

---

Dissertations, Theses, and Masters Projects

Theses, Dissertations, & Master Projects

---

1973

## Child Labor and Virginia Politics in the Progressive Era

Mary Randolph Nichols

*College of William & Mary - Arts & Sciences*

Follow this and additional works at: <https://scholarworks.wm.edu/etd>



Part of the [Economic History Commons](#), [Political Science Commons](#), and the [United States History Commons](#)

---

### Recommended Citation

Nichols, Mary Randolph, "Child Labor and Virginia Politics in the Progressive Era" (1973). *Dissertations, Theses, and Masters Projects*. William & Mary. Paper 1539624821.

<https://dx.doi.org/doi:10.21220/s2-axnm-yn19>

This Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Dissertations, Theses, and Masters Projects by an authorized administrator of W&M ScholarWorks. For more information, please contact [scholarworks@wm.edu](mailto:scholarworks@wm.edu).

CHILD LABOR AND VIRGINIA POLITICS  
" IN THE PROGRESSIVE ERA

---

A Thesis

Presented to

The Faculty of the Department of History  
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of  
Master of Arts

---

by

Mary Randolph Nichols

1973

APPROVAL SHEET

This thesis is submitted in partial fulfillment of  
the requirements for the degree of

Master of Arts

Mary Randolph Nichols  
Author

Approved, May 1973

Richard B. Sherman  
Richard B. Sherman

Richard M. Brown  
Richard M. Brown

M. Boyd Coyner  
M. Boyd Coyner

TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS . . . . .	iv
INTRODUCTION . . . . .	2
CHAPTER I. AGRICULTURAL AND INDUSTRIAL GROWTH IN VIRGINIA DURING THE LATE NINETEENTH CENTURY . . . . .	6
CHAPTER II. THE VIRGINIA MACHINE AND STATE CHILD LABOR LEGISLATION. . . . .	12
CHAPTER III. VIRGINIA'S REACTION TO FEDERAL LEGISLATION . . . . .	45
CHAPTER IV. EDUCATION AS THE ANSWER TO THE CHILD LABOR PROBLEM. . . . .	73
CHAPTER V. LIMITATIONS OF PROGRESSIVISM IN VIRGINIA . . . . .	85
BIBLIOGRAPHY . . . . .	88

## ACKNOWLEDGMENTS

The writer wishes to express her appreciation to Professor Richard B. Sherman, under whose guidance this investigation was conducted, for his helpful suggestions and criticism throughout the investigation. The author is also indebted to Professor M. Boyd Coyner and Professor Richard M. Brown for their careful reading and criticism of the manuscript.

## CHILD LABOR AND VIRGINIA POLITICS IN THE PROGRESSIVE ERA

### ABSTRACT

The exploitation of children in the factory, the field, and the mine was a central concern of the reformers of the progressive era. Child labor, however, was not solely a social concern. It constituted an economic and a political problem as well. In Virginia, the forces causing child labor and the struggle for protective legislation to curb the problem were inseparable from the growing "New South" philosophy and the developing autocratic governing machine of the progressive years. There was no exclusive motivation which directed politicians, businessmen, and social reformers toward an interest in reform. Each group became interested in child labor measures for singular reasons. The reform movement was in part an effort to settle the chaotic conditions which had resulted from the Civil War and Reconstruction. During the 1870's and 1890's Virginia was upset by the Readjuster movement, by the Populist revolt, and by economic discontent. State politicians, then, were frequently motivated toward reform in an attempt to strengthen and preserve political, economic, and social relationships which were historically characteristic of the Old Dominion. The child was focused upon as an index of the new rational values which would replace the uncertainties that had pervaded the Commonwealth for the last several decades.

Regardless of the motivation of the various reformers in Virginia, there does not seem to be any overall liberal democratic impulse. Whether they were seeking an orderly government, an efficient business administration, or personal involvement in meaningful concerns, the reformers generally were not interested in pushing forward the element of democracy. The state remained traditionalist and conservative in outlook.

Overall, the most serious limitation upon child labor reform in Virginia was that the progressives urged legislation which was negative, or restrictive, rather than positive and far-reaching. All of the acts passed from 1890 to 1922 sought merely to restrict the freedom of the employer; none was aimed at the total curtailment of child employment. The age at which a child could work was gradually raised, the number of hours shortened, and the types of occupations limited, but child labor continued to exist throughout the period and thereafter.

Mary Randolph Nichols  
Department of History  
College of William and Mary

CHILD LABOR AND VIRGINIA POLITICS  
IN THE PROGRESSIVE ERA

## INTRODUCTION

The exploitation of children in the factory, the field, and the mine was a central concern of the reformers of the progressive era. Humanitarian effort sought not only to conserve the child, but to protect the nation as well, for child labor was inevitably accompanied by the spread of illiteracy and the perpetuation of poverty. The child became the hope of tomorrow, and social reformers directed their energies to secure legislation that would restrict early or harmful employment and guarantee an opportunity for good health and education.

Child labor, however, was not solely a social concern. It constituted an economic and a political problem as well. This can be seen particularly on the state level. In Virginia, the forces causing child labor and the struggle for protective legislation to curb the problem were inseparable from the growing "New South" philosophy and the developing autocratic governing machine of the progressive years.

Interpretations of the progressive era vary. In Virginia there was no exclusive motivation which directed politicians, businessmen, and social reformers toward an interest in reform. Each group became interested in child labor measures for singular reasons. The reform movement was in part an effort to settle the chaotic conditions which had resulted from



the Civil War and Reconstruction. Never truly in the vanguard of reform, the "progressives" in Virginia were not usually working to stimulate the growth of democratic institutions. Rather, they consistently held on to individual and states' rights and were concerned more with bringing order and efficiency to the state government, and recreating the supposedly idyllic conditions which had existed in the state before the Civil War.

During the 1870's and 1890's Virginia was upset by the Readjuster movement, by the Populist revolt, and by economic discontent. State politicians, then, were frequently motivated toward reform in an attempt to strengthen and preserve political, economic, and social relationships which were historically characteristic of the Old Dominion. This drive to create a new social system in the pattern of "Old Virginia" was generally conservative and individualistic. It was not necessarily due to any feelings of having lost some previous elite status held during the earlier years in Virginia history. Rather, it seems to have resulted from a desire to recreate an efficient, orderly government. The child was focused upon as an index of the new rational values which would replace the uncertainties that had pervaded the Commonwealth for the last several decades.<sup>1</sup>

---

<sup>1</sup>The idea that the reform impulse in Virginia was due to a desire to recreate a traditionalist, individualistic order resembling that before the Civil War was taken from Raymond Hassell Pulley, Old Virginia Restored: An Interpretation of the Reform Impulse, 1870 - 1930 (Charlottesville: University Press of Virginia, 1968). This interpretation, however, is not the basis of my entire thesis, as it does not apply to the drives of many businessmen, women, and professionals for child labor and education reform.

Child labor reform was also supported to an extent by a number of small businessmen in Virginia. During the early years of the twentieth century the mill owners and manufacturers tended to argue that child labor was necessary in order to compete with the larger interests in the northern states. Gradually, however, some began to realize that it was not in their own best interests to warp the child of the present, for it was that child who would become the leader of Virginia in the future. Educated workers would enhance the efficiency of business operations. This argument was certainly not prevalent among all, nor even most of the state's industrialists. Among those who did support reform measures, however, the reason tended to be in the interest of greater business efficiency.

A third group which gave support to the child labor movement was that of women reformers. The women generally were motivated by humanitarian sentiments. These reformers tended to be the upper social class in Virginia and to carry prominent Virginia names, but again, they were not necessarily interested in restoring any feelings of status displaced during the years of Reconstruction or of the Populist revolt. Often they merely had a lot of time and were seeking to establish themselves in some meaningful role. Organizing into such groups as the Woman's Missionary Society, the club of Business and Professional Women, and the American Association of University Women, they worked for reforms for themselves and for other deprived groups. Leading crusades for morality and justice, they rallied particularly around the causes of suffrage and labor legislation. One of their foremost interests was to save the child and his individualism.

The issue of child labor exemplifies the desire of Virginians to reassert their state as a leader among the others, North and South. The often-expressed argument that Virginia must not lag behind the other states in its protection of the child and its provision for adequate learning facilities was a strong inspiration to reform. Virginia was concerned not with liberalizing labor conditions, but with insuring the future leadership of the state by protecting the growing youth.

Regardless of the motivation of the various reformers in Virginia, there does not seem to be any overall liberal democratic impulse. Whether they were seeking an orderly government, an efficient business administration, or personal involvement in meaningful concerns, the reformers generally were not interested in pushing forward the element of democracy. The state remained traditionalist and conservative in outlook.

This paper will attempt to determine the extent of child labor in Virginia, the purpose and the success of the measures passed to regulate child employment, and the motivations of those who supported the legislation. Popular reactions to both state and federal legislation will be investigated to establish the degree of progressivism among Virginians with regard to child labor reform. The issue of compulsory education, too, will be used to judge the state's position on reform and interest in the welfare of the child.

CHAPTER I  
AGRICULTURAL AND INDUSTRIAL GROWTH IN VIRGINIA  
DURING THE LATE NINETEENTH CENTURY

Virginia was expanding both its agricultural and industrial concerns on the eve of the twentieth century. Large areas of the state had been devastated by the Civil War; but only the counties of the Southside and along the James River, where wealth and slavery had been greatest before the war, resembled the impoverished deep South.<sup>1</sup> Although significant problems and limitations remained, the combination of underdeveloped resources and abundant cheap labor encouraged a notable growth of industry, agriculture, commerce, and real estate during the last three decades of the nineteenth century.

Businessmen in Virginia remained innately conservative, but at the same time they became increasingly engrossed with the "New South" gospel, that is, the search for prosperity by imitating the economy of the North.<sup>2</sup> They established a close relationship with the political

---

<sup>1</sup>Allen Wesley Moger, Virginia: Bourbonism to Byrd, 1870-1925 (Charlottesville: University Press of Virginia, 1968), p. 80.

<sup>2</sup>Ibid 1, pp. 123, 122.

leaders of the state, attaining the most favorable concessions possible from the General Assembly for railroad, business, and real estate concerns. The Assemblymen were interested in fostering the economic growth of the state as well as in personal gain.<sup>3</sup> The ideas of the New South philosophy were followed especially with the speculation in real estate and concomitant attempt to attract industry. Enormous efforts were made to advertise the state's assets and opportunities. Numerous books and pamphlets were published by the state, the cities, the towns, and individual companies to entice the investor. Millions of dollars in local, northern, and foreign capital were invested, producing a great demand for labor. Railroad building, the growing mills, and construction in general called for increased numbers of workers, and the farms were constantly in need of more hands.<sup>4</sup>

By 1900 the physical integration of a railroad network had been completed, providing for a great increase in the agricultural and industrial development of the state.<sup>5</sup> The rail lines opened the coal mines in western Virginia to cheap transportation, so that by 1907 the

---

<sup>3</sup>Raymond Hassell Pulley, Old Virginia Restored: An Interpretation of the Progressive Impulse, 1870-1930 (Charlottesville: University Press of Virginia, 1968), p. 257.

<sup>4</sup>Moger, Virginia, p. 126.

<sup>5</sup>Stephen B. Wood, Constitutional Politics in the Progressive Era: Child Labor and the Law (Chicago: University of Chicago Press, 1968), p. 124.

area was producing seventeen million tons of coal.<sup>6</sup> Truck farming in the Tidewater section was also enhanced by the new lines, and the seafood industry in the eastern parts boomed.<sup>7</sup> While most of the textile industries went farther south than Virginia, several cotton mills in the Piedmont area were founded. Lumber, too, was steadily expanding. In 1899 Virginia ranked fifteenth among the states as a lumber producer.<sup>8</sup> Meanwhile, tobacco manufacturers took advantage of the sudden popularity in the 1880's of cigarettes--the national tobacco consumption per capita increased over 40 per cent during that decade.<sup>9</sup> During this period, however, the leading industry of Virginia was the manufacturing of machinery.<sup>10</sup> While the great majority of the people still earned their living on the land or the water, industry had so developed that the Old Dominion ranked first in the South and twentieth in the nation with respect to the value of manufactured products.<sup>11</sup>

---

<sup>6</sup>Thomas D. Clark and Albert D. Kirwan, The South Since Appomattox, A Century of Regional Change (New York: Oxford University Press, 1967), p. 154.

<sup>7</sup>Moger, Virginia, p. 81.

<sup>8</sup>Jean Gottman, Virginia in Our Century (Charlottesville: University Press of Virginia, 1969), p. 126.

<sup>9</sup>John A. Garraty, The New Commonwealth, 1877-1890 (New York: Harper and Row, 1968), pp. 84-85.

<sup>10</sup>Gottman, Virginia in Our Century, p. 126.

<sup>11</sup>Moger, Virginia, p. 143; Wood, Constitutional Politics, p. 124.

The expansion of industry in Virginia naturally led to a rapid growth of urban centers. New towns were established, and older ones experienced real estate booms. The case of Norfolk was probably the most spectacular. The new railroad network increased both coastal and foreign trade and opened communication with the coal fields of West Virginia and Virginia. By 1900 the city was the largest coaling station in the world, the leading lumber port on the South Atlantic Coast, and the largest peanut market and the fourth cotton port in the United States.<sup>12</sup> Richmond, the state's largest city, also advanced with manufacturing, commerce, and expansion of real estate.<sup>13</sup> In 1891 the Richmond Times-Dispatch advertised that "the constant and unremitting growth in Richmond makes it a safe place for investments."<sup>14</sup> Lynchburg, too, was a substantial urban center, important for the manufacturing of buggies, wagons, and leather goods and for its plow works.<sup>15</sup> A new city, Roanoke, was established by the North and Western Railroad to handle the rapidly developing mining industry in the area. Large yards and the headquarters of the company were located here.<sup>16</sup> Real

---

<sup>12</sup>Moger, Virginia, pp. 131-132; Gottman, Virginia in Our Century, p. 127.

<sup>13</sup>Wood, Constitutional Politics, p. 124.

<sup>14</sup>Richmond Times-Dispatch, January 1, 1891.

<sup>15</sup>Clark and Kirwan, The South Since Appomattox, p. 160; Gottman, Virginia in Our Century, p. 126.

<sup>16</sup>Gottman, Virginia in Our Century, p. 126.

estate values soared, and the "Magic City" was advertised as "teeming with wealth, culture, industry, energy, and vim . . . whose destiny promises to be that of one of the largest manufacturing and industrial centers of the South."<sup>17</sup>

These trends toward large industry, agriculture, and commerce at the end of the nineteenth century continued to develop in the twentieth. The Virginia economy gradually expanded during the first fifteen years of that century with few setbacks. Even the general industrial depression of 1907 had little effect upon this steady economic progression. While there was a falling off in output value in nearly all of the state's industrial enterprises, the hardships incurred were mild compared to many other states.<sup>18</sup> This evolution was vastly precipitated by the first world war, to the benefit both of the large cities and the rural areas.<sup>19</sup>

The success of the state's commercial enterprises was due in part, however, to the exploitation of vast supplies of unskilled labor. The rising tobacco industry exemplifies this fact, as it depended to a large extent upon numerous woman and child workers, both black and white. Even as the industry gradually became automated, the demand for hand-work and the usefulness of children in the fields remained. Those no

---

<sup>17</sup>Moger, Virginia, p. 135.

<sup>18</sup>Virginia, Eleventh Annual Report of the Bureau of Labor and Industrial Statistics for the State of Virginia (Richmond: Davis Bottom, Superintendent of Public Printing, 1907), p. 5.

