeth Wilson appears to have kept silent about her roots.<sup>58</sup>

When the Pennsylvania Supreme Court came to Chester in October 1785, Justice William Augustus Atlee presided at Wilson's trial. The prosecutor was Pennsylvania's attorney general, William Bradford Jr. Bradford would call as witnesses William Hoopes; Isaac Taylor, the justice of the peace before whom Elizabeth had been arraigned; Josiah Wilkinson and his son John; Jonathan Williamson; and one Richard Cassel.<sup>59</sup>

The twelve-man jury empanelled to hear the case against Elizabeth Wilson was overwhelmingly Quaker.<sup>60</sup> Many of the jurors undoubtedly knew who she was. Four jurymen were members of Quaker meetings to which Elizabeth had belonged and seven owned property either in her home township of East Marlborough, in East Bradford where she had

<sup>58</sup> One of the most intriguing aspects of Wilson's story is that, given how widely known it was and how much misinformation subsequently developed around it, her Quaker identity remained obscured for over two hundred years. In a gesture both poignant and ironic, Elizabeth would identify herself only as the daughter of "John and Elizabeth Wilson . . . honest, Sober parents." *Ibid.*, 4.

<sup>59</sup> Records of the Supreme Court of Pennsylvania, Courts of Oyer and Terminer, General Gaol Delivery Dockets, vol. 1 (1778–1786), RG-33.

<sup>60</sup> The trial jurors were Amos Brinton, Thomas Carpenter, Ezekiel Leonard, Abraham Marshall, Benjamin Marshall, David Marshall, Caleb Taylor, Samuel Trimble, Joseph Walker, William Walker, John Worth, and Robert Young. Records of the Supreme Court of Pennsylvania, Courts of Oyer and Terminer, General Gaol Delivery Dockets, vol. 1 (1778–1786), RG-33, 294. Brinton and Taylor were jurors of Quaker background who had been disowned for irregular marriages, as was Leonard. However, Leonard made acknowledgment and was reinstated at Bradford Monthly Meeting during the time Elizabeth Wilson was there. He was later disowned for participation in the Revolution. Abraham and David Marshall were also members of Bradford Monthly Meeting. Benjamin Marshall was a member of New Garden Monthly Meeting, Elizabeth's home meeting. Joseph Walker was associated with either the Chester or Radnor-Haverford-Merion Monthly Meeting. Trimble was Brinton's brother-in-law and a man of considerable importance in the Quaker community. He was appointed an overseer of Concord Monthly Meeting in 1774, made an elder in 1775, and was later recommended for ministry. According to the Worth family papers at Friends Historical Library, John Worth was a descendant of one of the earliest settlers under William Penn. Thomas Carpenter and William Walker's religious affiliations could not be ascertained with certainty. Young was a Presbyterian.



lived with the Wilkinsons, or in immediately contiguous townships. Many were connected by blood or marriage. This jury was unlikely to be impartial, much less sympathetic.<sup>61</sup> To them, Elizabeth Wilson, the daughter of a man disowned for drunkenness and herself disowned for bearing a bastard child, must have been the embodiment of the deeply held beliefs that drink led to the neglect of one's family and that a woman's involvement in the world outside the "holy conversation" of the Quaker community led to no good. Coming from a family-centered culture, the charge that one of their own may have killed her infant daughters must have been anathema.

Elizabeth Wilson faced this formidable array of men alone. The Pennsylvania Constitution of 1776 guaranteed the right to counsel, but this provision meant that a defendant was entitled to representation if he wanted it and if he could afford to pay for it. It was an improvement over the English practice, which denied counsel to accused felons on the theory that it required "no manner of Skill to make a plain and honest Defense," but there was no right to a court-appointed lawyer and no counsel appears on Elizabeth's behalf in any court papers.<sup>62</sup>

Although Elizabeth had been indicted for murder, her status as an unmarried woman meant she was susceptible to prosecution under the "concealment statute," passed in England in 1624 and incorporated into Pennsylvania law in 1718.<sup>63</sup> This law was an effort to reduce infanticide and was aimed at a very specific class of people: unmarried women whose children, by definition illegitimate, had died. Implicit in the law was the belief that pregnancy outside of marriage could be so ruinous for a woman that she would attempt to hide not only the pregnancy, but the birth, and would kill her child in order to conceal the consequences of her unchastity.<sup>64</sup> A single woman accused under this statute thus came before the court doubly damned: she was not only demonstrably unchaste, but deemed capable of murder as a result. Married women accused of infanticide were prosecuted on a charge of murder. The distinguishing marital status of the mother had significant legal implications. A defendant

<sup>61</sup> For precisely this reason, contemporary practice would disqualify any jurors who had personal knowledge of Elizabeth Wilson.

