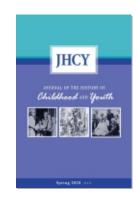


"Extra! Extra!": Boston Regulates Child Labor in the Streets, 1880–1895

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"EXTRA! EXTRA!": BOSTON REGULATES CHILD LABOR IN THE STREETS, 1880-1895

INTRODUCTION

On a gray afternoon, a young teenage boy stands on the corner of a busy city street, a newspaper held high in his hand and a small bundle of papers under his other arm. Wearing knickerbockers, a simple vest, and a flat cap, he calls out to passing pedestrians. "Extra! Extra!," he yells, announcing the heist of the century, the death of a beloved political figure, or the entry of the country into the war. He appears well fed and well put together. The service he provides enables the increasingly busy urban population to stay abreast of the latest news. A badge attached to his vest legitimizes his presence and his work on the street.

During the Gilded Age (1875–90) and the early years of Progressive era (1890–1920), Boston city officials regulated child labor on the streets through a strict, multistep licensing process. This process, seen through a close reading of the minutes of the local board of aldermen, government documents, and newspaper articles, gives us insight into the ways in which the city created a legitimate space for children's and teen's wage work. Instead of summarily restricting or abolishing child labor, the board of aldermen weighed questions of education, Americanization, family structure, and economic status in order to ensure that children who needed to work still received a proper education, toiled under controlled conditions, and remained safe. Through local legislation, the aldermen also sought to curb abuse from a number of illegitimate employers who saw children and teens as expendable and cheap labor.

The relationship between city government and child labor remains understudied for the time period. As historians highlight, child labor played a crucial role in the development of industrialized countries. In the nineteenth century, working-class families relied on the labor of women and children in order to survive. In industrial and agricultural settings, the family wage system

developed around the assumption that children would contribute to a portion of the income secured by working-class family units.2 It is not until the early 1900s that reformers began to frame child labor as a socioeconomic problem, countering the idea their labor was a normal part of their childhood or a step in their individual development.3 Despite the fact that labor unions already advocated for an end to child labor, city and state officials did not see child labor as warranting abolition, but as needing a clear definition of the context in which it could take place.4

Due to the rapid industrialization of the state in the early nineteenth century, Massachusetts officials took on a pioneering role in regulating labormore specifically, child labor—statewide.⁵ Whereas most state governments sided with industrialists, "repressing disorder and guaranteeing owners the use of their property without interference from protesting workers," Massachusetts officials sought to protect the state's workforce.6 In 1866, the legislature passed the Factory Inspection Act, which limited women's and children's daily work hours, and prevented children under the age of ten from working in manufactures or industries.7 In 1874, the state further limited minors under the age of eighteen to a maximum of ten hours a day and allowed the state to fine factories, corporations, or even parents who "willfully" violated the law.8

As reformers began to challenge the very concept of child labor in the 1870s and 1880s, Boston's board of aldermen took a different path toward regulating youth's work on the street by creating a legitimate space in which child labor could take place. Rather than restricting or eliminating child labor, the aldermen encouraged young workers to become productive citizens and good neighbors who provided for their families. This intervention served as a vehicle for socialization, where children and teens—especially immigrants—could more easily assimilate into Boston's culture.

The ethno-religious climate permeating city politics pushed the aldermen into a unique regulatory role, at a time where regulation stemmed mostly from federal and state legislatures or the courts instead of municipal authorities. Until the mid-1880s, the Brahmins—the white Anglo-Saxon Protestant Republican elite of Boston-had maintained hegemony over the city's social, political, and economic systems. The rise of the Irish Catholic Democrats during the Gilded Age challenged the political status quo in the city and pushed the Republican aldermen to use whatever regulatory tools they had to maintain their power.9 This included redistricting, allowing women to vote on what the city considered to be "women's issues," and the implementation of the Civil Service Act in 1884.10 Yet, the Irish continued to chip away at the Brahmins' hegemony, and in 1884, they elected Boston's first Catholic mayor, Hugh O'Brien.¹¹

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The regulation of child labor in the city street represents one of the very few issues on which bipartisan agreement (between white Anglo-Saxon Protestant Republicans and Irish Catholic Democrats) could be reached. In the Gilded Age, Boston reformers had begun to frame child labor and child abuse as issues of morality, seeing these problems as a threat to social order.¹² The aldermen, notwithstanding their political affiliation, shared the anxieties of Boston's reformers as urbanization increased and immigrants flooded the city.¹³ In the eyes of white middle-class reformers, these immigrants formed an "urban underclass" which ultimately threatened the "their whole vision of a good society" or, as the Puritans had put it, the "City Upon a Hill." 14 More importantly, members of the board especially feared that the children working on the streets would fail to assimilate properly and would enter a vicious cycle of poverty and crime. Their intervention specifically targeted these children to help them rise to what they considered to be Boston's standards of education, behavior, and Americanization. The aldermen determined who was fit to work, what was considered work, and under which conditions they could labor.¹⁵ In this sense, this article challenges the ways in which historians have seen the role of local governments as declining during the Gilded Age and the Progressive era, in favor of more muscular state and federal governments.16 The ethno-religious tensions in the city, the rise of urbanization and immigration, and the early push for progressive reform fostered a climate in which municipal authorities saw the need to enact reforms on child labor independently of the state legislature. In a sense, their actions aligned closely with William J. Novak's claims that "nineteenth-century American governance remained decidedly local." To Novak, local governments, including "towns, local courts, common councils, and state legislatures" constituted the base of American governance throughout the century.18

CHILD LABOR LEGISLATION IN NEW ENGLAND

Though they earned only a fraction of an adult's salary, working-class children often contributed a substantial portion to the family's income up in the late nineteenth century. They worked alongside their parents in the family business in rural areas as well as in manufacturing and industries in urban centers. Yet employers struggled with the idea of hiring children. ¹⁹ On one hand, mill owners saw young children as cheap labor, used to perform menial jobs for meager wages. On the other, young children required more hand holding, imposing an undue burden on their parents and supervisors. ²⁰

Regardless of their own position on hiring children, Massachusetts employers were bound to abide by state laws regulating child labor. In 1836, during the

boom of New England's textile industry, the Commonwealth became the one of first states to mandate school attendance.²¹ The law required children under the age of fifteen, including those who worked in manufacturing, to enroll in school for at least three months out of the calendar year. Six years later, in 1842, the state further restricted the ability of children under the age of twelve to work in manufacturing by limiting their workday to ten hours, and it gave school committees the ability to prosecute violations.²² The state increased the school attendance requirement to eighteen weeks for those under the age of twelve in 1858.²³ The question of child labor did not resurface as a significant public issue in Massachusetts until the mid-1870s, due to the Civil War and its aftermath.

