

## The Inspector and His Critics: Child Labor Reform in Pennsylvania

by Joseph M. Speakman  
*Montgomery County Community College*

When the problems associated with child labor began to attract the nation's attention during the Progressive era, reformers quickly singled out Pennsylvania as the worst offender. The muckraking literature of the period is replete with references to the widespread neglect of the state's working children. As early as 1890 Florence Kelley wrote that in the state "...child labor flourishes almost unchecked."<sup>1</sup> Later, in 1907, despite the progress that had been made in legislative protection for children in the meantime, she was still condemning the state as one

in which conditions are in some respects the worst to be found - from the state having the largest number of working children, the longest legal working day for women and children, the widest variety of occupations calling for the labor of boys and girls, the greatest number of useful statutes repealed by the legislature or annulled by the courts.<sup>2</sup>

Jane Addams was another reformer who singled out Pennsylvania, noting in 1905 that there were more children employed in manufacturing industries in the state than in all of the cotton states of the South.<sup>3</sup> In John Spargo's widely influential *The Bitter Cry of the Children* there are more references to child labor conditions in Pennsylvania than to any other state. And, just to close this brief sampling, the National Child Labor Committee, from its very inception, took note of the extraordi-

1. Florence Kelley Wischnewetzky, "Our Toiling Children", *Our Day* 6 (September 1890), p. 194.

2. Florence Kelley, "Book Review", *Charities and the Commons* 18 (April 7, 1907), p. 58. For another Kelley critique of Pennsylvania child labor conditions, see Florence Kelley, "Child Labor Legislation and Enforcement in New England and Middle States", *Annals* 25 (May 1905), pp. 68-69.

3. Jane Addams, "Child Labor" *Journal of Proceedings and Addresses of N.E.A.*, 1905, p. 260.

nary child labor problem in the state and devoted many investigations to uncovering and publicizing conditions there.<sup>4</sup>

With such national spotlights searching out child labor conditions in the state, it is not surprising that the Pennsylvania Child Labor Committee was one of the first state committees to be founded, getting off to an early start in 1904. It began immediately to play the central role in lobbying for improved protective legislation for the state's working children. But, as reformers soon came to realize, their job could not simply be limited to passing better laws. They also had to closely monitor the enforcement of such laws. Much of the frustration experienced by child labor reformers in Pennsylvania in the Progressive era was due to the lack of enthusiasm for enforcement they found among the factory inspectors.

In Pennsylvania the first law outlawing the employment of children under twelve years of age in certain occupations was passed as early as 1848 but, with no enforcement provisions, it had minimal effect.<sup>5</sup> Not until 1889 did the state legislature provide for any factory inspection and it was years before child labor reformers were happy with the enforcement of child labor laws by the inspectors. Even though the Department of Factory Inspection, reorganized in 1893 and headed by a Chief Inspector appointed for four years, seemed to represent the kind of professional and bureaucratic expertise that some historians have argued constituted the essential feature of Progressive reform, that kind of interpretation does not work at all in trying to understand child labor reform in Pennsylvania.<sup>6</sup> There the relationship between inspectors and reformers was largely an adversarial one well into the Progressive era and whatever bureaucratic values of managed expertise the Department of Factory Inspection managed to acquire, they were considerably less important to child labor reform than were the humanitarian ideals of child labor reformers.

4. John Spargo, *The Bitter Cry of the Children* (New York: Macmillan Co., 1906); "The National Child Labor Committee, A Suggested Organization," National Child Labor Committee Papers, Minute Books, Box 6, Library of Congress. For a fuller description of child labor conditions in the state, see Joseph M. Speakman, "Unwillingly to School: Child Labor and Its Reform in Pennsylvania in the Progressive Era", (PhD. Dissertation, Temple University, 1976), especially Chapter III.

5. *Laws of the General Assembly of the Commonwealth of Pennsylvania* (1848), no. 227, pp. 278-79. Cf. Daniel Nelson, *Managers and Workers: Origins of the New Factory System in the United States, 1890-1920* (Madison: The University of Wisconsin Press), 1975, p. 132: "In the last analysis it was the inspectors rather than the legislators who determined the impact of Progressive legislation."

6. See Robert Wiebe, *The Search For Order, 1877-1920* (New York: Hill and Wang, 1967), especially Chapter 7, for the most lucid statement of this interpretation of Progressivism.

Conflict between the Department of Factory Inspection, and child labor reformers, *sotto voce* in the 1890's, escalated upon the appointment of John C. Delaney as Chief Factory Inspector by Governor Samuel Pennypacker on February 3, 1903 and the subsequent organization of the Pennsylvania Child Labor Committee in 1904.<sup>7</sup> Delaney was a well entrenched figure in the Republican Party. An Irish immigrant, he had enlisted in the Civil War, was promoted to Captain by the War's end and distinguished himself for bravery on a number of occasions, winning the Congressional Medal of Honor for his valor at Dabney's Mill. After the War, he became active in the Republican Party as a stalwart supporter of Simon Cameron, Matthew Quay and, lately, Boies Penrose. The office of Chief Factory Inspector was simply the latest in a line of patronage plums he had been awarded.<sup>8</sup>

As bad as Delaney would soon appear to reformers, at first he stood in almost dazzling contrast with his predecessor, James Campbell. Campbell was a close associate of the Western Association of Glass Manufacturers, whose political influence had gotten him his position. While serving as factory inspector, he represented the glass industry in tariff hearings in Washington, D.C. He was not, to put it mildly, very enthusiastic about child labor laws. Shortly before his dismissal, he had told a meeting of the Mothers' Congress in Pittsburgh that Pennsylvania was suffering from excessive education of her working class children.<sup>9</sup> In his last full report for the year 1902, Campbell reported that only 407 children had been dismissed for violations of the literacy and employment certificate provisions of the child labor law.<sup>10</sup>

By contrast, Delaney began his tenure by promising "special attention" to the problem of child labor. Showing sensitivity to the growing attention being paid to the problem, Delaney promised that he would bring new efficiency and zeal to the administration of the Factory Inspection Department. However, in ominous foreshadowing of what was to come, he expressed confidence that he would be able to disprove the charges being carelessly made "that our factories, workshops and

7. *Annual Report of the Factory Inspector, 1903*, p. iii; George Woodward to Mary Richmond, March 4, 1904, Family Service Papers, Historical Society of Pennsylvania. For an account of the founding of the PCLC, see Joseph M. Speakman, "Unwillingly to School: Child Labor and Its Reform in Pennsylvania in the Progressive Era" (Ph.D. dissertation, Temple University), pp.276-77.

