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# True Reform or Just Whistling Dixie? Child Labor Legislation and Alabama's Progressive Governor and Cotton Mill Owner Braxton Bragg Comer

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by Stephanie Womack

**T**HE PHOTOGRAPH taken in 1910 is haunting. It captures a half-smile spread over a young boy's face; his eyes twinkle with mischief, his cap smartly set atop blonde hair. The subject of the photograph, an eleven-year-old boy, nicknamed "our baby doffer" by workers at Avondale Mills, proudly posed at his workstation while a child labor activist documented underage employees of the mill. Alabama's governor, Braxton Bragg Comer, owned the mill where the baby doffer toiled. Hailed as a progressive three years prior to the taking of the photograph, Governor Comer signed a law prohibiting youngsters such as the baby doffer from employment by mills such as Avondale. Was Governor Comer truly a progressive, or was he just another mill owner exploiting the labor of children? Despite Comer's recalcitrance toward comprehensive child labor legislation, the textile industry's historical reliance on child labor, the speed with which the South's textile industry grew, and a comparison the child labor law enacted under Comer compared to those of other southern states, point to the conclusion that Gov-



"Our Baby Doffer" working in Avondale Mills, Birmingham, Alabama, 1910. Courtesy of the Library of Congress.

ernor Comer was neither a progressive governor on child labor nor a proponent of child labor exploitation.

## Who Was Braxton Bragg Comer?

In the past, historians documented Braxton Bragg Comer's governorship favorably. Allen Going's frequently cited 1940 master's thesis expounds upon Governor Comer's successful efforts to regulate and reduce the fees charged by railroads in the state. Going concludes that Comer "aroused the people from a feeling of lethargy and self-satisfaction and made them face squarely the issues and needs of a rapidly expanding commonwealth."<sup>1</sup> A 1970 dissertation by Owen Hunter Draper portrays Braxton Bragg, popularly known as B. B., as Alabama's "education governor."<sup>2</sup> Land-

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1 Allen Johnston Going, "The Governorship of B. B. Comer" (master's thesis, University of Alabama, 1940), 123.

2 Owen Hunter Draper, "Contributions of Governor Braxton Bragg Comer to Public Education in Alabama, 1907-1911" (PhD diss., University of Alabama, 1970).

marks memorialize Comer's tenure as Alabama's governor: the Department of Modern Languages at the University of Alabama in Tuscaloosa is housed in B. B. Comer Hall; the School of Agriculture's lab at Auburn University resides in the Braxton Bragg Comer Hall; children in Sylacauga attend school first at the B. B. Comer Elementary School and then at the B. B. Comer High School; and drivers on Route 35 in Scottsboro cross the Tennessee River on the B. B. Comer Bridge.<sup>3</sup>

Recent scholarship, however, tends to cast a more critical portrayal of Comer's four years as Alabama's leader. The former governor's embrace of convict leasing and his less than enthusiastic adoption of laws regulating child labor have subjected Comer's administration to heightened criticism. As to convict leasing, a historian harshly concludes that "in several ways the convicts' plight was worse under Comer than during the 1890's."<sup>4</sup> On child labor, one critic opines: "No issue shows Comer as the reluctant reformer so clearly as the continuing fight for effective child-labor legislation."<sup>5</sup> Another critic concludes that Comer's "lukewarm approach to child labor was not laudable."<sup>6</sup> In order to assess accurately Comer's policies as the governor of Alabama, it is necessary to understand his background.

Interestingly, Comer's entrance into the cotton textile business occurred when he was nearly fifty years old; he spent the first half of his life in more rural pursuits.

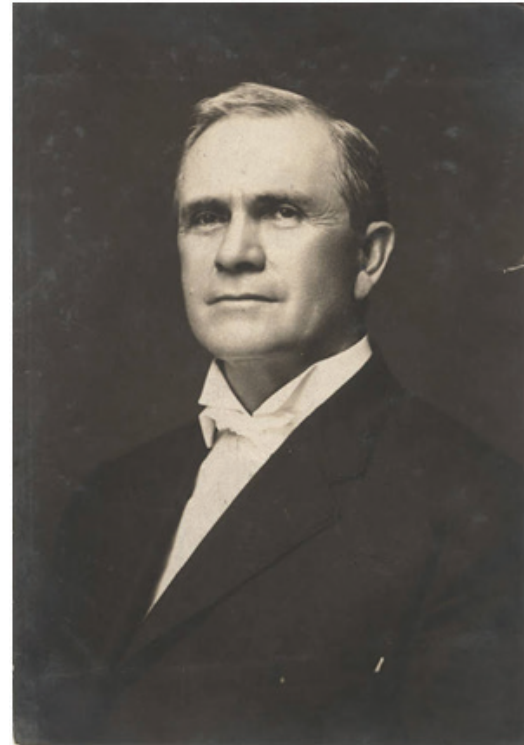
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3 Interestingly, the B. B. Comer Bridge has a Facebook page.

4 David Alan Harris, "Racists and Reformers: A Study of Progressivism in Alabama, 1896 - 1911" (PhD diss., University of North Carolina, 1960), 378.

5 William Warren Rogers, Robert Duvall Ward, Leah Rawls Atkins, and Wayne Flint, *Alabama: The History of a Deep South State* (Tuscaloosa: University of Alabama Press, 1994), 362.

6 David Alan Harris, "Braxton Bragg Comer, 1907-1911," in *Alabama Governors: A Political History of the State*, ed. Samuel L. Webb and Margaret E. Armbrester (Tuscaloosa: University of Alabama Press, 2004), 156.



Governor Braxton Bragg Comer. Courtesy of the Alabama Department of Archives and History, Montgomery, Alabama.