<sup>62</sup> Alan Rogers, "A Sacred Duty: Court Appointed Attorneys in Massachusetts Capital Cases, 1780–1980," *American Journal of Legal History* 41 (1997): 440–65. The constitutional right to counsel did not become established until the U.S. Supreme Court decision of *Miranda v. Arizona*, 384 U.S. 436 (1966). As Rogers notes, however, appointment of counsel was not unusual in some jurisdictions.

<sup>63</sup> 21 James I, c. 27 (1624).

<sup>64</sup> Smith, "Unnatural Mothers," 173.

accused of murder was entitled to the presumption of innocence and the burden lay with the state to prove guilt. At common law, this required the prosecutor to establish both the intent to kill (*mens rea*), an act in furtherance of that intent (*actus reus*), and any relevant surrounding circumstances. Because of its subjectivity, criminal intent, the state of the defendant's mind at the time of the alleged crime, is a relatively difficult element to prove and creates a heavier burden for the prosecution. Under the concealment statute, however, the prosecutor only had to convince the jury of four elements: that a child belonged to the mother; that it was illegitimate; that it had died; and that the death had been concealed. Regardless of the actual circumstances of a child's birth and death, establishment of these elements was enough to make the accused mother presumptively guilty of murder. The burden of proof then shifted to her. The concealment statute required the mother to demonstrate *through the testimony of witnesses* that her child had died of natural causes or was stillborn. If she was unable to do so, she faced the death penalty.

Despite the comparative ease of the prosecutorial burden, convictions under the concealment statute were difficult to achieve. The law was unpopular in both England and America because juries recognized its inherent unfairness. Despite its unpopularity as evidenced by conviction rates, the concealment statute was enacted more frequently by colonial legislatures than any other, reflecting not only their concern for public morality and social order, but the underlying economic burden to the community that unmarried mothers and illegitimate children represented.<sup>65</sup> Still, jurors (who were at this time exclusively male and at least some of whom undoubtedly contributed to the population of illegitimate children) appreciated the inherent injustice of the law and frequently engaged in the "pious perjury" of acquittal on sometimes-thin pretexts. A woman whose behavior evidenced acceptance of the maternal role and remorse at the death of the child allowed jurors to overcome the presumption of shame and immorality that might have induced her to kill and she might be acquitted. Thus, a woman who was open about her pregnancy, who did not try to hide it, and who sought assistance at birth might be deemed to have accepted motherhood and be unlikely to kill her child, as would a woman who was nursing. An unmarried woman who could demonstrate

<sup>65</sup> Marietta and Rowe, *Troubled Experiment*, 116; Bradley Chapin, "Felony Law Reform in the Early Republic," *Pennsylvania Magazine of History and Biography* 113 (1989): 170.

that she planned to care for her child by having laid away baby clothes might be exonerated on the theory of "benefit of linen."<sup>66</sup> Conviction rates under this statute demonstrate both its unpopularity and the propensity of juries to seek rationalizations for acquittal. Between 1768 and 1785, twenty-one women besides Elizabeth Wilson were prosecuted under Pennsylvania's concealment statute. Only four were convicted.<sup>67</sup>

As the attorney general, William Bradford had discretion in determining whether to prosecute Wilson for murder or for concealment. Wilson had entered a plea of not guilty, and she had admitted to abandoning the children. While the admission of abandonment indicated her intention to be rid of them, it did not rise to the level of criminal intent to murder. Wilson stated that she left the children along a public road where they might be found.<sup>68</sup> It was thus unlikely that Bradford could successfully prosecute Wilson for murder because there was no evidence of either criminal intent or any act in furtherance of such intent. Had Bradford been as sympathetic to Wilson as Ashmead and others claim, he could have proceeded under a charge of murder, knowing there was insufficient evidence to make the case and that acquittal was likely.<sup>69</sup> That he chose to proceed under the concealment statute suggests that he intended to win a conviction.

