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PROTECTING CHILDHOOD:
THE CAMPAIGN TO BAR CHILDREN FROM PERFORMING
PROFESSIONALLY IN NEW YORK CITY, 1874-1919

by

SHAUNA A. VEY

A dissertation submitted to the Graduate Faculty in Theatre in
partial fulfillment of the requirements for the degree of Doctor of
Philosophy.

The City University of New York

1998

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This manuscript has been read and accepted for the Graduate Faculty in Theatre in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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This study is dedicated to
Alex Wiesendanger and Lucas Wiesendanger,
whose work and lives inspired it.

Acknowledgments

I wish to thank the Society for the Prevention of Cruelty to Children, without whose help this study would not have been feasible. I was granted unrestricted access to the Society's archive scrapbook collection, which includes newspaper clippings taken from over thirty publications over a forty-year period. The time required to locate this information from public sources would have been prohibitive. Anne Reiniger, Executive Director of the SPCC, placed no restrictions upon my use or interpretation of the materials in the archive. Joseph Gleason, the Society's archivist, was indefatigable in his efforts to unearth information I sought. I am deeply grateful to them both.

The task of shaping my research into a dissertation was greatly aided by my excellent faculty advisors. First and foremost, I wish to thank Professor Judith Milhous, the chair of my Examining Committee. From my first tentative semester a decade ago, Judy has demonstrated a faith in my ability which startled me into achievement. To a large degree, this work exists because of her encouragement. Professor Samuel Leiter lent me his expansive knowledge of American theatre history and his keen editorial eye. He made my work a priority and was consistently available and responsive. Professor Thomas Kessner reached across disciplines to help a stranger. Both the content and the writing of this work have profited from his astute suggestions and historical perspectives. Other members of the Graduate Center faculty who have prepared me for this task

through their rigorous and stimulating classes are Marvin Carlson, Daniel Gerould, James V. Hatch, and Stanley Kauffmann. Early encouragement on this project also came from Professor Gerald Markowitz of the History Program. I am grateful to them all.

I also wish to thank Robert Bruyer and his staff at Actors' Equity Association for taking time out from their work in today's theatre so I could research yesterday's; Maryann Chach and the staff of The Shubert Archive; Deborah Bernhardt and the staff of the Robert F. Wagner Labor Archive; and the staff of the Billy Rose Theatre Collection of the New York Public Library.

Professor Benjamin McArthur of Southern College epitomized collegiality. Responding to my letters, he provided encouragement, source locations, and insightful criticism of chapters two and three. Michelle Jenkins and Helen Huff also read sections of the manuscript and offered helpful analyses. Roberta Wolf provided invaluable moral support. I am grateful for the contributions of many, but any errors remain mine alone.

Introduction

As long as there have been stages, there have been children performing on them. This performance, while always entertaining, has been defined differently in different eras. In the festivals of ancient Greece and in medieval religious drama, a child's performance was an act of worship. In Renaissance royal entries and fêtes, it was a civic duty, while in the public theaters of that time, it was an educational apprenticeship. In the last quarter of the nineteenth-century at least one man saw children's performance as labor. He saw work on the stage as harmful to children in every possible way: physically, intellectually, morally.

That man was Elbridge T. Gerry. Under his leadership the Society for the Prevention of Cruelty to Children was organized, and legislation was passed which prohibited children from performing in a variety of venues. The law regarding stage children was strongly enforced and supported by the courts. In *Law and the Shaping of the American Labor Movement* (Harvard, 1991), William E. Forbath noted that it has been the habit of recent historians to marginalize the role of law in human affairs. Forbath argues to the contrary, that law has had "relatively independent power to shape social life" (ix). The anti-exhibition statute or "Gerry law," as it was called, played a dominant role in the New York theatre community of its time and thus is central to my discussion. Ultimately, however, its dominance faded. This dissertation examines the rise and fall of

the campaign to regulate professional performing children in New York City, from its instigation in 1874 to its relative dissolution in 1919, and presents four factors which contributed to that decline.

This study begins in 1874, with the founding of the Society for the Prevention of Cruelty to Children and the passage of New York's first Compulsory Education Law, and continues through the Actors Strike of 1919, when Actors' Equity Association (AEA) firmly established itself as the collective bargaining association for actors. During this period, several aspects of American society underwent sweeping changes. The nature of labor was profoundly and irrevocably changed by industrialization. Compulsory education of all children grew from a novel concept into an accepted fact. New York City experienced a great wave of immigration which shook up its class stability and changed its ethnic composition. Each of these changes affected stage children.