Braxton Bragg Comer was born at Spring Hill in Barbour County, Alabama, on November 7, 1848, the fourth of six sons born to John Fletcher Comer and Catherine Drewry Comer.<sup>7</sup> Young B. B. grew up on a large cotton plantation. His father died at the age of 47, "leaving his widow to manage a large plantation and to care for six sons - the youngest a babe in arms."<sup>8</sup> B. B. Comer studied under Professor

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7 Ibid., 151.

8 Donald Comer, "Braxton Bragg Comer (1848-1927): An Alabamian Whose Avondale Mills Opened New Paths for Southern Progress," Newcomen Address, 1947 Alabama Dinner, Birmingham, AL, October 29, 1947 (Birmingham, AL: Birmingham Publishing Co., 1947), 9.

E. N. Brown of Macon County, a renowned scholar in the pre-Civil War days. Comer entered the University of Alabama at the age of sixteen, too young to fight in the Civil War. Less than one year into his tenure at the university, on April 4, 1865, Comer found himself in the midst of the burning of the college under General Croxton of the Union Army. Comer and his fellow cadets marched with their instructors from the burning university to Marion, Alabama. Once in Marion, the cadets' instructors sent them home. With no transportation available, Comer walked most of the way across the state from Marion to his home in Barbour County, following in the wake of Federal troops.<sup>9</sup>

After obtaining bachelor's and master's degrees from Emory and Henry College in Virginia, Comer returned to Spring Hill and worked on his family's plantation for a few years. In 1872, he married Eva J. Harris and subsequently built his own family plantation in Comer, located a few miles from Spring Hill. Over the course of the ensuing thirteen years, he fathered seven children (two girls and five boys), built the largest gristmill in east Alabama, and became the largest producer of cotton in the state, accumulating more than 30,000 acres of land.<sup>10</sup>

Despite his success as a planter and merchant, Comer chose to leave the rural plantation life he had built to seek other opportunities in central Alabama. In 1885, at the age of 36, Comer moved his family to Anniston, where he and his wife welcomed their last three children, one of whom died in infancy. While in Anniston, Comer became a wholesale merchant, miller, and cotton factor.<sup>11</sup> His experience gained and business connections made while a cotton factor contributed to Comer's later success as a cotton mill owner.<sup>12</sup> Not content to settle in the smaller city

of Anniston, Comer again uprooted his family, moving twenty miles west to Birmingham. There, he continued his work in the gristmill business and also purchased the City National Bank, serving as its president.<sup>13</sup>

Comer embarked on the second phase of his life in 1897, with the opening of Avondale Mills. Northern investors approached Comer with a proposal for building a new cotton mill in Birmingham. According to Donald Comer, B. B. Comer's son, the mill "was first started as a civic enterprise at the request of the Chamber of Commerce to help give employment to those badly in need of it in the young and struggling city of Birmingham."<sup>14</sup>

### Dixie - The Land of Cotton. . . Mills

Broadus Mitchell, author of the seminal book *The Rise of Cotton Mills in the South*, places 1880 as the year in which cotton mills began to ascend in the South.<sup>15</sup> Although cotton prices rose at the conclusion of the Civil War, by 1880, the price of the staple declined steeply.<sup>16</sup> With prices low, Southern businessmen concluded that rather than shipping cotton to New England for spinning and weaving into cloth, they could erect mills in the South and manufacture the cotton into cloth for sale at a much higher price. The Cotton Exposition hosted by Atlanta in 1881 promoted the idea of building this form of manufacturing in the South.<sup>17</sup>

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ral...that many cotton factors should head mill enterprises. They had some money, business connections and a knowledge of the staple that was important." Broadus Mitchell, *The Rise of Cotton Mills in the South* (Columbia: University of South Carolina Press, 2001), 105.

13 Comer, "Braxton Bragg Comer," 15.

14 Ibid., 15-16.

15 Mitchell, *The Rise of Cotton Mills*, 63.

16 Ibid., 62.

17 Ibid., 71-72.

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9 Ibid., 9-10.

10 Ibid., 11-12.

11 Ibid., 12-15.

12 As stated by Broadus Mitchell in his classic book: "It was natu-

The cotton textile industry first flourished in South Carolina, embraced as a community project to bring manufacturing to an area in desperate need of jobs. In 1880, the *News and Courier* of Charleston promoted what was to become known as the Cotton Mill Campaign, declaring that “the remedy of sure fortune in the South was to *bring the mills to the cotton*.”<sup>18</sup> Answering the call, residents created the Charleston Manufacturing Company and sold subscriptions for building capital. Through their efforts, a mill eventually came to fruition. The Cotton Mill Campaign spread throughout the South, encouraged primarily by southern newspapers.<sup>19</sup>

But the capital invested in building southern cotton mills originated north of the Mason-Dixon Line, too. Northern investors recognized that exceptionally low labor costs in the South meant a better bottom line. New England’s labor costs, historically higher than the South’s, left northern mills at a disadvantage. To make matters worse for investors, New England lacked readily available child labor; the northern states had already addressed the child labor issues descending on the South along with the building of the mills.

### **A Package Deal - Yarn and Youngsters**

The use of child labor in cotton mills was not distinct to the southern states. The idea that employing poor children discouraged them from becoming vagrants and robbers emigrated from England along with her subjects.<sup>20</sup> Indeed, the sons and daughters of poor parents assisted in

the production of textiles from the inception of cloth making, while production still took place in the homes of the poor, prior to the use of factories.<sup>21</sup> In the period leading up to the American Revolution, “spinners” would obtain raw material from a manufactory, spin the raw material into cloth at home, and then return the cloth to the manufactory for payment. George Washington marveled over the evolution of the cloth industry from home to factory after visiting a Boston duck manufactory: “They have 28 looms at work and 14 girls spinning with both hands (the flax being tied to their waist). Children (girls) turn the wheels for them, and with this assistance each spinner can turn out 14 lbs. of thread per day when they stick to it.”<sup>22</sup>

In New England, negative views toward employing child labor in factories arose not out of concern for children’s health, but rather a community desire to educate children in public schools. Not until the mid- to late-nineteenth century was child labor viewed negatively out of concern for the health of children; even then, the primary goal was to reduce the number of women and children working in the industry in an effort to raise the working wage for men.<sup>23</sup> As child labor legislation spread across New England in the mid-nineteenth century, the subjects generally addressed were (1) the minimum age required; (2) the number of hours worked per week; (3) the number of hours worked per day; and (4) whether children under a certain age should work at night and, if so, (5) how many hours of night work were permitted.<sup>24</sup> In 1870, approximately 5,753 children under the age of sixteen worked in the textile industry in Massachusetts. In 1880, that number had increased to 7,570, but then fell to 5,586 in 1905,

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18 Ibid., 58, 82 (emphasis added).