Although the concealment statute presumed a live birth, Bradford took no chances with this prosecution by relying on legal presumptions. Josiah Wilkinson and his son John were both called as witnesses and likely testified that Elizabeth lived with them and that her daughters were born alive at their home on October 1, 1784. Isaac Taylor, the justice of the peace before whom Elizabeth first had been arraigned in January, likely

<sup>66</sup> William M. Offutt Jr., *Of "Good Laws" and "Good Men": Law and Society in the Delaware Valley, 1680-1710* (Urbana, IL, 1995), 237.

<sup>67</sup> Rowe, "Infanticide," 208.

<sup>68</sup> In *Hardness of Heart/Hardness of Life: The Stain of Human Infanticide* (1998; repr. Lanham, MD, 2000), Larry S. Milner discusses the circumstances of abandonment and how they reflect the mother's intent. A child left where it was likely to be found, clothed, and with some degree of sustenance, communicated the message that the child was deserving of love and that the mother expected it would be found and raised. When a child was abandoned in an isolated area without food or clothing, the clear intent was that the child should die. By claiming that she left her children by a public road where someone might "take them up," Elizabeth Wilson hoped to communicate the former intent.

<sup>69</sup> Bradford was well aware of the tendency of juries to circumvent the literal provisions of the unpopular concealment statute by treating such cases as prosecutions for murder, thus placing on the state the burden of "proof of murder at common law, a too heavy burden in most cases." William Bradford, *An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania* (Philadelphia, 1793), 39-41.

testified to Wilson's statement that she had abandoned her children by the roadside. Either Hoopes, Cassel, or Williamson was the person who had given her a ride in his wagon and left her by the roadside, nursing her children. The others were probably those who had discovered the bodies. Their testimony established not only the death, but the fact that the bodies were unclothed and had been brutalized in some way.<sup>70</sup> Once Bradford met his burden of proof, Elizabeth either had to produce witnesses who could testify that her children died of natural causes, or exploit the jury's antipathy toward the law by a convincing circumstantial argument that would provide a pretext for acquittal.

In any trial by jury, the function of the jury is to determine the facts of the case by evaluating the evidence and deciding what testimony is trustworthy and what is not. Because the jury evaluates the witnesses, their demeanor and their testimony at first hand, appellate courts give great weight to a jury's factual determinations and it is rare for those findings to be overturned on appeal. Viewed objectively, Elizabeth Wilson had several factors in her favor. She apparently did not hide either her pregnancy or the birth, she was nursing the children, as established by witness testimony, and she was able to clothe them.<sup>71</sup> These factors were precisely the indicia of motherhood that usually swayed a sympathetic, or at least an impartial, jury into a "pious perjury" acquittal. Despite these factors and the prosecutorial odds in her favor, the jury found Elizabeth Wilson guilty. The fact that the jury was unwilling to acquit under a notoriously unpopular statute suggests that subjective factors, such as some of the jurors' knowledge of Elizabeth Wilson, either personally or by repute, or

<sup>70</sup> The report in the *Pennsylvania Journal* of January 5, 1785, claims that at least one of the children had been decapitated. While not discussing the specific condition of the bodies, Bradford later confirmed that they were in bad condition. They had been in the woods for several weeks and could have been mauled by scavenging animals, but the fact that they were found naked led to the conclusion that the infants had been exposed and abandoned. Indeed, exposure is the stated cause of death in the trial transcript. Bradford notes that during his time as attorney general, three women had been executed under the concealment statute, one of whom was Elizabeth Wilson, and in each of these cases, it was the condition of the bodies that compelled the juries to convict. This suggests that the jury believed Elizabeth Wilson had done more to hasten her children's death than simply abandon them, even if such acts could not be proven. Bradford, *ibid*.

<sup>71</sup> Attempting to hide this pregnancy, Elizabeth's fourth, was likely futile, in any event. The height of the average woman of the time was under five feet, three inches. Although most twins are born prematurely, the fact that these survived at a time of high infant mortality indicates that they were likely full term or very close to it, and such a pregnancy would have been more than obvious. Moreover, while Elizabeth might have been able to hide a single birth, either from or with the connivance of her own family, doing so with twins while living on the Wilkinsons' charity made it all the more unlikely. Relatives would have had an interest in preserving family reputation; the Wilkinsons would have had no such incentive. *Faithful Narrative*, 5.

her appearance and demeanor during the trial, likely affected the verdict. The jury thus rejected both Elizabeth's alibi of abandonment and the idea that her acceptance of her pregnancy and her subsequent nurturance of the children made her indisposed to infanticide. Instead, they believed her to be capable not only of murder, but of a particularly gruesome murder.