In 1872, the Great Fire of Boston ravaged nearly sixty-five acres of the city. City officials took advantage of the disaster to rebuild and improve the city's infrastructure, launching the city into the nationwide City Beautiful movement.24 They hired reformer and landscape architect Frederick Law Olmsted to develop public parks and other green spaces. Between 1880 and 1890, Boston's population increased by 24 percent, from 362,839 to 448,477 people.²⁵ City officials authorized the filling of the Back Bay with the rubble from the fire in order to expand the city's footprint, and they encouraged real estate development to address overcrowding issues in working-class neighborhoods. Real estate developers built skyscrapers to demonstrate Boston's ability to innovate and developed planned neighborhoods to attract wealthy newcomers. Beautiful buildings, often of neoclassical and Beaux-Arts designs, punctuated the street and allowed Boston to rise from its ashes within years of the disaster.26 Yet despite city's intent to solve overcrowding and housing issues, the movement did not address systemic issues of poverty. Instead, developers made considerable efforts to push poverty out of sight as the situation deteriorated in the city.

In the South End, failed mortgages, following to the Panic of 1873, forced investors to transform single-family brownstones into multifamily tenement houses to recoup some profit. Rent prices dropped, which attracted workingclass tenants who could finally afford to live in what was previously an upand-coming neighborhood. Absentee landlords neglected their properties and overcrowding became the norm. This perceived deterioration of the neighborhood alarmed white middle-class reformers.²⁷ As the middle-class ideal of the family became more entrenched in the home, Boston reformers believed that the overcrowding was a telltale sign of the "lower moral standards" among the working-class population of the city. Furthermore, the presence of women and children, especially poor working children, in the street, was seen as a sign of

"parental neglect, family disintegration, and a pervasive urban social pathology."²⁸ It was a problem that the city needed to address urgently.

PROTECTING THE YOUTH

Knowing that issues of poverty and overcrowding were too broad to be resolved quickly, the board of aldermen focused on establishing a licensing system with which to legitimize the presence of working children—especially bootblacks, newspaper boys, and peddlers—on the streets. Licensees received a badge that identified that they were appropriately licensed by the city. They were also required to follow a series of rules that governed proper behavior while vending, restricted sales territories, and established a list of products allowed to be sold.²⁹ Similar to the vending licenses offered to adults, these licenses required an extensive, and somewhat expensive, application process. The father of the child was required to fill out paperwork, pay the associated processing fee of seventy-five cents, and submit the complete packet to the license office at City Hall during business hours.³⁰ A city clerk reviewed the paperwork and sent it to the board of aldermen for approval. The aldermen discussed the attribution of licenses during their regular weekly city business meetings, and would approve, delay, or reject applications.

Instead of using the licensing process to remove child labor from the public eye, the board of aldermen used it to legitimize the presence of working children on the street. At first, the aldermen assigned newspaper boys, bootblacks, and peddlers to specific territories within city districts. These territories, usually a designated street corner, justified the presence of the youth for the purpose of selling their products, effectively creating a space in which these children could thrive. More importantly, it removed the children from the suspicion of reformers and Bostonians alike, and relieved police officers from the burden of questioning every child to rule out vagrancy. The licensing and assigned territories were intended to reduce conflicts between the youth and local business owners, minimize the possibility of unfair competition, and maximize profits for the young workers.³¹

Some newspaper companies, more concerned about their profits than the children's safety, developed creative ways to circumvent the restrictions imposed by the city. For instance, the Hotel and Railroad News Company, the company publishing the *Boston Daily Standard*, began to issue "badges of their own, a Maltese cross" to the boys. ³² According to the reports made to the board of aldermen, several boys "licensed" by the Hotel and Railroad News Company thought that they could expand their reach beyond their assigned territory and bypass the limitations intrinsic to the city's licensing process. ³³ The organization

had also led them to believe that their badges allowed them to climb onto streetcars to sell their newspapers, a practice that was explicitly forbidden by the city's license restrictions.³⁴ Some youth saw an advantage in the alternative credential and forwent the city licensing process altogether, believing that the Maltese cross badge afforded them a greater sales opportunity. The two systems existed alongside each other for many years, but debate continued around the treatment of boys working under the Maltese cross system.

In 1891, newly elected alderman Thomas Francis Keenan viewed the board of aldermen as the protector of Boston's working youth. A journalist born in Boston to Irish parents in 1854, he understood the plight of Boston's immigrant youth.35 In order to keep his family afloat, he began working at age fifteen for the Daily Advertiser, one of Boston oldest newspapers.³⁶ He climbed the ladder of the newspaper industry, becoming a reporter for the Boston Globe and the Herald, then an editor, and finally a publisher. Keenan dedicated most of his adult life to city politics, joining the Democratic Party in 1876.37 He served two one-year terms as a member of the common council for the city of Boston in 1888 and 1889, prior to being elected to the board of aldermen. In his intervention, Keenan emphasized the desperation of the youth, many of whom were living hand-to-mouth. Given these circumstances, he continued, it was imperative that the board used all of the tools at its disposal—especially licensing—to protect the young workers. He wanted "justice for every boy," and explained that, "no matter in what condition of life a boy is born into the world"—citing neglectful parents, poverty, and other ills, or even if a boy "wants to sell papers so as to keep the wolf away from his parents' door"—he "ought to have the right to sell papers."38 Alderman Keenan believed that the licenses, existing school requirements, and movement restrictions pushed prospective workers toward predatory companies whose profits came before the safety and wellbeing of their employees.