19 Ibid., 112.

20 U. S. Congress, *Report on the Condition of Women and Child Wage-Earners in the United States*, Volume VI: “The Beginnings of Child Labor Legislation in Certain States; A Comparative Study,” 61st Congress, 2d sess (Washington, D. C., 1910), 10.

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21 Ibid., see generally Chapter I, “The Employment of Children in the Colonies.”

22 Ibid., 36, 46.

23 Ibid., 30, 38.

24 Ibid., see generally Chapter IV, “Child Labor Legislation Prior to 1860.”

after the introduction of child labor legislation in the state. In contrast to the national figures, the number of Alabama children employed in textile mills increased during the same period approximately 284 children under the age of sixteen worked in Alabama mills as of 1870; that number had increased to 3,094 by 1905.<sup>25</sup> The spike in child employment arose out of sharp increase in the number of mills built in Alabama and the mill owner's corresponding power to curb the regulation of child labor.

Alabama was the first Southern state to enact child labor legislation following the Civil War. Passed in 1887, prior to the Cotton Mill Campaign reaching the state, the law imposed a fine of up to fifty dollars on factories and workplaces that required children under the age of eighteen to work more than eight hours a day or allowed children under the age of fourteen to work more than eight hours a day. The law also forbade the employment of children under the age of fifteen. At the time, very few textile mills were located in Alabama, so the new law met with little resistance.<sup>26</sup>

It did not take long, however, for the few Alabama cotton manufacturers in existence to begin chipping away at the law through amendments proposed by their state representatives.

In the legislative session following enactment of the law, a bill passed which excluded Elmore and Autauga Counties (the venues of two cotton mills) from the 1887 child labor law. In 1894, with an increasing number of cotton mills operating in Alabama, the legislature repealed the

entire child labor law, leaving Alabama without legislation restricting the hours or age of child laborers. Several bills introduced throughout the 1890s seeking to restrict the employment of women and children in cotton mills failed to be enacted.<sup>27</sup>

By 1900, the U. S. census counted forty-five cotton mills operating in Alabama. The mills employed 9,049 operatives, 2,747 of whom were children between the ages of ten and fifteen.<sup>28</sup> That same year, the American Federation of Labor (AFL) began urging Alabama labor leaders to push for state legislation regulating the employment of children. Samuel Gompers, the President of the AFL, sent a representative to meet with Alabama leaders concerned about child labor. The AFL representative, Miss Irene Ashby, found an ally in Reverend

Edgar Gardner Murphy, rector of St. John's Episcopal Church in Montgomery. Together Miss Ashby and Reverend Gardner worked to persuade the Alabama legislature to enact a child labor law during the 1901 session. Miss Ashby toured Alabama mills, observing children at work and speaking with the mill owners. During her visit, the mill owners explained their opposition to child labor laws; the southern businessmen claimed that northern mills, at a disadvantage with higher labor costs arising out of their states' labor laws, were driving the effort to regulate southern labor in effort to level the playing field. The southern mill men also claimed their industry provided much-needed income to widows and children who otherwise would suffer for lack of opportunity. These two arguments formed the thrust of the southern mill owners' objections to child labor laws.

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<sup>25</sup> Ibid., 46.

<sup>26</sup> Elizabeth H. Davidson, *Child Labor Legislation in Southern Textile States* (Chapel Hill: University of North Carolina Press, 1939), 18-19.

<sup>27</sup> Ibid., 20-23.

<sup>28</sup> Ibid., 28.

The push to enact a law in the 1901 legislature failed. However, the effort resulted in the formation of the Alabama Child Labor Committee, a group headed by Reverend Gardner with the participation of like-minded clergymen and other prominent leaders.<sup>29</sup> The Alabama Child Labor Committee undertook a relentless campaign to educate the public about the health problems associated with children working in mills. Through newspapers such as the *Montgomery Advertiser* and published pamphlets authored by Reverend Gardner, the Committee forced Alabama mill owners to the negotiating table prior to the next legislative session in 1903. One of the mill owners with a seat at the table was B. B. Comer who, five years earlier, heeded the Cotton Mill Campaign's call to bring industry to the South.

### **Avondale: Bringing the Mill to the Cotton**

The Trainer family of Chester, Pennsylvania first conceived the idea of locating a textile mill in the outskirts of Birmingham. A family with a long history in the New England textile business, the Trainers agreed with other northern investors of the time that building a textile mill in the South could be a profitable investment. They persuaded a number of eastern mill machinery companies to join the investment. With seed equity and technical management supplied by the Trainers, as well as the machinery supplied by eastern companies, the group sought a Birmingham businessman who could invest at least \$10,000 and act as president in the new business venture. The Birmingham Chamber of Commerce helped facilitate the search. The Trainers pitched the proposal to B. B. Comer, and he accepted their offer.<sup>30</sup>

<sup>29</sup> Ibid., 23-32.