Justice William Augustus Atlee's view of Elizabeth Wilson was similarly negative. On October 21, 1785, Judge Atlee sentenced Elizabeth Wilson to hang by the neck "till she be dead."<sup>72</sup> That evening, Judge Atlee wrote to his wife about the day's events:

I had the disagreeable task this morning of pronouncing the sentence of death on two poor wretches . . . [one] a wicked abandoned woman for the murder of her two infant children—twins—a few weeks old at the time of her perpetrating the horrid deed.<sup>73</sup>

However, neither the jury's verdict nor Atlee's sentencing sealed Wilson's fate. She could not be executed until the Supreme Executive Council issued a death warrant, and this was not a pro forma matter. The Supreme Executive Council was disposed to clemency with regard to many crimes, including convictions under the concealment statute. Of the four women convicted under the law between 1768 and 1785, two had been pardoned and two executed, one before independence and one after.<sup>74</sup>

Court clerk Edward Burd wrote up the transcript of the proceedings and sent it on to Philadelphia, where the Supreme Executive Council received it on November 1, 1785, but then tabled the matter for almost a month.<sup>75</sup> As Elizabeth awaited the council's decision, she continued to meet with members of the clergy and she authored three impassioned statements on three different days, repenting her sins and seeking mercy for her soul. Temporal mercy was likely also on her mind.<sup>76</sup> Given the

<sup>72</sup> Transcript of Conviction of Elizabeth Wilson.

<sup>73</sup> William Atlee to Esther Atlee, Oct. 21, 1785, William Augustus Atlee Papers, Manuscript Division, Library of Congress.

<sup>74</sup> Rowe, "Infanticide," 208. After the 1718 incorporation of the English penal code, which increased the number of crimes for which death was the penalty, judges and juries frequently petitioned for clemency. Marietta and Rowe, *Troubled Experiment*, 78. A tendency toward clemency was also consistent with the shifting jurisprudential philosophy of the early republic.

<sup>75</sup> Minutes of the Supreme Executive Council of Pennsylvania, in *Colonial Records of Pennsylvania* (Harrisburg, PA, 1853), 14:568.

<sup>76</sup> Elizabeth's religious testimonies were written on October 22, November 2, and November 11, 1785. *Faithful Narrative*. This demonstration of contrition is consistent with G. S. Rowe's observation that women who showed remorse for their crimes were most likely to receive pardons. G. S.

unpopularity of the concealment statute and the Supreme Executive Council's propensity for pardoning or remitting sentences, it probably came as a shock when the council issued Elizabeth Wilson's death warrant on November 28 and set the date of her execution for December 7, 1785. If Elizabeth was going to be saved by a stay of execution or a pardon, she had about a week to develop an alternative—and more plausible—explanation for her children's death.

Charles Biddle states that Elizabeth's brother William Wilson knew that his sister had been charged with murder, thought she was guilty, and refused to have anything to do with her.<sup>77</sup> Significantly, neither was there any support from Elizabeth's father or brothers John Jr. and Ephraim, all of whom appear to have resided in Chester County at the time. At some point, however, William relented and spoke with Elizabeth very early on December 6 in the presence of witnesses. With her execution mere hours away, Elizabeth claimed that it was not she, but her lover, who killed the children. William headed into Philadelphia to seek a stay of execution. When he had not returned by ten o'clock that night, Elizabeth became anxious. She asked to speak to John Stancliffe and Thomas Fleeson, who came to the jail with Fleeson's assistant, Joshua Vaughn, and W. Thomas Taylor, the jailer.<sup>78</sup> With the hours of her life slipping away, Elizabeth dictated a statement that Stancliffe wrote down.

Elizabeth claimed her lover was a man named Joseph Deshong, whom she met at the Cross Keys and who presented himself as "a single man," suggesting she later learned he was not. Elizabeth claimed she was induced to have sex with him by his promise of marriage.<sup>79</sup> When she became pregnant, he dropped her, but promised to pay her expenses and insisted she stay in Philadelphia until the child was born. In reliance on his words, Elizabeth rented the room on Union Street from Joseph Rhoads, but soon realized she had been abandoned. With her money gone and no place else to go, she returned to Chester County, not to her father's home, but to that of Josiah Wilkinson.