Although this period may seem to bridge two different eras of child labor reform, it makes sense in terms of American theatre history. The forty years from 1880 to 1920 have been called the "golden age of the American theatre as a national institution."¹ It was in this period that New York City became the indisputable center of theatre in America, and the old stock system was replaced by self-contained, combination touring companies. The debate over child actors was unique to this

¹ Benjamin McArthur, *Actors and American Culture, 1880-1920* (Philadelphia: Temple University Press, 1984), x.

period. Nowhere else in recorded history of the theatre of western civilization has there been a large scale movement specifically aimed at removing all children from the stage. Evangelical or Protestant reformers, such as Elbridge Gerry, and modern scientific reformers, such as Jane Addams, were united in their belief that all professional performing was harmful to children. Following this period, it was accepted that children would perform professionally. AEA, other unions, and the state would restrict their concerns to salary, education, and safe and sanitary conditions. The children's place in the entertainment world was secured.

Throughout this entire period from 1874 to 1919, Elbridge T. Gerry, aided by courts, legislators, and countless volunteers and contributors, worked tirelessly to remove children from performance. Ultimately he failed. Four factors contributing to this defeat were (1) the ancient and continuing tradition of child performers; (2) the class bias which omitted legitimate acting from the provisions of the law; (3) the unique play-like quality of performance which disguises its essential labor; and (4) the defense of child stage workers by organized labor in the entertainment industry.

Chapters one, three, and five examine these factors. Chapter one traces the long tradition of children on the stage up to 1874 and examines changing social ideals of childhood that developed during the late nineteenth-century. Chapter three demonstrates underlying attitudes and motivations which influenced both the jurisdiction and the enforcement of laws

regarding stage children, ultimately undermining their effectiveness. Chapter five addresses the play-like quality of performance as well as the action of organized labor towards performing children.

In the Commons *History of Labor in the United States, 1896-1932*, Elizabeth Brandeis writes that there are three questions which must be addressed in any study of labor legislation.

I - how the laws came to be passed; what forces promoted and opposed them;

II - how they have been administered, the methods by which and the extent to which they have proved to be effective measures of asocial control;

III - how they have been accepted by the courts, the extent to which they have been retarded or nullified by adverse decisions as to their constitutionality.²

Addressing these questions is the work of chapter two. Chapter four focuses on the education of the stage child—both the formal academic education and the professional apprenticeship-type education—and conflicts arising from the discrepancy between these.

This study relies extensively on materials found in the archive of the Society for the Prevention of Cruelty to Children. The archive contains a set of fifteen scrapbooks assembled between 1886 and 1911 and entitled "Children of the Stage." These volumes comprise newspaper clippings; copies of relevant correspondence between the SPCC and other agencies, officials, or

²Elizabeth Brandeis, "Labor Legislation," in John R. Commons, et al., *History of Labor in the United States, 1896-1932*, III & IV (New York: Macmillan, 1935), 400.

organizations; full-text copies of pertinent laws; pamphlets; and copies of speeches. This material has only recently been made available to scholars. To facilitate the efforts of researchers who may follow, I have endeavored to specify as precisely as possible the location of references used. Thus materials from these scrapbooks are footnoted with my abbreviation for Children of the Stage, "COTS," followed by the appropriate volume number.

Clippings taken from folders in the Billy Rose Theatre Collection of the New York City Public Library are so designated. Newspaper citations which are not followed by a COTS or other designation are taken from the newspaper collections of The New York Public Library. As this study focuses on New York City, any newspapers whose locations are not specifically identified may be assumed by the reader to be from New York City. Out-of-town newspapers are always identified as such.

The SPCC archive also includes bound copies of the Annual Reports of the Society for the Prevention of Cruelty to Children from its founding in 1874 until 1918. Each volume contains statistical and financial information; statements of principle, accomplishments and goals; and details of the year's most important cases. Unless otherwise stated, statistics are drawn from these reports.