<sup>30</sup> Joseph P. Buechler, "Avondale Mills: The First Fifty Years"

Comer sought additional building capital for the business throughout the community. Businesses such as Avondale Steam Laundry (\$200), Birmingham Paint and Glass (\$100) and Shea Penny Savings and Loan Corporation (\$100) bought stock in the company. Moreover, nearly three hundred individuals, mainly Birmingham residents, subscribed to the company's stock. Avondale Mills was chartered on April 1, 1897, and building progressed at the site on First Avenue North between 38th and 39th Streets.<sup>31</sup> Avondale employed about four hundred people, many of whom migrated to the mill from neighboring farms in search of higher income.<sup>32</sup>

Avondale was a "massive, four story dark grey brick building" with several smoke stacks. It housed a Weave Room, Spooler Room, Card Room, Spinning Room, Dye Room and Cloth Room. The mill operated in three shifts; a whistle blew to mark the beginning and end of each shift. According to former employees, the operatives worked without a break and ate their meals while operating the machines. In some of the rooms, the noise was "deafening" and "everyone had headaches." A cart the employees nicknamed "the Dope Wagon" circulated around the mill so employees could buy a B. C. Powder or a Stanback Tablet. Glass bottled cokes cost five cents. Coupon books replaced cash for Dope Cart purchases. The company deducted the amount spent with coupons from the employees' paychecks.<sup>33</sup>

In addition to the mill, on the parallel street north of the site, the company built approximately one hundred and twenty houses for Avondale employees. Identical in design and structure, the houses boasted one and two bed-

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(honors thesis, Auburn University, 1985), 15.

<sup>31</sup> Ibid., 15-16.

<sup>32</sup> Comer, "Braxton Bragg Comer," 17.

<sup>33</sup> Catherine Greene Browne, *History of Avondale* (Birmingham: A.H. Cather Publishing Company, 2007), 59-60.



Avondale Mills building at 1st Avenue, North and 39th Street, Birmingham, Alabama, c1935. Courtesy of Birmingham, Ala., Public Library Archives.

room designs. Although the houses initially lacked indoor plumbing and electricity, bathrooms and power were later added. Employees described the mill village as a “city within a city.” Avondale provided medical care for employees and their families. A library and a small white frame Baptist church sprang up in the community. Village students attended a Birmingham City School within walking distance of their houses.<sup>34</sup>

In interviews, former employees and the descendants of Avondale employees recalled living in the mill village as a wonderful experience. Without exception, the former residents described an idealistic life in a close-knit community. One interviewer marveled: “Even thirty

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34 Ibid., 59.

years after the mill closed and was leveled and houses in the mill village were torn down, those who were associated with the Comers and Avondale Mills could only speak in glowing terms about the unique lives they lived so long ago.”<sup>35</sup> Despite the trappings of the village, however, the mill employed children, and Alabama labor leaders wanted to end the practice.

### Mr. Comer Goes to Montgomery

Five years after Avondale opened, in January of 1903, a number of mill owners agreed to meet with the Alabama Child Labor Committee (ALCLC) in Montgomery. In anticipation of the meeting, the *Montgomery Advertiser* encouraged the manufacturers to compromise with the ALCLC. Noting that the legislature would not meet again until 1907, the *Advertiser* cautioned the mill owners that failure to reach an agreement meant “they have before them the alternative of four long years of aggressive and ever increasing agitation.”<sup>36</sup> Comer and two other representatives negotiated on behalf of the textile mills. Apparently the businessmen sought to avoid the agitation to which the *Advertiser* referred because the meeting successfully concluded with an agreement.

The terms of the compromise were incorporated into a bill, which passed in the legislative session of 1903 and was enacted into law on February 25, 1903.<sup>37</sup> The new law prohibited the employment of children under the age of twelve with the exception of children over ten who

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35 Ibid., 383.

36 Ibid., 49.

37 Davidson, *Child Labor Legislation*, 31, 51.



were orphans or had dependent parents. The law barred children under thirteen from working between the hours of 7:00 p.m. and 6:00 a.m. Children under sixteen were restricted from working more than forty-eight hours in one week at night and no child under twelve could work more than 66 hours per week. Finally, the law barred manufacturers from employing a child until an affidavit signed by the child's parent or guardian certifying the child's age and date of birth was placed on file at the place of employment.<sup>38</sup>

“ALABAMA WAS THE FIRST SOUTHERN STATE TO ENACT CHILD LABOR LEGISLATION FOLLOWING THE CIVIL WAR.

Criticism of the new law centered primarily on the absence of an enforcement mechanism. Failure to provide for a mill inspector to keep tabs on the industry and the omission of penalties for hiring underage children or for the filing of false affidavits by parents meant violations of the law went unpunished. In fact, it appears the law's impact was minimal. In 1900, the percentage of children employed in Alabama mills was 29.2 of the operatives. By 1905, the percentage barely decreased, down two points to 27 percent.<sup>39</sup> Reverend Gardner and the Alabama Child Labor Committee knew the 1903 compromise enabled misconduct by the manufacturers and parents, but concluded during negotiations that an imperfect law was better than none. With the legislature meeting every four years, the election of a new governor (and representatives) preceded any opportunity to strengthen the law.