8. *Public Ledger*, January 6, 1913, p. 2; Samuel Whitaker Pennypacker, *The Autobiography of a Pennsylvanian* (Philadelphia: J.C. Winston Co., 1918), p. 272.

9. He was quoted by Kellogg Durland, "Child Labor in Pennsylvania," *Outlook* 74 (May 9, 1903), p. 125.

10. *Annual Report of the Factory Inspector, 1902*, pp. 9-10.

mercantile establishments were employing countless numbers of children in defiance of the law."<sup>11</sup>

Nonetheless, child labor reformers could take heart in the new energy Delaney seemed to bring to his Department. In June 1903 he summoned all the deputy inspectors of eastern Pennsylvania to Philadelphia to launch an intensive investigation of child labor in the textile mills of the city. He began classifying the industries of the state into categories and sending his deputies into those areas that seemed most likely to be employing children. Initial results were gratifying. This well publicized flurry of activity uncovered many abuses, including the employment of nine year olds. One of his deputies dismissed more children between June and November 1903 than had all the inspectors in the state in the previous six months. All told, Delaney's Department dismissed 2,883 illegally employed children in 1903.<sup>12</sup>

However, again betraying his fundamental attitudes, Delaney faulted, not the companies, but the parents of these children who, he claimed, perjured themselves by bringing older children to the notaries to obtain employment certificates for their younger siblings. Since the employers only had the legal certificate to rely on, they were not culpable under the law.<sup>13</sup>

Delaney also began to improve the reporting of his Department by giving the percentages of children employed in various industries, rather than a single percentage for the entire state. Since many industries employed no children, the fact that five per cent of all employees in the state were children did not tell very much. Delaney argued that knowing that, e.g., fifteen per cent of all textile workers, or twenty per cent of all hosiery workers, were children under sixteen was far more useful information.<sup>14</sup> In 1903 Delaney's Department made 33,630 inspections and his inspectors found 32,758 children legally employed (17,018 boys and 15,740 girls). The percentage of child employees was highest in hosiery (20 per cent), textiles (15 per cent), silk (10 per cent),

11. *Ibid.*, 1903, p. iii.

12. *Annual Report of the Factory Inspector*, 1903, pp. iv, ix.

13. *Public Ledger*, June 7, 1903, p. 2.

14. *Ibid.*, p. iv. Florence Kelley criticized Delaney's propensity to "much meddling with percentages." Florence Kelley, "Factory Inspection in Pittsburgh with Special Reference to the Conditions of Working Women and Children," in Paul U. Kellogg, ed., *The Pittsburgh Survey*, 6 vols. (New York: Charities Publications Committee, 1909), vol. VI, *Wage-Earning Pittsburgh* p. 194. An example of what Kelley was referring to is contained in Delaney's 1907 report, where we learn that 2.75 per cent of the children employed were employed illegally and that there was a 2.5 per cent decrease in the total number of children employed and a 3.5 per cent decrease in the number of children illegally employed since 1903. *Annual Report of the Factory Inspector*, 1907, pp. 6-7.

cigar boxes, glass, paper boxes (all 9 per cent), and was 5.5 per cent in department stores, 1.5 per cent in mercantile establishments, and 2.25 per cent in workshops.<sup>15</sup> All this information was useful but, as Delaney's critics pointed out, the statistics did not cover hours of labor or information about night work, nor did they include any descriptions of the type of work done by children.

Delaney boasted in his 1903 report of prosecuting "several" employers and notaries for violating the child labor law and he opined, prematurely as it turned out: "As a consequence, there is now little or no wilful disregard of the law as heretofore so widely obtained."<sup>16</sup>

It was a creditable start and, as of 1903, the Factory Inspection Department of Pennsylvania seemed to compare reasonably well with that in other states. With thirty-nine deputies under Delaney, Pennsylvania had more than New York (thirty-eight), Massachusetts (twenty-six), and Illinois (eighteen), and the head of New York's inspection department was receiving much more severe criticism from child labor reformers than Delaney had as yet.<sup>17</sup>

But already there were some areas of concern for child labor reformers. Since 1893 the Department had published its own separate *Annual Report*. These reports, curiously, tended to decrease in bulk as time went on. The practice of deputy inspectors submitting their own detailed narrative reports ended in 1900, after which they simply included a covering letter with their statistics for the year. With the appointment of Delaney as Chief Inspector in 1903, the size of the reports decreased even more dramatically. For example, the *Report* for 1902 had been 1,205 pages, while that for 1903 was 190 pages and the 1904 *Report*, the first full reporting year of Delaney's tenure, was only 78 pages. That remained the approximate size of his reports for the next ten years. Delaney defended the shorter reports as an economy move and insisted no important information was being left out.<sup>18</sup>

Delaney frequently stressed that his Department was neither a bureau of census nor of industrial statistics. The statistics published in

15. *Annual Report of the Factory Inspector, 1903*, p. x.

16. *Annual Report of the Factory Inspector, 1903*, pp. xii-xiii.

17. Jeremy P. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse: Syracuse University Press, 1965), p. 65.

18. *Annual Report of the Factory Inspector, 1903*, p. viii. Governor Samuel Pennypacker (1903-07), who had appointed Delaney, had complained in his Inaugural speech that the reports of the various state departments were too bulky and "little read". He ordered a general cutback on this "boondoggle" for state printers. Samuel Whitaker Pennypacker, *The Autobiography of a Pennsylvanian* (Philadelphia: John C. Winston Co., 1918), pp. 272, 292.

his reports merely reflected conditions in workplaces visited by his deputies that year and the data reflected conditions at the time of visitations. Within these limits he defended his reports as "comprehensive and accurate indices of the industrial conditions insofar as they apply to the number and sex of the persons employed, and the number of minors employed under the age of sixteen years." The problem was that his statistics on child labor in the state were the only officially gathered ones in between the federal censuses and, according to reformers, seriously underestimated the problem.

