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THE 1913 CAMPAIGN FOR CHILD LABOR IN FLORIDA

by EMILY HOWARD ATKINS

SO MINUTELY prepared and well conducted was the campaign for a child labor law for Florida in 1913 that the advocates were surprised when the proposed bill was challenged by a solitary newspaper, *The Florida Times Union*. According to an official of the National Child Labor Committee, this strong objection on the part of the Jacksonville, Florida newspaper would have wrecked the legislation had it not been for the astute thinking on the part of the authors of the bill when the opposition first appeared.¹

Although some form of child labor legislation had been on the statute books of Florida since the turn of the century, the laws went unenforced. Little or no interest was shown in improving the conditions until the legislative sessions of 1905 and 1911. During this time sponsors of a minimum employment age for minors worked without success for new legislation.

In 1912, undaunted by three failures to secure a working law, the advocates organized a campaign by which they could gain public support before the 1913 legislature convened. The groundwork for their operations began in December, 1912 when the National Child Labor Committee organized a child labor committee for Florida. Next, upon invitations from the Jacksonville Board of Trade, the Florida Child Labor Committee, and the Committee of Social Workers, the National Child Labor Committee held its ninth annual meeting in Jacksonville in March, 1913.

Operating on the belief that the only way to gain support in the legislature was to make the people of Florida conscious of the need for the regulation of the working habits of minors, the leaders planned for the meetings in Jacksonville to inform the public concerning the evils of child labor and to bid for civic support for the correction of the wrongs by the next legislature.

During the five-day convention, information concerning the

1. A. J. McKelway, "The Florida Child Labor Campaign," *The Survey*, July 12, 1913, p. 497.

conditions of employed minors was channeled to both children and adults in Jacksonville. One of the chief features of the meeting was an appeal to the school children through a Saturday morning matinee at the Imperial Theater where they saw lantern slides about the lives of children who worked in glass, cotton, and coal industries. An Associated Press despatch stated:

this is the first time the National Child Labor Committee has taken child labor and poverty as the general topic of its conferences and heretofore no attempt has been made to interest children who play in the lives of those who work

and that the Committee realized that the campaign of education must be turned in the direction of the citizens who will make the future child labor laws of the country.²

For the adults an exhibit showing the evils of child labor was opened to the public. Nationally known persons such as Chief of the Children's Bureau, Julia C. Lathrop; General Secretary of the National Child Labor Committee, Owen J. Lovejoy; and other National Committee members, A. J. McKelway and John Kingsbury, made addresses to Jacksonville audiences attempting to create a sentiment in favor of child labor legislation.

Parents were contacted individually through what was called by the newspapers "parlor meetings." Eleven of these neighborhood gatherings were held throughout the city and in each instance ten conference speakers gave three-minute talks followed by question and answer periods. The parlor meetings were supported by the members of the various mothers' clubs. With Miss Lathrop as honor guest, the women of Jacksonville were entertained at a luncheon at the Womans' Club.

Shortly before the conference opened, Ion Farris and St. Elmo W. Acosta, Duval County Representatives to the Florida Legislature, stated that they would support a child labor bill in the 1913 session.³ During the conference F. M. Hudson, Senator from the 13th District of Florida, quoted his interest in getting behind child labor legislation when he presided over a mass meeting at the Board of Trade Building.⁴

The expectations of the leaders that the convention would

2. *The Florida Times Union*, Jacksonville, Florida, March 4, 1913.

3. *The Florida Times Union*, March 10, 1913.

4. *Ibid.*, March 17, 1913.

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create a "great sentiment" for the passage of child labor legislation were realized when a group of local citizens organized in the closing session of the convention a Florida Child Labor Committee to work for a bill regulating child labor in Florida.⁵ The committee, consisting of several hundred members,⁶ was headed by John W. Stagg of Orlando, chairman, and Marcus C. Fagg, secretary.

Upon the invitation of the newly organized committee for resource personnel in drafting pertinent legislation, the National Committee recommended A. J. McKelway who accepted a position of an advisor to the group. Frank A. Jennings, a Jacksonville lawyer, and McKelway were empowered to draw up the proposed legislation to be presented to the 1913 legislature.

The bill was drafted on the basis of the Uniform Child Labor Law with some modifications to suit Florida conditions and was introduced early in the session by the Speaker of the House, Ion Farris, and the President of the Senate, H. J. Drane. According to the initial comment of *The Florida Times Union*, the bill proposed the same measures as Ion Farris in the legislatures of 1907 and 1909.⁷

The original bill, presented as S160 and H296 in the respective houses, called for the regulation of the employment of minors and provided penalties for the violation of these regulations.