Three years later, fed up with out of state railroad

companies charging Alabama companies and residents a higher fee than charged in other southern states, Comer decided to run in the gubernatorial election of 1906. Meanwhile, the Alabama Child Labor Committee continued to speak out for tougher restrictions on child labor. Likewise, the Montgomery *Advertiser*, which supported child labor legislation in the period leading to the 1903 compromise, renewed its call for more stringent child labor reform. Throughout the gubernatorial campaign, the *Advertiser* published a series of editorials arguing that Comer's position as a mill owner meant that he would be reluctant to make the reforms necessary to restrain the use of child labor.<sup>40</sup> In one such editorial, the *Advertiser* published a blistering letter written by Reverend Murphy. In the published letter, Murphy disclosed that Comer was the most recalcitrant mill owner with whom they negotiated during the 1903 meeting. According to Murphy, "Mr. Comer has seemed to me the most bitter opponent of child labor legislation I have ever know."<sup>41</sup> In another blow, an investigator for the Nation Child Labor Committee who examined Avondale Mills in 1906 wrote a letter about his investigation, claiming that Avondale Mills employed small children in contravention to the law and that Avondale Mills was the worst of the mills he had investigated. The *Advertiser* published the letter on the front page.<sup>42</sup> Comer responded by publishing affidavits from employees denying that small children worked in the mill. Comer also published an affidavit by the mill physician stating that the sanitary conditions at the mill were very good and that children were provided a free school for nine months out of the year.<sup>43</sup>

40 Davidson, *Child Labor Legislation*, 216-218.

41 "Comer's Record on Child Labor: His Organ's Proof as to 1900 and Dr. Edgar Gardner Murphy's Statement as to 1903," Montgomery *Advertiser*, June 29, 1906.

42 Davidson, *Child Labor Legislation*, 216.

43 Ibid., 216-217.

38 Ibid., 49-50.

39 U. S. Congress, *Report on Conditions*, 188.

Despite the *Advertiser's* criticisms, Comer secured the Democratic nomination and went on to win the governorship. Due in large part to the persistence of the Committee and the press's efforts to bring awareness to the subject, the Alabama Democratic Party of 1906 included child labor issues in its platform. Specifically, the Democratic platform stated that children of "tender years" should be prohibited from working, and those that were allowed to work should be required to attend school for some length of time during each school year.<sup>44</sup>

William Jelks, the governor during the 1903 compromise, noted in his farewell address that the child labor law lacked effectiveness and should therefore be amended to provide strict enforcement. Although Comer focused primarily on railroad regulation in his campaign for the governorship, he claimed to support moderate laws related to child labor during the gubernatorial campaign. To that end, in his statement to the legislature at its opening in 1907, Comer proposed "a graduated limitation of age" and perhaps compulsory education requirements. However, he cautioned the legislature that strict limits could result in harming the very children they were seeking to help. Specifically, Comer warned:

[A] great many people have gone to the mills to work because they have found by experience that they can earn more money and do better there than they can elsewhere, and in large families they can better take care of themselves with their earning capacity there than elsewhere, and it is a very serious matter for the State to assume the guardianship as to how and when these people shall work and direct and dictate to them by methods of law as to whether they shall or shall not work where they think to

their best interest.

In the rural districts and in towns and cities there are many poor families, many poor families with children, and anyone familiar with the conditions of such things would know that many of them could do better in the mill than elsewhere.<sup>45</sup>

This statement articulates Comer's thinking on child labor regulations. He believed lawmakers should refrain from imposing themselves between parents and their children. The decision as to whether a child could or should help provide for the family rested with the parents.

At the start of the regular session, dueling bills were introduced in the House. The bill with the support of the Alabama Child Labor Committee, introduced by Alexander D. Pitts of Dallas County, provided for a fourteen year limit for boys and sixteen for girls, with an exception that a child twelve and over could work if to support a widowed mother or a disabled father. The Pitts bill also provided restrictions on hours that a child could work, penalties for violations, and the hiring of an inspector. Representative A. D. Kirby of Madison County introduced a bill on behalf of the manufacturers. The primary difference between the bills related to the power of enforcement, but they also differed on the hours allowable for children to work. Neither bill was acted upon. Instead, the Senate amended a bill that added responsibility to the inspector of jails and almshouses. The House refused to pass the amended bill, but when the original bill reached Governor Comer, he amended it to include cotton mills. The House then agreed to the change. The law enacted directed the inspector of jails and almshouses to also inspect cotton

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44 Ibid., 217.

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45 Davidson, *Child Labor Legislation*, 217.

mills.<sup>46</sup> Child labor reformers considered the maneuver by the governor and the legislature a setback in their cause. They believed that passage of the provision allowed legislators and the governor to avoid adopting more stringent reforms to the current child labor law, including raising the minimum age and adding enforcement provisions with penalties.<sup>47</sup>

During the recess between the winter and summer terms of the legislature, Dr. Shirley Bragg, the inspector appointed by governor (pursuant to the new law), sent Comer reports detailing the findings of his inspection of thirteen mills. In a transmittal letter dated May 31, 1907, Dr. Bragg stated unequivocally: "I find many children evidently under age working in mills."<sup>48</sup> The reports addressed the condition of the mills (including sewage and ventilation); more importantly, Dr. Bragg reported that he observed children under the age limit of twelve working in the cotton mills. For example, in his report on Barker Cotton Mills, Dr. Bragg found that approximately two hundred operatives worked at the mill and of those, he estimated that between fifty and seventy-five children under the age of fifteen were working there. The mill village at Barker included a school that ran about eight months per year. Dr. Bragg concluded: "Quite a number of children below age are working here."<sup>49</sup> Interestingly, Dr. Bragg inspected Avondale Mill, concluding that the mill was in good shape other than the sewage, which would be addressed when the mill was connected to the city sewer line within the year. Dr. Bragg noted that the mill had a day nursery (which he "found scrupulously clean") and that the mill included a kindergarten with a "very fair attendance of pupils," as

46 U. S. Congress, *Report on Conditions*, 199.

47 Davidson, *Child Labor Legislation*, 219.

48 Shirley Bragg to B. B. Comer, May 31, 1907, Governor Braxton B. Comer Administrative Files, Alabama Department of Archives and History, Montgomery, Alabama. Microfilm.