<sup>19</sup>Gottman, Virginia in Our Century, p. 130.



longer needed for long hours on the farms often were trained to work the new machines.<sup>20</sup> A few prominent leaders in Virginia showed a paternalistic concern for the welfare of the workers, but in general, the urge for profit in a laissez-faire society prevailed over all other motives.<sup>21</sup> Government regulation of the labor of children, especially in farm work, proved extremely difficult; thus the industries continued well into the twentieth century to prosper from child labor.

---

<sup>20</sup>Clark and Kirwan, The South Since Appomattox, p. 147; Grace Abbott, The Child and the State, Vol. I: Legal Status in the Family, Apprenticeship, and Child Labor (New York: Greenwood Press, 1968), pp. 565-566.

<sup>21</sup>Moger, Virginia, p. 123.

CHAPTER II  
THE VIRGINIA MACHINE AND STATE CHILD  
LABOR LEGISLATION

Efforts by the Virginia legislature to ameliorate the conditions created by the employment of children began at an early stage in the state's industrial growth. A growing demand for labor legislation was in evidence all over the South toward the end of the nineteenth century. Virginia's response was the enactment of restrictive legislation curtailing the freedom of employers. The first law, passed in 1890, was sponsored by Mary-Cooke Branch of Richmond.<sup>1</sup>

Mary-Cooke Branch is an excellent example of the well-to-do southern woman dedicated to reform. She was a model of social success, having been taught in private schools and trained in the art of dancing, but she was not content with her "place" and yearned for more intellectual activities. She was an individual who sought new ideas and interests. While she never attended college, due to her mother's old-fashioned sentiments about a young girl's proper and passive role in life, she became increasingly dedicated to two major concerns: the public school

---

<sup>1</sup>Allen Wesley Moger, Virginia: Bourbonism to Byrd, 1870-1925 (Charlottesville: University Press of Virginia, 1968), p. 155.

system, and a fair chance for the Negro. A member of numerous clubs and associations and politically active on behalf of various public causes, Miss Branch focused her interest on the child. In 1896 she married Beverley Bland Munford, who shared her interest in public welfare and later became a member of the National Child Labor Committee.<sup>2</sup> Motivated not by the larger interests of social status or efficiency, but rather by a personal concern and desire to be socially useful, Mary-Cooke Branch Munford worked endlessly for the cause of reform.

The 1890 child labor act prohibited the employment of women and of children less than fourteen years of age in factories and manufacturing establishments for more than ten hours a day.<sup>3</sup> Previously, the average work day required twelve to thirteen hours.<sup>4</sup> Reactions to this law were varied, but the state was generally wary of any legislation which benefited labor. In 1890 Virginia was largely rural, a fact which colored its attitude toward the activities of labor organizations. Nearly all of the newspapers were conservative in their outlook on relationships between labor and capital. They had little understanding of the effect of the machine and large combinations of wealth upon the economic struggle between individuals. Rather, they consistently exalted such principles

---

<sup>2</sup>Walter Russell Bowie, Sunrise in the South: The Life of Mary-Cooke Branch Munford (Richmond, Virginia: The William Byrd Press, Inc., 1942), pp. 11-29, 39, 51.

<sup>3</sup>Acts and Joint Resolutions passed by the General Assembly of the State of Virginia (Richmond, 1890), p. 150. Hereafter cited as Acts of Assembly.

<sup>4</sup>Moger, Virginia, p. 155.

as equal opportunity and equal justice to all men, special privileges to none, and complete freedom of competition by which a man of ability might become prosperous. The most extreme conservative paper was the Richmond Times-Dispatch.<sup>5</sup> The Lynchburg News, however, was a close second, exemplified by its vigorous denunciation of the 1890 law. Complaining that New England businessmen were bypassing Virginia and founding mills in states farther south, it stated that the law had been "passed by agitators who do not work." The paper called for "the simple, inalienable right of the laboring man to dispose of his own time upon the best terms he can get without the intervention of restrictive legislation. The working classes do not need legislative wet nurses."<sup>6</sup>

This reactionary temperament characterized the next several decades of the so-called progressive era in Virginia politics. While demands for reform abounded, the reform impulse itself was often reminiscent of the old Virginia mystique. In an effort to end the chaotic conditions of the late nineteenth century, many of the Virginia progressives struggled to impose controls over society, to restore order and stability, and to preserve the traditional patterns of American life.<sup>7</sup>

The progressive era in Virginia was initiated by the state constitutional convention of 1901-1902. The resulting reform movement, however,

---

<sup>5</sup>Ibid., pp. 153-154.

<sup>6</sup>Lynchburg News, February 2, 1895.

<sup>7</sup>Raymond Hassell Pulley, Old Virginia Restored; An Interpretation of the Progressive Impulse, 1870-1930 (Charlottesville: University Press of Virginia, 1968), pp. 58, 62-63, 67-68.

was dominated by a spirit of ancient paternalism. The people of Virginia were offered an honest and efficient government that would perpetuate reform, but only through a paternalistic supervision of society. The Constitution of 1902 provided for very little popular representation or means for popular participation. In essence, democracy was repudiated, as the ruling Democratic party consciously set itself apart from the people by means of electoral restrictions. A system of political control, social peace, and economic order was established, very similar to the elite rule, rigid administration, honesty, and integrity in public service inherent in the Old Virginia regime. The basic reforms enacted were passed to insure the preservation of the traditionalist order.<sup>8</sup>

The general progressive tone of the Democratic party was signified by the 1901 gubernatorial campaign which ushered in Andrew Jackson Montague. Some historians have awarded Governor Montague the position of defender and moralistic protector of "the people" against "the interests" equal to that of the contemporaneously elected governor of Wisconsin, Robert M. La Follette.<sup>9</sup> While he hardly deserves this distinction, Montague should be credited as a sincere reformer who was generally successful in attacking some of the problems of "new Virginia." Montague was the first of a series of young twentieth century men who would push

---

<sup>8</sup>Ibid., pp. 68, 91, 92, 93.

<sup>9</sup>William Larsen, Montague of Virginia, The Making of a Southern Progressive (N. P.: Louisiana State University Press, 1965), p. vi.

the state forward and initiate a concern with business affairs or sound finance and sound economy. Montague's inaugural address exuded the spirit of progressivism, as he spoke of a new century, a new constitution, a new era, and a new type of man in the executive office.<sup>10</sup>

The General Assembly of 1901 to 1904, however, was neither overtly progressive nor reactionary. Proposals for measures to regulate child labor had been made in previous years and repeatedly defeated. Now child labor regulation formed a prominent piece of legislation before the Assembly and was acted upon favorably. However, the law which finally passed in April 1903, was considerably weaker than many of the proposals presented.

In 1901 Delegate George C. Cabell of Danville, who had sponsored regulatory measures in previous years to no avail, introduced a new bill in the General Assembly to establish the minimum age in any "factory or other business place of the state" at fourteen. In an ensuing three-day battle in the House, advocates of the bill charged that a system of child labor fostered illiteracy and stunted both physical and moral growth, while opponents argued that hardship would be inflicted on families who heavily depended on their children's earning power for economic survival. After the third day of discussion the bill was defeated by a vote of forty-two to twenty-nine. Hence, in the fall session of 1902 Cabell introduced a new and modified bill in the House, reducing the absolute minimum age

---

<sup>10</sup>Robert C. Glass and Carter Glass, Jr., Virginia Democracy (Democratic Historical Organization, Inc., 1937), Vol. I, pp. 287-288, 291.

from fourteen to twelve, but retaining a prohibition against all night work or employment during school sessions for those aged twelve to fourteen. The House reversed its position and approved this bill in December, 1902, with a vote of fifty-eight to ten.<sup>11</sup>

This bill was of much interest to the general public and was supported by numerous individuals. W. H. Mullen, a Richmond citizen, appeared before the Senate as a one man committee to urge a favorable report. Efforts in behalf of the Cabell bill were even carried into the church, as Reverend L. S. Boyles of the Randolph Street Baptist Church in Richmond declared it "a Godsend to our working children." In a sermon entitled "Child Labor and Christian Citizenship" he asserted that the "men of capital" were running their factories and mills "on the bones and blood and life of little children." He described the many funerals of children who met an untimely death by being forced to work in "unjust" and "oppressive" conditions. Meanwhile their "daddies" were "loafing and hanging around saloons and squandering the scant wages of their little children, working from ten to eleven hours a day, thus depriving the poor unfortunate little ones from getting an education." Claiming that "ignorance is the mother of every form of vice," Reverend Boyles concluded with an appeal for compulsory education through the South.<sup>12</sup>

---

<sup>11</sup>Larsen, Montague of Virginia, pp. 141-142.

<sup>12</sup>Richmond Times-Dispatch, January 28, February 3, 1903.

There were other strong and eloquent speeches made in behalf of the Cabell bill in the Senate. Senator Don F. Halsey of Lynchburg continued the argument that the employment of children in factories hindered their physical and intellectual growth. However, there was formidable opposition to the bill as well. The battle against it was led by the manufacturing and corporate interests, especially the cotton mills. While Halsey cited statistics to show the detrimental effects of child labor, the Lynchburg Board of Trade complained that a minimum age of fourteen years would work great hardship on Lynchburg enterprises.<sup>13</sup> Pointing to his own investigation of factory conditions, Senator Edward Lyle of Roanoke asserted there was no "crying evil" as a result of the employment of children as "pictured by the wild advocates of the Cabell bill." Lyle claimed that the problem should be approached in a "practical" way, not by "quoting poetry," and proposed an alternative bill which called simply for the prohibition of the labor of children under the age of twelve in any mill or factory. In addition, Lyle's bill applied to mines whereas Cabell's did not.<sup>14</sup> Opposing votes resulted between the Senate, which favored the Lyle bill, and the House, which remained for Cabell. A conference committee finally reached a compromise, standing four to two in favor of the Lyle bill, as W. H. Graveley, a House conferee of Henry, voted with Senators Lyle, Harvey L. Garrett of Alleghany, and John Whitehead of Norfolk. The compromise retained the minimum age of twelve, but also

---

<sup>13</sup>Richmond News Leader, February 19, 1903; Richmond Times-Dispatch, January 29, 30, February 20, 1903.

<sup>14</sup>Richmond Times-Dispatch, February 20, April 5, 1903.



included Cabell's prohibition against night work for the twelve to fourteen age group. Penalties of not less than twenty-five dollars and not more than one hundred were prescribed for violations of the law by employers or parents. Cabell and Delegate Charles M. Wallace, Jr. of Richmond accepted the bill as the only reform possible at the time, and Governor Montague signed the "half-loaf" on April 16, 1903.<sup>15</sup>

Throughout the debate on the child labor bills, the Richmond Times-Dispatch wholeheartedly supported restrictive legislation and favored specifically the more stringent Cabell proposal. In one of its frequent editorials on the subject it stated that the newspaper was "in favor of material progress and industrial development, but first of all it is in favor of mental and moral development of children."<sup>16</sup> In an appeal for "the very reasonable" bill, another editorial expressed the argument of expedience, that it was to the interest of factories themselves that the bill be passed. "Even taking the most sordid moral view," it asserted, it should be realized that "childhood is the time of preparation," and that "it is the best sort of business policy to develop the children of the land in body and mind and spirit and fit them as well as possible for the serious work of life." Moreover, reform was inevitable. Thus it was better to yield gracefully to small demands than to be forced to yield later to more

---

<sup>15</sup>Ibid., April 4, 1903; Acts of Assembly, Extra Session of 1902-3-4, p. 233.

<sup>16</sup>Richmond Times-Dispatch, February 7, 1903.

radical measures. This paper urged Virginia to "take the initiative or at least be among the first states to make this regulation. We do not want to see her lag behind and finally be forced to fall into line."<sup>17</sup>

Countering the argument that child labor legislation would be a hardship on the poor people, depriving them of the needed income derived from employment of their children, the Times-Dispatch charged that the existing "tendency is contrary to the spirit of democracy." Two separate classes were created, as the poor were made to work in the factories during the formative period of life, and thus were stunted in physical and mental growth, while the children of the rich were educated and given opportunities for business and professional life. "It is the duty of the state to provide the means of education for the children of the poor because this is in the interest of society and good government. For the same reason, it is the duty of the state to prohibit factories from working children when they should be at play and at school developing their minds and bodies."<sup>18</sup>

The Richmond News Leader, on the other hand, favored the Lyle bill as the stronger and better measure of the two. The major problem of the Cabell bill it foresaw was the many exemptions and exceptions included, such as the provision allowing any justice of the peace, supervisor of a county, or school trustee to grant work permits to children between the ages of twelve and fourteen. The effect, it feared, would be

---

<sup>17</sup> Ibid., February 17, 1903.

<sup>18</sup> Ibid., February 21, 1903.

not only to render the bill nugatory as to children aged twelve to fourteen, but to nullify it as well for most children under twelve years of age.

The paper argued that acceptance of certificates issued by any one of the local officials would enable the manufacturing interests to protect themselves fully, as they undoubtedly would be able to bribe those officials in some way. Hence, the News Leader supported the Lyle bill which flatly forbade the employment of children under twelve years in any circumstance.<sup>19</sup>

On the question of the necessity of some legislation, however, regardless who should sponsor it, the News Leader agreed with the Times-Dispatch. Asserting that neither paternalism nor interference with the rights of parents had anything at all to do with the discussion, the News Leader claimed that the state had "the right to protect the children as citizens of the state and to protect the future." Thus it had "the double right to forbid parents from putting their children at hard work before body or mind were prepared for the strain."<sup>20</sup>

With the passage of the Lyle bill, the News Leader was satisfied, and the Times-Dispatch, while it had strongly supported Cabell's proposal, voiced no regret. Rather, it adopted only a semi-progressive attitude which was typical of most Virginians in 1903. Lauding the Lyle bill as "a decided victory" in that it recognized the "principle involved," the paper concluded that "all reforms must be by gradual

---

<sup>19</sup>Richmond News Leader, February 9, 6, 1903.

<sup>20</sup>Ibid., February 16, 1903.

processes. . . . It is perhaps well enough to go slow and educate the people by degrees."<sup>21</sup>

The practical value of the 1903 law was slight. There were neither inspectors to enforce it, nor schools to receive the children if they were effectively banished from manufacturing establishments. The most apt description of the statute was "a cheering ethical gain." Florence Kelley, a settlement house worker and social reformer of the period, stated that the chief worth of the legislation was that it registered the "growing conviction of the community that children must receive some modicum for their protection." The statute was important in that it marked "a change in public conscience with regard to the sacredness of childhood" and promised "a continuous process of education of parents and employers."<sup>22</sup>

By passing such "ethical" legislation, the General Assembly of Virginia proved that it was gradually moving into the "progressive age" of the twentieth century. The Richmond News Leader claimed that the General Assembly had "turned Virginia's face to the morning with a hopefulness and faith in herself and the future," snapping the "chains of self distrust and apprehension that had bound her for decades. . . . It has boldly substituted a policy of vitality and confidence and progress for one of inertia, timidity, and laggardness."<sup>23</sup> In reality, however,

---

<sup>21</sup>Richmond Times-Dispatch, April 5, 1903.

<sup>22</sup>Florence Kelley, Some Ethical Gains Through Legislation (New York: The MacMillan Company, 1905), pp. 36, 37.

<sup>23</sup>Richmond News Leader, May 18, 1903.

while the Virginia legislature certainly was not laggard, it was still essentially conservative and had progressed but little. The people and the press, as well as the manufacturers, feared government interference with the "private affairs of life." This was extended even into the realm of education, exemplified by the frequent editorials of the Richmond Times-Dispatch opposing compulsory education. "That implies that government officers may enter the homes of the people and take their children by the hand and lead them off to school in defiance of the wishes of the parents."<sup>24</sup> One of the most frequent arguments for the regulation of child labor was that it was not a form of "government paternalism," as it would neither prohibit parents from working their children at home nor compel them to send their children to school.<sup>25</sup> Hence, with the passage of the 1903 child labor act, the reform impulse in Virginia was temporarily satiated. The Lyle bill was regarded as an adequate protection of the children and further attempts to ameliorate working conditions, supervise the factories, or improve education facilities were delayed until 1908.

