The Case of Margaret Waters

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The immediate thought when one thinks of Victorians is a repressed society, held to an impossibly high moral standard. While they did indeed have these proper forms of etiquette for both the upper and middle classes and the assumption of a degenerate nature for the working class, there were instances where individuals did not follow these guidelines. In 19th century Britain, there was no lacking of crime among its citizens. The nature of these crimes varied from white collar to homicide to anarchism.

Each crime created a sensation in its own way as it mocked the values of this society. In these crimes, one can see themes, which emerged to tell the story of greater problems within Victorian Britain. This paper will examine how one crime in particular embodied some of these themes. The case of Margaret Waters, the famed Brixton baby farmer turned murderess addressed issues of the time that included societal reaction to women and crime as well as how poverty played a role in the criminal cases during this era. By examining the case chronologically, one can see how different aspects of this case played an important role in addressing the broader narrative of these themes.

**Illegitimacy in Victorian Britain**

In order to better understand how baby farming fit into the Victorian culture, there must be a discussion on the topic of illegitimacy. Throughout the 19th century, illegitimacy was the complete opposite of these moral standards women were required to uphold. Much estimation exists as to how many illegitimate children were born each, however, Ginger Frost estimated there were approximately 65,000 born.[[1]](#footnote-1) This number is staggering since women were meant to be the epitome of virtue and the gatekeepers of male sexuality. Women who did find themselves pregnant with an illegitimate child were normally servants, meaning they did not have the same funds available to them that wealthier women did.

An amendment to the Poor Laws in 1834 forced women to take the financial burden of any illegitimate child while the father had little, if any responsibility. This meant that these mothers could no longer receive outdoor relief to help subsidize the care of the child.[[2]](#footnote-2) Losing this aid meant that mothers were forced to look for other options on how to handle the situation. During this period is when one sees an increase in infanticide.

Women resorted to this method because there were not many other options available to them. Foundling hospitals in London only accepted about fifty children each year because they had such strict terms.[[3]](#footnote-3) The mothers leaving the children had to have had no more than one illegitimate child, the reason they had the child was because the father of the child had guided them under the pretence of marriage, and the woman must have had a spotless reputation before falling pregnant.[[4]](#footnote-4) These guidelines made it difficult to hand over a child, hence the increase in infant death.

The infant deaths from infanticide actually began to cause great concern for Victorians because they saw it as an epidemic.[[5]](#footnote-5) More astonishing was the age of these victims. The most common age for a victim killed by a woman was under the age of one. In fact, of the 5,284 homicides, which occurred in England and Wales between 1863 and 1887, 3,225 were under a year old.[[6]](#footnote-6) These numbers correlate to the ones produced from the Old Bailey records. Between 1839 and 1906 over 70% of the cases that held there were for individuals suspected of homicide against a newborn.[[7]](#footnote-7) Many of these women were not convicted of killing their children, however, this will be discussed more in depth when compared to the sentencing of Margaret Waters.

If these women did have money they might send their children to live with relatives. However, many of them had moved from rural towns to the city for positions as servants so there were not always people readily available to help. When there were no relatives nearby, they sent their child off with a stranger.[[8]](#footnote-8) The situation could be temporary or permanent depending on the financial situation of the mother. In some cases, like the one of John Walter Cowen, the child Waters was convicted of murdering, it was the grandparent of the child who arranged the adoption of the child. There is some contention, but many people in the Victorian Era believed that there was an understanding between the mother and those who received the infant that the child would not survive.[[9]](#footnote-9) These individuals, most commonly women, who adopted the children, often housing multiple at one time, were what became known as baby farmers.