49 Ibid.

well as grammar and primary schools.<sup>50</sup> The report omitted any indication of the number of children employed and whether he observed the presence of under-aged children in Comer's mill.<sup>51</sup>

Two months after Dr. Bragg sent Comer the reports, the legislature reconvened in Montgomery. Prior to the start of the session, the *Montgomery Advertiser* interviewed an unidentified member of the legislature who stated his belief that a more stringent child labor law would be enacted. He said, "The Legislature will not longer remain under the stigma that it is so much under the influence of a commercial interest that it will fail to do its duty to humanity."<sup>52</sup> A July 24, 1907 *Advertiser* article observed that Dr. Bragg's reports "have lain in the Governor's office for several weeks until they were sent for by the Senate in the form of a resolution by Senator Thomas show that in the thirteen cotton mills of the State which has inspected, children are employed and they are apparently under age." The *Advertiser* article noted that the conditions of the mill Comer owned was "highly praised by Dr. Bragg."<sup>53</sup>

Behind the scenes, Comer discussed the findings in Dr. Bragg's report with members of the Alabama Child Labor Committee. Neal L. Anderson, pastor of the Central Presbyterian Church in Montgomery and a member of the Committee, met with Comer on July 5th to discuss the enforcement of child labor regulations. Specifically, Reverend Anderson highlighted the need for an inspector who could ensure that the cotton mills comply with labor regulations.<sup>54</sup> Four days later, after Reverend Anderson met

50 Ibid., enclosed report dated April 15, 1907. Microfilm.

51 Ibid.

52 *Montgomery Advertiser*, July 8, 1907, p. 2.

53 "Children in All the Mills: Reports by Dr. Bragg Sent to Senate," *Montgomery Advertiser*, July 24, 1907.

54 Neal L. Anderson to B. B. Comer, July 6, 1907, Braxton B. Comer Administrative Files, Alabama Department of Archives and History, Montgomery, Alabama. Microfilm.

with other members of the Committee, he sent a follow-up letter to Comer. In his July 10th correspondence, Anderson noted that Dr. Bragg's reports clearly demonstrated the failure by some cotton mills to comply with the law. Anderson argued that a loophole existed for parents and mill owners to avoid the law so long as parents could legally bring their children with them to work. He criticized the 1903 law: "The age limit, certainly for girls, is too low, there is no provision with reference to attendance on schools, and no protection against night work."<sup>55</sup> Finally, Anderson argued that inspection of the jails, almshouses, and cotton mills required more than one person due to the number of entities involved.

Comer's public response to Dr. Bragg's report was tempered. He wrote to the legislature on July 9th: "It is just and right that you should provide an effective method for enforcing the child labor law." He recommended adopting an enforcement provision which empowered the inspector to discharge any child the inspector deemed under the legal age or unfit to work and also penalizing a manufacturer for re-employing a discharged child without prior permission. Comer wrote to the legislature: "Will caution you that by an extreme provision of the law you can easily hurt the parties that we are trying to help. We have the poor with us always, and it is as much incumbent upon the business of the State to provide methods of



Workers in Avondale Mills, Birmingham, Alabama, 1910. Courtesy of the Library of Congress.

work . . . than to provide ways how they should work; and we should be exceedingly careful along this line."<sup>56</sup> Thus, Comer cautioned the legislature to focus on creating jobs for Alabamians rather than placing restrictions on jobs already in existence.

As for the legislature, now that Dr. Bragg exposed the presence of underage children working in the mills, many believed that either the Pitts Bill or the Kirby Bill would pass with few amendments. The Pitts Bill had been recommitted to the Committee on Mining and Manufacturing on July 16, 1907, but it was delayed. The *Advertiser* kicked into full gear, accusing Comer of blocking the bill.

<sup>55</sup> Neal L. Anderson to B. B. Comer, July 10, 1907, Braxton B. Comer Administrative Files, Alabama Department of Archives and History, Montgomery, Alabama. Microfilm.

<sup>56</sup> *Journal of the Senate of the State of Alabama*, sess. 1907 (Montgomery: Brown Printing Co., 1907), 1571.

The *Advertiser* hinted that Comer warned the Speaker of the House that if the age limit in the bill were not lowered, the bill would not pass.<sup>57</sup> It appears the *Advertiser* was right. On July 23, the date the Pitts bill was up for consideration, instead of the original bill introduced by Pitts, a substitute bill appeared in its place. The *Advertiser* reported that although most legislators thought the Pitts bill would be passed, “[b]ut over night there had been a change. The governor had spoken his wishes on the matter and a substitute bill had been prepared.”

A Comer friend, Jefferson County Representative S. W. John, submitted the substitute bill. John’s bill lowered the age limit from fourteen (in the Pitts Bill) back to the current twelve-year age limit (but without exceptions). The new, substitute bill also required children between twelve and sixteen years old to attend eight weeks of school, instead of the twelve weeks required in the Pitts bill. The new bill limited the number of hours a week to sixty, instead of the fifty-six required in the Pitts bill, and reduced the age of the hour limit from sixteen (in the Pitts bill) to fourteen (in the new bill). The new bill retained the requirement that no child under sixteen should work between 7:00 p.m. and 6:00 a.m. and that no child under the age of eighteen could work more than eight hours at night. According to the new bill, affidavits for minors under eighteen must be filed with the employer and available for review by the inspector. The inspector was provided with one assistant and could prosecute the management for violations of the law, but the penalties provided were for those who “knowingly” violated the law. Reformers saw the “knowingly” language as a loophole for the manufacturers.<sup>58</sup>

When the bill switch was made public, critics ac-

cused the committee of yielding to the powerful cotton mill lobby. One of the committee members defended the committee’s actions, claiming that the committee “had been insulted, threatened and bullied in a way that he never saw a committee treated before.” The member also admitted that the substitute bill was a compromise, and that the new bill had been submitted to Comer for approval. The child labor reformers believed that the governor had dictated the terms of the bill. Attempts to amend the substitute bill failed, including an effort to raise the minimum age of girls in the factories to fourteen. That proposed amendment was defeated when Dr. Bragg claimed that work in the mills was no more dangerous for girls than attending school. The new bill was passed by the House with 73 to 3.<sup>59</sup>