Francis C. Lowell, a member of the common council representing the constituents of Ward 11, proposed an amendment to the licensing regulations to protect the boys and to maintain friendly cohabitation on the streets.³⁹ He proposed that the board consider hiring city officials, a city clerk at first, then police officers, to "supervise the minors," and to "look . . . after them to see that they conform . . . to the conditions of their licenses."40 Alderman Joseph J. Casey helped his colleagues contextualize and understand Mr. Lowell's proposal. Conflicts with local merchants had erupted as the Hotel and Railroad Company boys expanded their territories under the Maltese cross system. According to the alderman, the Maltese cross-license holders "debar[ed] other boys, especially in our locality, and the people with small stores, from selling

the same papers."⁴¹ Alderman Casey even added that they did so "with perfect impunity."⁴² As a result, he believed that a more open licensing process was the key to eliminating unfair competition. Furthermore, better licensing could help foster good relationships between local vendors and the youth, and it could help control illegal reselling of legitimate city licenses. He estimated that nearly 400 of these licenses had been resold to ineligible parties.⁴³

Adamant about protecting the children, the board of aldermen modified the licenses' conditions, adding mobility privileges to the licenses that allowed the boys "to go about from place to place in the city of Boston, and in the streets and public places of said city, to work as a bootblack or to sell any of the articles enumerate[d]."⁴⁴ The licenses allowed the boys to sell a larger variety of items, including "fruits, provisions, live animals, brooms, agricultural implements, fuel, newspapers, books, pamphlets, agricultural products of the United States," as well as "the product or his own labor or of the labor of his family."⁴⁵ The licenses, however, excluded the sale of exotic fruits, on which professional merchants such as the Boston Fruits Company retained a monopoly.

Despite this added freedom, license regulations remained strict in terms of the behaviors expected from their holders. They still could not "congregate together, make any unnecessary noise, or in any other way disturb or annoy persons as they pass." Furthermore, their "stands should not disturb the public," nor could they "congregate around the stand." They could not transfer their licenses or hire subcontractors, and the age limits remained the same, preventing boys under the age of ten from being bootblacks and those under the age of twelve from selling newspapers or other articles as stipulated by the policy. Finally, all teenagers under the age of fifteen were required to attend a school "approved by the School Committee" "every day" during the school year. They was a stipulated by the School Committee" "every day" during the school year.

LICENSES AND EDUCATION

Similar to the state law, the aldermen wanted to ensure that newspaper boys received a proper education that was on par with their nonworking peers. In 1868, the city established two "schools for licensed minors" to ensure that minors licensed to sell on the streets during the day still received what Bostonians considered a proper education. Enrolled students received primary and grammar-level education, as well as "lessons in moral and good manners." The schools not only aimed at educating licensed minors but at "caring for those who [were] disposed to violate the city ordinance in reference to 'Licensed minors."

In the 1880s, some of the newspaper boys', bootblacks', and peddlers' literacy rates fell behind their peers' levels. Having few tools to enforce the law—the truancy officers were only able to impose a fine onto children who were enrolled but absent from school—the board used the licenses as the tool to force young workers back onto the school benches by stipulating that no child could receive the privileges associated with the licenses unless they could prove their current enrollment in the city's public school system. The requirement for enrollment, however, was not excessive for the time, requiring only a "regular attendance at school for one or two hours each school-day."52 Diverging from the state law, which mandated that children attend school for at least one term each year, the aldermen's rule promoted regular over spotty attendance, in line with the recommendations of the local department of education published in 1871. The report insisted that "regularity [was] all-important" to children's attainment levels, notwithstanding the time spent on individual days.⁵³

Yet this regularity in attendance, where licensees were required to attend school "each day during the school year," posed logistical issues to poor families.⁵⁴ Even if public schools allowed children to enroll free of charge and provided the textbooks necessary, parents or guardians had to pay for school supplies and to provide appropriate clothing for each child attending.⁵⁵ In the 1890s, the school committee required that parents also provide an immunization certificate at the family's expense.⁵⁶ Large families could seldom afford such costs or regular medical care. In addition, tuberculosis, endemic in poor neighborhoods, prevented a large number of children from attending school for periods of time.⁵⁷ As a consequence, licenses were de facto reserved for only those children whose families could afford to send their young boys to school.

In 1891, city clerk and register of deeds Lauriston Bunker, who came from a wealthy merchant family from Nantucket, submitted a proposal to the board to change the education requirement for the licensees. Although the proposal itself was not recorded in the board's minutes, it clearly angered board members. Alderman Keenan interjected in horror, claiming that Bunker's proposal gave him the "impression that unless a boy belonged to a Sunday school, or to a first class family," "he was not considered a proper person to go out and sell papers on the street."58

Bunker's proposal, whatever it might have been, is not a surprise in the context of Boston's political climate. Until the mid-twentieth century, tensions between Anglo-Saxon Protestant Yankees and the Irish Catholic population of the city shaped the political landscape. Until the early twentieth century, the Boston Brahmins-the white Anglo-Saxon protestant elite of the city-controlled both city and state politics. With the exception of a short period between 1854 and 1860, during which the Native American Party—the nativist Know Nothing Party—was elected at the state level, Yankee-supported Whigs and Republicans maintained power over city and state politics.⁵⁹

Bunker's proposal most likely reflected the pervasive nativist concerns of some Bostonians who, as the city became increasingly cosmopolitan in the second half of the century, feared the loss of their way of life.⁶⁰ By 1879, Boston had become the second major port of entry to the United States, after New York City.61 Irish Catholics still accounted for the majority of people migrating to the city. A decade later, migration patterns changed as Italians, Greeks, Portuguese, Polish, and Russian natives began to make their way to the United States. In the late nineteenth century, more than 35,000 immigrants came through the port of Boston annually, and nearly 68 percent of all Bostonians claimed to be foreign or of foreign descent.⁶² Native Bostonians had difficulty coping with the arrival of so many immigrants from different backgrounds. Nativism grew among old Boston families, who ultimately supported the creation of the Immigration Restriction League in 1894.63 In this context, Bunker was most likely concerned about the entry of immigrant children into the city's workforce and attempted to convince the board of aldermen to tighten the criteria necessary to receive a license.