In 1904, the first full year under Delaney's direction, staffed with the thirty-nine deputies the 1903 law had authorized, the Department made 48,178 visits to 16,589 establishments. This system of multiple visits to workplaces was commendable since one of the problems of factory inspection was that, once a place was visited, the owner could usually relax his standards, confident there would not be another visit for a year or so.<sup>20</sup> The inspectors found 40,149 children under sixteen at work (21,117 boys and 20,032 girls) - again as in 1903, approximately six per cent of the work force of the establishments visited.<sup>21</sup> His deputies found and dismissed 3,243 illegally employed children, although Delaney claimed that most of these children were of legal age but had just not bothered to obtain work certificates. Only 107 children were found to be illiterate. However, under the affidavit provisions of the 1903 child labor law, there was no way for the inspectors to dismiss a child if he or she had a certificate, unless the child would admit to being under age.

Delaney had stressed the importance of child labor to his deputies and pointed out to them that their accuracy would be the best retort to those critics who claimed that Pennsylvania's industries were "literally crowded" with children under age. He claimed that his deputies applied more rigorous literacy tests than did the notaries who issued employment certificates. On the other hand, he stated his policy very clearly: "To this Department, however, all employed children within the scope of its jurisdiction are presumed to be legally employed until the contrary is shown."<sup>22</sup>

Although Delaney reported thousands of violations of various factory laws, most of which were for child labor, his Department actually

19. *Annual Report of the Factory Inspector*, 1909, p. 3; *ibid.* 1911, p. 15.

20. *Ibid.*, 1904, p. 3. Cf. Jeremy P. Felt, *Hostages of Fortune*, p. 70.

21. *Annual Report of the Factory Inspector*, 1904, p.6.

22. *Ibid.*, p. 6.

prosecuted very few offenders. The Department's stated policy was only to prosecute repeat offenders. Moreover, unlike the practice in New York State, employers in Pennsylvania were not liable before the courts if they employed an under aged child who had provided the employer with a falsified employment certificate. The New York law of 1903 had made the illegal employment of minors *prima facie* evidence of guilt, but this was never the case in Pennsylvania.<sup>23</sup>

In 1904 Delaney prosecuted only sixty-three violators of the child labor laws. He reiterated his approach to enforcement:

...the policy of the Department has been to caution or reprimand for infractions of the law whenever it could be reasonably assured or positively known that that the offences should be attributed to ignorance rather than to malice or a "contempt" for the law.<sup>24</sup>

This tendency toward leniency in enforcement naturally rankled child labor reformers. Florence Kelly was already privately referring to him as a tool of the glassworks, but Philadelphia based reformers decided not to alienate him in the upcoming legislative campaign of 1905, the first in which the newly formed Pennsylvania Child Labor Committee (PCLC) would be involved.<sup>25</sup>

It was during that legislative session that the distrust of Delaney on the part of child labor reformers began to harden when it became clear that his record of few prosecutions was symptomatic of his more substantive opposition to their goals. The year opened quietly with Delaney still trying to court favor among the reformers. He sent a telegram to the first convention of the National Child Labor Committee, regretting that his efforts in Harrisburg to improve the state's child labor laws prevented him from attending. He boasted of his record over the past two years and concluded:

Our whole heart is enlisted in the cause, and we will, if spared, place Pennsylvania at head of column of states against the cruel evil of child labor. Your own splendid work is aiding us greatly. God bless you for it.<sup>26</sup>

23. Jeremy P. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse, New York: Syracuse University Press, 1965), p. 69.

24. *Annual Report of the Factory Inspector*, 1904, p. 9.

25. Florence Kelley to Mary Richmond, June 3, 1904; George Woodward to Florence Kelley, April 7, 1904; Laura N. Platt to Mary Richmond, April 6, 1904, Family Service Papers, Historical Society of Pennsylvania.

26. "Proceedings of the Annual Meeting of the National Child Labor Committee, February 14-16, 1905," *Annals* 25 (May 1905), p. 157.

The Pennsylvania House made significant improvements in the 1905 child labor bill they passed that year, supported by the efforts of several organizations, including the PCLC. However, when the state Senators altered the bill to retain the sixty hour work week and exemptions for children working in glass factories at night, they were applauded by Delaney.<sup>27</sup> Then, once the law was passed, Delaney proceeded to further alienate reformers by supporting a legal challenge in the courts to the new employment certificate system and by interpreting the night work exemptions written into the law for messenger services to also include newsboys. Professor J. Lynn Barnard of the University of Pennsylvania completed his history of factory legislation in Pennsylvania after the 1905 legislative session and his book reflects the growing disenchantment with Delaney on the part of reformers. Barnard criticized Delaney's hiring of his two sons as district supervisors of inspectors, claiming neither was qualified. He also charged that some of the deputies had other jobs, including one who owned and operated three amusement parks in Philadelphia. He thought Delaney's \$5,000 salary was excessive, pointing out that the Chief Inspector in Illinois received only \$2,000. Barnard managed some faint praise for Delaney's two year tenure, especially his dismissal of more illegally employed children than had his predecessor in fourteen years. But he was still bitter about Delaney's role in the 1905 legislative campaign and looked upon him as an unfortunate product of the "System" of spoils politics.<sup>28</sup>

These skirmishes and frictions between Delaney and child labor reformers erupted into open conflict after the appointment of Scott Nearing, a young economics professor at the University of Pennsylvania as Secretary of the PCLC in September 1905. Nearing quickly went on the attack, criticizing Delaney for not removing one of his deputies who had been heavily involved in unseemly political activities. Charles H. Breithbarth was a deputy factory inspector who owned and operated amusement parks, leaving him little time for inspection work. In the fall of 1905, during municipal election campaigns in Philadelphia, Breith-

27. *Public Ledger*, April 7, 1905, p. 3.