**Waters – From Well-To-Do to Baby Farming**

Margaret Waters was not always a woman stricken with poverty, but that was what she became after the death of her husband in 1864. He left her with £300 to her name. Waters later lost £250 of that money in a failed business venture.[[10]](#footnote-10) Once someone fell in financial standing, it was extremely difficult to rise again. For Waters, she had the added difficulty of having to support family as well as herself. When her father died in 1868, her mother moved in. Sarah Ellis, the sister of Waters, also moved in when she separated from her husband while pregnant.[[11]](#footnote-11)

To provide for her family, Waters began to adopt children. At this point in time adoptions could take place between the birth parent or family and the adopter directly instead of requiring to go through a third party. This form of adoption became illegal with the installation of the Adoption Act of 1926.[[12]](#footnote-12) Those who adopted the children had obligatory premiums that needed to be paid. Annie Cossins stated that these payments usually amounted to somewhere between £5 and £20, while Ruth Homrighaus noted they could be anywhere between £2 and £100.[[13]](#footnote-13)

Cossins also mentioned that since Britain allowed the sale of children, it was suggestive that the government saw it as a public service.[[14]](#footnote-14) This could be because, as mentioned previously, the changes made to the Poor Laws prevented mothers of illegitimate children to get any sort of welfare. If baby farmers were providing a service, it meant that the government did not have to pay for it. The biggest issue with baby farming was not the that these individuals made money off of the adoptions, it was because many of them were living in poverty that they began to neglect the children. When the children died, it meant more could be brought in to maximize the profits.

Scholar Judith Knelman noted that these deaths had a direct link to the poverty of the baby farmers. She stated that the actions of people like Waters were for survival and they combated poverty as best they could.[[15]](#footnote-15) Before her execution, Waters released a statement that was printed in *Reynolds’s Newspaper* after her execution. In it she detailed that she took a loan from a man named Hollingsworth and moved continuously to avoid him.[[16]](#footnote-16) Taking in children was a way she could get money to pay off her loan. Since it did not bring in enough to pay him back in addition to her other expenses Waters moved to five different boroughs in London between February and July of 1870.[[17]](#footnote-17) The desperation Waters felt while in her situation caused her to adopt children under false pretences.

**Fraudulent Acts**

The Waters case also fell under fraud because they received payment for a service the sisters did not end up providing. On 1May 1970, John Cowen saw an advertisement in *Lloyd’s Weekly Newspaper* for adoption. His unmarried, teenaged daughter Janet was about to give birth and he was looking for someone to take the child. The ad stated that a married couple, which remained childless, was looking for an infant they could raise as their own. It also stated that the couple would take the child at a fee of £4.[[18]](#footnote-18) Cowen contacted the M. Willis in the ad and soon arranged for her to take the child, named John Walter Cowen.

At her trial, Cowen said that when the met, Waters told him that she and her husband had been married for thirteen years and he worked for a shipbuilding company as a representative. She also made it clear to him that they wanted the arrangement set up so that neither Cowen or his daughter would come and take the infant away.[[19]](#footnote-19) By making it clear that this would be the understanding, it would prevent Cowen from becoming suspicious if he did not hear any news of the infant. During the process of this deal, Waters also told Cowen that he did not have to pay the £4 premium. He insisted on giving her at least £2 for clothing for the baby, which she accepted. Later, when he arrived at her house with the police she said that John Walter was in such an emaciated state because she had not been paid the full amount.[[20]](#footnote-20)

After her arrest, Waters admitted to obtaining money under false pretences and said that she would write to some of the mothers with updates about their children.[[21]](#footnote-21) Normally this happened after they contacted her with inquiries about their child. This was all part of the ruse to keep the influx of payment. While the court charged Waters with murder, they could not find enough evidence to give the same conviction to her sister. They found Ellis guilty of fraud because she had obtained money by deception.[[22]](#footnote-22) Though the basis of their business was fraud, which was not what ultimately became the undoing of Waters. When a police officer by the name of Richard Relf located her home and found the children, it was their conditions that sent her to the noose.