Her first trip back to Philadelphia after giving birth was for the

---

Rowe, "Women's Crime and Criminal Administration in Pennsylvania, 1765–1790," *Pennsylvania Magazine of History and Biography* 109 (1985): 335, 360. In Wilson's case, however, these expressions of contrition were likely too little, too late.

<sup>77</sup> Biddle, *Autobiography*, 199.

<sup>78</sup> *Faithful Narrative*, 5.

<sup>79</sup> This was the "traditional excuse used to gain public sympathy and judicial leniency" for a woman accused of bastardy. Marietta and Rowe, *Troubled Experiment*, 28.

purpose of seeking out Deshong and asking him for money to support the children. If he would not agree, Elizabeth told him she would “apply to the Law.”<sup>80</sup> Deshong dissuaded Elizabeth from bringing a complaint against him and agreed to give her money for the children. He set a date when they would meet and he would “fulfill his promise.” On the appointed day, Elizabeth went to meet Deshong, taking the infants with her. To her surprise, she encountered him along the road just a few miles from Wilkinson’s. He got off his horse and urged her to take a walk with him in a roadside field. They entered a grove of trees and sat down on an old log. Deshong took the children from Elizabeth and put them on the ground, asking her what she planned to do for them. In a quick turn of phrase, Elizabeth responded that she thought it was up to him to “do for them,” as they had discussed in Philadelphia. At this point, Elizabeth claimed Deshong pulled a loaded pistol from his belt, aimed it at her, and ordered her to kill the children. She refused, withdrawing her request for money. She claimed that Deshong then stomped the children to death and directed her to remove their clothing. Elizabeth complied “thro’ fear,” and Deshong scraped a shallow depression near the log, pushed the bodies into it, and hastily covered them over. Elizabeth explained her later silence by saying that, with his pistol still trained on her, Deshong made her swear an oath never to reveal what happened.<sup>81</sup>

<sup>80</sup> This was no idle threat. Fornication and begetting a bastard child were both crimes for which a perpetrator could not only be fined, but compelled to pay lying-in expenses and support until the child reached an age at which it could be indentured out. In the case of twins, this could represent a substantial sum. In the case of *Commonwealth v. George McGoliher*, Chester County Quarter Session Indictments, Docket C, 58, 60, (Feb. 1784), Chester County Archives, a woman also named Elizabeth Wilson, but distinguished from the subject of this paper by her place of residence in Newlin Township and by the name of her father, Thomas, sued the defendant for fornication and bastardy. Despite having entered a plea of not guilty, McGoliher was found culpable, fined ten pounds, ordered to pay the complainant’s lying-in expenses, back support for the child in the sum of two shillings sixpence per week from the date of the child’s birth, and the same weekly amount until the child reached the age of seven.

<sup>81</sup> *Faithful Narrative*, 5. There is a certain irony in Wilson, a woman of Quaker background, claiming she kept her silence because she had taken an oath to do so. Quakers did not take oaths and their refusal to do so created a political crisis with England that was the genesis of inclusion of the concealment statute into Pennsylvania law. In order to retain their religious orthodoxy on the issue of oaths, the Quaker-dominated colonial assembly agreed to accept the English penal code into Pennsylvania law in return for being permitted to “affirm” rather than swear in situations where oaths were legally required, e.g., in the case of magistrates or jurors. Under William Penn’s code of laws, only two crimes were punishable by death: murder and treason. With the incorporation of the English penal code, however, hundreds of crimes carrying the death penalty became a part of Pennsylvania law, including the concealment statute. Daniel J. Boorstein, *The Americans: The Colonial Experience* (New York, 1958), 48. But for these events, Elizabeth Wilson likely would not have been prosecuted because there was insufficient evidence to obtain a conviction for murder.



As Elizabeth signed the statement, the horrified ministers were making plans to go to the Supreme Executive Council the next morning when they received word that William Wilson had arrived at a nearby inn. He had with him a stay of execution granted by the council, but also another warrant for Elizabeth's execution on January 3. The council had given William Wilson thirty days to come up with some evidence that would support his sister's story.