Alderman Keenan's reaction to Bunker's proposal is not surprising, either. Throughout his career, he was particularly dedicated to "advanc[ing] the social and educational conditions of the masses."64 Having spent most of his adult life in politics, Keenan's political savviness allowed him to speak the language of the Brahmin board members. From a personal point of view, he argued that "every foreigner who comes to this country ought to have a chance to make a living, even by selling newspaper."65 He firmly believed that teenagers ought to contribute to their family's income, no matter what type of work they decided to do. As a politician, however, he "believe[d that] it [was] cheaper to give them the right to sell paper than it [was] for the taxpayers to support them as paupers."66 Prior to the emergence of the federal welfare state in the 1930s, welfare relief represented a large portion of the city budget.⁶⁷ As the chairman of the finance committee, Keenan could not help but protect the city's interests in the matter. Yet, he carefully crafted his argument as a pragmatic stance, reassuring the rest of the board that he did not think that his position was a case of "liberality." He was concerned that his colleagues would perceive his statement as too radical.68

The board of aldermen's concerns went beyond the fear of having to support more paupers on city rolls. Some board members wondered if the young workers could live in the city and earn a decent living without speaking English properly. Across the nation, white Anglo-Saxon middle-class reformers had grown concerned that recent immigrants, including children, would not assimilate properly into American society. In an effort to counter the national trend, they launched Americanization programs in working-class neighborhoods to help newly arrived adults in their acculturation process.⁶⁹ In Boston, Andover House and Denison House, two settlement houses that opened in 1891 and 1892 respectively, offered English and history classes to recent immigrants in order to facilitate their integration. Immigrant youth benefited from similar programs through the public school system. However, the aldermen pointed out, young immigrants who did not enroll in school or attend regularly, and those who could not yet take advantage of the adults' programs, were left in limbo, unable to speak the language and to assimilate properly.

Alderman Benjamin Franklin Stacey, an apothecary of Charlestown, argued that the board had never discriminated against the boys based on socioeconomic or ethnic origins. To his knowledge, the board has never denied a license to anyone who applied and was "recommended by parent guardian or nearest friend." A few minutes later, however, he remembered that language sometimes constituted a basis for discrimination and cited the example of "a few Russians [who had] been refused" a license in the past. 70 Once again, Alderman Keenan expressed his concern that the board would create grounds for discrimination against non-English speakers. To Keenan, speaking a language other than English did not "prevent [a newspaper boy] from holding a copy of the Boston Record or the Boston Herald" in the street to earn a living. Similarly, he continued, it did not prevent an English-speaking customer from purchasing a copy of the daily paper. He furthered his argument by offering another possible situation. "If a foreigner comes to the alderman's house with a basket of needles, if he cannot speak the English language but shows the doctor the basket of needles which he wants to sell," he explained, "the doctor would certainly know that he wanted him to buy them."71 Newspaper boys could indeed hide their incomplete Americanization by limiting their interactions with the public to a small number of phrases, learned from their peers. All in all, their lack of familiarity with the language in no way impeded their work on the street. Keenan's argument proved convincing, and the aldermen tabled Bunker's restrictive proposal.

A CASE FOR DISCRIMINATION?

Although language did not constitute a barrier to the licensing process, economic precariousness often did. The overarching goal of the licensing process was to craft a legitimate space in which child labor could take place. For that

reason, the board of aldermen had created a list of restrictions that, once followed, sanctioned the presence of the children on the street. However, these restrictions disproportionately affected those "of the very poorest class."72 Common council member Quinn, of Ward 12, stated that restrictions on licensing simply "prohibit[ed] a certain amount of worthy free trade" in the city instead of protecting the children or merchants as it intended. He argued that, "it ha[d] been a privilege of many poor people in the past to make a small living as well as they could as peddler in the streets of Boston."73 Unless there were "grave complaints against these people," Quinn continued, the city needed to remain pragmatic, adopt a laissez-faire policy, and license all the boys who applied for a license.⁷⁴ Alderman Stacey agreed with his colleague. He believed that the board should "license all boys who come before [them]." Like Alderman Keenan, he felt that there should be "no possible restriction, no Sunday School regulation or anything of the sort" preventing youth from securing a license. Instead, he argued that, "a license [should] be free as water to all the boys who apply for it."75

In mid-February 1891, the question of school attendance resurfaced. Alderman Farmer of the tenth district asked an important question to the rest of the board. Did the license regulations aim to exclude boys who did "not attend public school"? To Farmer, demanding a certificate of attendance from a public school, as part of the application process, could deter boys from even applying. Alderman Stacey defended the regulation, arguing that it did not bar older boys who were of age from holding full-time employment. These boys, over the age of fifteen, could apply and obtain a license without having to attend school on a daily basis. Instead, the regulation intended to "keep the young boys in school and make them get an education." Although Alderman Farmer seemed to agree with the regulation in spirit, the age limit bothered him. Was fifteen years old too old to be required to attend school daily? Could there be any exceptions for those who could not afford to attend school?