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Chapter 1

A Short History of Children Onstage and the Evolution of a Modern View of Childhood

What kind of fad lasts
five hundred years?
H. N. Hillebrand

This chapter will establish the centuries-old tradition of children onstage and demonstrate how that tradition conflicted with notions of childhood coming to fruition in the mid-nineteenth century. Although the presence of children onstage throughout the history of Western theatre may seem self-evident, its documentation has been spotty. Only the child performers of the Renaissance have been the specific subject of academic writing. Stage children of other periods have been mentioned in passing by theatre historians and in period documents, but their performance history has not been the particular focus of any study. Since the extreme tenacity of this tradition was a significant force in the controversy examined in this dissertation, establishing the longevity of that tradition is essential.

What follows is a brief outline of the history of children in Western theatre from the Golden Age of the Greeks until America's Gilded Age, where the campaign to bar children from the stage began. The strength of this tradition proved to be one of four factors instrumental in the defeat of the campaign to bar children from professional stages. This survey provides the historical backdrop for that conflict. My purpose here is not to present an exhaustive history of

children on stage, but merely to offer a series of vivid examples which, when viewed in succession, establish the continuity of that tradition.

This study is concerned not with drama but with theatre, and it relies primarily on historical evidence. Unfortunately, there is scant historical evidence concerning children who performed in ancient Athens so, for this period, I must rely on dramaturgical evidence and "stage sense." Just as our contemporary authors do, ancient Greek playwrights recognized the dramatic effectiveness of children. There are numerous child characters in the plays of Euripides, yet theatre historians have been strangely silent on the question of who played those roles. Scholars agree that all actors were male, but were they all men? In the absence of decisive evidence to the contrary, I suggest that the roles of children in the classic Greek theatre were played by actual children. Performance is transient; acting among the most ephemeral of the arts. Most of the scant information available pertains to the three "actors," those who spoke or sang the major roles, or to the chorus. Children were undoubtedly played by mutes, performers who dressed in the costume of a character but did not speak.

Roy C. Flickinger has argued that it was common practice for not only silent characters, but also those with very few lines, to be played by mutes. For instance, in the final scene of *Seven Against Thebes* by Aeschylus, Ismene speaks prior to the entrance of the Herald but not at all after his entrance. Flickinger suggests that the actor playing the Herald sang Ismene's lines offstage, and then entered as his own character.¹ It

¹Roy C. Flickinger, *The Greek Theatre and Its Drama*, 4th ed. (Chicago: University of Chicago Press, 1936; reprint, 1968), 179.

has been claimed that a child's voice could never be capable of projecting throughout a huge outdoor amphitheatre. If Flickinger is correct, one obstacle to the presence of children on the Greek stage is removed. Flickinger argues that whenever child characters are called upon to speak in the extant plays, one of the actors is always offstage. He cites as examples Euripides' *Alcestis* (line 393), *Medea* (line 1271), and the fragment *Hypsipyle* (line 1578) in which two boys each have lines. Flickinger suggests that in this play the actor impersonating Thaos sang all the children's lines from offstage using different voices.²

Pollux lists no child-masks in his compendium. If adults were playing the child roles they certainly would have needed masks to do so. Admittedly, Pollux cannot be considered authoritative with regard to the fifth century B.C., but at least his contribution does not contradict my thesis. Webster describes an oenochoe painted about 470 B.C. which includes a boy, standing, holding a mask, along with several other figures from a tragedy. Webster concludes unequivocally: "The boy with the mask is not part of the play but perhaps a dresser or a walker on; similar figures can be found at all dates."³ It is possible that the boy is a mute who will portray the character of a boy. As Webster was not able to connect this picture with a particular play, the roles of the figures are conjectural.

The strongest argument for the presence of children on the ancient Greek stage is not pictorial evidence but dramatic sense. Small

²Ibid.

³T. B. L. Webster, *Greek Theatre Production*, 2d ed. (Norwich, England: Fletcher & Son Ltd., 1970), 38.

children are extremely effective tools for eliciting emotion. No stage director can watch a child's effect on an audience without recognizing their power to evoke human response. Imagine, for instance, the premiere of Euripides' *The Trojan Women* in 415 B.C. A frightened child clings to his mother's legs. The victorious soldiers have decided that he must die. Powerless, his mother asks the weeping boy, "Why hold me with your hands so fast ... you little bird, flying to hide beneath my wings." The soldiers take him, and later, his broken body will receive the tears and lamentations of his grandmother, Hecuba. She remembers when he would jump on her bed; she holds his lifeless little hand. This heartbreaking scene is watched by thousands of spectators who are filled with pity and terror.⁴ Hecuba's lamentations over her dead grandson provide one of the most powerful moments in this masterwork, which has been called "the greatest piece of anti-war literature in the world."⁵ The play's power is derived from its representation of the victims of war, those who are most vulnerable: women and children. The idea of a child being forced from his mother's arms to be slaughtered is horrific. In the theatre an audience must confront this concept head-on through its physical representation. It is the physical presence of the child which illustrates the horror of the crime.