**Her Actions Discovered**

At the time of her arrest, Waters was living at 4 Frederick Terrace in Brixton. After looking into some suspicious activity that suggested baby farming, Officer Relf had John Cowen accompany him to the house in hopes of identifying the women within. Upon entering the house Relf found a total of eleven children. There were six infants including John Walter Cowen and five older children found playing in the yard.[[23]](#footnote-23) The majority of the infants were in some state of emaciation and were covered in dirt and their own filth. At least five of them, John Walter Cowen and infants labelled 6, 7, 8, and 9, died after they were taken from her home.[[24]](#footnote-24) Homrighaus stated that this type of description could be used by Victorians to equate with the malice they perceived Waters to be filled with.[[25]](#footnote-25)

Since she was now living in a life of poverty, society looked down upon Waters. She was also condemned because, like baby farmer Charlotte Winsor before her, Waters was not a mother when the children were murdered.[[26]](#footnote-26) The entire nature of baby farming was a perversion to the Victorians. It interfered with the natural order that was mother and child.[[27]](#footnote-27) The mothers of illegitimate children mentioned before were given more leniency when it came to the murder of a child. Since many of them were seen as being in a desperate situation. In fact there were no women hanged for the death of an illegitimate or legitimate infant (under the age of one).[[28]](#footnote-28)

Crimes committed by women were given to be more sensational because women were supposed to symbolize the utmost virtue. When they did not follow this path they were criticized. It is interesting to see how ‘monstrous’ Waters was depicted when a more deadly, male baby farmer was treated less severely. Margaret Waters was sentenced to death in September 1870 and hanged in October of that year. Bartholomew Drouet was tried for manslaughter and later acquitted in 1849. He ran a baby farm that accepted approximately 1,400 children that year from which he was making £300 a week. That year about 150 infants contracted cholera and died.[[29]](#footnote-29) Perhaps it was due to the current political climate and people were looking for a scapegoat for baby farming, but Waters fared much worse than Drouet for a similar crime.

If one was to look closely at the case, it is not clear whether Waters was actually guilty or if it was a series of unfortunate events that led to her demise. She was accused of having the infants ingest laudanum when she said she had not. Her sister though, admitted to administering it to the children.[[30]](#footnote-30) Waters also said that she had a doctor prescribe medicine to the children because they were suffering from diarrhoea. A Dr. Harris reportedly prescribed the use of black oxide of mercury, which is fatal if ingested, as well as podophyllum.[[31]](#footnote-31) The latter is a plant that can act as a laxative. This plant could explain the emaciated state Cowen and the other infants were in if they were already afflicted with diarrhoea. This would mean it was not necessarily the fault of Waters, that she may have had good intentions for the children. Her conviction and execution instigated some change involving the management of the baby farming crisis.

**Putting an End to Baby Farming**

Margaret Waters was the first of eight women hanged for baby farming in Britain. The last was Rhoda Willis in 1907.[[32]](#footnote-32) Her case and eventual death became more than just about baby farming. It became the impetus for Victorians to believe that the need to have laws in place to protect children was important. The Infant Life Protection Society was formed shortly after Waters was executed. The goal of the society was to have bill passed that would require anyone adopting children to register it and to have regular checks on anyone who was believed to run a baby farm.[[33]](#footnote-33)

The group was somewhat successful. An Infant Life Protection Bill was passed on 1 November 1872; however, it did not completely protect children until the final amendment in 1908.[[34]](#footnote-34) This final Children Act meant that anyone who took in children had to have some sort of surveillance to ensure that no lives were taken.[[35]](#footnote-35) It was a major instance in Victorian law because previously the government had forced the maintenance of children on the mother. Now, the government was required to take responsibility to make sure children were protected.[[36]](#footnote-36) Through her execution, Waters was able to make a positive impact in her society by raising awareness that children required more safeguarding than they were receiving.

**Conclusion**

The Margaret Waters baby farming case was sensational in Victorian society because it was an example of the unnatural woman and how, because of this unnaturalness she committed a crime that any respectable woman would not be associated with. In particular it showed how differently women were treated from men for similar crimes and how motherhood also played a role in how women were convicted. If it was their own child, there was a higher likelihood of receiving a lesser sentence. The case also highlighted the how poverty affected crime.

Margaret Waters found herself in reduced circumstances and the only way to combat that was by participating in an activity that society found revolting. Her case also showed how it cannot only be referred to as a baby farming and murder case, but also fraud. It fell under fraud because it started as a way to extort out of people for a service that was not rendered. No matter the opinion of Margaret Waters, there is no denial that her case was a prime example of crime and scandal in 19th century Britain.

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