28. J. Lynn Barnard, *Factory Legislation in Pennsylvania: Its History and Administration* (Philadelphia: J.C. Winston Co., 1907), pp. 164-65. As late as 1913 a National Child Labor Committee investigation found common the practice of factory inspectors in Pennsylvania holding other jobs. One deputy was in the business of selling fire insurance to the establishments he inspected! Inspectors averaged fewer than two visits per day to factories and yet the money spent by Pennsylvania's inspection department was greater than any other state. Edward F. Brown, "The Efficiency of Present Factory Inspection Machinery in the United States," *Survey* 29 (January 18, 1913), p. 529.



barth received a leave of absence from Delaney in order to organize a German-American League for the Republican Party. Both the Pennsylvania Child Labor Committee and the Civil Service Reform Association of Pennsylvania complained to Governor Samuel Pennypacker, asking him to follow the lead of President Roosevelt and forbid civil servants from actively involving themselves in politics. Pennypacker ignored the protests.<sup>29</sup>

On December 20, 1905, at the peak of the Christmas shopping season, Delaney gave all his deputies a two week vacation. The Philadelphia Consumers' League attempted to step in and police the labor laws in the department stores, but with meager results.<sup>30</sup> The PCLC also charged the inspectors with refusing to investigate its allegations of child labor law violations involving pin boys in bowling alleys and under-aged night messengers.<sup>31</sup>

Nearing and his Committee then got involved in a drawn out squabble over the appointment of a Committee member as a deputy inspector. The Committee argued that its ability to investigate child labor conditions in the state was hampered by its lack of authority to enter workplaces. At first the Committee requested that Delaney appoint Florence Sanville to his Department. Later, Nearing requested such an appointment for himself.<sup>32</sup> Delaney rejected these requests and petulantly replied to the Committee:

The fact is there has hardly been a case alleged violation [sic] of the child labor law reported to the Department by Mr. Nearing which would not have been discovered and corrected by my deputies in the regular course of their work, and it is not likely that Mr. Nearing would as a special deputy discover irregularities not discoverable by the regular force.<sup>33</sup>

A flap then developed in the press over Delaney's charge that all of Nearing's complaints against him were simply those of a "disappointed office seeker." Nearing and the Committee then released statements and

29. Pennsylvania Child Labor Association Papers, Executive Committee Minutes, October 16, 1905, Urban Archives, Temple University; "Complaint is Made of Factory Inspector," *Public Ledger*, October 19, 1905, p. 1.

30. Pennsylvania Child Labor Committee, *The Working Child and the Law*, pp. 10-11.

31. *Ibid.* pp. 11-12.

32. Executive Committee Minutes, November 15, 1905, PCLA Papers; Florence Sanville to Mary Richmond, October 25, 1905, Dora Keen to J.C. Delaney, November 16, 1905, Family Service Papers.

33. J.C. Delaney to Samuel McCune Lindsay, November 8, 1906, PCLA Papers.

copies of correspondence to the press showing that what Nearing had intended was that Committee members serve as *volunteer* inspectors.<sup>34</sup>

In November and December 1906 a number of reform organizations, including the Child Labor Committee, put together an Industrial Exhibition in Philadelphia. This Exhibition served to widen the gulf between child labor reformers and Delaney. For example, at the Exhibition the most conspicuous objects there, according to Florence Kelley, were signs that read:

Pennsylvania: Children Employed	40,140
Children Illegally Employed	3,243
Prosecutions	22
Fines Imposed	\$750.00
Average Cost of Violation of the Child Labor Laws in Pennsylvania	\$.2335

During the Exhibition Nearing wrote a series of articles for the Philadelphia *Public Ledger* on child labor conditions in the state, charging, among other things, that thousands of children were toiling illegally in sweatshops throughout the state.<sup>36</sup> Delaney fired back that Nearing and Florence Kelley, who had given a speech at the Exhibition critical of Delaney, were slandering the state by making exaggerated accusations. His chief clerk in the Department, the Rev. Dr. C.N. Hartzell, confronted Nearing at the Exhibition and berated him for calling Delaney a coward for not coming in person to the Exhibition. Delaney was in Cincinnati on previously scheduled business, Hartzell claimed, and he ridiculed Nearing, "a beardless youth," for calling Delaney, one of the youngest Captains in the Civil War, a coward. He also called the Pennsylvania Child Labor Committee a hindrance to the work of the Factory Inspection Department.<sup>37</sup> Relations between the Department and child labor reformers were clearly deteriorating.

While these fireworks were raging, the President of the Pennsylvania Child Labor Committee, Dr. George Woodward, wrote the newly

34. "Press Release," January 26, 1907, PCLA Papers.

35. Florence Kelley, "Obstacles to the Enforcement of Child Labor Legislation," *Annals* 29 (January 1907), pp. 54-55.

36. See the articles by Nearing in the following issues of the *Public Ledger*: November 12, 1906, p. 8; November 19, 1906, p. 8; November 26, 1906, p. 8; December 3, 1906, p. 9; December 10, 1906, p. 8; December 12, 1906, p. 11; December 17, 1906, p. 8; December 24, 1906, p. 6; December 31, 1906, p. 6; and January 21, 1907, p. 7.

37. *Ibid.*, December 15, 1906, p. 2.

elected Governor, Edwin B. Stuart, criticizing Delaney. The Governor agreed to meet with Woodward but refused to commit himself on child labor in his upcoming Inaugural.<sup>38</sup>

Meanwhile Delaney continued to enforce the law, in his fashion, taking pot shots at the reformers from time to time.<sup>39</sup> He was critical of the reformers who blamed parents for their children working. While it was unfortunate that almost 50,000 children under sixteen were working in the state instead of being in school, Delaney argued that it was economic necessity that was responsible, not vicious parents. "It is a condition and not a theory that confronts many poor people."<sup>40</sup> The only solutions he saw on the horizon were the introduction of labor-saving machinery and the Sermon on the Mount. He also pointed to his own early years in coal mines, when he struggled to obtain an education, as a model the young might emulate with profit.<sup>41</sup>

In an effort to recover some of the prestige his Department lost in the controversies with reformers in 1905, Delaney presented a public relations defense to various groups of educators. In March 1906 Mr. John L. Butler, Statistician of the Department of Factory Inspection, addressed the annual convention of the School Directors. The 1905 child labor law had briefly, before a court found the provision unconstitutional, brought the schools into the enforcement area by requiring that the schools issue child labor certificates. Butler delivered an eloquent attack on the problems of child labor while at the same time sniping at "the few men and women masquerading under some high-sounding society titles to exploit themselves and the imaginary evils of child labor in every magazine" by making "wild charges" about conditions in Pennsylvania. Butler echoed his Chief's point that it was poverty that was at the root of the problem and passing new laws would not be productive. "The age limit of fourteen years is the highest we can establish," he argued. Perhaps surprisingly, he argued for some system of welfare payments to poor families to enable them to send their children to school. There were some private programs to that effect in Philadelphia and Pittsburgh, but Butler dismissed them as "practically worthless" and

38. Dr. George Woodward to Governor Edwin B. Stuart, December 13, 1906 (copy); George Woodward to Mary Richmond, December 21, 1906, Family Service Papers, Historical Society of Pennsylvania.