Euripides' repeated inclusion of children in his plays testifies to his perception of their dramatic utility. In each case, the function of the child's role is to incite pathos. Shortly after the boy Astyanax enters in

⁴All quotations from *The Trojan Women* are taken from the Edith Hamilton translation in *Three Greek Plays* (New York: W. W. Norton & Company), 1958, 64.

⁵Hamilton, Introduction to *Three Greek Plays*, 19.

The Trojan Women, his mother Andromache describes how they were "Driven like cattle captured in a raid, my child and I." His fragile presence emphasizes her desire, and her inability, to protect him. It is a mother's first job, her natural and sacred duty, and yet Andromache must say to him, "Go die, my best beloved, my own, my treasure, in cruel hands." Although his expression could not be distinguished, spectators must have seen the upward tilt of his head as he looked confusedly into his mother's eyes and noticed his thin arms encircling her waist as he clung to her. It was this vision of the living boy that imparted dramatic power to Hecuba's speech over his dead body.

Euripides employed a similar technique in *Heracles*. When the play begins, the wife, father, and children of Heracles have been sentenced to death. They are suppliants on the altar of Zeus. In her laments, their mother frequently refers to "These small sons of Heracles/whom I ward and nestle underwing."⁶ The grandfather would willingly give up his own life in exchange for theirs. Finally, their mother, Megara, decides to accept the sentence with dignity and convinces her captors to allow her to dress her children for death. She takes them indoors. When they return, the children are dressed for the grave. Their mother cries:

O my boys, this incongruity of death ...
 Upon these faces now I look my last.
 I gave you up to birth and brought you up to be
 but mocked and murdered by our enemies.⁷

⁶*Heracles* quotations are taken from the translation by William Arrowsmith in *Euripides II, The Complete Greek Tragedies*, eds. David Grene and Richmond Lattimore (Chicago: University of Chicago Press, 1952), lines 71-2.

⁷*Ibid.*, lines 454, 457-9.

The past is waste. Then Megara speaks to the future that might have been. She addresses each of her three sons in turn, telling him what he would have inherited, had he been permitted to live. To most people, children are a link with the future, a sign of hope and possibilities. By choosing to focus on the aborted future of these children, Euripides is emphasizing the unnaturalness of their deaths. Then, suddenly, they are saved. As Arrowsmith has observed, "All the emotional stops of a melodramatic situation have been pulled: we move from the despair of the helpless family to the sudden coming of the savior hero to the triumphant final diapason of vindicated divine justice."⁸ The reversal is effective because of the pathos inspired by the children of Heracles. They follow him inside their home to safety. The next reversal is even more horrific. Heracles is seen surrounded by the bodies of his slaughtered wife and children. Whether it was mute actors or dummies on the *ekklema*, the sight was more powerful because of its juxtaposition with the image of the living boys embracing their father just moments before.

Children are integral to the Medea myth, and in his version Euripides makes liberal use of them. Early in the play, Medea's two small sons are brought on stage by their tutor as the Old Nurse sings of foreboding. The next time they appear, Medea has already told the chorus of her plan to kill the children, but she is intent on deceiving Jason, who is present. Medea tells the boys to love their Father, "We have made

⁸Ibid., 48.

peace; there is no anger now."⁹ The dramatic tension springs from the spectators' knowledge of the boys' impending death juxtaposed with their vibrant presence. After Jason leaves, Medea sings an ode similar to Andromache's, remembering her birth pains and the now-wasted efforts spent raising her sons. The children sense her torment. Medea looks into the eyes of her doomed children.

My children, why do you stare at me so?
 Why do you smile at me, that last sweet smile?
 What am I going to do? My heart gives way,
 It betrays me – when they look at me, my babies,
 With their quick, bright eyes.

It is the love Medea bears these boys that makes her crime so horrible; and it is Jason's love for them that makes the crime so apt. It is the murder of these children and Jason's realization of the act that provide the most intense moments of this tragedy.