In 1905 Virginia became the focus of the National Child Labor Committee, an organization formed in 1904 which provided leadership, materials and information to the states' struggles against the employment

---

<sup>24</sup>Richmond Times-Dispatch, February 11, April 5, 1903.

<sup>25</sup>Ibid., February 25, 1903.

of children.<sup>26</sup> The Committee determined that the principal industries employing children in Virginia were the cigar manufacturers, the woolen mills, and the cotton mills. However, the largest number of working children were used in agricultural and domestic service. This was generally true throughout the South, yet such occupations were completely unaffected by the existing legislation anywhere at that time.<sup>27</sup> Farmers in all parts of Virginia constantly complained of the scarcity of labor. The shortage was produced because many of the Negro laborers were leaving the farms to work in the mines or on the railroads or to find employment in the North. Others were renting or purchasing small farms and doing business on their own. Hence, a farmer's prosperity depended upon the assistance of his children.<sup>28</sup>

The Staunton Spectator irreverently praised the legislation of 1903 with the remark, "This will be a great boon to the children as soon as we get any factories for them to work in."<sup>29</sup> The Annual Reports of the Bureau of Labor and Industrial Statistics for the State of Virginia,

---

<sup>26</sup>Elizabeth H. Davidson, Child Labor Legislation in the Southern Textile States (Chapel Hill: University of North Carolina Press, 1939), p. 244; Walter I. Trattner, Crusade for the Children, A History of the National Child Labor Committee and Child Labor Reform in America (Chicago: Quadrangle Books, 1970), pp. 58, 249.

<sup>27</sup>Davidson, Child Labor Legislation, p. 244.

<sup>28</sup>Richmond Times-Dispatch, March 4, 1903.

<sup>29</sup>Larsen, Montague of Virginia, p. 143.

however, repeatedly reported great industrial activity.<sup>30</sup> In addition, an investigation by the National Child Labor Committee of the Virginia cotton mills in 1908 showed that the plight of the children was indeed serious. Marie Hunter, who conducted the investigation, concluded that "ignorance" in the mills was "appalling," that there was "wholesale illiteracy throughout," and cited examples where children and adults "could not spell their names."<sup>31</sup> Just as this report to the National Child Labor Committee indicated that the child labor laws of Virginia were being disregarded, another law was passed.

Once again, two bills were proposed to the General Assembly. A bill put forth by Colonel Eugene C. Massie of Richmond would prohibit the employment of children less than fourteen years old, and that of children under sixteen between the hours from six at night to seven in the morning. The bill included a fine of not less than twenty-five dollars and not more than one hundred for employers and parents who violated the law. A bill drafted by the Chamber of Commerce, however, was not so stringent, proposing to keep at work any child presently employed, and to exempt any child who was an orphan or a dependent, or whose parents were invalids or dependent. It fixed the minimum age

---

<sup>30</sup>Virginia, Eleventh and Twelfth Annual Reports of the Bureau of Labor and Industrial Statistics, 1907, 1908, 1909.

<sup>31</sup>Marie Hunter, "Investigation of Virginia Cotton Mills," December 28, 1908 (Library of Congress: National Child Labor Committee Manuscripts. Hereafter cited as NCLC MSS).

at thirteen until March, 1910, when it would be raised to fourteen.<sup>32</sup>

The Massie proposal was supported by the state labor organizations and by the Virginia Conference of Charities and Corrections. The Virginia State Federation of Labor was formed in 1896, and though it never initiated any positive legislation, it did, with the labor unions, support the various bills which arose and tried to influence the members of the state legislature in behalf of reform.<sup>33</sup> The Virginia Conference of Charities and Corrections, formed in 1900 and led by Joseph T. Mastin, a Methodist minister, was particularly important in molding public opinion. One of its major goals was the improvement of society through "preventive social works," including the amelioration of child labor conditions.<sup>34</sup>

Opposition to the Massie bill came particularly from the cotton mills of Danville, Lynchburg, and Petersburg and from the tobacco factories of Richmond. One general argument was that the mills kept the children constructively occupied, for few attended school anyway. J. F. Fitzgerald, treasurer of the Dan River Cotton Mills of Danville, appeared before the House Committee on General Laws on January 3, 1908, and claimed "if this new law were enacted it would throw an army

---

<sup>32</sup>Richmond Times-Dispatch, February 4, 1908.

<sup>33</sup>Virginia State Federation of Labor, Eighth Annual Session (1903), p. 15, Tenth Annual Session, (1905), pp. 13-14, 36-37.

<sup>34</sup>Richmond Times-Dispatch, February 1, 1908; Pulley, Old Virginia Restored, pp. 146-147.



of idle children upon the state." Noting that the school system was not equipped to accommodate even those children presently not working, he argued that the employment of children was necessary and good for the children to keep them occupied until more schools could be built.<sup>35</sup>

Mr. Mormon, president of the Lynchburg Cotton Mills concurred, arguing that the parents were generally so ignorant, illiterate, and apathetic themselves that they would not send even those children who were not employed to school. Hence, raising the age limit to fourteen, as Massie proposed, "would merely mean letting them run wild two years more when they would have acquired the habit of idleness."<sup>36</sup>

The solution to the lack of adequate schools and indifference of parents was asserted to be compulsory education. If then, the legislature would adopt an amendment to the Massie bill, requiring all children prohibited from work due to the age limit to attend school, Fitzgerald claimed he would terminate his opposition to the bill and contribute handsomely to the building of new schools in Danville.<sup>37</sup> Mormon also said he would not oppose change if compulsory school attendance were added. Mormon later revealed his true sentiments, however, stating that the age limit of twelve years was sufficient, and that he was opposed to any change in the law unless a national law were passed

---

<sup>35</sup>Richmond Times-Dispatch, February 1, 1908.

<sup>36</sup>Hunter, "Investigation of Virginia Cotton Mills."

<sup>37</sup>Richmond Times-Dispatch, February 1, 1908.

establishing the same limitations in all states. Mormon's major concern was that of competition from the Carolinas.<sup>38</sup>

Forceful argument voiced against the Massie bill was that such strong action would ruin industry in Virginia, setting the state behind all others in industrial output. This feeling seems much closer to the real reason for opposition, rather than any benevolent wish to keep children occupied or to insure compulsory education. Mr. Robinson, superintendent of the Dan River Mills, asserted that a law changing the age limit to fourteen years would affect at least one-tenth of his labor force.<sup>39</sup> Fitzgerald, treasurer of the Mills, added that if the Massie law were enforced immediately, he would be compelled to throw approximately ninety-four families out of work at one of his mills, and seventy at another. Most important, the output of the entire plant would be materially affected. Thus he suggested a graduated system, making the age limit thirteen years on January 1, 1909 and fourteen years on January 1, 1910. Massie's proposal would then be in effect in two years. J. C. Murray, superintendent of a small cotton mill at South Boston, favored Fitzgerald's system, stating that the Massie bill as it stood would affect his output 50 per cent. Furthermore, he claimed that from his experience the most undesirable workers were those who had "loafed" up to the time they were fourteen years of age. Massie, supported by

---

<sup>38</sup>Hunter, "Investigation of Virginia Cotton Mills."

<sup>39</sup>Ibid.

James B. Doherty, Commissioner of Labor, subsequently agreed to amend the bill as suggested by Fitzgerald.<sup>40</sup>

Meanwhile, objections to the Chamber of Commerce proposal were raised, especially concerning the exemption clauses. Andrew J. McKelway, assistant secretary for the southern states in the National Child Labor Committee, summarized the opposition, saying that if it were wrong for those under the age fourteen to work, then those presently employed should not be required to wait from 1909 until 1910 for the law to apply to them. Furthermore, children, whether orphan, dependent, or of dependent parents, could not support themselves or a family with their wages earned in the mills; they would merely perpetuate poverty another generation. McKelway also stressed the moral dangers and physical deterioration which accompanied night work, an area for which the Chamber of Commerce proposed to lower the age from sixteen to fourteen. A former Virginian, McKelway eloquently appealed to Virginia pride. As the standard national minimum age was fourteen, why, he asked, should Virginia be less humane than its sister states.<sup>41</sup> The Richmond Times-Dispatch also objected to the Chamber of Commerce proposal for failing to amend satisfactorily the conditions created by child labor. The exemption clauses, it claimed, would encourage "dodging, subterfuge, and evasion of law," opening the way to "abuses" and "fraud."<sup>42</sup>

---

<sup>40</sup>Richmond Times-Dispatch, February 1, 1908.

<sup>41</sup>Ibid., February 8, 1908.

<sup>42</sup>Ibid., February 7, 1908.

In spite of these arguments, the new child labor act, as finally approved on March 13, 1908, leaned heavily toward the Chamber of Commerce proposal. The act prohibited the employment of children less than thirteen years of age on and after March 1, 1909, and those less than fourteen on and after March 1, 1910, in all factories, workshops, mercantile establishments, and mines in Virginia. Exempted were those children over twelve who were orphan or dependent upon their own labor for support, or whose parents were invalids and solely dependent upon their children. In such cases the county or city court, mayor, or justice of the peace could give a permit for employment. Also exempted were fruit and vegetable canneries and country stores in towns of less than two thousand population. It was carefully included that if a parent owned or operated any of the institutions to which the law pertained he could work his child there. The fine for parents or employers who violated the provisions of the act was set at not less than twenty-five dollars nor greater than one hundred.<sup>43</sup>

More important, however, than the set age limit at which children could work without danger to their physical, intellectual, and moral development, were the many loopholes included in the law. Unscrupulous factory owners should have no difficulty employing children under fourteen when they could claim that the child's labor was necessary for his own or his parents' support. In addition, the new law neglected to impose

---

<sup>43</sup>Acts of Assembly, 1908, p. 542.

any stipulations upon the labor of children on farms, where the need for such legislation was greatest.

The child labor act of 1908 is an excellent piece of legislation to evaluate the "progressivism" of the Virginia legislature, for the General Assembly sessions of 1906 and 1908 have been considered the "progressive legislatures of Virginia."<sup>44</sup> Claude Swanson succeeded Montague as Governor of Virginia in 1906 and served until 1910. Both presented business-oriented administrations, and their terms have been lauded as the "greatest period for achievement for . . . the social welfare phases of progressivism in Virginia."<sup>45</sup> Although Montague had been exceptionally liberal in his own views, he had been elected as an Independent and had had difficulty communicating with the Assembly throughout his term. Swanson, on the other hand, enjoyed friendly relations with a majority of the members of the party. The governor, legislators, and lobbyists effected a close working agreement for various reform causes and turned out a great amount of reform legislation.<sup>46</sup> Such legislation was inseparable from the political and social changes of the same period. Since Swanson's inauguration in 1906 the Democratic party had become far more than a political machine dedicated solely to winning and maintaining public offices. It was fundamentally a social institution which accurately reflected the unique cultural values of the

---

<sup>44</sup>Pulley, Old Virginia Restored, p. 144.

<sup>45</sup>Ibid., p. 150; Glass and Glass, Virginia Democracy, p. 298.

<sup>46</sup>Pulley, Old Virginia Restored, p. 144.

Dominion. Many of the initiators and supporters of the various reforms were the same old family Virginians interested first and foremost in the preservation of the traditional political and social systems. Dedicating themselves to preventive social work, they hoped to forestall racial and class conflict and stimulate social peace.<sup>47</sup>

Other prominent Virginia names, such as Valentine and Munford, continued the struggle against child labor. Lila Meade Valentine, like Mary-Cooke Branch Munford, was a member of the upper social stratum of Richmond society, dedicated to human welfare and betterment. She too had an intense desire for a college education, but was denied because of social tradition. Hence, she transferred her energies to a drive for better education, for woman's suffrage, and for the labor movement. She spoke out emphatically against the exploitation of women and children by industry, insisting that legislation had to be passed to protect the worker. In an address to the Central Labor Council of Richmond, she spoke in behalf of "the little children denied the birthright of sunshine and play who toil in cotton mills, who carry our telegrams, who are as surely condemned to moral debasement by the very condition of their work as if we had willed it so, who are standing at the doors of our school houses denied admission for lack of room, who die by the thousand in infancy for the lack of the simplest sanitary precautions."<sup>48</sup>

---

<sup>47</sup> Ibid., pp. 154, 151, 155.

<sup>48</sup> Elizabeth Dabney Coleman, "Genteel Crusader," Virginia Cavalcade, IV, No. 1 (Autumn, 1954), p. 29; Lloyd C. Taylor, Jr., "Lila Meade Valentine: The FFV as Reformer," Virginia Magazine of History and Biography, LXX, No. 4 (October, 1962), pp. 471-483.

Regardless of the motivation or intent of the child labor law enacted in 1908, however, both federal and state investigations of the Virginia mills and factories showed that it was not entirely effective. The Bureau of Labor and Industrial Statistics for the State of Virginia reported that while mill owners as a whole appeared willing to obey the law, there was a serious problem in the enforcement powers of the Bureau. During the year 1908 seven hundred and eighty inspections were made throughout the state where violations of the labor laws were thought most likely to occur. It was concluded that the infractions noted were made "without the proprietors' knowledge of the statutes." The inspectors, however, were able only to attain "promises" from these proprietors that they would hence live within the law, and were compelled to accept these in "good faith." Although fines could be levied against those who employed children under thirteen (and those under fourteen after March 1, 1910), the Bureau had no power to regulate the working conditions of those legitimately employed. One hundred and five inspections of mines and furnaces were made, but there were no laws to insure the protection of the employees in the mines. In addition, the Bureau had no control over sanitation. Dangerous machinery was found in many plants inspected, yet the inspectors again were without legal power to demand safeguards. In all of the reports, the Bureau concluded that Virginia was behind other states in such matters, and asked that the General Assembly vest control of these matters with either the Bureau itself or some coordinate department.<sup>49</sup>

---

<sup>49</sup>Virginia, Twelfth Annual Report of Labor and Industrial Statistics (1909), p. 224.

In 1908 the Federal Bureau of Labor also conducted an investigation of those industries throughout the nation where the employment of women and children was conspicuous. Included were three Virginia cotton mills and one yarn mill, the four containing 62 per cent of the spindles. The violations of the state law of 1908 concerning the ages were "far below the truth," as it was the inspectors, not the owners of the mills, who had to prove the ages. It was found, however, that of the children aged six to eleven in the families of the cotton factories, 13 per cent were employed, 22 per cent were at school, and 54 per cent were at home, while of the children aged twelve and thirteen, 91 per cent were employed, 2 per cent at school, and 2 per cent at home. Furthermore, 70 per cent of the children under fourteen in the cotton mills were found to be illiterate. Alexander J. McKelway asserted this percentage was greater than that of other cotton mill families in any other state, North or South.<sup>50</sup>

A further problem noted by McKelway was the loophole of the 1908 statute which exempted children of dependent parents. Virginia, Georgia, and Arkansas were the only southern states which permitted twelve year old children to work; in all others the age limit was fourteen. McKelway pointed out that most states which had experimented with such a provision had discarded it, not only because it made the enforcement of the child

---

<sup>50</sup>Andrew J. McKelway, "Child Labor in Virginia," National Child Labor Committee Pamphlet No. 181 (New York: National Child Labor Committee, 1914), p. 3.



labor law exceedingly difficult, but also because it was wrong to burden an immature child with the duty of supporting a family. Such a practice only perpetuated and multiplied poverty and ignorance with which the next generation then must cope.<sup>51</sup>

Furthermore, the wages earned by the children were not high enough to justify their labor. The Federal Bureau of Labor found that of one hundred and fifty work permits issued by the Virginia Bureau of Labor to children between the ages of twelve and fourteen years old of supposedly dependent families, in twenty-five cases no reason was given. In eleven families claiming need due to widows, deserted mothers, or incapacitated fathers, the average annual income exclusive of the earnings of children under fourteen was three hundred and fifty-one dollars. In families having as many as six children, the annual income exclusive of the wages of those under fourteen was five hundred and forty-eight dollars. These figures were substantiated by like statistics attained in other states. Hence, it was concluded that there was no dire necessity for the labor of children less than fourteen.<sup>52</sup>

A major concern voiced by McKelway as well as many Virginians was the night messenger service. An investigation in 1910 of the night messengers in Richmond and Norfolk proved that the situation in Virginia

---

<sup>51</sup>Ibid.