39. He even criticized the Consumers' League for what he deemed its holier than thou attitude, charging that his Department had uncovered four labor law violations among firms on the League's respected White List! Consumers' League of Philadelphia, *Annual Report*, 1906.

40. *Annual Report of the Factory Inspector*, 1905, pp. 9-11, 13.

41. *Ibid.*, p. 11.

smacking of the soup kitchen. The State must assume this role, he insisted.<sup>42</sup> He ended on a pessimistic note, disagreeing with Delaney in predicting that the introduction of machinery would be increasing the need for more child labor in the future.<sup>43</sup> In the question period that followed, Butler defended Delaney's argument for lowering the fourteen year minimum for summer work against some objections from the floor.<sup>44</sup>

Later that year, when Butler appeared before the convention of the Pennsylvania State Education Association, he repeated his general defense of Delaney's record. Scott Nearing, still with the PCLC, was in the audience and rose to challenge Butler in the question period. Nearing attacked the Factory Inspection Department for only instituting seventy prosecutions for the 6,329 child labor violations they had uncovered and blasted Delaney for continuing to support the glass manufacturers in their insistence on employing children at night. Butler countered by referring to the child labor reformers as consisting largely of "women who had no children."<sup>45</sup>

Early the next year Delaney himself addressed the state school superintendents. He opened with a jovial reference to the hostile reception he expected, remarking that if he had a choice, he would rather face "a masked battery charged with grape and canister" than face this audience. But then he entered into an unapologetic defense of his tenure as Factory Inspector, noting his own background as an eight year old slate picker in Dunmore and insisting he was sympathetic to ameliorating the problems of child labor. Delaney seemed to misstep, however, in criticizing the reformers' attempt to put the authority for issuing work permits in the schools. He tried to warm to the audience by pointing out that the schools were supposed to have done these extra duties without compensation. But, in the discussion that followed, one superintendent received unanimous backing for his call to return the issuance of work certificates to the schools.<sup>46</sup>

This question of who should issue work permits was high on the reformers' list of demands in the legislative session of 1907. Delaney

42. John L. Butler, "Evils of Child Labor," *Pennsylvania School Journal* 54 (March 1906), pp. 386-87.

43. *Ibid.*, p. 388.

44. *Ibid.*, pp. 388-89.

45. John L. Butler, "The State of Child Labor in Pennsylvania, Legal and Otherwise," *Pennsylvania School Journal* 55 (August 1906), pp. 51-53.

46. "Factory Inspection and Child Labor," *Pennsylvania School Journal* 55 (March 1907), pp. 389-97.

continued to antagonize the reformers by his opposition to their attempts to give the schools authority over granting of work permits. He argued that the notaries who issued the parents' affidavits were as honest as school personnel and he saw no need for an educational requirement for obtaining employment certificates. He advocated a "poverty exemption" to allow twelve year old children of widows or disabled fathers to work.<sup>47</sup> He also continued to defend the practice of night work for children in the glass industry and launched a public attack in the press:

But children are not the only interest that must be considered. The industries of Pennsylvania must be considered as well as the people they employ... The captains of industry must not be held up to scorn and ridicule as they have been...<sup>48</sup>

The PCLC attempted to amend Delaney's bill to eliminate the worst of its provisions, but, after some complicated parliamentary maneuvers, its child labor bill was defeated and no legislation on the subject was passed in 1907. Delaney was reported a "delighted spectator" at these proceedings.<sup>49</sup> The disappointment of child labor reformers in the state was heightened when they saw so much progress being made in other states that year. "At this legislative feast of her industrial peers," commented *Charities and the Commons*, "Pennsylvania sits - the cheerless skeleton of all tradition, all the more mournful by contrast."<sup>50</sup>

Coming off this disappointing year, the PCLC voted to bring formal charges of negligence against Delaney early in the next year, but nothing came of it.<sup>51</sup> Action was delayed while the Committee effected union with Pittsburgh child labor reformers, but when Fred Hall succeeded Nearing as head of the reorganized Pennsylvania Child Labor Association (PCLA), he resumed the campaign to remove Delaney.<sup>52</sup> All work was suspended "in view of the supreme importance" of this matter and a committee was appointed to prepare a report. Professor Barnard and

47. *Annual Report of the Factory Inspector*, 1906, pp. 17-20.

48. *Public Ledger*, March 7, 1907, p. 4.

49. *Public Ledger*, May 14, 1907, p. 1.

50. Josephine Goldmark, "Summary Changes in Child Labor Laws," *Charities and the Commons* 19 (October 5, 1907), p. 770; Florence Lucas Sanville, "Pennsylvania: A Graveyard for Social Legislation," *Charities and the Commons* 18 (June 1, 1907), p. 247; "Child Labor Legislation," *Public Ledger* May 2, 1907, p. 8.

51. Executive Committee Minutes, January 22, 1907, January 26, 1907, Pennsylvania Child Labor Association Papers, .

52. *Ibid.*, January 22, 1907, May 25, 1907, October 17, 1907; Secretary's Report, February 15, 1908.

Florence Sanville prepared a report by May and listed areas where Delaney might be considered delinquent in his duty, but they stopped short of recommending any action by the Association.