Minimum employment ages were set for boys in the sale or distribution of newspapers, periodicals or magazines in public places at ten years of age, in day messenger services and stores or offices at twelve years of age, in night messenger service at eighteen years of age, in mechanical trades at fourteen years, in dangerous mechanical industries at sixteen, and in places where intoxicating liquors were sold at twenty-one years of age. For girls the minimum age for the sale or distribution for newspapers, periodicals or magazines in public places was sixteen, and for work in mines, quarries, or places having moving machinery, twenty-one years. The minimum age for boys also applied to girls in other types of employment except work in "wineroms" or "breweries" where all females were excluded either as guests or servants.

5. *Ibid.*, March 18, 1913.

6. A. J. McKelway, "Child Labor and Poverty," *The Survey*, April 5, 1913, p. 62.

7. *The Florida Times Union*, April 22, 1913.

Furthermore, no child under sixteen years of age was to work in the sale or distribution of newspapers, periodicals or magazines, in the delivery services and stores or offices, or in industrial establishments unless he presented an employment certificate which had to be in duplicate in the employer's file and which had to be subject to examination by inspectors or officers charged with the enforcement of the act. Such certificates were to be issued by the local school superintendent under the control of the state superintendent.

In addition to the certificate, the employer must post in a conspicuous place a detailed schedule of the hours for each boy under the age of sixteen and each girl under the age of eighteen working in his establishment. Maximum employment hours were set by the bill as follows: not more than six days in one week, not more than fifty-four hours in one week, not more than nine hours in one day, nor before 5 a. m. or after 8 p. m., provided that one night of each week employment might be extended until 10 p. m.

Penalties for the violation of any provision of the act consisted of a maximum fine of two hundred dollars. The act was to take effect on September 1, 1913.⁸

As soon as the committee in the house reported favorably on the bill, the Saturday afternoon edition of the Jacksonville *Metropolis* stated "this bill is acknowledged to be moderate in its demands even by corporations effected by its passage," and it is backed by the women's clubs, the first group in the state to recognize the need for such legislation.⁹

On the following Monday, the *Florida Times Union* blasted the attempt to regulate child labor as "a most diabolical piece of legislation" concealed "within the sugar coated exteriors" of bills S160 and H296. The newspaper then blamed the agents of the National Child Labor Committee of Washington for "bringing to" the Florida Legislature a bill "drawn in Massachusetts by people wholly unfamiliar with conditions in the South." This legislation, the newspaper continued, is "almost wholly bad for Florida." So drastic and so unsuited to the need of this state was this type of legislation that the public was counseled to lay the "pruning knife" at its "very roots."¹⁰

8. *Ibid.*, April 28, 1913.

9. *Metropolis*, Jacksonville, Florida, April 26, 1913.

10. *The Florida Times Union*, April 28, 1913.

Reaction to this article was immediate. Both the Federation of Women's Clubs and the Federation of Mothers' Clubs sent telegrams on April 28 to the Legislature endorsing the bill. Other telegrams were sent by the Florida Child Labor Committee and the Fairfield Improvement Association disclaiming any relation of the Florida legislation to the Massachusetts Bill and verifying that the bill was drawn by the Florida Child Labor Committee for conditions in Florida.¹¹

On the next day, both Jacksonville papers carried letters to the editors from officials of the Florida Child Labor Committee who asserted that they had drawn the legislation themselves to fit especially the conditions in Florida. The letters pointed out to the editors that as conditions in Florida did not demand such severe measures as Massachusetts and other thickly populated states, the committee had graded their bill as low as ten years of age for street trades gradually rising to the limit of eighteen years of age for only night messenger services.¹²

In the meantime, Marcus C. Fagg, secretary of the Florida Child Labor Committee and a Jacksonville man who was interested in the welfare of children, wrote a letter to the *Florida Times Union* defending the child labor bill. He called attention to the fact that a ten-year-old child who should not be permitted to work regular hours could sell papers or peanuts after school when the work was not a hardship. Children of twelve could work after school hours and during vacations in stores, offices, and messenger services. At fourteen years they could work in certain factories and at sixteen could do dangerous work. Actually the only work requiring an age above sixteen would be the night messenger service. "We believe that it will protect the children of Florida at the ages when they need protection and at the same time allow the poor widow whose children must aid in her support to do some work that will not be a physical strain or place them in moral danger."¹³

According to Fagg, the bill had the support of the Florida Federation of Women's Clubs, Social Service Club of Jacksonville, labor unions, and had been carefully supervised by Senator F. M.

11. Proceedings of the Florida Legislature, 1913, *Senate Journal*, pp. 606-607.

12. *The Florida Times Union*, April 29, 1913.