Alderman Farmer imagined some scenarios. "Perhaps they are unable to go to school," he explained, "perhaps they are too poor to procure the necessary clothes to go to school in." His questions resembled the aldermen's debate a decade earlier. Like his colleagues, he thought in terms of socioeconomic classes, stating that the school restriction "was taking away from that class of boys an opportunity of making a living." To support his point, he gave the example of boys living in the North End, a predominantly Italian neighborhood in Boston. In the 1890s, less than 5,000 Italian immigrants lived in Boston. Northern Italians, who had established themselves in the city in the late nine-teenth century, were usually more well-off and educated than their southern

counterparts, who came from agricultural areas of the country.⁷⁹ Speaking of these southern Italian boys, Alderman Farmer argued that if forced to attend public schools, these youth "would get no good whatever from the instruction."80 While the language barrier hindered their education, the boys could easily work, selling fruits and vegetable in the streets of the North End. However, if these boys applied for a license, the board of alderman would most likely deny their application due to their lack of attendance in school.

Alderman Stacey, however, remained unfazed by his colleague's argument. "These rules are, to my mind, in the interest of education," he explained to his fellow alderman. Stacey pushed his own argument further. If the boys remained in school up to what he considered to be a "reasonable age," they could ultimately "improve their social condition and assume better positions in life."81 Stacey's rhetoric was not new. During the Progressive era, the stories of men such as John Rockefeller, Andrew Carnegie, and Cornelius Vanderbilt, who grew out of poverty to become business magnates, gave credence to the ideology. Yet, these success stories remained exceptions, as the majority of workingclass Americans saw very little possibility of social mobility.

To Stacey, the language barrier did not constitute an educational barrier. In fact, he gave his colleagues examples of students living in the North End of Boston. He argued that if Alderman Farmer visited "the School on Harrison avenue," he would see that teachers are educating not only Italian youth, "but the Russian Jews, Polish Jews and Portuguese in the English language."82 Since most boys fell between the cracks of the Americanization projects put in place in the city, Alderman Stacey felt that going to school remained one of the very few opportunities "offered to these boys when they come to this country to acquire the language."83 In that sense, the alderman did not feel that the licensing process would cause a "considerable hardship" to the boys, but provide them with an additional opportunity toward assimilation.

Alderman Keenan, who had been a fierce supporter of the boys, agreed with the reservation brought forth by Alderman Farmer but believed in the spirit of the law. Politically savvy as always, Alderman Keenan suggested some changes to the law in order to quell the board members' concerns and to give the aldermen more leeway in applying the regulations. If mandatory attendance at a school remained, he proposed to change the wording from "public school" to "regularly established" school. In doing so, youth could attend night or parochial schools, which had grown in popularity in the Italian and Irish Catholic neighborhoods in the second half of the nineteenth century. Enrollment in these schools would fulfill the requirement of the regulation. According to Keenan's modification, the committee on licenses could also approve any

schools that it considered sufficient, a prerogative previously reserved to the city's school committee. By broadening the definitions under the regulation, Kennan believed that the licensing process would no longer interfere with the boys' right to earn a living and that, since the modification removed the public school requirement, it finally recognized "the right of every family to send their children to whatsoever school they have a notion to, as they have the right to do in this city."⁸⁴

Alderman Lewis proposed an even more radical plan to help the boys. What if the board of aldermen lowered the age requirement for mandatory attendance to thirteen years old? His proposal stemmed from a pragmatic approach to the question of education. He argued that a large number of boys who made it to the country around the age of thirteen "are obliged to work all day long to help support a family." The alderman even claimed to have known a number of successful businessmen who lived in Boston and who "never attended school after they were 10, 12, 13 or 14 years of age." Despite his argument and the logic behind it, his proposal could not be accepted by the board since the mandatory attendance age needed to be either higher than or equal to fifteen years old, the age set by Massachusetts' Law 1836.

While the board of aldermen refused to compromise any further on the question of education, it did approve additional measures to ease the application process. For example, Keenan noticed that the old regulation stipulated that a child's father needed to apply for his son's license. He proposed that the board change the word father to parent, as a neutral term would allow mothers to also submit applications for their youth. Ref This change in the regulation did not constitute a feminist push on the part of the board; it was simply a pragmatic change reflecting the reality of most working-class families living in Boston. "The father might be a working man," Alderman Sullivan stressed, "and it might be a hardship to get him away from his work." In this light, "there is no reason in the world why the mother will not answer the same purpose." While this change hints to a sensitivity toward the reality of working families, it still drew upon middle-class ideals where the mother stayed at home while the father worked. Ref

While the board of aldermen worked to make the regulation of licenses easier on the boys, other people in the city wanted the opposite. Mr. Bunker, a pastor living in the city who had no connection to Lauriston Bunker, proposed amendments to the regulation that would have required the suspension of the licensing process while the board deliberated. During such a suspension, not only would the boys suffer from the inability to conduct business, but they also faced the risk of being arrested if they attempted to work without holding a

valid license. Alderman Keenan again decried the unjust burden that would be placed upon boys who required a license. He reminded the board that "there is a large class of boys in this community who depend for a livelihood upon selling of papers." Highlighting their difficulties, he also explained how these boys constituted a vulnerable segment of the population. He believed that people such as "Mr. Bunker or any other Bunker" ask for changes in the ordinance for discriminatory purposes, and he felt that the proposals were made "so that [a] certain class of boys, perhaps not friendly to him in his own estimation, shall be cut off from selling papers on the streets," perhaps "because possibly they wear a ragged coat or a ragged pair of trousers." In this sense, Alderman Keenan felt that it was "about time that the people who represent the community should go carefully, and weigh carefully every little question that may have a bearing on the social welfare of the community."90