Euripides was not the first playwright to recognize the dramatic utility of children, however. In the *Ajax* of Sophocles, we find the reverse of the Euripidean model. It is the father who dies, mourned by the son. The silence of the son may lead a reader to overlook his dramatic impact. Oliver Taplin points out that, through his in-text stage directions, Sophocles has carefully arranged the tableau of Ajax's wife and son around his body. The script stipulates that the position be held for over two hundred lines throughout the choral ode which follows. For Taplin, this visual statement underlines a theme of the play:

⁹*Medea* quotations are taken from the Almeida Theatre Broadway production script (unpublished) translated by Alistair Elliot, Bill Kenwright Productions, Ltd. (London, 1993).

The whole safety of his dependents still rests on Ajax and he is for them a kind of sacred object; they take asylum at the lifeless hulk and defy any man who dares risk sacrilege. They protect the corpse ... and he in turn protects them. Ajax proves big enough, even in death, to save them, so the tableau is not moved an inch until its efficacy is proved.¹⁰

If Ajax is rehabilitated, his son will have a future. The long-held tableau maintains dramatic tension while the outcome is in doubt. In the play's final moments, the son of Ajax joins the enemy of Ajax in supporting the corpse in a funeral procession. "Now you, my boy,/ Take hold with your little strength."¹¹ The play's final statement is this vision of the small boy in the midst of the cortege signifying that his future, and that of Ajax's reputation, is assured. Webster has analyzed the play in an effort to match the roles to Pollux's list of masks.¹² He assigns masks to all of the speaking characters but makes no mention of the son. There is no mask appropriate to a young boy. The actor representing the boy did not need one. He was a boy himself. Although there are no roles for children in the extant plays of Aeschylus, it is entirely possible that he, along with other playwrights whose work does not survive, also used children in his plays.

I have described the utilization of children in these ancient plays in detail in order to establish how integral child roles have been to the

¹⁰Oliver Taplin, *Greek Theatre in Action* (Berkeley: University of California Press, 1979), 108-9.

¹¹*Ajax* quotations are taken from the translation by John Moore in *Sophocles II, The Complete Greek Tragedies* (University of Chicago Press, 1957).

¹²Webster, 49.

Western theatre from its very beginnings. In view of the lack of historical evidence, my sources here have been literary. For subsequent periods, there are more tangible confirmations of children onstage. This is fortunate since the existence of child roles in dramatic literature does not in itself prove the existence of living children on stage. However, with this discussion of some extant classic plays, I have attempted to demonstrate that the extreme efficacy of a small child in prompting audience response may attest to its physical presence on the stage.

Since there is no record of the boys who performed in the theatre of ancient Greece, it is impossible to know who they were. It is assumed they were boys rather than girls. It is possible that they were the sons of actors. This was often the case in later centuries. The troupes of acrobats and jugglers who wandered through the Roman empire and early middle ages were often family-based. It is not unreasonable to assume that these groups made use of the small, lithe bodies of children, just as modern circus families do. When formal theatre had its rebirth in medieval religious drama, children were there.

No longer silent, boys were praised for their clear soprano voices and often sang in church choirs. After the ninth century, when tropes were introduced into the Mass, choristers and clergy sang the individual parts. These tropes expanded into scenes. According to Michael Shapiro, "In the earliest of these scenes, and in the later mystery plays, choirboys often took roles which naturally suited them: angels; children, such as the Innocents; and sometimes women, such as the Maries."¹³ Another

¹³Michael Shapiro, *Children of the Revels: The Boy Companies of Shakespeare's Time and Their Plays* (New York: Columbia University Press, 1977), 9-10.

theatrical use of children was the festival of the boy bishop, which, according to E. K. Chambers, "can be traced at least from the beginning of the tenth [century]."¹⁴ By the twelfth century both the festival of the boy bishop and custom of boy choirs were widespread throughout Europe. English monarchs maintained a choir of about eight boys for the Royal Chapel from at least the time of Henry I, who was crowned in 1100.¹⁵ The first recorded instance of choirboys presenting a play occurred about the same time. The boys at Dunstable grammar school performed the *Play of St. Catherine* in 1119.¹⁶ By the fourteenth century, the tradition of boys performing religious plays had become so common that they felt proprietary. Hillebrand tells of a 1378 case in which they petitioned "against permitting certain inexperienced persons to act the 'History of the Old Testament,' which they had prepared at considerable expense for the following Christmas." He concludes, "We may reasonably suppose that these performances were common and popular."¹⁷

During the fifteenth and sixteenth centuries, child performers proliferated in a variety of performance venues including religious drama, pageants, and secular plays. English choir boys from St. Swithin's Priory and Hyde Abbey performed a miracle play before King Henry VII

¹⁴E. K. Chambers, *The Medieval Stage*, vol. 1 (London: Oxford University Press, 1903; reprint, 1964), 338.