<sup>52</sup>Ibid., p. 5.

cities was just as dire as that of all other cities, North and South. The calls for the boys were generally after nine or ten o'clock at night, drawing them "to the worst resorts of the city," using them as "go-betweens for bad women and bad men," "purveyors of whiskey, opium and cocaine," and intimately acquainting them "with the habits and customs of the underworld and with its denizens." Such work deprived boys of their natural rest and accustomed them to irregular modes of life, tending to undermine their health and morals during their formative and impressionable period of life. The solution was deemed the prohibition of night work for minors in the messenger service.<sup>53</sup>

This provision was presented to the General Assembly of 1912 by Speaker of the House Harry F. Byrd. Extending considerably the provisions of the 1908 child labor law, the Byrd bill as amended abolished the existing exemptions and raised the age limit from fourteen to sixteen in factories, workshops, mercantile establishments, laundries, bakeries, brick and lumber yards, mines, and in distribution and sales work. It provided that no child should work more than six days a week, nor more than ten hours a day, nor between nine at night and seven in the morning. No boy under ten years of age could sell newspapers, and no boy under fourteen could work as a messenger during the day or under eighteen at night. In addition, no boy under ten and no girl under sixteen should sell newspapers or periodicals in any public place of cities over five thousand population.

---

<sup>53</sup>Ibid., p. 9; Richmond Times-Dispatch, February 22, 1912.

However, both canneries and those mercantile establishments in towns of less than two thousand population were exempted from the bill.<sup>54</sup>

Objections to this bill centered on the fact that certain industries would be hampered, especially small establishments which depended on Saturday night trade for their greatest income, and that so long as working hours were limited to ten it should make no difference whether they were in the day or night. Robinson Moncure of Alexandria introduced an amendment in the House eliminating the specific hours during which a child could not work, using the old argument that some families depended upon the support of boys who worked on night shifts. Again, it must be determined whether a family really was dependent upon the meager wages acquired from a child's work at night. Byrd responded to Moncure's argument saying that he cared "nothing for a sordid civilization based on the labor of little children. It is not a question of industry; it is a question of the lives of children, of their happiness and of their right to grow up well and strong men and women." Moncure's amendment was not carried.<sup>55</sup>

Alexander McKelway supported the Byrd bill, defending in particular the provision prohibiting altogether the labor of children under fourteen, thus eliminating the exemption of orphans and dependents. He stated that "too often the magistrates and justices were mere minions of the corporations seeking this class of labor," and issued permits without restriction.

---

<sup>54</sup>Richmond Times-Dispatch, January 12, 21, February 22, 1912.

<sup>55</sup>Ibid., February 20, March 5, 1912.

This was already noted as a problem in Virginia. "The letters J. P., presumably standing for 'Justice of the Peace,' might in many cases more appropriately mean 'Judgment for the Plaintiff.'"<sup>56</sup>

Difficulty lay in the Senate, however, as many of the senators were members of the Democratic Machine, which in 1912 was more interested in a state prohibition act than the welfare of children. Other senators who opposed the prohibition act, likewise opposed the child labor bill.<sup>57</sup> Hence, the manufacturers and millowners were able to defeat the Byrd bill. As it emerged from the Senate Committee on General Laws, the bill was so amended as to be worthless. All original intent was removed by the change of the age limit so that it applied only to children less than fourteen years of age, a provision already of the existing law. The Senate Committee cut out the section prohibiting boys under fourteen and girls under sixteen from selling newspapers, with the rationalization that this occupation was not injurious to children from a physical standpoint except in bad weather. Another amendment changed the morning hour from seven to six o'clock, presumably so that children then could leave their work an hour earlier in the afternoon. Lewis H. Machen of the Richmond Times-Dispatch attached a sarcastic comment to this last provision, asserting that it was "doubtful whether any member of the committee ever went to

---

<sup>56</sup> Ibid., March 5, 1912.

<sup>57</sup> Davidson, Child Labor Legislation, p. 245; Richmond Times-Dispatch, February 26, 1912.

work as a child in a factory before 6 A.M. Otherwise, the report might have been different."<sup>58</sup>

The only section left of the Byrd bill was that on the messenger service, but the committee negated even that admirable feature with its recommendation that the bill not pass. The predominant feeling among the legislators was that a measure of "mere philanthropy" was not a pressing concern of immediate importance. Hence, the attempt to ameliorate the condition of working children in Virginia was abandoned in order that "more important" legislation, such as shortening the working hours of women, be attained.<sup>59</sup> The act as finally passed by the Assembly on March 14, 1912, was a mere re-enactment of the 1890 law which limited the age of children employed in factories and manufacturing establishments to fourteen and provided that they work no more than ten hours a day. The 1890 act was amended by the 1912 law to include workshops and mercantile establishments, but the fine for violators of the law was reduced from the 1908 provisions to be not less than five dollars nor greater than twenty. On the other hand, it did restrict the exemptions to include only fruit and vegetable canning factories between the first of July and the first of November each year, country stores in towns of less than two thousand population, and mercantile establishments on Saturdays.<sup>60</sup>

---

<sup>58</sup> Richmond Times-Dispatch, March 8, 1912.

<sup>59</sup> Ibid., March 8, 11, 1912.

<sup>60</sup> Acts of Assembly, 1912, pp. 557-558.

The act of March 1912 was particularly disappointing in view of the "Uniform Child Labor Law" adopted the previous August and recommended to the states for adoption by the National Conference on Uniform State Laws, an organization begun in 1890 which met annually to compare state laws. This model bill, embodying the best provisions of all the states' child labor laws, called for a minimum age of twelve for newsboys, fourteen for employment in manufacturing, and sixteen in mining, a maximum work day of eight hours for boys under sixteen and girls under eighteen, prohibition of night work from seven at night to six in the morning, and documentary proof of age. It was hoped that in the 1912 legislative session the uniform child labor bill would be enacted in its entirety, and, accordingly, Robinson Moncure of Alexandria introduced it on February 3 to the House.<sup>61</sup> The Virginia legislature, however, failed to respond to public sentiment. Although Byrd's progressive measure did not go quite so far as the model bill, the death blow dealt it by the Senate Committee on General Laws ended any immediate hopes of meaningful reform for child labor. Once more, it was the cotton manufacturers who were responsible for Virginia's comparatively low standard of child labor legislation, as they virtually opposed any advance to such legislation in Virginia whether it affected them or not.<sup>62</sup>

---

<sup>61</sup>Elizabeth Sands Johnson, "Child Labor Legislation," in History of Labor in the United States, 1896-1932, ed. by John R. Commons, III (New York: The MacMillan Company, 1935), p. 409; McKelway, "Child Labor in Virginia," p. 12; Richmond Times-Dispatch, February 3, 22, 1912.

<sup>62</sup>McKelway, "Fighting Child Labor in Three States," Survey, XXVIII (April 20, 1912), pp. 121-122.

The Virginia Federation of Labor, however, remained hopeful. In a letter addressed to the American Federation of Labor, it defied the cotton mill owners, who in the past had succeeded in convincing the farming interests that the child labor legislation sought was detrimental to agriculturists. In 1912 the Federation hoped to gain the cooperation of the farming interests and to overcome the influence of the mill owners and the powerful corporation attorneys. Acknowledging the great assistance of the National Child Labor Committee, to which the officers of the State Federation belonged, and of the women of the state, the Federation pledged itself to educating the public to the true conditions under which children were employed. Looking forward to the next session of the General Assembly, the Federation optimistically called upon Virginians to enact "the best laws for the protection of the child."<sup>63</sup>

An investigation of the night messenger service in Virginia sponsored by the National Child Labor Committee in November and December of 1913 showed that in this area the child labor law of 1912 was completely inoperative. Byrd had centered much of his attack on the employment of children in the night messenger service, but his bill was killed by the State Senate. Now with the 1914 legislative campaign drawing near, the National Child Labor Committee wished to ascertain the effectiveness of child labor control and obtain state-wide support for further legislation. Boys were interviewed

---

<sup>63</sup>Samuel Gompers, "The A. F. of L.'s Successful Fight for Child Labor Laws," American Federationist (September, 1912), pp. 710-711.

in Portsmouth, Norfolk, Lynchburg, Roanoke, and Danville and vivid reports were made concerning their frequent calls to and familiarity with the "disorderly houses" and the "transactions" that took place inside. The Committee concluded that the boys were as unprotected as if there were no law at all.<sup>64</sup>

The night messenger services became one of the major concerns of the 1914 legislature. This and other reforms, such as initiative, referendum, and recall, were pushed particularly by the Virginia Progressive Democratic League which emerged in January 1914. Organized by Attorney General John G. Pollard, Westmoreland Davis, Charles V. Meredith, L. C. Garnett, and George Bryan, the Progressive League was made up entirely of "original Wilson" and antiorganization men.<sup>65</sup>

On February 3 John M. Steck of Winchester introduced to the House the most comprehensive and far-reaching child labor bill yet proposed, including a provision which ultimately was enacted that no boy under ten years of age and no girl under sixteen should sell newspapers or magazines in any public place.<sup>66</sup> The reform act, passed March 27, removed the

---

<sup>64</sup>Harry M. Bremer, "Report on Trip to Virginia in the Interest of Better Child Labor Law for the State," November-December, 1913 (NCLC MSS).

<sup>65</sup>Jack Temple Kirby, Westmoreland Davis: Virginia Planter-Politician, 1859-1942 (Charlottesville: University Press of Virginia, 1968), p. 56.

<sup>66</sup>Richmond Times-Dispatch, February 4, 1914.



exceptions clause for children between the ages of twelve and fourteen, forbade the employment of children in any way during school hours or after seven o'clock at night, extended the ten-hour day and six-day week to all children under sixteen, and established a fourteen-year age limit for messenger service and an eighteen-year limit for night messengers. Exempt from the law were fruit and vegetable canneries between the first of July and the first of November, country stores, and parents working their child in their own establishment. Employment certificates were to be issued by a notary public for those aged fourteen to sixteen, and documentary proof of age was required. However, a court could release children aged twelve to fourteen from the act upon petition of a parent if he had a "good cause."<sup>67</sup>

The last provision was found violated a few months later in Suffolk when the inspector of the Virginia Bureau of Labor discovered two hundred and seventeen Negro children under twelve years of age working for a peanut company on permits which had been sold them by the local magistrate at fifty cents each. The mayor of Suffolk was one of the stockholders of the company, and, according to the magistrate, had authorized the permits on the ground that it made no difference about Negro children. One of the permits showed a child to be ten years of age.<sup>68</sup>

---

<sup>67</sup>Davidson, Child Labor Legislation, pp. 245-246; Acts of Assembly, 1914, pp. 263-264, 671-673.

<sup>68</sup>McKelway, "Protecting Negro Child Laborers in Virginia," Survey, XXXII (August 15, 1914), p. 496.

This act of the Assembly in 1914 was the last piece of state legislation in Virginia concerning child labor before agitation commenced on the federal Keating-Owen bill in 1916, which would exclude from interstate commerce products of factories employing children under specific ages. A survey of the activity of Virginians during their progressive era up to this point reveals that the laws enacted were chiefly restrictive in nature and of questionable effect. The principal argument for legislation was the harmful result of premature labor on children, as it did them physical injury and interfered with their education. Furthermore, child labor was seen as destructive not only to the child, but to the South, encouraging claims that the prosperity of the section depended upon the exploitation of children, and to the nation as a whole, ruining the future supply of skilled labor, injuring the parents of the next generation, and preventing an intelligent citizenship. Economic as well as patriotic arguments were expressed, for by removing children from the factories, the adult wages would be raised, thus uplifting the home life of the wage earner. The business world too would profit from increased efficiency as children taken from the factory would benefit from education and vocational training. The words of Edgar G. Murphy, a leader in the organization of the National Child Labor Committee, were the motto preached by all reformers: "Within the heart of the child lie the wellsprings of the future."<sup>69</sup>

---

<sup>69</sup>Edgar Gardner Murphy, Problems of the Present South (New York: The MacMillan Company, 1904), p. 147.

### CHAPTER III

#### VIRGINIA'S REACTION TO FEDERAL LEGISLATION

The first important appeal for federal regulation of child labor was introduced in Congress by Senator Albert Beveridge, an insurgent Indiana Republican. The bill prohibited interstate commerce in products of any factory or mine in which children under fourteen were employed. It received little support from southerners, as it was regarded as an intrusion upon the states' rights. Even the National Child Labor Committee refused to support the bill.<sup>1</sup> By 1914, however, the opponents of child labor were beginning to realize that securing and perfecting protective legislation state by state was both a tedious and frequently unsuccessful process, which at best would result in an impractical diversity of standards. For example, by 1914 only nine states had met all of the standards established by the National Child Labor Committee in 1904. Virginia was not one of these. Twenty-two states still permitted children under fourteen to work in factories under certain conditions. Virginia, for example, maintained a minimum age of fourteen years for employment in factories only during

---

<sup>1</sup>Elizabeth Sands Johnson, "Child Labor Legislation," in History of Labor in the United States, 1896-1932, ed. by John B. Commons, III (New York: The MacMillan Company, 1935), p. 437; Elizabeth H. Davidson, Child Labor Legislation in the Southern Textile States, (Chapel Hill: University of North Carolina Press, 1939), p. 130.

school hours. Twenty-eight states, including Virginia, permitted children under sixteen years of age to work more than eight hours a day in factories, and twenty-three states, again including Virginia, had not met the night work standards.<sup>2</sup> Thus it was decided that federal action was necessary.

The National Child Labor Committee resolved that there were three channels through which Congress could regulate child labor: interstate commerce, taxation, and the use of the mails. The first, interstate commerce, was determined the most practical,<sup>3</sup> and on January 16, 1914, a child labor bill was introduced in the House of Representatives, and four weeks later in the Senate. The sponsors of the bill were Representative A. Mitchell Palmer, a young reform-oriented Democrat from Pennsylvania, who later became Woodrow Wilson's Attorney General, and Senator Robert L. Owen, a Democrat and Wilsonian progressive from Oklahoma, who was born and educated in Virginia and had been instrumental in the making of the Federal Reserve Act. While the House Committee on Labor had ignored child labor bills until this time, it now promptly announced hearings, and on February 15, 1915 it passed the Palmer-Owen bill by a vote of 233 to 43. During the House Committee meeting there was a remarkable absence of any attempt to convince the Congressmen that a serious problem which was national in scope existed. Rather, this fact was commonly accepted, and

---

<sup>2</sup>Johnson, "Child Labor Legislation," pp. 437-438.

<sup>3</sup>Davidson, Child Labor Legislation, p. 255.

the Palmer-Owen bill was generally recognized as an effort to eliminate conditions harmful to the public welfare by means of regulation of interstate commerce.<sup>4</sup> Opposition to the bill in the House was sectional, as the manufacturing interests in the South lined up against the rest of the country. A majority of the Congressmen from only the states of North and South Carolina, Mississippi, and Georgia opposed the bill.<sup>5</sup> In Virginia eight Congressmen voted in for it; three voted against it.<sup>6</sup>

The Palmer-Owen bill was passed favorably by the Senate Committee on Interstate Commerce on March 1, 1915. However, Congress was to adjourn in three days, and in order to put the bill forward on the calendar, a unanimous vote was necessary. Bowing to the textile manufacturers, Senator Lee Overman of North Carolina refused to comply, and the measure was killed for the session.<sup>7</sup>

---

<sup>4</sup>Stephen B. Wood, Constitutional Politics in the Progressive Era: Child Labor and the Law (Chicago: University of Chicago Press, 1968), pp. 31-40.