On the eve of the economic depression of 1893, tensions between newspaper boys and the public became more evident. In May 1893, Reverend Albert H. Plumb of Chelsea petitioned the board of aldermen to stop the sales of newspapers on Sundays.⁹¹ Plumb complained about the "noisy crying of the newspapers on Sunday and the selling of newspapers by very young boys."92 While the blue laws prohibited certain activities in Massachusetts on Sundays, selling newspapers on the streets was not one of them.⁹³ The matter, however, was more complex. Due to the economic depression, many boys took on the sale of newspapers to help their families. A number did so without acquiring a proper license, and to ordinary citizens, this influx of young sellers on the streets, many of them not abiding by the strict code of conduct imposed by the ordinance, disrupted the peace on the street. While the board could have reverted back to more regulations, the aldermen felt that it was not their place to prevent boys from selling their wares on specific days. "We cannot deprive any boy who sees fit to sell papers on Sunday, or at any other time, of the right to sell them," Alderman Dever explained. "We merely control those boys who attend school, giving them a license," he argued, while "the [unlicensed] boys who do not attend school we have no control over."94 The board proposed hiring someone to supervise the children instead of requiring Boston police officers to intervene.95 However, the aldermen soon realized that Plumb's complaint did not solely target the boys under their jurisdiction. Plumb hoped to restrict activities on Sundays for everyone in the city. Upon discovering Plumb's ulterior motive, the aldermen, facing an impasse, decided not to intervene, referring the complaint to the committee of licenses.⁹⁶

The year 1893 marked the end of the board of aldermen's discussions pertaining to the regulation of minors, as the regulation of child labor had already begun to shift back to the state legislature, which continued to deliberate on both children's and women's labor, refined and clarified the labor code, and repealed inconsistencies. In 1890, the state prohibited women and children from working between ten o'clock in the evening and six o'clock in the morning. In 1892, it limited the number of hours worked by women and children to fifty-eight hours a week, two hours less than the law of 1874 permitted.⁹⁷ In 1898, Massachusetts legislature raised the age limit to fourteen years old for the employment of minors in "factory, workshop and mercantile establishment."⁹⁸ In addition, it prohibited the employment of those under fourteen years of age during "hours of public school session." If a minor of more than fourteen years old was unable to read or write, possibly due to their recent arrival in the United States, his or her employment was only possible under the condition that said minor also enrolled in an evening school "maintained by the city."⁹⁹

The same year, the legislature also established policies and procedures to regulate the employment of such minors. For example, employers had to keep "age certificates on file and 'accessible,' and two complete lists of such minors, one on file and one conspicuously posted near the entrance of the building," to facilitate inspections by the state. An additional list, containing the names of minors who could not read nor write, had to be sent to the "superintendent of schools, or to the school committee." The failure to provide such certificates or lists was "deemed violation," punishable by fines of ten dollars, for a missing certificate, to fifty dollars for providing a false statement.

CONCLUSION

In the 1880s and 1890s, the members of Boston's board of aldermen explored a new path to regulate child labor. Rather than restricting or completely abolishing such labor, the aldermen created a legitimate space in which the youth could work. Their regulations not only defined who was fit to work and what constituted work, but they also imposed strict conditions under which youth could operate. Young workers additionally had to prove that they were enrolled in school to the extent of the law. The process not only protected the children from possible exploitation from their employers, but it also socialized them to Boston's expectations of good citizenship.

In 1901, the American Federation of Labor (AFL) helped form the Boston Newsboys Protective Union as an experimental labor organization. The union built upon the foundation laid down by the aldermen in the 1880s. On the eighth day of the 1906 convention of the AFL, one of the union leaders proposed that the newsboys' union be made permanent, adding to the legitimacy of the newspaper boys as workers. The representative acknowledged that the union

had been "of a great benefit to the newsboys, both in bettering the conditions in their vocation and in the education of their members, thereby gaining the respect of the labor movement and the general public in their vicinity."101 That year, the AFL resolved to make the Boston union permanent and to help newspaper boys organize across the country, despite their young age.

The debates surrounding the regulation of child labor speak to the anxieties of Boston's elite during the Gilded Age and the Progressive era. In the mind of Progressive city officials, the presence of children on the streets, the wave of immigration, and dropping literacy rates challenged the social order and required muscular government intervention. In spite of the power struggle between Irish Democrats and Yankee Republicans, aldermen of both parties agreed to a bipartisan regulatory effort to save the children. Their efforts challenge the ways in which historians have seen the role of city government decline in favor of state and federal government regulation of child labor in this period. In this sense, this article helps us to understand the role of local authorities in the regulation of child labor and highlights the importance of localism in our understanding of the field.

NOTES

- 1. Hugh D. Hindman, Child Labor: An American History (Armonk, NY: M.E. Sharpe, 2002). 5.
- 2. Hindman, Child Labor, 35.
- 3. Hindman, Child Labor, 5.
- 4. James Marten (ed.), "Introduction" in Children and Youth during the Gilded Age and the Progressive Era (New York: New York University Press, 2014), 12.; see also Theda Skocpol, Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States (Cambridge: Belknap Press, 1992).
- 5. Marten, "Introduction," 58.
- 6. David Montgomery, The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925 (New York: Cambridge University Press, 1987). 5.
- 7. Sarah Scovill Whittelsey and Arthur Twining Hadley. "Massachusetts Labor Legislation, A Historical and Critical Study," Annals of the American Academy of Political and Social Science 17, Supplement 15 (January 1901): 9-34; Montgomery, The Fall of the House of Labor, 165-67.
- 8. Whittelsey and Hadley, "Massachusetts Labor Legislation."
- 9. Jack Tager, "Reaction and Reform in Boston: The Gilded Age and the Progressive Era" in Massachusetts in the Gilded Age: Selected Essays, eds. John W. Ifkovic and Jack Tager (Amherst: University of Massachusetts Press, 1985).
- 10. On the women's vote, see, in particular, Sharon Hartman Strom, "Leadership and Tactics in the American Woman Suffrage Movement: A New Perspective from Massachusetts," Journal of American History 62 (1975): 296-315. On the Civil Service Act and the tensions between

Irish and Yankees, see Edward H. Miller, "They Vote Only for the Spoils: Massachusetts Reformers, Suffrage Restriction, and the 1884 Civil Service Law," *Journal of the Gilded Age and Progressive Era* 8 (2009): 341–63.