William's investigation ascertained that the name "Joseph Deshong" was an alias and that no one by that name had stayed at the Cross Keys. Either by physical description or knowledge of Deshong's position as sheriff of Sussex County, New Jersey, William found the man and a witness placing him at the Cross Keys during the relevant time frame.<sup>82</sup> However, extensive travel on horseback through New Jersey and Pennsylvania in the dead of winter took its toll. William fell seriously ill and when he recovered, his sister's execution was imminent.

William raced to Philadelphia, but fearing lengthy debate that might prove fatal, he did not go to the Supreme Executive Council. Instead, he went directly to the Market Street home of the council president, Benjamin Franklin. Precious time slipped away as Wilson waited for Franklin and then tried without success to persuade him to issue another stay. Franklin turned him away.<sup>83</sup> William had no recourse but the

<sup>82</sup> Elizabeth Wilson's statement as contained in *Faithful Narrative* identifies the man as "Joseph Deshong," but does not give any information about his occupation or his position as the sheriff of Sussex County, New Jersey. This is contained in Biddle's autobiography. At best, it came from Elizabeth Wilson to her brother William and from William to Biddle. Biddle's recollection was written over thirty years after the fact and is not without its failings. He recalled the trial in the spring of 1786, rather than the winter of 1785, and although he purported to have met William Wilson when Wilson appealed for a stay the first time, the Supreme Executive Council minutes do not show that Biddle was present at either the December 5 or December 6 meetings. Biddle is also incorrect in his recollection that William Wilson "soon followed his sister to her grave." Biddle, *Autobiography*, 199–201. In fact, William lived for thirty-five more years after the incident, but he never recovered from it. He moved to Dauphin County, Pennsylvania, and lived the rest of his life in a cave near Harrisburg, where he was variously known as the "Pennsylvania Hermit" and the "Hermit of Dauphin County." He died in 1821, and his obituary was carried by the *Harrisburg Intelligencer*, October 13, 1821. William became the subject of his own folklore. In 1784–85, the sheriff of Sussex County, New Jersey, was Mark Thomson, who was born in Norriton, now Norristown, Pennsylvania (1739/40–1803). He left home as a young man and settled in New Jersey, but his family remained in Norristown. Thomson was an officer during the Revolution and was later a representative to the Continental Congress from New Jersey. Given his position and family ties, Thomson had ample reason to visit Philadelphia frequently. He was a wealthy, prominent married man and the father of several children. Assuming one wanted to argue the case for Wilson's innocence, an unscrupulous man in this position would have ample motivation for wanting to rid himself of an expensive, inconvenient, and embarrassing situation.

<sup>83</sup> The most that William Wilson could have ascertained is the man's identity and his presence at the Cross Keys. It is highly unlikely that he extracted a murder confession from anyone. Elizabeth

Supreme Executive Council. He sped to the statehouse and found the council adjourned but Charles Biddle still there. Biddle heard William out and hastily scrawled a note to the Chester County sheriff: "Do not execute Wilson until you hear further from Council."<sup>84</sup> William took the paper and headed for Chester. He still had to ford the ice-choked Schuylkill River and cover fifteen miles of bad road to save his sister's life.

Meanwhile, John Stancliffe and several other supporters had come to the jail early that morning to spend time with Elizabeth in religious devotions. When William had not appeared by the appointed time, Elizabeth was told that no further stay of execution had arrived. It took only seconds for this to sink in. Elizabeth expressed concern for William and his efforts on her behalf, but then broke down in tears and hysterics. Stancliffe discreetly left the room, and the women among Elizabeth's supporters tried to calm her. A short time later, a grim entourage made its way to the place of execution, an old cherry tree at the intersection of Edgmont and Providence streets in Chester.<sup>85</sup> There the gathering heard Stancliffe offer a short sermon and prayers. Elizabeth played for time, asking that the (lengthy) statement she had given the night before be read and then offering her own prayers. Before she was executed, Sheriff William Gibbons asked Elizabeth whether she confirmed the statement she had made, and she said yes, "for it is the truth." With that, her life came to an end. Twenty minutes later, William came pounding down the road in a fury, waving the stay of execution, but it was too late. Elizabeth's lifeless body was cut down and was buried the next day. In keeping with both the circumstances of her death and her Quaker roots, her grave was unmarked.