This report was, for the most part, a tissue of vague generalities and irrelevant trivia. (E.g., "He is dishonest." "He has not made employers keep toilets clean in thirty sweatshops.") On child labor, they cited his weak record on prosecutions, his support of antiquated child labor legislation in the 1907 legislative session, and his general opposition to reform organizations - like the PCLA. However, they admitted they had no firm evidence that child labor laws were not being enforced.<sup>53</sup>

Consequently, a second committee was formed in order to see if more substantial charges could be documented.<sup>54</sup> By June 1908 they had submitted to Governor Stuart a fifty-seven page document (not extant) attacking Delaney's record on enforcement, also endorsed by the Pennsylvania Society for the Prevention of Cruelty to Children.<sup>55</sup> When the Governor ignored these charges, the Association attempted a petition campaign, but, of all the newspapers they asked to run it, only the Philadelphia *Record* cooperated and even the Consumers' League, anxious to have a woman's labor bill passed in 1909, begged off.<sup>56</sup>

Although defeated in their campaign to remove Delaney, the PCLA regrouped and the legislative session of 1909 went much better for child labor reform. Reflecting the growing national concerns on the subject manifested in the introduction of the Beveridge bill on federal legislation and the calling of a White House Conference on Children, Pennsylvania legislation on child labor was being backed, not only by the usual reformers, but also by Delaney, Governor Stuart, and the Republican machine.<sup>57</sup> The PCLA had a number of objectives that year, including ending the night work exemption for the glass factories and returning the issuance of work certificates to the schools.<sup>58</sup>

Delaney and his Department unveiled their own ideas on child labor legislation in October 1908. Although he claimed to have consulted with school officials and women's groups, in the opinion of Florence

53. *Ibid.*, Executive Committee Minutes, March 23, 1908; "Report of the Charges Committee, May 4, 1908."

54. *Ibid.* Executive Committee Minutes, May 4, 1908, May 14, 1908; Secretary's Report, May 19, 1908.

55. *Ibid.*, Secretary's Report, September 29, 1908.

56. *Ibid.*, Secretary's Report, April 15, 1909, June 2, 1909.

57. *Public Ledger*, January 6, 1909, p. 6.

58. Draft of law, October 19, 1908, PCLA Papers, Urban Archives, Temple University; PCLA, *Fourteen By Affidavit* (Philadelphia, November 1908), p. 14.

Sanville, Delaney was merely trying to divert attention from the recent criticism he had been receiving and making a grandstand play for reappointment.<sup>59</sup> Even when Delaney appeared to be on the side of the angels, he could not avoid controversy. During the legislative session he got involved with the attorney hired by the PCLA as their lobbyist, Arno P. Mowitz, in a petty dispute over whose bill was better.<sup>60</sup>

Reformers were quite pleased with the child labor law that was enacted in 1909, even though they went down to defeat again on the night work exemption for the glass houses, a defeat apparently engineered at the last minute by the glass manufacturers' lobbyist getting Senator Penrose to direct the Party leaders to kill that provision in return for a generous political contribution by the glass industry.<sup>61</sup> But the new law achieved most of their other goals, including documentary proof of age and the ability to read to obtain work permits and returning the issuance of these work permits to the schools.<sup>62</sup> The *Survey* praised the new law as a "child labor revolution."<sup>63</sup>

Delaney's appointment was due for renewal in May 1909 and the PCLA organized a mail campaign of scores of letters to the Governor, urging him not to reappoint the controversial Inspector.<sup>64</sup> They also published a pamphlet, critical of Delaney's record of enforcement. Although they were reasonably happy with the 1909 child labor law, especially the new work permit provisions, they questioned Delaney's commitment to enforce this part of the new law which he had opposed in the legislature. They reminded readers of Delaney's opposition to the literacy provisions of the 1905 child labor law, even before it was struck down by the courts. They brought up his pleas for exemptions from the child labor laws for children from poor families and his ongoing successful efforts to retain for the glass industry their privilege of working children at night. They publicly urged the Governor not to reappoint him but refrained from suggesting a successor.<sup>65</sup>

59. Civic Club of Philadelphia, General Meeting Minutes, vol. 2, February 23, 1909, p. 42, Historical Society of Pennsylvania.

60. *Annual Report of the Factory Inspector*, 1908, p. 13; PCLA Papers, Secretary's Report, September 30, 1909; Fred S. Hall, "Pennsylvania's Child Labor Laws," *Survey* 22 (May 29, 1909), p. 323.

61. Herschel H. Jones, "Investigation of Glass Factories of Western Pennsylvania, 1912-13," p. 2, National Child Labor Committee Papers, Library of Congress. Jones claimed he was told this story by a Mr. D.A. Ripley, the lobbyist for the industry, two years later.

62. *Laws*, no. 182, April 29, 1909, pp. 283-87.

63. "Child Labor Revolution Under Pennsylvania Law," *Survey* 23 (February 26, 1910), p. 791.

64. Fred S. Hall, "Pennsylvania's Child Labor Laws," *Survey* 22 (May 20, 1909), p. 324.

65. Pennsylvania Child Labor Association, *The Child Labor Bill Has Passed - What About Its Enforcement*, Philadelphia, April, 1909.

Much to the disappointment of child labor reformers, Governor Stuart did reappoint Delaney to another four year term at a salary of \$5,000 a year. The *Survey* bewailed the action, calling Delaney "incompetent, unfaithful and cruelly neglectful of the working children."<sup>66</sup> Over the next few years of his tenure, Delaney continued to be criticized by reformers for a number of failings, but most tellingly for his reluctance to prosecute. The following table points out the weaknesses in his approach to law-breakers:

	Child Labor Violations	Prosecutions
1907	1,153	-none reported-
1908	716	32
1909	783	-none reported-
1910	1,687	26
1911	1,097	11
1912	615	16

Source: *Annual Reports of the Factory Inspector, 1907-12*

It was Florence Kelley, working for the Pittsburgh Survey in 1909, who undertook the most detailed critique of Delaney's record.<sup>67</sup> Kelley was well qualified for this assignment, having been appointed as Factory Inspector for Illinois in 1893 by Governor John Peter Altgeld and having made a name for herself by her vigorous enforcement of child labor and sweatshop legislation. John R. Commons said of her tenure there: "Her work was a revelation of what a factory inspection department should be and do."<sup>68</sup>

Kelley began her critique of the Pennsylvania situation by noting that, while in other states the opponents of child labor reform were able to block either legislation or enforcement, in Pennsylvania they were able to do both "with a success unapproached in any other state in the Union."<sup>69</sup> Concerning Inspector Delaney, she wrote, "His inertia and maladministration were the chosen instruments of industrial interests which in other relations have found no difficulty in getting what they wanted at the state capital." His reports, she found, were "meager and

66. *Survey* 22 (June 12, 1909), p. 397.