- 11. O'Brien was the only Irish Catholic elected to the position in the nineteenth century.
- 12. See, in particular, Linda Gordon, "The Cruelty': Child Protection 1880–1910." *Heroes of their Own Lives: The Politics and History of Family Violence: Boston, 1880–1960* (New York: Viking, 1988).
- 13. Gordon, "'The Cruelty," 28.
- 14. Gordon, "'The Cruelty," 28.
- 15. For a discussion on how race and gender shaped the politics of labor, see, in particular, Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge: Harvard University Press, 2002).
- William J. Novak, "Law and the Social Control of American Capitalism," *Emory Law Journal* 60 (2010): 377.
- William J. Novak, The People's Welfare: Law and Regulation in Nineteenth Century America (Chapel Hill: University of North Carolina Press, 1996), 10.
- 18. Novak, The People's Welfare, 10.
- Everett W. Lord, "Child Labor in the Textile Industry and Canneries of New England," Annals of the American Academy of Political and Social Science 33 (1909): 73–8.
- 20. On child labor in New England, see Thomas Dublin, Transforming Women's Work: New England Lives in the Industrial Revolution (Ithaca: Cornell University Press, 1995); Philip S. Foner, The Factory Girls (University of Illinois Press, 1977); Lucy Larcom, A New England Girlhood, Outlined from Memory (Boston: Houghton, Mifflin, 1889); Judith Ranta, Women and Children of the Mills: An Annotated Guide to Nineteenth-Century American Textile Literature (Westport: Greenwood Press, 1999).
- 21. General Statutes of the Commonwealth of Massachusetts; Revised by Commissioners Appointed under a Resolve of February 16 1855, Amended by the Legislature, and Passed December 28 1859 (Boston: William White's State Printer, 1860), 229–30.
- 22. This law was passed well before the Supreme Court decision in the 1908 case of Muller v. Oregon, which limited women's work day to ten hours. It should be noted that a number of people involved in the Muller case had connections to Massachusetts. For a general history of the case, see Nancy Woloch, Muller v. Oregon: A Brief History with Document. (Boston: Bedford/St. Martin's Press, 1996).
- 23. General Statutes of the Commonwealth of Massachusetts; December 28, 1859, 229-30.
- 24. Richard Hornbeck and Daniel Keniston, "Creative Destruction: Barriers to Urban Growth and the Great Boston Fire of 1872," *American Economic Review* 107, no. 6 (2017): 1365–98.
- Lawrence W. Kennedy, Planning the City Upon a Hill: Boston Since 1630 (Amherst: University of Massachusetts Press, 1992), 257.
- 26. Hornbeck and Keniston, "Creative Destruction."
- 27. Robert Archery Woods, The City Wilderness: A Settlement Study by Residents and Associates of the South End House (Boston: Houghton, Mifflin, and Co., 1899), 65.

- 28. Christine Stansell, "Women, Children, and the Uses of the Streets: Class and Gender Conflict in New York City, 1850-1860," Feminist Studies 8, no. 2 (1982): 311.
- 29. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880 (Boston: Press of Rockwell & Churchill, City Printers, 1881), 28.
- 30. The fee represented day's worth of sales for a young newspaper boy. "The Newsboys: The 'Secrets of the Trade' by an Urchin," Boston Globe, January 8, 1883.
- 31. "The Newsboys."
- 32. "The Newsboys." For more information on the Hotel and Railroad News Company, see, in particular, Massachusetts Board of Railroad Commissioners, Annual Report of the Board of Railroad Commissioners (Boston: Wright & Potter, State Printers, 1896), 176-8.
- 33. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880, 28.
- 34. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880, 28.
- 35. In 1854, the Native American Party (the Know Nothing) was elected in the city. Their nativist policies stripped Irish Americans of their civil rights, abolished Irish regiments, and imposed a Protestant agenda onto city politics. Dale Baum, "Know-Nothingism and the Republican Majority in Massachusetts: The Political Realignment of the 1850s," Journal of American History 64, no. 4 (1978): 959-86.
- 36. The Daily Advertiser was founded in 1813. The paper promoted a Federalist, then Whig, then Republican agenda, in line with the Brahmins' political inclinations. The paper was bought by William Randolph Hearst in 1917 and remained under the Hearst umbrella until the end of its publication in the early 1970s.
- 37. Edwin M. Bacon, Men of Progress (Boston: New England Magazine, 1896), 88.
- 38. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891 (Boston: Press of Rockwell & Churchill, City Printers, 1892), 89.
- 39. Until 1909, the city of Boston was ruled under a bicameral system, with the board of aldermen elected at large and the common council elected by ward. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 40. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 97.
- 41. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891 (Boston: Press of Rockwell & Churchill, City Printers, 1892), 98.
- 42. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 43. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 44. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 45. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 46. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880, 28.
- 47. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880, 29.
- 48. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 98.
- 49. Whittelsey and Hadley, "Massachusetts Labor Legislation," 107; Massachusetts Board of Education, Thirty-fifth Annual Report of the Board of Education, together with the