Elizabeth Wilson's story is a complex one that reflects the turbulent cultural currents of her time and place as much as her own objective and incontrovertibly sad reality. Stripped of the romantic speculation with which popular retellings of her tale imbued her, Elizabeth Wilson emerges from history as the daughter of a poor Quaker family tainted by her father's disownment. She led a marginalized, insecure existence

---

had no evidence of her lover's presence in Chester County to corroborate her story. Assuming the problem of jurisdiction over a New Jersey resident could be overcome, any retrial by a Chester County court would simply be a "he said/she said" situation, which, given their differences in status and gender, Elizabeth Wilson was likely to lose.

<sup>84</sup> Biddle, *Autobiography*, 200.

<sup>85</sup> In one of the many ironies of Wilson's story, a public park was built years later, not far from the place of her execution. It was named for the donor, Albert O. Deshong, whose family had no connection with the case, and still exists.

with little prospect of improvement except through marriage, and given Quaker views on appropriate matches and their financial underpinnings, Wilson's circumstances offered little to recommend her. The birth of her first illegitimate child and her own subsequent disownment made the likelihood of any such prospects within her existing context slim indeed.

As Wilson moved from the rural surroundings of Chester County to the excitement and tumult of late eighteenth-century Philadelphia, her circumstances changed, but not necessarily for the better. Philadelphia offered the most opportunity for single women, as Clare Lyons demonstrates; but the prevailing economic conditions of Elizabeth Wilson's time, her status as a member of the "lower sort," and her position as a young woman without the benefit of familial connections or protection nonetheless made her life difficult, both economically and, in all likelihood, sexually. Her decision to return to Chester County, pregnant once again, unmarried and penniless, suggests that she had little or no support system in the city, at least none that could provide for her while she awaited the birth of her children. Elizabeth's return to Chester County and the death of her children there were fateful. Prosecutions for infanticide were few in Philadelphia, while Chester County was among those jurisdictions that actively prosecuted the crime and achieved the highest rates of conviction.<sup>86</sup> Moreover, by the time she returned to Chester County out of necessity, Elizabeth Wilson could no longer claim the rural context as her own. Abandoned by her lover and rejected by her family, she went on trial for concealment in a familiar place, yet one from which she had become singularly disaffected. Wilson had all but fallen into the category of women G. S. Rowe identifies as "outsiders": those who were destitute, foreign, racially different from the majority—and in her case, disowned—who were least likely to receive the protection of the community and most likely to be prosecuted for infanticide when the death of a child occurred.<sup>87</sup>

It is the manner of her death and the public reaction to it that permanently transformed the significance of Elizabeth Wilson's brief, unhappy life and made her an unlikely poster child for legislative changes benefiting the women of her time. Almost immediately after her death, the tragic elements of Wilson's story so captured the public imagination that the less

<sup>86</sup> Marietta and Rowe, *Troubled Experiment*, 118–19.

<sup>87</sup> Rowe, "Infanticide," 214.

appealing realities of her life were all but overlooked. Her newly reconciled brother's efforts to save her from an ignominious execution and her near miss with salvation were sheer drama that elicited public sympathy so compelling that it quickly metamorphosed into a presumption of innocence that likely was undeserved.<sup>88</sup> Compassion for women accused of infanticide usually emanated from their circumstances. They were generally young, unsophisticated, poor, frightened, and alone and were frequently those in a position to be exploited. Elizabeth Wilson may have been a servant-class woman and thus more likely to be victimized by sexual opportunism, but there the criteria for compassion ended. Overlooked by popular opinion were her maturity, an active sexual history that included three prior illegitimate births, the brutalized condition of her children's bodies, and the fact that in the end, she did, indeed, hide the fact of their death, which was exactly what the concealment statute sought to prevent.