<sup>5</sup>Davidson, Child Labor Legislation, p. 257; Richmond Times-Dispatch, June 6, 1915.

<sup>6</sup>Representatives William A. Jones of Warsaw, Carter Glass of Lynchburg, James Hay of Madison, Charles C. Carlin of Alexandria, C. Bascom Slep of Big Stone Gap, and Henry D. Flood of Appomattox voted in favor of the bill. Representatives Edward E. Holland of Suffolk, Walter A. Watson of Jennings Ordinary, and Thomas W. Harrison of Winchester voted against it. Representatives Andrew J. Montague of Richmond and Edward W. Saunders of Rocky Mount did not vote. See Congressional Record, 63rd Cong., 3d Sess., 1915, LII, Part 4, 3830.

<sup>7</sup>Wood, Constitutional Politics, pp. 41-42; Davidson, Child Labor Legislation, p. 257.

Senator Owen immediately reintroduced the child labor bill in the next session in 1916. Representative Edward Keating, a Democrat from Colorado with strong labor-organization ties, then introduced the measure in the House. During the hearings before the House Committee on Labor and the Senate Committee on Interstate Commerce, the southern manufacturers again aligned against the bill. Such opposition reflected that of a special interest group, however, not the South as a whole.<sup>8</sup> The southern cotton manufacturers and the National Association of Manufacturers contended that the proposed bill would be an unconstitutional invasion of states' power. Proponents acknowledged that Congress could not prohibit the manufacture of articles in a state, but they insisted that it could prohibit the transportation of manufactured goods between the states, "in harmony with the uniform public moral sentiment throughout the nation."<sup>9</sup>

The southern opponents, fearing that the bill was merely the beginning of new federal regulation of manufacturing under the interstate commerce clause of the Constitution,<sup>10</sup> again almost prevented it from reaching the Senate floor before adjournment. However, President Wilson

---

<sup>8</sup>Wood, Constitutional Politics, p. 47; Davidson, Child Labor Legislation, p. 257.

<sup>9</sup>Richmond Times-Dispatch, July 31, 1916.

<sup>10</sup>Arthur S. Link, Woodrow Wilson and the Progressive Era, 1910-1917 (New York: Harper and Row, 1954), p. 227.

finally stepped in and issued a dramatic appeal, citing both political and humanitarian motives for the passage of the law. On August 8, 1916, the Senate voted favorably for the bill, fifty-two to twelve, and the Keating-Owen Act was passed.<sup>11</sup> It prohibited interstate shipment of goods produced by children under the age of fourteen, of products of mines and quarries employing children under sixteen, and of products manufactured by children under sixteen who worked more than eight hours a day.<sup>12</sup>

Although Virginia was a whole-hearted supporter of the states' rights theory with regard to most federal legislation during the progressive years, in 1916 the state generally acquiesced in federal regulation of child labor. Both Senators and a majority of the Representatives voted for the Keating-Owen Act,<sup>13</sup> and the press tended to favor such governmental control. Editorials from various newspapers throughout Virginia exemplify the overt support for the Keating-Owen Act. The Norfolk Dispatch, lamenting the opposition of some southern Representatives in Congress to the bill, said that "no section should thrive on the toll of human beings." The Norfolk Pilot concurred, with the position that "to arrest the physical and mental development of childhood for the sake of a few pennies saved or made . . . is the maddest of extravagances, from whatever angle

---

<sup>11</sup>Wood, Constitutional Politics, pp. 64-66; Davidson, Child Labor Legislation, p. 258.

<sup>12</sup>Link, Woodrow Wilson, p. 227.

<sup>13</sup>Davidson, Child Labor Legislation, p. 258; Wood, Constitutional Politics, p. 80.

regarded, moral or material. Stunt the childhood of one generation and whence are to come the sturdy men and women to do the work of the next?"<sup>14</sup> The Pilot further argued that laws existed to protect working adults, who theoretically should be able to care for themselves, yet opposition developed against similar protection for children "who are helpless unless the shield of Government be thrown over them." It concluded that "to deny this guardianship would be cruel, unjust, and, as a matter of mere material policy, easily beyond computation."<sup>15</sup> From Roanoke, Virginia, the Roanoke World contended that the opposition of various Representatives to the Keating-Owen Act did not represent the opinions of the people of Virginia. "In fact, it misrepresents them. It advertises them before the world as champions of modern slavery." The News of Lynchburg, Virginia heralded "the ultimate purpose of human life and the vast potentialities for usefulness in every child" in support of the bill, claiming that Congress owed it "to the Nation, but particularly to the puny undersized, overworked children of the factories."<sup>16</sup>

From the Richmond Times-Dispatch came the most revealing editorial. Acknowledging the firm stand of Virginians on "Democratic principles in their application to states' rights," it determined that sympathy for the child must override such convictions. On the one hand,

---

<sup>14</sup>Quoted in Congressional Record, 64th Cong., 1st Sess., 1916, LIII, Part 15, Appendix, 1807.

<sup>15</sup>Ibid., 1809.

<sup>16</sup>Ibid., 1810.



the editorial contended that the Keating-Owen Act was "a subterfuge, an attempt to control State conditions by the Federal interstate commerce clause, and to this extent it is repugnant to the Democratic spirit." On the other hand it held that the need for such legislation was "so openly apparent, the situation it would partly remedy is so pitiful," that in this one instance federal interference was necessary.<sup>17</sup> Hence it was fully supported and praised by the state's Senators, Thomas S. Martin and Claude A. Swanson, who voted in favor of the act. Writing that the bill was a "valid, although perhaps an extreme, exercise of the interstate commerce clause of the Constitution," the paper concluded that "if Congress may forbid interstate commerce in articles of food, tainted with carelessness, impurity, or false pretense, it is difficult to see why similar control may not be exercised over manufactured goods that bear the brand and the shame of child labor."<sup>18</sup>

Perhaps one explanation of the unusual willingness of Virginians to accept federal regulation is that during World War I Southerners generally abandoned states' rights sentiments. In the development of war legislation, southern Congressmen tended to support almost unanimously measures which gave the national government sweeping war powers.<sup>19</sup> In such an atmosphere of rapid change, the southern members in Congress may have

---

<sup>17</sup> Richmond Times-Dispatch, July 28, 1916.

<sup>18</sup> Ibid., August 10, 1916.

<sup>19</sup> George Brown Tindall, The Emergence of the New South, 1913-1945 (N.P: Louisiana State University Press and the Littlefield Fund for Southern History of the University of Texas, 1951), pp. 48, 53.

been more prone to recognize the necessity of government regulation of certain state activities. This trend would change within a few years.

Support for the Keating-Owen Act was not universal among Virginians, as concern for states' rights among some people continued to override sympathy for working children. Henry St. George Tucker, a prominent Virginia lawyer and Congressman of Lexington, acknowledged the "wisdom and justice" of legislation to improve the conditions of "childhood in its struggles for existence." He advocated individual state laws to remedy the situation, considering the proposed Keating-Owen Act an example of "lust for power" on the part of Congress, a bold attempt at "spoliation and robbery of the States." Tucker contended that sympathy for the child was not the real motive of the federal legislation. Rather, it was a desire of the commercial interests to protect their concerns from harmful competition in other sections of the country. Thus, once the principle of interstate commerce was passed to regulate child labor, it would continue to be invoked to destroy competition. He cited as an example that if Congress passed a law whereby goods produced in areas not having an eight or six-hour law could not be sold in interstate commerce, then such interests as Virginia tobacco would suffer. Because the tobacco was produced largely by Negroes who worked for long hours on a low wage scale, those crops would not be allowed in the nation's markets.<sup>20</sup>

---

<sup>20</sup>Henry St. George Tucker, Woman's Suffrage by Constitutional Amendment (New Haven: Yale University Press, 1916), pp. 72-74.

Tucker's concern for the struggle between federal and state powers was an important issue. He harked back to the days of the Founding Fathers and appealed for a strict interpretation of the Constitution. Praising the system whereby the two powers depended upon each other, he objected to amendments and legislation which would transfer the control of local concerns from the states to the federal government. He concluded very eloquently that the Keating-Owen Act was "the most dangerous and fatal step in the change of our form of government that has ever been proposed in the Congress of the United States."<sup>21</sup>

The Keating-Owen Act overrode any conflicting sections of state laws, such as Virginia's, which merely limited the working hours of children aged fourteen to sixteen to ten hours a day. The consequences affected tobacco manufacturers and canning industries in Virginia more than any other concerns. The tobacco manufacturers had been operating under the special provision of the Virginia Child Labor Act of 1914, which empowered judges of Circuit and Corporation Courts, upon petition of a child's parent or guardian, to release a child between the ages of twelve and fourteen from the operation of the act. This privilege was deleted with the passage of the federal law, for the Keating-Owen Act allowed no discretion as to the age of the working child. Another loophole of the state act had previously allowed children to work, regardless of age, in

---

<sup>21</sup>Address of Henry St. George Tucker Before the Florida Bar Association at Atlantic Beach, Florida, June 18, 1916 (Staunton, Virginia: Press of J. J. Pruffer), p. 4.

those canning factories engaged exclusively in packing fruits and vegetables between the first of July and the first of November each year. This too was disallowed by the federal statute.<sup>22</sup>

In general, however, the progressive legislation of 1916 awarded very few gains to the working children. Inspections under the Keating-Owen Act began as soon as the law went into effect on September 1, 1917, but because of a postponement of the civil service exams, the full staff of inspectors were not available until several months later.<sup>23</sup> By the time the inspections got fully under way, the law had been challenged as unconstitutional and its intended beneficiary effects were largely nullified.

The constitutionality of the Keating-Owen Act was first tested in Charlotte, North Carolina, where Federal District Court Judge James E. Boyd issued an injunction against its enforcement, ruling that Congress could not do "indirectly" that which it was prohibited from doing "directly." Congress could regulate interstate trade, but it could not dictate the conditions of labor within a state. Boyd also decided that a parent had the power to control the behavior of his children; hence Congress could not pass legislation giving the law or the police power over children. Boyd cited no applicable precedents in his judgment, the effect of which

---

<sup>22</sup>Richmond Times-Dispatch, August 11, 1916.

<sup>23</sup>Grace Abbott, The Child and the State, Vol. I, Legal Status in the Family, Apprenticeship, and Child Labor (New York: Greenwood Press, 1968), p. 491.

was restricted to the immediate locale.<sup>24</sup> Boyd's decision was commonly regarded as merely a means to bring the question to the Supreme Court, where most people assumed the law would be sustained.<sup>25</sup> The injunction in North Carolina, however, proved to be only a stopgap measure before the Supreme Court would reverse the federal law.

On June 3, 1918, the Supreme Court supported Judge Boyd's decision in the case of Hammer v. Dagenhart and declared by a five to four vote the Keating-Owen law unconstitutional.<sup>26</sup> The grounds for the ruling were that regulation of interstate or foreign commerce could not be applied to the federal control of child labor, and that the law was in violation of the Fifth and the Tenth Amendments.<sup>27</sup>

The immediate public response to the Supreme Court decision, exemplified by editorial opinions, was generally one of surprise and disappointment. This reaction, however, was not universal, as several prominent publications which originally had supported the bill, now applauded its reversal.<sup>28</sup> Although this attitude was not widespread, it

---

<sup>24</sup>Wood, Constitutional Politics, pp. 104-106, 109.

<sup>25</sup>Richmond Times-Dispatch, September 1, 1917.

<sup>26</sup>Hammer, U. S. Attorney, v. Dagenhart et. al., 247 U. S. 251, No. 704, in The Supreme Court Reporter, Vol. 38 (St. Paul: West Publishing Co., 1918), pp. 529-535.

<sup>27</sup>Davidson, Child Labor Legislation, p. 265.

<sup>28</sup>Wood, Constitutional Politics, p. 173.

is notably evidenced in Virginia by the Richmond Times-Dispatch. The editorial opinions prior to the passage of the Keating-Owen bill were primarily concerned and sympathetic with the child. Now, however, comments from the editors reasserted the paper's conviction that states' rights must never be invaded.

Before the Supreme Court's ruling, the Richmond Times-Dispatch printed articles concerning the acute plight of the tobacco farmers under the Keating-Owen law. Splendid crops of tobacco were lost due to the shortage of labor for the harvest and the lack of workmen in local factories to handle the marketed product. Congress was asked to suspend the law so that Negro children under the age of sixteen, who were "apt workers in rehandling," could be employed.<sup>29</sup> The problems of the farm labor situation were caused not only by the Keating-Owen Act, but also by the labor shortage brought about by World War I. Industrial plants paying high wages drew thousands of men from the countryside to fulfill the war demands of the entente nations. Good workers were also taken from the farms by the draft and by enlistment. However, it was largely felt that suspension of the federal child labor law would solve the problem adequately.<sup>30</sup>

Once the Dagenhart decision had been released, the Times-Dispatch heralded it as "a signal victory in forestalling insidious encroachments of Federal authority upon the right of the States to regulate

---

<sup>29</sup>Richmond Times-Dispatch, April 27, 1917.

<sup>30</sup>Ibid., February 4, 1918.

and control their own domestic affairs." An editorial stated that the production within the states of articles intended for interstate commerce was entirely a local concern, and that the attempt of Congress to regulate it was an "invasive exercise of authority."<sup>31</sup>

Sentiment in Virginia in 1918 was crystallizing over the argument of states' rights. Both prohibition and woman's suffrage were prominent concerns in the news, as the press debated whether these as well as child labor were legitimate federal concerns. In discussing the Dagenhart decision, the Richmond Times-Dispatch asserted that if federal regulation of the condition of state production were permitted in order to control child labor, eventually all manufacture intended for interstate commerce would be included under federal jurisdiction, excluding any practical authority of the states. Hence, the power to police the employment of children should be relegated to the individual states. Such local authority was deemed "inherent" and not to be invaded by the larger government. It was generally assumed that if Congress were allowed to transcend its delegated authority over commerce and extend its power over local matters, the entire system of government would be practically destroyed, as all freedom of commerce would be terminated and all state control over local concerns would be eliminated.<sup>32</sup>

The reversal of the Keating-Owen Act was generally supported by the Virginia press, asserting the individual states' right to develop

---

<sup>31</sup>Ibid., June 7, 1918.

<sup>32</sup>Ibid., June 4, 1918.

their own laws. However, there was little public discussion or interest concerning the state child labor law passed during the 1918 session of the Virginia General Assembly.<sup>33</sup> Rather, interest revolved about such social issues as prohibition, workmen's compensation, and woman's suffrage, and about the war.<sup>34</sup>

A second federal child labor law was passed soon after the first was declared unconstitutional. This bill, attached as a rider to a war Revenue Bill introduced to Congress in December 1917 by Atlee Pomerene, imposed a 10 per cent tax on goods produced by child labor within limits similar to those set in the Keating-Owen Act. The House finally passed the bill in September 1918, and the Senate concurred on December 28, 1918. There were no committee reports or hearings, little agitation from supporters, and hardly any opposition throughout the nation. However, Governor Westmoreland Davis of Virginia was opposed to it. Supported quite naturally by the manufacturers, he objected not only to the war tax imposts, but to the child labor tax as well. Calling the bill "ill-considered and oppressive," Davis insisted that "a spirit of retrenchment and economy" should be adhered to in public expenditures in order to stimulate business and employment.<sup>35</sup>

---

<sup>33</sup>See page 62 below for discussion of this act.