67. Florence Kelley, "Factory Inspection in Pittsburgh With Special Reference to the Conditions of Working Women and Children," pp. 189-216.

68. Quoted in Josephine Goldmark, "Fifty Years - the National Consumers' League," *Survey* 85 (December 1949), p. 675.

69. Florence Kelley, "Factory Inspection in Pittsburgh," p. 190.



muddled." All the inspectors were his political appointees. They enjoyed no civil service protection and were consequently liable to be removed if their diligence offended any political interests.<sup>70</sup>

More specifically, Kelley criticized the inspection reports for providing information only on counties and not for individual cities. The reports also lacked any figures on hours of employment or on conditions of night work. Their statistics on industrial accidents were much too general, lacking specificity on the nature of the industries or the categories of victims involved. The 1907 report had noted 295 fatal industrial accidents in Pennsylvania for the year, a figure Kelley called "ridiculous." The Pittsburgh Survey, she pointed out, had found 260 fatal accidents in Allegheny County alone.

She was particularly contemptuous of Delaney's categorizing the glass industry under the heading, "Miscellaneous Industries." The glass factories employed roughly one-third of the working children of Allegheny County and for some time, thanks to the work of the National Child Labor Committee and the Pennsylvania Child Labor Association, this industry had been spot-lighted by reformers, resulting in "greater popular interest than in any other manufacturing industry employing children in Pennsylvania." But from the factory inspection reports there was just no way to determine how many children were employed in the Allegheny County glass industries, let alone how many of them were working at night under the infamous glass house exemption. The reports did not even mention that there were any night inspectors at all working in the County.<sup>71</sup>

Despite Kelley's argument that more prosecutions of child labor law violations were needed and that such prosecutions should be loudly publicized to act as a deterrent, in his 1907 Report Delaney had reported no prosecutions whatsoever, claiming that the Attorney-General had advised him that the law was now too vague to make prosecutions worthwhile. Kelley found this statement self-damning. Nonetheless, meager as she found Delaney's reports to be, they still showed more children at industrial work in Pennsylvania than in any other state.<sup>72</sup>

70. *Ibid.*, pp. 190-92.

71. *Ibid.*, pp. 194-96, 202. The "glass house exemption" had been written into the 1905 child labor law which had abolished night work for children. But, for ten years, this exemption allowed children under sixteen to work nights in industries requiring "continuous processes," i.e. the glass industry. See Joseph M. Speakman, "Unwillingly to School: Child Labor and Its Reform in Pennsylvania in the Progressive Era", p. 352.

72. Florence Kelley, "Factory Inspection in Pittsburgh," pp. 196, 205-07.

Despite this clamor of criticism, the PCLA and other reformers would, presumably, have to live with Delaney for another four years after his reappointment by Governor Stuart. Delancy, in turn, continued to carp at his critics, blaming the schools for being unappealing to children, in part because they gave too much homework!<sup>73</sup> The cause of child labor reform would have to return to the legislative arena in 1911.

However, more disappointment was in line for reformers. Just as the 1905 child labor law had been followed by failure in the legislative session of 1907, so too the gains of 1909 were not to be improved on in 1911. The new Governor, John L. Tener, did not recommend any child labor legislation in his inaugural speech.<sup>74</sup> Stories circulated that any 1911 legislative proposals on labor issues had been doomed back in 1909 as part of deals worked out between the state's manufacturers and the Republican Party.<sup>75</sup> Undaunted, the PCLA launched its most ambitious campaign to date in support of a bill to end the exemption for night work in the glass houses, to abolish night messenger work for children under twenty-one, and to improve the standards for coal mines.<sup>76</sup> However, the PCLA had difficulty getting a sponsor for its bill, finally relying on Representative Henry Walnut, a Keystone Party member from Philadelphia to introduce it.<sup>77</sup> Although this Walnut Bill passed the House as a result of great exertions by the reformers, it died in the Senate Judiciary Special Committee, labeled the Graveyard Committee by the press.<sup>78</sup>

After these recent defeats, criticism of Delaney by child labor reformers came to a head in 1912, stimulated by the political atmosphere of high Progressivism, which had resulted in Theodore Roosevelt carrying the state in the Presidential election and a reform minded legislature being sent to Harrisburg. That year the PCLA once again launched investigations of Delaney and his work. Its newly appointed Secretary, Charles L. Chute, pointed out that, while in England the factory inspectors annually instituted 4,000 prosecutions, of whom 905 were fined, and in New York in 1910 there were 1,065 prosecutions, of whom 305

73. *Annual Report of the Factory Inspector, 1911*, p. 20.

74. *Public Ledger*, January 18, 1911, p. 12.

75. *Ibid.*, May 20, 1911. Florence Kelley heard similar stories. "Factory Inspection in Pittsburgh With Special Reference to the Conditions of Working Women and Children," p. 213.

76. Secretary's Report, April 15, 1911, PCLA Papers; *Public Ledger*, March 7, 1911; Survey 25 (March 18, 1911), p. 993.

77. Board Minutes, February 18, 1911; Secretary's Report, June 5, 1911, PCLA Papers. The Keystone Party was a short-lived third party that attracted some reformers in the 1910 elections.