<sup>88</sup> The timing of Wilson's eleventh-hour confession and certain significant aspects of it suggest that she was, in fact, responsible for her children's deaths. First, while it is possible that Elizabeth's lover used an alias, it is unlikely that a man seeking to conceal his identity would give an alias yet provide accurate information that could be used to identify him, such as his position as a county sheriff. Elizabeth likely knew her lover's identity, but initially concealed it because her alibi was fiction and a man who could not be located could not contradict her story. Her brother William's efforts on her behalf compelled her to tell the truth about "Deshong's" occupation and place of residence, giving William something to go on. Second, Elizabeth excuses both her sexual activity with "Deshong" and her later departure from the Cross Keys on promises of marriage and, later, care during her pregnancy. Such naïve statements lack credibility, especially coming from a woman who already had borne three illegitimate children. Third, Elizabeth's claim that her lover killed the children contradicts her earlier statement that she had abandoned them by the side of the road. Finally, her explanation regarding the removal of their clothing is not logical. Using clothing to identify a dead child with its mother was a common practice (indeed, Ashmead, p. 172, claims this is how the identification of the children was made), but it would have been redundant in this case because of the rarity of twins. However, removal of clothing was consistent with abandoning the children and leaving them to die of exposure, which is how the death occurred, according to the trial transcript. The most likely scenario regarding the death of these children, and the one most consistent with the evidence, is that Elizabeth Wilson left Josiah Wilkinson's not to meet her lover, but with the intent of abandoning or killing her children. Once the deed was done, she hastily concealed the bodies and fled, hoping to disappear into the anonymity of the city.

An aspect of Elizabeth Wilson's alibi that almost compels its belief is her affirmation of it on the way to the gallows. The idea that those facing imminent death do not lie is so ingrained in Anglo-American jurisprudence that "dying declarations" are an exception to the evidentiary rule making hearsay inadmissible in court. Elizabeth had only two options as she proceeded to her death. She could admit she had lied, in which case she would be executed anyway, or maintain her innocence in the hope that William would arrive with an eleventh-hour reprieve. Even the imminence of hanging might not necessarily have deterred this hope. Hanging by "dropping," thus breaking the neck and bringing death quickly, was not yet standard practice. Elizabeth would die slowly of asphyxiation, but even at that point, reprieves had happened. Indeed, *Faithful Narrative* states that once William arrived with the stay of execution, Elizabeth was cut down and efforts were made to resuscitate her.

Despite these factors, Elizabeth's maternal status and her eleventh-hour confession resonated with the times. As stated by G. S. Rowe, the tendency to view women, especially young women, as "objects of compassion, even pity" was a particularly strong social dynamic from 1780 to the end of the century, and it dovetailed neatly with the emerging vision of the republican woman.<sup>89</sup> Both the "literature of seduction"—essentially cautionary tales warning single women of the dangers of the city—and the rising image of the republican wife and mother were premised on social concern for virtue in citizens of the new republic. Wilson's characterization by the popular press not only placed her squarely within both categories but played into legal reforms that had been percolating for some time and which finally found expression nine months after her execution. Marietta and Rowe note that the push for criminal law reform was strong throughout the 1780s<sup>90</sup> and culminated in September 1786 with An Act Amending the Penal Laws of This State. Among the sweeping reforms of the act were modifications to the concealment statute. Proof of concealment alone was no longer adequate to convict a woman of the death of her illegitimate infant. The reforms of September 1786 required the prosecution to establish that the child had been born alive. They did not preclude the death penalty for women who might be convicted of infanticide under appropriate circumstances, but they placed a much higher burden of proof on prosecutors and significantly diminished the *in terrorem* effect of the concealment statute.<sup>91</sup>

Elizabeth Wilson was the last person executed for infanticide in eighteenth-century Pennsylvania.<sup>92</sup> In life, she was not a wronged innocent whose moral misstep proved tragically fatal, but was one of thousands of women of the "lower sort" who lived difficult lives under staggering burdens of gender-based social and legal disability. Nonetheless, Wilson's portrayal in the popular press gave an identity and a human face to one of these disabilities: the unjust concealment statute. Her continued

<sup>89</sup> Rowe, "Infanticide," 218.

<sup>90</sup> Marietta and Rowe, *Troubled Experiment*, 211.

<sup>91</sup> In 1793, largely due to the efforts of William Bradford, the Pennsylvania legislature again revised the laws dealing with infanticide. The legislature removed the death penalty from all crimes except first degree murder and provided that a woman convicted of concealing the death of a bastard child could be sentenced to imprisonment for a period not to exceed five years. A woman thus could still be indicted on charges of concealment and first degree murder and sentenced to death if her crime were "particularly heinous." Rowe, "Infanticide," 230, citing *Statutes at Large of Pennsylvania from 1682 to 1801*, vol. 15 (1794–1797) (Harrisburg, 1911), 174, 180–81.

<sup>92</sup> Rowe, "Infanticide," 209

significance lies not in the largely fictionalized melodrama of her life, but in the changes wrought by her death.

*Manchester, MA*

MEREDITH PETERSON TUFTS