<sup>34</sup>Ibid., January 10-March 10, 1918.

<sup>35</sup>Ibid., February 9, 1919; Wood, Constitutional Politics, pp. 204, 216; Davidson, Child Labor Legislation, p. 265; Richmond Times-Dispatch, January 29, 1919.



Davis' gubernatorial administration from 1918 to 1922 has been noted particularly for its business-like efficiency. Efficiency in political and economic affairs was one of the strongest incentives toward the earlier development of state child labor laws during Governor Montague's and Governor Swanson's administration. The streamlining of either state or federal government in 1918 would not persuade Davis to support legislation for the child, however, so long as the General Assembly backed it. Davis was unalterably opposed to the Democratic "machine" developed in Virginia by Thomas S. Martin, Jr., and Harry Flood Byrd, Sr. While the House of Delegates was reasonably cooperative with the Governor, the Senate was overwhelmingly opposed to him. Of the forty Senators, thirty-eight were his political enemies, including the young Harry Flood Byrd. Thus, Davis on one hand was a leader in such progressive issues as the farming movement, but in areas of interest to the state legislature he was naturally hostile.<sup>36</sup> Davis much preferred to support legislation favoring the farmers, for, as he stated in his 1920 message to the General Assembly, "the basic industry of Virginia is agriculture, and as it prospers, so fares the State." The Assembly, on the other hand, was much more inclined toward the belief that industrial growth was necessary for the future prominence of the state.<sup>37</sup>

---

<sup>36</sup>Jack Temple Kirby, Westmoreland Davis: Virginia Planter-Politician, 1859-1942 (Charlottesville: University Press of Virginia, 1968), pp. vii, 77, 83, 84.

<sup>37</sup>Richmond Times-Dispatch, January 15, 1920.

Davis did appoint a "Children's Code Commission" to examine the laws in other states on the child's welfare and suggest how like changes in Virginia might update the state's laws on the subject. This Commission was established largely due to the persuasion of women's groups. Once having convinced the legislature to create the Commission, they persuaded the governor to appoint five women to work on it. Later, when the Commission introduced twenty-eight recommendations for new laws, ranging from a statewide juvenile court system to compulsory education, the women worked to secure legislative approval. Eighteen of the twenty-eight were adopted. Actually, however, the public seemed to feel that Virginia's laws were most adequate and up-to-date. The Commission was not designed to change substantively the current statutes, merely to revise them.<sup>38</sup>

The federal Revenue Act was operative only seven days, when Judge James E. Boyd, on May 2, 1919, again declared those provisions prohibiting the employment of child labor unconstitutional. He granted an injunction against the law in his district, criticizing it as an attempt to regulate employment under the taxing privilege and an invasion of states' rights.<sup>39</sup>

---

<sup>38</sup>Ibid., April 2, 1921; Anne Firar Scott, The Southern Lady, From Pedestal to Politics, 1830-1930 (Chicago: The University of Chicago Press, 1970), p. 188.

<sup>39</sup>Richmond Times-Dispatch, May 3, 1919.

The case was delayed for two years in the Supreme Court before Boyd's decision was upheld in the case of Bailey v. Drexel Furniture Company.<sup>40</sup> In the interim period, a change in the national attitude toward child labor was taking place. In the South there seemed to be an awakening social conscience as well as fundamental economic adjustments. It was no longer assumed that the prosperity of southern mills depended upon the exploitation of child labor. A new generation of mill owners and managers were replacing the older ones who had lived in a predominantly rural society and firmly believed in the need to compete with northern interests. The continuous efforts for improved standards of legislation on the state and federal level had convinced many mill owners that child labor laws were to be permanent. Hence, they had begun to substitute machinery for the poorly paid children and were increasing use of skilled workmen and paying higher adult wages. Laissez faire economic ideas were generally fading out. Growing industrialization in the South, and in Virginia, was accompanied by a developing labor movement and attempts at unionization. The problems of labor were forced to the attention of the owners, and as business and prosperity expanded, it became impossible to ignore social welfare reforms and improved working conditions. Paternalistic attitudes were gradually replaced by a recognition that public action on social problems, including the abolition of child labor, would be

---

<sup>40</sup>Bailey v. Drexel Furniture Co., Child Labor Tax Case, 259 U. S. 20, No. 657, in The Supreme Court Reporter, Vol. 42 (1923), pp. 449-453.

beneficial to the state, the South, and the nation at large.<sup>41</sup>

During this same period the Virginia legislature broadened its child labor laws, the last of which had been passed in 1914. In 1918 the General Assembly extended the fourteen year age limit to a broader variety of occupations, including the factory and workshop, mercantile establishment, cannery, laundry, baker, brick and lumber yard, and places of amusement. No child under sixteen could work in a mine or quarry, nor be employed anywhere for more than six days a week, ten hours a day, before six in the morning or after seven in the evening. The employer was required to keep an employment certificate issued by a notary public for all children under sixteen. Other stipulations were made for children working in the messenger service or as a street salesman in cities with a population of five thousand or more. The age limit for boys in the messenger service was fourteen, for girls eighteen, and for the night service for boys, eighteen, and girls twenty-one. Street sales work was limited to boys at least ten years of age and to girls sixteen. Violations of these provisions caused the child to be deemed "delinquent" and sentenced in court. Penalties, however, remained between twenty-five and one hundred dollars, and mercantile establishments in towns of less than two thousand were exempted.<sup>42</sup>

---

<sup>41</sup>Davidson, Child Labor Legislation, p. 267; Wood, Constitutional Politics, pp. 251-252.

<sup>42</sup>Acts and Joint Resolutions passed by the General Assembly of the State of Virginia (Richmond, 1918), pp. 347-349. Hereafter cited as Acts of Assembly.

In 1920 the law was amended so that the number of hours a child under sixteen could work each day was reduced to eight, and the specific hours were changed to seven in the morning and nine at night. In the House, Delegates E. T. Bondurant of Prince Edward, Thomas L. Hunter of King George, and Deane Hundley of King and Queen sponsored a bill to permit children over the age of ten years to work in fruit and vegetable canneries during the months from June through November. City and labor representatives bitterly contested this issue with the representatives from the rural districts, each group protesting that the other showed no concern in his own area, yet was trying to interfere in an area with which he was not familiar. Delegates George L. Wilcox and Albert O. Boschen, both of Richmond, and Delegate John W. Cherry of Norfolk objected to the new exemptions. The sponsors of the measure and Delegate Park P. Deans of Isle of Wight, on the other hand, charged that they were excluded from "city legislation" and resented interference with their "country legislation." They countered the "solicitous" attitude of the city delegates concerning the country children, when in the cities children were permitted to work on Sundays. "Charity," they claimed, "should begin at home." The bill was finally amended so that children between twelve and sixteen years of age could work eight hours in fruit and vegetable packing or canning factories and in running errands or delivering packages when schools were not in session.<sup>43</sup>

---

<sup>43</sup>Ibid., 1920, pp. 840-841; Richmond Times-Dispatch, February 13, 1920.

In an address to the Virginia State Conference of Charities and Corrections in 1920, Dr. Hastings H. Hart of the Russell Sage Foundation of New York City praised Virginia for "leading all the southern states in social service work among the children." The substance of his address stressed the beneficial aspects of giving every child the opportunity to become "a useful citizen."<sup>44</sup> This attitude was adopted by the Children's Code Commission created shortly afterwards by Governor Davis in 1921. The Commission studied the whole situation in Virginia and compared each aspect of child care with the most progressive provisions in effect elsewhere. A report submitted to the General Assembly on January 10, 1922 included twenty-eight bills; the nineteenth proposal was a new child labor bill which undertook "to bring Virginia abreast of the more progressive States in this particular field." This report was influential in the child labor law enacted in 1922 by the General Assembly.<sup>45</sup>

Approved March 27, 1922, the act retained the provisions of the 1920 law, but extended the fourteen year age limit to include all occupations except those on farms, in orchards, and in gardens, and for fruit and vegetable canning factories as under the former law. Additional requirements included a work week of forty-four hours for children under

---

<sup>44</sup>Richmond Times-Dispatch, February 3, 1920.

<sup>45</sup>Mary E. Pidgeon, ed., . . . The Laws of Virginia as They Affect Women and Children. . . . (Charlottesville: University Press of Virginia, 1926), p. 26; Journal of the Senate of the Commonwealth of Virginia, Senate Document No. 6, January 17, 1922 (Richmond, 1922), pp. 5-9. Hereafter cited as Journal of the Senate.

sixteen, an annual physical examination to attain an employment certificate, and a prohibition of work in certain occupations for children under sixteen, such as use of poisonous chemicals or work with the production of paints or white lead.<sup>46</sup>

E. Lee Trinkle, Governor of Virginia from 1922 to 1926, concurred with the general sentiment that conservation of the child was crucial for the future welfare of the state and nation. In a message to the General Assembly, he stated that "child life is well worthy of consideration; and we should at all times remember that the tendencies of youth become a component part of grown-up men and women, thus impressing upon ourselves the importance of starting and keeping the child right."<sup>47</sup>

There seems to have been a genuine concern for the child in Virginia by the 1920's, and the state laws regulating child labor, if not entirely adequate, at least were not lagging behind those of most of the other states or sections in the nation. Nevertheless, Virginia, with the Carolinas and Rhode Island, led the other states in violations of the eight-hour day.<sup>48</sup> A problem also remained on the national level. The Supreme Court had effectively blocked the use of both the interstate commerce and taxing powers of Congress--the two traditional sources of federal police power--in protecting working children. Yet the national

---

<sup>46</sup>Acts of Assembly, 1922, pp. 855-860.

<sup>47</sup>Richmond Times-Dispatch, February 2, 1922.

<sup>48</sup>Davidson, Child Labor Legislation, p. 268.

census of 1920 showed that more than one million children between the ages of ten and fifteen were gainfully employed in the United States. Furthermore, the census was taken during the months when agricultural labor was at its lowest figure, and it represented conditions during the period when the second federal child labor law was in operation. Additional data indicated that the employment of children increased notably after that law was invalidated.<sup>49</sup>

The solution of the National Child Labor Committee was an amendment to the Constitution. Not only was the Congress checked in its power to regulate child labor through legislative means, but a new conservative ideology was reasserting itself in public opinion. A combination of a war-weary populace yearning for an untroubled society which supposedly existed before the Progressive Era, and a Republican administration which largely represented the business community was transforming public attitudes and reform measures were negated. The Drexel Furniture case was a classic example of the judicial reaction to liberalism which would characterize the 1920's and restore "laissez faire constitutionalism." William Howard Taft, the acknowledged spokesman of American conservatism, was appointed Chief Justice of the Supreme Court.<sup>50</sup> Hence, neither the executive nor the judicial branch could be relied upon to support another

---

<sup>49</sup>John R. Commons and John B. Andrews, Principles of Labor Legislation, 4th Ed., rev. (New York: Harper and Brothers, 1936), pp. 173-174.

<sup>50</sup>Wood, Constitutional Politics, pp. 255-256, 277.



child labor law. The only logical answer was an amendment, to be proposed in the Congress and sent to the states for ratification.

During the winter of 1922-1923 several resolutions for an amendment were introduced in Congress, and on April 25 and 26, 1924 there was a debate in the House.<sup>51</sup> The amendment gave Congress the power to prohibit or regulate employment of persons under eighteen years of age. With only two exceptions, the Virginia members of the House were unalterably opposed to the amendment. Representative Andrew Montague of Richmond attacked it as "an unwarranted invasion of State rights," and a further exhibition of the dangerous tendency to centralize power in Federal government bureaus. Its effect would be "a system of espionage on every home in America," preventing "even the working of boys on farms, where their labor is greatly needed, up to the age of eighteen years." Representative Henry St. George Tucker of Lexington, who had opposed the Keating-Owen Act for extending more power to Congress at the expense of the states, voiced the same arguments against the child labor amendment. Acknowledging the necessity of protecting childhood, Tucker claimed that it was the duty of the state, not the federal government, to enforce child labor laws. Since all but two states had child labor laws, Tucker concluded that the amendment was unnecessary and would have "disastrous consequences, especially on the Negro population of the South."<sup>52</sup>

---

<sup>51</sup>Davidson, Child Labor Legislation, pp. 268-270.

<sup>52</sup>Richmond Times-Dispatch, April 26, 27, 1924.

The resolution passed in the House by a vote of 297 to 69, and in the Senate by 61 to 23, with 12 not voting. Opposition came largely from the southern states, with arguments similar to those of Montague and Tucker. The Southerners feared that it would invest in Congress complete power over all domestic, agricultural, and industrial occupations, and would eliminate the authority of both the parent and the state over the young.<sup>53</sup>

In the House, Virginia, which had supported both of the federal child labor laws with a majority of its votes, now rejected the Constitutional amendment. In the Senate, the Virginia members were divided; Carter Glass of Lynchburg supported it, Claude A. Swanson of Chatham opposed.<sup>54</sup> Glass contended that both the arguments that the amendment would prohibit a child's working on the farm and that it would invade states rights were "childish." In neither of the earlier federal child labor laws did Congress enact provisions which would apply to labor on the farms; thus it was unlikely that it would do so in the amendment. Glass regarded the amendment merely as an opportunity for the states to decide for themselves whether they wished to concede the regulation of child labor to Congress. Arguing that Virginia already had a child labor law as effective as any Congress would be likely to enact, he argued that the amendment

---

<sup>53</sup> Davidson, Child Labor Legislation, pp. 268-270; Richmond Times-Dispatch, April 26, 1924.

<sup>54</sup> Journal of the Senate, 1926, pp. 62-64; Journal of the House of Delegates of Virginia (Richmond, 1926), pp. 62-64. Hereafter cited as Journal of the House.

was necessary only because other states had persistently refused to enact child labor laws or to enforce effectively those enacted. However, Glass repeatedly stressed that his vote in favor of the amendment did not necessarily mean that he felt the amendment should be passed. Rather, he acted only to give the states a chance to decide for themselves whether the child labor question was of national or local importance. Glass, too, was doubtful of "the constant tendency of the federal government to centralize power and to assume functions which may more efficiently and satisfactorily be exercised by the states."<sup>55</sup>

Judging from the many letters written to Senator Glass requesting his support, either for the passage or rejection of the amendment, the Virginia public was divided over the desirability of federal regulation of child labor. In general, women's, workers', and churches' leagues asked Glass to support the amendment, while factory owners requested his opposition. The Portsmouth chapter of the Girls Friendly Society, the Clifton Forge Club of Business and Professional Women, the Norfolk Chapter of the American Association of University Women, the Richlands Woman's Missionary Society, the Norfolk branch of the National League of Women Voters, the Newport News and Portsmouth lodges of the International Association of Machinists, the Norfolk Brotherhood of Painters, Decorators,

---

<sup>55</sup>Carter Glass Manuscripts, University of Virginia, Box 230-231, Carter Glass to Mrs. Ezza J. Garrett, Bedford, Virginia, July 23, 1924; Carter Glass to T. S. Williamson, Danville, Virginia, January 20, 1925. Hereafter cited as Carter Glass MSS.

and Paperhangers of America, the Lynchburg Chapter of United Garment Workers of America, and the Virginia League of Women Voters all wrote requesting the passage of the amendment. Most of those who were opposed levied the same arguments voiced against the earlier federal child labor laws. An insurance broker from Suffolk, J. Walter Hosier, wrote that all children should have some vocation, as well as formal education; otherwise "our beloved Southland" would soon be required to enlarge the jails and reformatories. T. S. Williamson, a tobacco dealer from Danville, asserted that the amendment would impose idleness upon the youth, who would then "drift into bad company, and be tempted to resort to petty forms of dishonesty and gambling in order to occupy their time." A citizen from Upperville, Virginia repeated the argument that parents too poor to support their children needed the child's earnings for food and clothes, stating that starvation would result if the amendment were passed. A new argument, however, was raised by the Womans Constitutional League of Virginia, which declared that the amendment was communistic and supported chiefly by "communists in league with pacifists and Soviet Russia. Their avowed intentions are to destroy capital, the family, our Government and Christian civilization." The provision of the amendment that Congress would be able "to regulate" child labor threatened, according to the Constitutional League, to "nationalize our children as they are in Russia!"<sup>56</sup>

---

<sup>56</sup>Ibid., Box 230-231.