¹⁵Harold Newcomb Hillebrand, *The Child Actors: A Chapter in Elizabethan Stage History* (1926; reprint, New York: Russel and Russel, Inc., 1964), 41.

¹⁶*Ibid.*, 10.

¹⁷*Ibid.*, 10-11.

in 1487.¹⁸ In Florence, Bishop Abraham of Souzdal witnessed *sacre rappresentazioni* featuring boy performers.¹⁹ In the presentation of *The Annunciation*, children enacted not only the Heavenly Powers and angels, but also the two most important speaking roles: the Angel Gabriel and the Virgin Mary. The boy playing the Angel was lowered down from a high platform by ropes and pulleys. As Bishop Abraham described it:

The Angel was a beautiful boy dressed in the manner we have seen Angels depicted in paintings: in a white habit ornamented with a gold stole over his shoulders and gilded wings. As he descended he sang in a low voice and held a small branch in his hand. ... The Annunciation followed, which was an abbreviation of the Ave Maria. The Virgin ... responded in a soft, modest voice.²⁰

The role of the Virgin was also played by a "beautiful boy," as were the Virgin and Mary Magdalen in a presentation of the Ascension, also witnessed by the Bishop. Mystery cycles included many roles for boys, such as Isaac, in the play of *Abraham*. As secular plays developed, they, too, included roles for children. The oldest surviving farce written in French is *The Boy and the Blindman*. Boys were no longer mute bodies used for tragic effect, but appreciated actors.

Royal entries and pageants were an extremely popular form of theatre during this era. Hillebrand writes that the service of boys in these performances was "not merely desirable and appropriate, but even

¹⁸Ibid. The play, depicting Christ's decent into hell, was performed to honor the birth of Prince Arthur.

¹⁹Orville K. Larson, "Bishop Abraham of Souzdal's Drecription of Sacre Rappresentazioni," *Educational Theatre Journal* 9 (1957):203-13. The performance took place on March 25, 1439.

²⁰Larson, 205.

necessary. ... I have never found, except in some cases after 1600 when professional actors were frequently used, that men played nearly so important a part as boys."²¹ Pageants generally included several tableaux involving historical or allegorical figures, accompanied by an orator who explained the scene to the honored monarch. The orators were almost always boys. To celebrate the arrival of Charles VII at Florence in 1494, "twelve boys dressed as angels were secured by iron struts to a huge revolving iron circle which was concealed by cotton wool to look like clouds."²² Children performed in a pageant celebrating the coronation of Elizabeth, wife of Henry VII in 1487, as well as those for Anne Boleyn, Edward VI, Elizabeth I, and James I. For Edward IV, two children dressed in red represented Faith and Justice, while another child representing Truth delivered the oration. Elizabeth I was honored by children representing the eight Beatitudes at one site, and at another by a genealogical tree with children on different platforms representing Henry VIII and Anne Boleyn. Normally, the actors in the tableaux were boys, but girls were used occasionally. For Elizabeth's entry to Norwich in 1575, eight girls spinning worsted yarn surrounded a boy representing the Commonwealth of the City, who narrated the scene. In the court pageants of Henry VIII, light-weight children could ride on tops of devices as cupids or women. Hillebrand writes, "In the whole tract from

²¹Hillebrand, 29.

²²Roy Strong, *Art and Power: Renaissance Festivals 1450-1650* (Woodbridge, New Jersey: The Boydell Press, 1984; reprint, 1995), 8.

which these descriptions are drawn, there is no pageant mentioned which did not have at least one child in it."²³

The fifteenth century also witnessed the rise in prominence of the choir school children. They were a source of great prestige. In order to maintain the quality of the Royal Chapel Choir, its masters were granted the right of impressment. They could take up boys whenever necessary. Competition arose. In 1453, the dean of St. Paul's requested protection for his choristers from raids by the Master of the Chapel Royal.²⁴

During the sixteenth century, child performers became even more popular. In Spain, a boy to play the second lady's role was a standard member of touring *garnacha* troupes.²⁵ In London, virtually every church had its boy bishop, and child companies became the most popular revels at court.²⁶ The plays performed by school boys were popular throughout England. Hillebrand writes, "In the first half or two-thirds of the sixteenth-century, grammar school boys were clearly predominant in play-acting outside London. All the truly significant performances came from them." The Chapel Children and the Children of St. Paul's were only the most prominent of the many children's troupes which evolved from religious choirs into quasi-professional acting troupes. As these groups have been thoroughly examined in many studies, including

²³Hillebrand, 29-32, 45.