13. *Ibid.*, April 30, 1913.

Hudson. So far as the connection between the National Child Labor Committee and the proposed legislation was concerned, Fagg wrote, the members of the Florida group requested the help and support of the National Committee who sent two southern men, Owen J. Lovejoy and McKelway, who served the Florida Committee without compensation.¹⁴

Shortly after the *Florida Times Union* called attention to the possibility that should the child labor law be passed, "the bright telegraph messenger under twelve must go, too . . . and after 7 o'clock at night no messenger under the age of 18 will be allowed on duty,"¹⁵ a group of Western Union state agents voiced their disapproval of the whole bill as it was drawn. This stand on the part of the state agents was contrary to that of the Western Union Company whose attitude was "heartily in favor of" the eighteen year age limit for night messengers, according to Belvedere Brooks, the vice-president and general manager of the Western Union Company in an interview with him in Tallahassee.¹⁶ However, the state agents took it upon themselves to issue a pamphlet opposing the entire bill, and to have it signed by the state agent of the Postal Telegraph as well as by themselves.¹⁷

So vigorous was the opposition of the *Florida Times Union*, described by McKelway as a paper "unusually timid concerning anything that might affect corporation interests" and the agents of the Western Union that McKelway feared that it could not be overcome without risk to the whole bill.¹⁸ Consequently, he suggested to the committee that they write a substitute bill.

Under the substitute bill, many of the provisions of the original bill were maintained; however, some adjustments had to be made. The age minimums of ten and sixteen years for street trades would apply only to cities with a population of 6,000 or more. Likewise, the provision setting the minimum age of twelve years for work in messenger services, and in stores or offices would apply only to cities of 6,000 or more people. Both boys and girls under sixteen years who worked in street trades, messenger services, stores, offices, or industrial establishments would have to have

14. *Ibid.*

15. *Ibid.*, April 22, 1913.

16. *Ibid.*, April 29, 1913.

17. McKelway, "The Florida Child Labor Campaign," p. 497.

18. *Ibid.*

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certificates which must be issued by the school authorities and posted with a schedule of hours in the places of employment.¹⁹

Industrial safety and health safeguards were introduced in the new bill in the form of required mechanical safety devices, seats, suitable washrooms and water closets, dressing rooms for girls, and, in some instances, limewashed walls in all places employing children under sixteen years of age.

In addition, a labor commissioner was provided to carry out the inspection duties. The bill also allowed for the inspection of factories for violations by city, county, judicial or police officials who would report violations to the school superintendent or to the labor commissioner. Grand juries and county solicitors of criminal courts of record were given inquisitorial powers to investigate violations of this act.²⁰

Senator A. S. Wells of Tallahassee introduced the substitute bill on May 23. On May 27, Senator J. P. Stokes of Pensacola brought about two amendments: first, that nothing in this act should apply to male children employed in the delivery of newspapers to regular subscribers out of school hours, and second, that the act should take effect on January 1, 1914.²¹ On May 28, by motion of Senator Wells, the bill was again amended to include the creation of an office of State Labor Inspector to be filled by "any capable person," male or female, by appointment by the Governor for a term of four years, such term to begin from and after such appointment, but said inspector shall have no power or authority except as conferred by this act.²² The substitute bill was then passed in the Senate by a vote of 27-2. The dissenting votes were cast by Senator Charles E. Davis of Madison and Senator John B. Johnson of Live Oak.²³

In the House of Representatives, the child labor banner was carried by Representative C. H. B. Floyd of Apalachicola who placed the bill on the privileged calendar opposite his name as the one bill he was allowed to bring up in the closing days of the session and according to McKelway was largely responsible for its

19. *The Revised General Statutes of Florida*, II, Chs. 4018-4040.

20. *Senate Journal*, p. 1576.

21. *Ibid.*, p. 1780.

22. *Ibid.*, p. 1863.

23. *Ibid.*

unanimous passage in the House of Representatives without discussion.²⁴

Thus, through the efforts of such leaders as Ion Farris, H. J. Drane, C. H. B. Floyd, F. M. Hudson, A. S. Wells, J. P. Stokes, Marcus C. Fagg, and McKelway and organizations like the Florida Federation of Women's Clubs, Federation of Mothers' Clubs, social service clubs, labor unions, the Florida Child Labor Committee, and the National Child Labor Committee, the 1913 campaign for a child labor law for Florida was realized in the passage of the act by the Florida Legislature "to regulate the employment of minor children in the state of Florida and to provide penalties for the violation thereof; creating the office of State Labor Inspector and defining duties and compensation of such officer."²⁵

24. McKelway, *op cit.*, p. 497.

25. *Senate Journal*, p. 1863.