The General Assembly of Virginia adhered to the objections raised in the state and rejected the proposed amendment in 1926 by a vote of 31 to 1 in the Senate, followed by a vote of 78 to 0 in the House of Delegates. The states rights' deal, opposed to excessive centralization of the national government and to bureaucratic control, and the agricultural argument that Congress must not be allowed to interfere with and prohibit the work of children on their families' farms, were used to defeat the amendment.<sup>57</sup>

The difficulty of attaining state support for the federal amendment was reflected in Virginia during the administration of Governor Harry Flood Byrd from 1926 to 1930. The growing conservatism and interest in economic efficiency in the national Republican administration existed under Byrd as well. Byrd has been typified as a "reluctant progressive," who believed strongly in the necessity of efficiency and promotion of industry. Heir to the Virginia political "machine" and a self-made businessman himself, he felt that government "should be efficiently conducted along the lines of well-organized business enterprises." However, there were definite limits of the public functions of a state government. "Undue extension of governmental activities should be avoided." Byrd centered his "progressive" activities in such areas as tax reform, highway construction and the short ballot, rather than on race relations, on the economic problems of the underprivileged, farm tenants, and factory

---

<sup>57</sup>Journal of the Senate, 1926, pp. 62-64; Journal of the House, 1926, pp. 62-64.

workers. Further economic growth was the only solution envisioned for these problems. By the end of the 1920's Byrd and his business-like, economical administration were the epitome of the "Coolidge age of prosperity."<sup>58</sup>

The child labor issue seemed gradually to disappear from both national and state interest during the prosperous years of the 1920's. While children continued to work in agricultural and industrial pursuits, the number of children in manufacturing declined. By 1930 the proportion of children under sixteen in the textile work force had declined from the 1914 level of 15 per cent to a mere 3.8 per cent. In 1931 factory labor by children under fourteen years and night work for those under sixteen was prohibited in all southern states; and most, including Virginia, had established an eight hour limit for all under sixteen.<sup>59</sup> The economic emergency begun in 1929 finally provided for extensive government intervention in social and economic affairs. The National Industrial Recovery Act of 1933 and the Fair Labor Standards Act of 1938 both included restrictions on child labor and most employment of children under sixteen in industries was ended. The history of child labor legislation culminated in 1941 with the Supreme Court decision in United States v. Darby, in which the Hammer v. Dagenhart decision was overruled, and regulation was legitimized.<sup>60</sup>

---

<sup>58</sup>Tindall, Emergence of the New South, pp. 229, 233; Kirby, Westmoreland Davis, p. 159.

<sup>59</sup>Tindall, Emergence of the New South, p. 323.

<sup>60</sup>Wood, Constitutional Politics, pp. 300-301; United States v. Darby, 312 U. S. 100, No. 82, in Supreme Court Reporter, Vol. 61 (1941), pp. 451-463.

CHAPTER IV  
EDUCATION AS THE ANSWER TO THE  
CHILD LABOR PROBLEM

Child labor could not effectively be eliminated solely by using restrictive legislation, whether state or federal. A popular argument among manufacturers was that they at least kept children off of the streets and out of trouble by employing them, for there were neither adequate school facilities for all children nor working education laws to compel them to attend school. The implication was that if a child did not work, he often led a vagrant life and grew up morally destitute. The answer to the problem of child labor, then, lay in education laws as much as in restrictive legislation.

The movement for compulsory attendance of all children for the full time the schools were in session actually originated somewhat earlier than the movement for child labor legislation. Both kinds of legislation had the common aim to insure at least a minimum education for all children.<sup>1</sup> Virginia, however, lagged behind other states in the area of compulsory school laws.

---

<sup>1</sup>Elizabeth Sands Johnson, "Child Labor Legislation," in History of Labor in the United States, 1896-1932, ed. by John R. Commons, III (New York: The MacMillan Company, 1935), p. 411.

Before the Civil War there was no state-wide free public school system in Virginia, but in 1868 the state constitution provided for such a system to be supported by state and local taxation and by the interest received from a "literary fund" derived from fines, forfeitures, and escheats. The system was to be administered impartially between races and to be in full operation by 1876. A marked change occurred as soon as the new school system was introduced: the number of students in public schools rose from 59,000, the 1870 level, to 205,000 in 1877, with an additional 25,000 in private schools. In 1870 only 10,000 of those enrolled were Negro; by 1877 there were 65,000 Negroes.<sup>2</sup>

A major problem remained, however, in the inadequacy of the schools themselves. There were numerous obstacles to the development of a proper school system. Many people were prejudiced against public schools, feeling that education was a personal or religious responsibility. An almost insurmountable barrier was the fact that many people were adamantly averse to educating Negroes. Financial problems abounded, as the state was burdened with a heavy debt after the war, and even those citizens who were sympathetic to the educational needs, often tended to feel they could only be met when economic conditions in the state had improved. Other citizens bowed to the pervasive feeling of poverty and regarded education as an unnecessary luxury. In addition, there was a serious

---

<sup>2</sup>Jean Gottman, Virginia in Our Century (Charlottesville: The University Press of Virginia, 1969), p. 129.



lack of school facilities and supplies and a shortage of teachers with professional training.<sup>3</sup>

Although there was a significant increase in the number of children enrolled in Virginia schools in 1900, the teaching conditions were remarkably unchanged from those in 1871. Of the 691,312 children of school age 370,595 were enrolled, but of these only 58.4 per cent had an average daily attendance. The average attendance in 1871 had been 57.7 per cent. Even the average monthly salary of the teachers was nearly the same--\$32.36 in 1871 and \$32.47 in 1900.<sup>4</sup> Furthermore, it was confirmed in 1900 that illiteracy and child labor were interdependent. Virginia ranked number forty among forty-five states regarding the percentage of children aged ten to fourteen who could read and write. The state ranked number forty-four in the percentage of children between ten and fourteen years who were literate. In both scales, Virginia stood at the bottom with Arkansas, the Carolinas, Mississippi, Louisiana, Georgia, and Alabama. These were the states commonly called the "New South," where manufacturing was increasing by "leaps and bounds," but where there were no compulsory education laws.<sup>5</sup> In addition, figures of the Federal Bureau of Labor in 1900 showed that 70 percent of the children in

---

<sup>3</sup> Thomas D. Clark and Albert D. Kirwan, The South Since Appomattox, A Century of Regional Change (New York: Oxford University Press, 1967), pp. 168-169, 174.

<sup>4</sup> Ibid., p. 174.

<sup>5</sup> Florence Kelley, Some Ethical Gains Through Legislation (New York: The MacMillan Company, 1905), pp. 82-84, 87, 89.

Virginia under fourteen years of age were illiterate, a greater percentage than to be found in the cotton mill families of any other state, North or South.<sup>6</sup> In 1905 there were only eleven states which had no compulsory attendance laws whatsoever, and by 1919 all but ten states had laws for compulsory attendance the full time that schools were in session. Virginia was excluded in both cases. Not until 1929 did Virginia attain such legislation.<sup>7</sup>

Virginians objected to national compulsory education from a conservative states' rights viewpoint, and fought any legislation which appeared as government paternalism. Popular opinion on this matter was regularly presented by the Richmond Times-Dispatch, which was ardently opposed to government interference with what it considered to be the private affairs of life. Ironically, in its editorials the newspaper frequently used its position against compulsory education to boost its support for child labor legislation. On the child labor law of 1903, the Times-Dispatch stated:

This is not government paternalism. It does not prohibit parents from putting their children to work at home; it does not compel them to send their children to school. It simply prohibits factories from employing children under a certain age, when the children should be at play and at school.<sup>8</sup>

---

<sup>6</sup>Andrew J. McKelway, "Child Labor in Virginia," National Child Labor Committee Pamphlet No. 171 (New York: National Child Labor Committee, 1914), p. 3.

<sup>7</sup>Johnson, "Child Labor Legislation," pp. 412, 413.

<sup>8</sup>Richmond Times-Dispatch, February 25, 1903.

We are opposed to compulsory education, for that implies that government officers may enter the homes of the people and take their children by the hand and lead them off to school in defiance of the wishes of parents. But there is, in our view, a decided difference between the compulsion of parents and the prohibition of factories.<sup>9</sup>

On the other hand, the newspaper did favor public schools as a measure, in conjunction with child labor legislation, to help the poor and provide them with an opportunity of development.<sup>10</sup>

By 1908, as the progressive impulse gained a firmer position and more stringent controls were passed by the legislature, the Times-Dispatch reversed its position, recognizing that "compulsory education goes hand in hand with the child labor laws." State Senators F. W. King of Clifton Forge and Aubrey E. Strode of Nelson that year favored a compulsory law with a local option feature so that "the people of a community could take the matter into their own hands and make school attendance obligatory when in the opinion of the majority it is most advisable."<sup>11</sup> Rosewell Page of Hanover went further in the House with a bill to provide for compulsory attendance of children between eight and twelve in the public schools, stating that 40 per cent of the white children of the state were not enrolled in the schools, and that of those enrolled 40 per cent were not in attendance.<sup>12</sup> In 1909 school attendance for those children aged

---

<sup>9</sup> Ibid., February 11, 1903.

<sup>10</sup> Ibid., February 21, 1903.

<sup>11</sup> Ibid., January 18, 1908.

<sup>12</sup> Ibid., March 4, 1908.

eight to twelve years was required for an annual period of only twelve weeks. The penalty on parents for neglecting this regulation was two to ten dollars for the first offense and subsequently five to twenty dollars. Virginia, Iowa, and Wyoming were the only states with no educational restrictions on child labor at this time.<sup>13</sup> By 1911 compulsory education had achieved an optional status with each of the cities, but it had made little actual progress.<sup>14</sup>

The governors of Virginia, beginning with Andrew Montague, generally campaigned on the issue of improvement of public schools. Governor Henry Carter Stuart noted in 1916 the lagging position of Virginia in the field of education, and conceded that the state could not "afford to give to the young an equipment so inferior as to be a handicap in the battle of life when a higher degree of preparedness is vouchsafed those who are educated elsewhere." Although the amount of illiteracy had decreased, Virginia had not "measured up to its full duty to its children."<sup>15</sup> The General Assembly did enact a measure of compulsory education in 1916 to utilize existing school facilities further and reduce illiteracy, but the act did not make any significant alterations from the earlier laws.<sup>16</sup>

---

<sup>13</sup>Report of the Commissioner of Education for the Year Ended June 30, 1909, Vol. I (Washington: Government Printing Office), p. 233.

<sup>14</sup>Lewis W. Hine, "Photographic Investigation of Child Labor in Virginia," May and June, 1911 (Library of Congress: National Child Labor Committee Manuscripts).

<sup>15</sup>Richmond Times-Dispatch, January 16, 1916.

<sup>16</sup>Ibid., March 12, 1916.

Governor Stuart continued to lean on the state's "racial problem not met in other sections," and on poverty as the reason for the state's slow progress in education.<sup>17</sup> In 1918 financial and racial arguments continued to be expressed against further education laws. It was generally acknowledged, however, that Virginia could delay no longer, regardless of the "peculiar conditions" which militated against educational measures. Even the conservative Times-Dispatch admitted that "the old bugaboo of education causing trouble among the negroes," had long been replaced by sound reason and "general enlightenment." Citing examples from northern states where white and black children were educated in the same buildings, the same rooms, "and too often in one seat," the paper concluded that Virginia would have to build new schools for both races. This was deemed a necessary expenditure which the state could afford and which would ultimately have beneficial effects on the state's general welfare and prosperity.<sup>18</sup>

The educational system, which the Times-Dispatch claimed was "a reproach and a drag upon progress,"<sup>19</sup> was amended by the 1918 General Assembly. Delegate Franklin Williams, Jr. of Fairfax introduced a compulsory education bill requiring the attendance for sixteen weeks each school year of all children aged eight to twelve. Truant officers were

---

<sup>17</sup>Ibid., , January 16, 1916.

<sup>18</sup>Ibid., , January 25, 1918.

<sup>19</sup>Ibid.

to be appointed, and parents or guardians who prevented children from attending school would be punished. This bill, which passed the House with a vote of 63 to 29, was superceded by a more drastic measure introduced in the Senate by Senator E. C. Mathews of Norfolk and passed with only one dissenting vote. The age limit of eight to twelve was removed, as were the several exemptions included in the House bill, such as children "weak in body or mind, able to read and write, or attending private school."<sup>20</sup>

The debate over stricter laws continued in the General Assembly of 1920. Ten bills were proposed to change the state school system, and of these five were passed by the House and the Senate. The only one which encountered any opposition was a House bill which set at seven the minimum age at which funds would be allotted to schools, although children under seven could attend schools at the option of local school boards. Senator James E. Cannon of Richmond contended that the state constitution fixed the minimum school age at seven, and anything less was unconstitutional. Other bills were denounced in the Senate as being "autocratic" and "inconsistent with the American ideal of government." Senator Louis S. Epes of Nottoway feared compulsory education would culminate in domination by the state's black belt and a shortening of the school term if the white population was required to maintain the schools.

---

<sup>20</sup>Ibid., January 18, 25, 27, 1918.

Senator Walter T. Oliver of Fairfax claimed that Virginia voters did not want compulsory education, for it would mean only an additional state constabulary in the enforcement machinery, and Senator Joseph T. Deal of Norfolk argued that compulsory education would only bring an "uncalled-for additional financial burden to the state." In spite of such objections, five laws were passed. A standard nine month school term was passed, although it was not made compulsory, and children under the age of seven were to be admitted at the option of the school boards.<sup>21</sup>

Both the outgoing Governor Westmoreland Davis and the incumbent Governor E. Lee Trinkle in 1922 espoused public education as one of the primary concerns of the state government. Declaring that "the chief business of democracy is education," Governor Davis called for the establishment of a full school term for all primary schools, for competent and adequately paid teachers, and for more extensive secondary education.<sup>22</sup> Governor Trinkle, asserting that the greatest defects in the state school system were financial, advocated liberal appropriations, particularly to the primary schools.<sup>23</sup>

When a measure for compulsory education was introduced in the House, however, much opposition developed from the delegates from counties having a large population of Negroes. The general sentiment

---

<sup>21</sup>Ibid., February 17, 18, March 12, 1920.

<sup>22</sup>Ibid., January 12, 1922.

<sup>23</sup>Ibid., February 2, 1922.

was that any compulsory education law should give local authorities the option to accept or reject its various features. Delegate Thomas W. Ozlin of Lunenburg pointed out that no increase in revenues could be attained from the Negroes, who comprised 53 per cent of the county population, yet more schools would have to be built, and more teachers employed. Delegate Joseph M. Hurt of Nottoway added that compulsory education would eventually mean free textbooks, while Delegate R. Lindsay Gordon of Louisa argued that the bill would obstruct parental rights and set the child in the hands of the teacher. Gordon harked back to the ideal of local self-government. Delegate W. Stuart Noffitt of Augusta contended that the age limit of school attendance should be eight to fourteen rather than eight to sixteen, for students who had not progressed properly after age fourteen could not be expected to benefit from two more years of forced attendance.<sup>24</sup>

Unfortunately, the House of Delegates succumbed to these arguments and emasculated what was proposed as a constructive compulsory education law into meaningless compromise. Though popular demand in Virginia was strong for compulsory education, the House allowed itself to be swayed by "the ancient bugbear, schools for Negro children." The Richmond Times-Dispatch heatedly denounced the House for ignoring the record of illiteracy and the majority of citizens in Virginia in fear of the necessity of constructing a few Negro schools.<sup>25</sup>

---

<sup>24</sup>Ibid., February 7, 1922.