78. *Public Ledger*, May 16, 1911, p. 10

were fined, in Pennsylvania, under Delaney's lead, there were only 26 prosecutions in 1910 and, of these, only 9 were fined.<sup>79</sup> Chute accused Delaney of being "in with the big factory interests," and he published letters from Delaney to his subordinates, urging them to contribute to the Republican Party.<sup>80</sup>

In December 1912 the PCLA's chorus of criticisms of Delaney was swelled by the Central Labor Union of Philadelphia which sent a delegation to Governor John Tener, armed with thirty pages of charges against Delaney and asking for his removal. The Consumers' League also helped out by sending along a petition to the same effect<sup>81</sup> and the State Federation of Labor, having conducted its own investigation, reported that Delaney's Department "functioned as a sort of apologist for lawbreakers."<sup>82</sup>

As the pressure on him mounted, and while Governor Tener hesitated and the PCLA contemplated court action, Delaney miscalculated and made an ill-advised move which forced Tener's hand. Delaney announced that he had under lock the dying statement of one John Sanderson, who had been a contractor in the building of the \$13 million State Capitol back in the 1890's, when Delaney had been Superintendent of Public Grounds and Buildings. That project had been a notorious boondoggle and for years rumors of scandals concerning its construction haunted Pennsylvania politics. Sanderson had been one of the unlucky ones and had been prosecuted and convicted of graft. Now Delaney was telling the newspapers that Sanderson's statement had implicated "some of the big men in the State." Although he had been offered \$10,000 by a newspaper, he said, he did not intend to disclose who else might have been implicated in the dying man's confession.<sup>83</sup>

These were sensational charges, of course, and, faced with the implications that Delaney held onto his position because of the fear he inspired, Governor Tener had no real choice except to fire him, which he did the next day. In announcing the firing, Tener said that he hoped that Delaney, now freed from all political responsibilities, could now divulge all he knew. Not surprisingly, Delaney declined to do so and

79. Charles L. Chute, "The Enforcement of Child Labor Laws," *Child Labor Bulletin* 1 (August 1912), p. 112. The manuscript of this article is in the Charles L. Chute Papers, New York School of Social Work, Columbia University.

80. Charles L. Chute, "Child Labor in Pennsylvania," *Survey* 29 (January 25, 1913), p. 541.

81. Secretary's Report, December 6, 1912, PCLA Papers; *Public Ledger*, January 6, 1913, p. 2.

82. James Hudson Maurer, *It Can Be Done* (New York: Rand School Press, 1938), p. 172.

83. *Public Ledger*, January 4, 1913, p. 1.

criticized the Governor for his "snap judgment." Governor Tener implied in his statement that he had been intending all along not to reappoint Delaney when his term expired. The PCLA was obviously elated at this turn of events and felt vindicated. They thought that their polite dealings with the Governor had warmly disposed him toward them and they took quietly smug satisfaction in their role in Delaney's dismissal.<sup>84</sup>

Delaney was replaced, for the time being, by his chief clerk, a Methodist minister named C.N. Hartzell, who routinely pledged to enforce the laws honestly and, not so routinely, promised to start visiting factories himself in order to get first hand information on conditions.<sup>85</sup> Although the PCLA did not consider Hartzell any better than Delaney, Governor Tener made it clear that it was only a temporary appointment until the legislature would create the new Department of Labor and Industry he was requesting, a Department which would handle all the functions of inspection and industrial statistics.<sup>86</sup>

The General Assembly approved Tener's request and created the new Department in 1913. The PCLA had contributed draft legislation on the subject, but declined to come out openly for it, letting the Governor take the lead and thus avoid possible conflict with the state's manufacturers. They did endorse Tener's appointment of Professor John Price Jackson, Dean of the School of Engineering at Pennsylvania State College, to head the new Department. To Fred Hall, Jackson appeared to be the very model of an apolitical administrator.<sup>87</sup>

The new law also provided for the appointment of an Industrial Board to supervise the work of the Department, hold hearings, and issue regulations. When Governor Tener announced his appointments to the Board in early 1914, the PCLA was quite pleased with four of the members, but was troubled by the appointment of Major John P. Wood, a wool manufacturer and vice-president of the Pennsylvania Manufacturers' Association. Wood had been prominent in the ranks of those opposing the Consumers' League women's labor bill in 1913 and had

84. *Ibid.*, January 6, 1913. Executive Committee Minutes, February 20, 1913, PCLA Papers.

85. *Public Ledger*, January 7, 1913, p. 3.

86. Charles L. Chute, "Child Labor in Pennsylvania," pp. 541-42. Sadly, Hartzell's interim appointment included no honeymoon with reformers. It was soon discovered that he had his own high school age son on the payroll at \$100 a month for one and one-half hours of work a day. *Public Ledger*, April 3, 1913, p. 6.

87. *Laws*, no. 267 (June 2, 1913), pp. 396-404; Fred Hall, "Pennsylvania's Industrial Revolution," *Survey* 30 (July 19, 1913), p. 519.

been quoted as saying that "it was elevating for women and children to work in a textile mill." But Wood's appointment fulfilled a promise that Tener had made to the Manufacturers' Association, in return for their support for the creation of the new Department.<sup>88</sup>

The new Department of Labor and Industry, under Jackson's direction, now included fifty inspectors (up from forty-one), including four women. In 1913, its first half year of activity, the Department, in contrast with Delaney's record, energetically prosecuted 609 suits, obtained 536 convictions, and levied \$5,973 in fines. Of these 536 convictions, 285 were for violations of child labor laws (vs. 16 in 1912).<sup>89</sup> The new Department had gotten off to an impressive start and new legislation in 1915, expanding the number of inspectors and strengthening the child labor law, would mark the culmination of the child labor crusade in Pennsylvania. It had been a bumpy, if somewhat colorful journey, as Captain John C. Delaney had not meshed smoothly into the new world of Progressive administration. With his departure, factory inspection in Pennsylvania had, somewhat belatedly, come into reasonable conformity with the new century's ideals of bureaucratic and efficient management.

88. "Pennsylvania's New Industrial Board," *Survey* 31 (February 14, 1914), p. 606; Lillian L. Strauss and Edwin P. Rome, *The Child and the Law in Pennsylvania* (Philadelphia: Public Charities Association, 1943), p. 69; J. Roffe Wike, *The Pennsylvania Manufacturers' Association* (Philadelphia: University of Pennsylvania Press, 1960), p. 21; "Testimony of John P. Wood," U.S. Commission on Industrial Relations, *Final Report and Testimony*, 3, pp. 2948-51.

89. Department of Labor and Industry, *Report, 1913*, 2, pp. 257, 262, 278, 373; *Annual Report of the Factory Inspector*, 1912, p. 5.