A bill entered into the Senate in the middle of July was, in most respects, identical to that of the substitute House bill. Despite repeated attempts to amend the bill to add stricter provisions and higher age limits, the Senate bill passed with only one dissenting vote. Comer then suggested an amendment to the House and Senate bills, changing the effective date to January 1, 1908 instead of six months after passage. Both houses agreed, and the act was ratified on August 9, 1907.<sup>60</sup>

Passage of the 1907 Child Labor Law dispirited the reformers. Years later a representative of the National Child Labor Committee claimed that Comer would have blocked any efforts to strengthen the 1903 law, but was persuaded to accept minimal changes by two members of the Alabama Child Labor Committee: Reverend Anderson and Dr. B. J. Baldwin, a prominent physician who assisted Comer in his efforts to eradicate tuberculosis.<sup>61</sup>

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57 Davidson, *Child Labor Legislation*, 221; citing the Montgomery *Advertiser*, July 24, 1907.

58 Ibid., 221 - 222.

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59 Ibid., 222.

60 Ibid.

61 Ibid., 223.

## How Did the 1907 Law Compare?

How did the child labor law passed in the Comer administration compare to the child labor laws of other southern states? North Carolina and South Carolina, the two southern states with the largest concentration of cotton mills, passed legislation with a threshold for employment either the same or lower than Alabama's. North Carolina's age limit was thirteen, but a twelve year old could work if hired as an apprentice. South Carolina's age limit was twelve, but a younger child could assist a parent at work or could be legally employed if the child was an orphan, the child of a widow, or had disabled parents. Children younger than twelve could also work during the summer if school requirements were met and they could read and write. Signed statements by the parents attesting to the child's age were required for children under fourteen.

Georgia's entry into the textile mill industry was the most similar to Alabama's. Like Alabama, Georgia's industry was still relatively new in the early part of the twentieth century. In his speeches and writings addressing the railroad rate discrepancies about which he predominately campaigned, Comer most often compared the rate differences between Georgia and Alabama. Therefore, a comparison between the child labor law passed under the Comer administration in 1907 and the child labor law passed by Georgia in 1906 is worth exploring.

Georgia, like Alabama, had a twelve-year age limit. Alabama had no age limit exceptions, but Georgia allowed a child between the ages of ten and twelve to work if he or she was an orphan with no means of support, or if a wid-

owed mother or an aged or disabled father was dependent on the child for support. A certificate attesting to these facts was required for children under twelve. No child under fourteen (sixteen for Alabama) was allowed to work from 7:00 p.m. to 6:00 a.m. The Georgia law also contained compulsory educational requirements. Working children should be able to read and write and they were required to attend school twelve weeks a year if under the age fourteen (for Alabama this was eight weeks a year for a child ages twelve to sixteen). Georgia's law provided for inspection by grand juries. Alabama's law was stricter in that it provided for an inspector for the mills.

The southern states with the lowest number of cotton mills set an age limit two years above Alabama's or the same as Alabama's. Kentucky, Tennessee, Louisiana and Arkansas had a fourteen-year age limit on children's employment. Arkansas allowed a child between twelve and fourteen to work if the child was an orphan or if the child had dependent parents. Virginia phased the age limit in at thirteen in 1909 and fourteen in 1910.<sup>62</sup>

The 1907 law was the only child labor legislation passed during Comer's administration. The legislature did not meet in regular session again until 1911, when Comer's successor, Emmet O'Neal, took office. Although the legislature met in special session in 1907 and 1909, those meetings were specifically to address railroad regulation. The only other time child labor was addressed during Comer's administration was in 1909, when Comer submitted and the legislature passed a bill reconfirming the 1907 Child Labor law without change.

“THE LAWS PERTAINING TO THE EMPLOYMENT OF CHILDREN IN ALABAMA ARE CONSPICUOUS BY THEIR AMBIGUITY, INEFFICIENCY, INEXPLICITNESS AND INADEQUACY.”

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62 Ibid.

Comer appointed Dr. C. F. Bush as the first inspector of jails, almshouses, and factories under the 1907 law. Dr. Bush's first report was published in December 1909. Of the 14,606 employees working in the state's sixty-three cotton mills, one woolen mill, and seven knitting mills, he estimated that 31% were between the ages of twelve and eighteen, and that 17% were between the ages of twelve and sixteen. He concluded that parents of children were filing false affidavits for children under the age of twelve. Dr. Bush removed the children he believed to be too young, but was unable to prosecute the parents because he could not prove the children's real ages.<sup>63</sup>

In 1910, Lewis W. Hine, an agent of the National Child Labor Committee investigated Alabama's cotton mills. He, like Dr. Bush, believed the age limit proscribed in the 1907 law was being ignored. Hine criticized mills in Huntsville and Anniston he investigated, certain they hired underage children. Importantly, he also inspected Avondale Mills and took pictures of underage children working in Comer's mill.<sup>64</sup> After Comer left office in 1911, the pictures were exhibited in Montgomery by the National Child Labor Committee in an effort to sway the new legislature toward a more stringent law. The *Montgomery Advertiser* published the pictures on the front page.<sup>65</sup>

One of the pictures taken by Hine depicted a young boy with a hat set jauntily on his blonde crop of hair. His name was Lonnie Cole. Lonnie was born in Cullman County, Alabama, on March 7, 1899. In the 1910 census, his father, Frank Cole, is listed as a farmer. Even though the 1907 law prohibited children under twelve from employment, the "baby doffer," was eleven years old when

Hine photographed him. Hines reported that Lonnie answered "Twelve" when asked his age, to which another boy responded: "He can't work unless he's twelve." Dorothy Cheatham, the niece of Lonnie Cole, was interviewed in 2005. According to Cheatham, Lonnie failed to graduate from high school, but he could read and write. Lonnie worked "on and off" in the cotton mills. Cheatham said he was not able to work steadily due to poor health from a "lung problem." Lonnie never married, received support from the county, and often lived with relatives. Cheatham was not surprised that Lonnie was working in a mill at so young an age "because there were so many kids working in the mills back then." Lonnie died in Birmingham on his birthday, March 7, 1975, at the age of 76.<sup>66</sup>

### **Post-Comer Administration**

In 1911, Emmet O'Neal was sworn in as Alabama's governor. Only one piece of legislation related to child labor passed during the O'Neal administration. The law made it a misdemeanor knowingly to employ children in violation of the law or to refuse to give information to the inspector. This effort to ensure compliance with the 1907 law appears to have made little impact.