<sup>25</sup>Ibid., February 9, 1922.



The so-called compulsory education law, as it existed in 1924, still included the several amendments inserted by the House of Delegates in 1922. Only school children between the ages of eight and fourteen were required to attend schools. Those children who had completed work equivalent to that of the elementary grades before they reached the age of fourteen were exempted. The fine for failure of parents to comply with this law was merely "up to" twenty-five dollars. Compulsory school attendance, too, was to be successful only in proportion to local efforts to enforce it. Any county or city without adequate facilities to accommodate children was permitted until the fall of 1924 to provide for the enforcement of compulsory attendance; and this period could be extended indefinitely if local taxing officials believed their locality was unable to provide sufficient schools. Furthermore, any county or city could completely exempt itself from the law by joint action of its school board and either its board of supervisors or its city council. By 1926, fourteen counties had exempted themselves.<sup>26</sup>

Efforts to curb child labor by means of compulsory education laws were little more effective than the federal and state restrictive child labor laws by the year 1924. Regardless of public opinion and majority support for both concerns in the state, the General Assembly seemed unable to move ahead with truly progressive measures. The

---

<sup>26</sup>Mary E. Pidgeon, ed., . . . The Laws of Virginia as They Affect Women and Children. . . . (Charlottesville: University Press of Virginia, 1920), pp. 8-9.

agricultural, corporation, and small county interests were combined in strong and effective opposition to firm controls on the part of either the state or federal government. Labor regulation and compulsory school attendance advanced hand-in-hand during the progressive years so that Virginia maintained a position equal to that of other southern states, but the local government advocates for various reasons significantly hindered any notable progress.

## CHAPTER V

### THE LIMITATIONS OF PROGRESSIVISM IN VIRGINIA

From 1890 to the 1920s progressivism in Virginia was somewhat overshadowed by the fact that this was the period during which the state was finally developing its industrial, as well as agricultural, potential. The public mood was predominantly entrepreneurial, as many Virginians sought to compete with other states, both North and South, and to promote economic expansion. The development of mills and factories, however, depended to a large extent upon the exploitation of children.

Concomitant with the rapid economic growth, a reform movement gradually evolved within the political system. There was no clearly defined progressive party in Virginia, nor any "typical" progressive leaders, but with varying motives, many politicians and civic leaders espoused reform. This was partly in response to a feeling that the new economic order was chaotic compared to the supposedly idyllic conditions which had existed in the state before the Civil War. Some progressives hoped to settle these conditions with reformist legislation. In addition, the humanitarian impulse was strong. Many women, frequently of prominent families, worked for a wide range of social legislation and contributed significantly to the political effort which resulted in the adoption of

several state child labor laws. Politicians, too, were frequently motivated by a moral concern for the working child.

The success of state child labor legislation was limited, as economic growth seemed to take precedence over social reform. Since many of the mills and factories were new, few people seemed willing to hamper their growth. No laws were proposed that were all-inclusive. The first act of 1890 merely listed the specific industries and occupations to which it applied, and each subsequent law lengthened the list. It is doubtful that any of the laws were intended to be far-reaching. Those politicians who supported child labor laws generally accepted half-way measures, and the long run impact was limited.

Moreover, those legislators who supported reform were consistently, and often successfully, challenged by the mill owners, farmers, and canners. The greatest problem for the reformers was the influence of the industrial and agricultural interests on the General Assembly. When unable to defeat a regulatory measure, these interests were frequently able to limit its effectiveness by writing in exemptions for certain occupations or exceptions for specific home situations in which the child was needed as a wage earner. Lack of a sufficient enforcement system also constituted a major obstacle. There were never enough inspectors, and it was the responsibility of the inspectors, not the employers, to prove the age of the child workers. In addition, the fines for violating the laws were extremely low.

The prime concern seemed to be that Virginia not lag behind other states in any area. This applied to protection of the child as well as to development of industry. Virginia never stepped into the vanguard of reform, yet protective legislation was passed fairly regularly so that the state maintained an even pace alongside other southern states. Two major child labor problems remained unsolved at the end of the progressive period. One was the employment of children in agricultural pursuits, a practice that was widespread throughout the southern states and which had been subjected to little restrictive legislation. The other was child labor in fruit and vegetable canneries. In this area Virginia seriously lagged behind other states because of the success of employers in getting exemption clauses written into state laws.

Overall, the most serious limitation upon reform in Virginia was that the progressives urged legislation which was negative, or restrictive, rather than positive and far-reaching. All of the acts passed from 1890 to 1922 sought merely to restrict the freedom of the employer; none was aimed at the total curtailment of child employment. The age at which a child could work was gradually raised, the number of hours shortened, and the types of occupations limited, but child labor continued to exist throughout the period and thereafter.

## BIBLIOGRAPHY

### NOTE

In researching this paper I found the Richmond Times-Dispatch to be the most useful source in providing a daily account of the child labor movement in Virginia. The editorials were of particular interest, as they offered an insight as to how the various labor and education bills were interpreted by the paper and occasionally by the public. This information was easily supplemented by articles from other newspapers and by the Virginia Acts of Assembly. The National Child Labor Committee Manuscripts presented valuable surveys of the extent of child labor in Virginia. The personal correspondences of Carter Glass in his manuscript collection supplied both his own reaction and those of numerous individuals and organizations throughout the state to the federal child labor legislation. Both the Virginia Journals of the House of Delegates and Journals of the Senate and the Congressional Record proved disappointing. Careful research yielded little relevant material. No records were kept in the Journals of discussions of state legislation, and the Virginia Congressmen were not vocal on the issue of child labor in Congressional sessions.

Several secondary accounts of the progressive movement, of child labor legislation, and of Virginia history provided important background information. Two useful interpretations of progressivism were those by Richard Hofstadter and Robert H. Wiebe. Although they conflict with each other, both served as guidelines in understanding the progressive movement as it related to Virginia. Hofstadter, in The Age of Reform (1955), argues that progressivism was a status revolt, while Wiebe, in The Search for Order (1967), interprets it as a movement for greater efficiency. Allen Wesley Moger's Virginia: Bourbonism to Byrd, 1870-1925 (1968) provides an excellent history of Virginia politics and leaders. Raymond Hassell Pulley, in Old Virginia Restored (1968), presents the progressive impulse in Virginia as an attempt to restore the traditional order which had existed before the Civil War. I relied upon Pulley's thesis in explaining one aspect of the child labor movement in Virginia. His theory, however, does not constitute an exclusively accurate account of the impulse to reform in this area.

#### PRIMARY SOURCES

Address of Henry St. George Tucker Before the Florida Bar Association at Atlantic Beach, Florida, June 17, 1916. Staunton, Virginia: Press of J. J. Prufer.

Carter Glass Manuscripts. University of Virginia.

Lynchburg News. 1895.

National Child Labor Committee Manuscripts. Library of Congress.  
Bremer, Harry M. "Report on a Trip to Virginia in the Interest  
of Better Child Labor Law for the State." November-December,  
1913.

Hine, Lewis W. "Photographic Investigation of Child Labor  
in Virginia Cotton Mills." December 28, 1908.

Hunter, Marie. "Investigation of Virginia Cotton Mills."  
December 28, 1908.

New York Times. 1917-1918, 1922-1926, 1934-1937.

Richmond News Leader. 1903.

Richmond Times-Dispatch. 1891-1922.

State of Virginia. Acts and Joint Resolutions Passed by the General Assembly  
of the State of Virginia. Richmond: R. O. Bannon, 1890-1904;  
Davis Bottom, 1908-1914.

Annual Reports of the Bureau of Labor and Industrial Statistics  
for the State of Virginia. Richmond: Davis Bottom, Superinten-  
dent of Public Printing, 1907, 1908, 1909.

Journal of the House of Delegates for the State of Virginia.  
Richmond: R. O. Bannon, 1890-1904; Davis Bottom, 1908-1914.

Journal of the Senate of the Commonwealth of Virginia.  
Richmond: R. O. Bannon, 1890-1904; Davis Bottom, 1908-1914.

Virginia State Federation of Labor. Annual Sessions. 1903,  
1905.

The Supreme Court Reporter. Vols. 38, 42, 61. St. Paul: West  
Publishing Co., 1918, 1923, 1941.

United States. Congressional Record. 1916-1924.

Report of the Commissioner of Education for the Year Ended  
June 30, 1909. Vol. I. Washington: Government Printing  
Office.



## SECONDARY SOURCES

- Abbott, Grace. The Child and the State. Vol. I: Legal Status in the Family, Apprenticeship, and Child Labor. New York: Greenwood Press, 1968.
- Bailey, Hugh C. Liberalism in the New South: Southern Social Reformers and the Progressive Movement. Coral Gables, Florida: University of Miami Press, 1969.
- Bowie, Walter Russell. Sunrise in the South: The Life of Mary-Cooke Branch Munford. Richmond, Virginia: The William Byrd Press, Inc., 1942.
- Chambers, Clarke A. Seedtime of Reform: American Social Service and Social Action, 1918-1933. University of Michigan Press, 1963.
- Clark, Thomas D. and Kirwan, Albert D. The South Since Appomattox, A Century of Regional Change. New York: Oxford University Press, 1967.
- Clopper, Edward N. Child Labor in City Streets. New York: The MacMillan Company, 1912.
- Coleman, Elizabeth Dabney. "Genteel Crusader." Virginia Cavalcade, IV, No. 2 (Autumn, 1954), 29-32.
- Commons, John R. and Andrews, John B. Principles of Labor Legislation, 4th ed., rev. New York: Harper and Brothers Publishers, 1936.
- Davis, Allen F. Spearheads for Reform: The Social Settlements and the Progressive Movement, 1890-1914. New York: Oxford University Press, 1967.
- Davidson, Elizabeth H. Child Labor Legislation in the Southern Textile States. Chapel Hill: University of North Carolina Press, 1939.
- Ezell, John Samuel. The South Since 1865. New York: The MacMillan Company, 1963.
- Filler, Louis. Crusaders for American Liberalism. Yellow Springs, Ohio: The Antioch Press, 1964.
- Garraty, John A. The New Commonwealth, 1877-1890. New York: Harper and Row, 1968.

- Glass, Robert C. and Glass, Carter, Jr., Virginia Democracy. Democratic Historical Organization, Inc., 1937.
- Gompers, Samuel. "The A. F. of L.'s Successful Fight for Child Labor Laws." American Federationist. Samuel Gompers, ed. (September, 1912), 707-711.
- Gottman, Joan. Virginia in Our Century. Charlottesville: University Press of Virginia, 1969.
- Graham, Otis L. Great Campaigns: Reform and War in America, 1900-1928. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1971.
- Grantham, Jr., Dewey W. "Virginia Congressional Leaders and the New Freedom, 1913-1917." Virginia Magazine of History and Biography, LVI (July, 1948), 304-312.
- Hicks, John D. Republican Ascendancy, 1921-1933. New York: Harper and Brothers Publishers, 1960.
- Hofstadter, Richard. The Age of Reform: From Bryan to F. D. R. New York: Alfred A. Knopf, Inc., 1955.
- Hogan, John D. and Ianni, Francis A. J. American Social Legislation. New York: Harper and Brothers, 1956.
- Holland, Ruth. Mill Child. New York: The MacMillan Company, 1970.
- James, Arthur W. Virginia's Social Awakening: The Contribution of Dr. Mastin and the Board of Charities and Corrections. Richmond, Virginia: Garrett and Massie, Incorporated, 1939.
- Johnson, Elizabeth Sands. "Child Labor Legislation." History of Labor in the United States, 1896-1932. Edited by John R. Commons. Vol. III. New York: The MacMillan Company, 1935.
- Kelley, Florence. Some Ethical Gains Through Legislation. New York: The MacMillan Company, 1905.
- Key, Jr., V. O. Southern Politics in State and Nation. New York: Alfred A. Knopf, Inc., 1949.
- Kirby, Jack Temple. Westmoreland Davis: Virginia Planter-Politician, 1859-1942. Charlottesville: University Press of Virginia, 1968.

- Larsen, William. Montague of Virginia, The Making of a Southern Progressive. Louisiana State University Press, 1965.
- Link, Arthur S. Woodrow Wilson and the Progressive Era, 1910-1917. New York: Harper and Row, 1954.
- Lumpkin, Katherine DuPre and Douglas, Dorothy Wolff. Child Workers in America. New York: International Publishers, 1937.
- McKelway, Andrew J. "Child Labor in Virginia." National Child Labor Committee Pamphlet No. 171. New York: National Child Labor Committee, 1914.
- \_\_\_\_\_. "Fighting Child Labor in These States." Survey, XXVIII (April 20, 1912), 121-122.
- \_\_\_\_\_. "Protecting Negro Child Laborers in Virginia." Survey, XXXII (August 15, 1914), 496.
- \_\_\_\_\_. "The Awakening of the South Against Child Labor." Child Labor and the Republic. New York: National Child Labor Committee, 1907.
- Moger, Allen Wesley. Virginia: Bourbonism to Byrd, 1870-1925. Charlottesville: University Press of Virginia, 1968.
- Murphy, Edgar Gardner. Problems of the Present South. New York: The MacMillan Company, 1904.
- Pidgeon, Mary E. (ed.) . . . . The Laws of Virginia as They Affect Women and Children. . . . Charlottesville: University Press of Virginia, 1926.
- Pulley, Raymond Hassell. Old Virginia Restored; An Interpretation of the Progressive Impulse, 1870-1930. Charlottesville: University Press of Virginia, 1968.
- Scott, Anne Firor. The Southern Lady, From Pedestal to Politics, 1830-1930. Chicago: The University of Chicago Press, 1970.
- Sheldon, William Du Bose. Populism in the Old Dominion: Virginia Farm Politics, 1885-1900. Princeton: Princeton University Press, 1935.

- Spargo, John. The Bitter Cry of the Children. New York: The MacMillan Company, 1906.
- Taylor, Jr., Lloyd C. "Lila Meade Valentine: The FFV as Reformer." Virginia Magazine of History and Biography, LXX, No. 4 (October, 1962), 471-483.
- Tindall, George Brown. The Emergence of the New South, 1913-1945. Louisiana State University Press and the Littlefield Fund for Southern History of the University of Texas, 1951.
- Trattner, Walter I. Crusade for the Children, A History of the National Child Labor Committee and Child Labor Reform in America. Chicago: Quadrangle Books, 1970.
- Tucker, Henry St. George. Woman's Suffrage by Constitutional Amendment. New Haven: Yale University Press, 1916.
- Wiebe, Robert H. Businessmen and Reform: A Study of the Progressive Movement. Cambridge, Massachusetts: Harvard University Press, 1962.
- \_\_\_\_\_. The Search for Order, 1877-1920. New York: Hill and Wang, 1967.
- Wood, Stephen B. Constitutional Politics in the Progressive Era: Child Labor and the Law. Chicago: University of Chicago Press, 1968.
- Woodward, C. Vann. Origins of the New South, 1877-1913. Louisiana State University Press, 1951.
- Wynes, Charles E. Race Relations in Virginia, 1870-1902. Charlottesville: University Press of Virginia.

## VITA

### Mary Randolph Nichols

Born in Richmond, Virginia, April 8, 1949. Graduated from The Collegiate School for Girls in that city, June, 1967, A. B., Mary Washington College, 1971. M. A. candidate, College of William and Mary, 1971-1973, with a concentration in United States History. The course requirements for this degree have been completed, but not the thesis: Child Labor and Virginia Politics in the Progressive Era.