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- Thirty-fifth Annual Report of the Secretary of the Board (Boston: Wright & Porter, State Printers, 1871), 238.
- 50. Massachusetts Board of Education, Thirty-fifth Annual Report, 238.
- 51. Massachusetts Board of Education, Thirty-fifth Annual Report, 238.
- 52. Massachusetts Board of Education, Thirty-fifth Annual Report, 238.
- 53. Massachusetts Board of Education, Thirty-fifth Annual Report, 238.
- 54. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1880, 28.
- 55. The Know Nothing Party, elected in 1854, passed the Textbook Law in 1855. See Steven Taylor, "Progressive Nativism: The Know-Nothing Party in Massachusetts," *Historical Journal of Massachusetts* 28, No. 2 (2000): 167–84.
- Boston School Committee, Annual Report (Boston: Rockwell and Churchill, City Printers, 1891).
- 57. Boston was one of the first cities to open a sanatorium to treat patients infected with tuberculosis. See, in particular, Barbara Bates, Bargaining for Life: A Social History of Tuberculosis, 1876–1938 (Philadelphia: University of Pennsylvania Press, 1992); Helen Bynum, Spitting Blood: The History of Tuberculosis (Oxford: Oxford University Press, 2012); Cynthia A. Connolly, Saving Sickly Children: the Tuberculosis Preventorium in American Life, 1909–1970 (New Brunswick: Rutgers University Press, 2008).
- 58. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 88.
- 59. The Know Nothing Party was especially popular in Massachusetts as it appealed to the Yankee's anti-Irish and nativist tendencies. See John Higham, Strangers in the Land: Patterns of American Nativism, 1860–1925 (New Brunswick: Rutgers University Press, 1955); Dale Baum, "Know-Nothingism and the Republican Majority in Massachusetts: The Political Realignment of the 1850s," Journal of American History 64, no. 4 (1978): 959–86.
- 60. On Bostonians' nativist tendencies, see Jack Tager, "Anti-Catholic Tensions 1850–1900, and the Draft Riot of 1863" in Boston Riots: Three Centuries of Social Violence. (Boston: Northeastern University Press, 2001), 104–124; Francis R. Walsh, "John Boyle O'Reilly, the Boston Pilot, and Irish American Assimilation, 1870–1890," in Massachusetts in the Gilded Age: Selected Essays, ed. by Jack Tager and John Wifkovic (Amherst: University of Massachusetts Press, 1985), 148–163; Connolly, James J., The Triumph of Ethnic Progressivism: Urban Political Culture in Boston, 1900–1925. (Cambridge: Harvard University Press, 1998.
- Lawrence H. Fuchs, "Immigration through the Port of Boston" in Forgotten Doors: The Other Ports of Entry to the United States, ed. M. Mark Stolarik (Philadelphia: Balch Institute Press, 1988), 21.
- 62. Lawrence H. Fuchs, "Immigration through the Port of Boston," 21.
- Constitution of the Immigration Restriction League (Boston: Immigration Restriction League, 1894); Barbara Miller Solomon, "The Intellectual Background of the Immigration Restriction Movement in New England," New England Quarterly 25, no. 1 (1952): 47–59.
- 64. Bacon, Men of Progress, 888.
- 65. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 89.

- 66. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 89.
- 67. Oscar Handlin estimates that Boston spent \$131,702 on relief in 1866. The budget kept expanding with the years. Oscar Handlin, Boston's Immigrants, 1790-1880 (Cambridge: Harvard University Press, 1991).
- 68. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 89.
- 69. James R. Barrett, "Americanization from the Bottom Up: Immigration and the Remaking of the Working Class in the United States, 1880-1930," Journal of American History 79, no. 3 (1992): 996-1020; Agnes Aitken, "Teaching English to Our Foreign Friends: Part II. Among the Italians," Life and Labor 1 (October 1911): 309-11.
- 70. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 88.
- 71. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 89.
- 72. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 89.
- 73. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 189.
- 74. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 88.
- 75. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 88.
- 76. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 88.
- 77. On the Italian immigration to Boston, see Stephen Puleo, The Boston Italians: A Story of Pride, Perseverance, and Paesani, from the Years of the Great Immigration to the Present Day (Boston: Beacon Press, 2007).
- 78. Frederick Alexander Bushée, Italian Immigrants in Boston (Boston: South End House, 1897).
- 79. William Foote Whyte, "Race Conflicts in the North End of Boston," New England Quarterly 12, no. 4 (1939): 623-42.
- 80. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 216.
- 81. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 216.
- 82. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 216.
- 83. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 216.
- 84. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 216.
- 85. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1891, 217.
- 86. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1892 (Boston: Press of Rockwell & Churchill, City Printers, 1893), 67-8.
- 87. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1892, 67-8.
- 88. On the middle-class ideal, see Barbara Welter, "The Cult of True Womanhood: 1820-1860," American Quarterly 18, no. 2 (1966): 151-74.
- 89. Bunker was a popular name in the city at the turn of the century. This Mr. Bunker should not be confused with Alderman Bunker, cited earlier in this paper. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1892, 67.
- 90. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1892, 67.

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- 91. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1893 (Boston: Press of Rockwell & Churchill, City Printers, 1894), 366.
- 92. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1893, 366.
- 93. The Blue laws regulated retail, sale of alcohol, permissible entertainment, and other activities. See in particular, Neil J. Dilloff, "Never on Sunday: The Blue Laws Controversy," *Maryland Law Review* 39, no. 4 (1980): 679–714.
- 94. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1893, 366.
- 95. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1893, 366.
- 96. Reports of Proceedings of the City Council of Boston, for the Municipal Year 1893, 366.
- 97. In 1900, an exception was made for women working in retail establishments during the month of December, in order to accommodate the needs of Massachusetts shoppers. Whittelsey and Hadley, "Massachusetts Labor Legislation," 115.
- 98. Whittelsey and Hadley, "Massachusetts Labor Legislation," 110.
- 99. Whittelsey and Hadley, "Massachusetts Labor Legislation," 110.
- 100. American Federation of Labor, Report of the Proceedings of the Twenty-Sixth Annual Convention of the American Federation of Labor Held at Minneapolis, Minnesota, November 12 to 24 Inclusive 1906 (Washington, DC: National Tribune Company, 1907), 175.
- American Federation of Labor, Report of the Proceedings of the Twenty-Sixth Annual Convention. 175.