In his 1912 report, the Alabama factory inspector left little doubt about his view of the law, stating: "The laws pertaining to the employment of children in Alabama are conspicuous by their ambiguity, inefficiency, inexplicitness and inadequacy."<sup>67</sup> The inspector, W. H. Oates, took issue with allowing a twelve to fourteen year old to work

63 Ibid., 224.

64 Lewis Hine, *Photographs of Child Labor in the New South*, ed. John R. Kemp (Jackson: University Press of Mississippi, 1986), 15-16.

65 Davidson, *Child Labor Legislation*, 226; citing the *Montgomery Advertiser*, March 15, 1911.

66 Dorothy Cheatham, interview by Joe Manning, October 14, 2009, "Mornings on Maple Street," accessed October 15, 2015, <http://www.sevensteeples.com/lonniecole3.html>.

67 W. H. Oates, *Annual Report of the Factory Inspector of the State of Alabama for the Year Ending December 31st, 1912* (Montgomery: Brown Printing Company, 1913), 5.

up to sixty hours per week. Oates noted that most employers worked the children eleven hours a day for five days a week and for five hours on Saturdays. He painted a picture of a young girl awaking in the dark, eating a poor breakfast and then heading to work in a factory for eleven straight hours, with the brief interruption of a thirty minute lunch break, only to arrive home in the dark after such an extended work day.<sup>68</sup>

The Alabama legislature finally enacted a comprehensive and strict child labor law in 1915. Comer had run for governor again in 1914, but was not reelected. Charles Henderson, Comer's Democratic competitor in the 1906 election, was elected governor. In its first session of under Henderson's administration, the legislature passed a comprehensive and strict policy regarding child labor. The 1915 law phased a minimum age for employment; from September 1915 to September 1916 the age limit was set at thirteen, and thereafter rose to fourteen. No child under sixteen could be employed more than six days a week or eleven hours a day or between 6 p.m. and 6 a.m. The presence of a child under sixteen in any mill or factory was to be regarded as *prima facie* evidence of his employment there.

Interviews indicate that the employees and their families were pleased with the mill village, but they also disclosed that children continued to work in the mill despite the prohibition in later child labor regulations. "Mrs. McGraw," who was interviewed in the mid-1970s, moved with her parents and six siblings to the mill in 1916. The company sent a truck to the family's home in Calera and moved the entire family to the mill village at no cost. Mrs. McGraw believed the mill wanted large families for the labor supply. She too claimed that the child labor law was disregarded at Avondale; parents sent their children

to work full time in the mill despite the requirement that children should go to school the full year. Mrs. McGraw went to work in the mill at the age of thirteen, but on a part-time basis; she worked after school from 3:30 p.m. to 5:30 p.m. and for a few hours on Saturday.<sup>69</sup> Others interviewed confirmed Mrs. McGraw's recollection, stating that many people began working at the mill as early as nine years of age and that children under the legal age continued to work at Avondale through the 1950s. They claimed the children would hide when a mill inspector came to inspect the mill.<sup>70</sup>

## Conclusion

Broadus Mitchell noted in *The Rise of Cotton Mills in the South*, that "at the outset the employment of children in the mills, if not absolutely necessary, was practically so, and never excited the least question." Further, he explained, "cotton manufacturing was hailed as a boon especially because it gave means of livelihood to women and children...The use of children was not avarice then, but philanthropy; not exploitation, but generosity and cooperation and social-mindedness."<sup>71</sup> According to C. M. Stanley, editor of the *Birmingham Age-Herald* and later editor of the *Alabama Journal*, B. B. Comer deliberately built the many mills that would make up Avondale Mills in rural areas so farmers could supplement their income with wages earned at the mill. Thus, the farmers were able to keep their farms and continue living on their own land despite the irregular income earned from farming. "It was a happy

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69 Interview of Mrs. McGraw (first name not given) by Elmer H. Goodwin, transcript, Archives, Mervyn H. Sterne Library, University of Alabama at Birmingham.

70 Interviews of Tedd Holland, Mary Lou Smith, E.E. Smith, and Pat McCullough, April 23, 2005, Browne, *Avondale*, 380-385.

71 Mitchell, *Rise of Cotton Mills*, 95.


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68 Ibid., 5-6.



arrangement for all concerned and no one can estimate the additional value that has been given Alabama lands, and the added comfort and happiness that were spread through the farm regions contiguous to the mills through this practical integration of agriculture and industry.”<sup>72</sup>

When viewed in the context of the southern states’ need for manufacturing jobs, the status of child labor legislation among Alabama’s neighboring states, and an analysis of his overall beliefs, it appears that Braxton Bragg Comer was not a progressive insofar as child labor is concerned. However, critics should refrain from stigmatizing Governor Comer with the label “child labor exploiter.” Although Comer resisted pushing Alabama to the forefront of child labor reform as governor, he eventually accepted stricter legislation and supported the mill inspector’s authority to enforce the law. However, inspections conducted by child labor advocates, and the recollections of former Avondale employees, indicate that Comer failed to comply fully with the law.



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<sup>72</sup> Comer, “Braxton Bragg Comer,” 20.