²⁴Brenda Nelson Burnett, "The Child Actors of the Renaissance and the Coterie Drama" (Ph.D. diss, University of Southern California, 1991), 54.

²⁵Augustin de Rojas Villandrando, *Viage entretenido* (1603), quoted in A. M. Nagler, *A Source Book in Theatrical History* (New York: Dover Publications, Inc., 1952), 58.

²⁶Hillebrand, 24; Burnett, 1.

works by Andrew Gurr as well as the previously cited works of Chambers, Hillenbrand, Shapiro, and Burnett, no detailed discussion is warranted here.

It is interesting to point out, however, that this is the first time in the history of child performers when financial profit becomes a significant factor. Shapiro feels the profit-motive has been exaggerated by scholars and that service to a sovereign was a powerful inducement to the men who managed the children's troupes.²⁷ Such a man was Sebastian Westcote, the first choirmaster of St. Paul's associated with plays by the choir children. His will testifies to the fact that he died a wealthy man. Hillebrand notes:

That Westcote fattened and grew rich while holding the position of dramatic impresario and ruling a company of children, whether his fortune came from that source alone or not, is extremely interesting.²⁸

Following Westcote's death, the group came under the control of Henry Evans, who, according to Shapiro, "more than any other man envisioned the children's troupes as a business enterprise."²⁹

By the time the children were performing at Blackfriars in 1600, they were unquestionably "private enterprise, set on foot and maintained by private capital and energy."³⁰ In *Hamlet*, Shakespeare had Rosencrantz describe the popularity of children's companies. "These

²⁷Shapiro, 16.

²⁸Hillebrand, 120.

²⁹Shapiro, 16.

³⁰Hillebrand, 164.

are now the fashion," he says. They "berattle the common stages" and are "most tyrannically clapp'd for it" (2.2.350-55). There is some disagreement among scholars as to the fate of the boy player/choristers after their usefulness to the troupe was through. Hamlet wonders if their careers will outlast their soprano voices: "Will they pursue the quality no longer than they can sing?" He suggests that boy actors will "grow to common players ... if their means are no better" (2.2.357-8). Hillebrand insists that under Elizabeth the children were generously maintained, finding positions as Gentlemen of the Court and Gentlemen of the Chapel or being educated at Oxford and Cambridge.³¹ Burnett, on the other hand, draws a sharp distinction between the boys of the grammar school and the choristers. The grammar school boys, she believes, were from a higher class, and it was they who moved on to the colleges. She suggests that the choirboy/players were from a lower class. Her argument is supported by the Clifton case, in which a middle-class father sued the Chapel choir when his son was impressed for service in it. The man felt it was inappropriate for his son to be put to work acting in plays. The boy was returned in one day.³² Burnett points out that very little is known of what became of the choir boys once they left the company. Hillebrand lists the names of the boys at St. Paul's for six different years and notes that none is familiar.³³ They do not reappear in theatre or court records. Burnett comments, "Perhaps it is the silence of the record that indicates

³¹Ibid., 42.

³²Ibid., 161; Burnett, 67.

³³Hillebrand, 111.

most about the status of the choristers/players after the theatre."³⁴ She hints that the boys may have been simply discarded when their profitability was expended. These boys may be the first recorded instance of economic exploitation of child performers.

Children continued to populate the stages of Europe. They performed frequently at the court fêtes of James I. Some playwrights, such as Marston, Jonson, and Chapman, wrote plays specifically for the boy companies. Calderón created a role for a child in his morality play, *The Great Theatre of the World* (c.1645). In Paris, a theatre with a company of child actors opened in 1688, perhaps inspired by the English success.³⁵

The boy companies in London were stiff competition to the adult companies such as Shakespeare's troupe, the Chamberlain's Men, later the King's Men. The adult companies took on and trained apprentices who effectively performed the roles of boys, girls, and young women. This system has been well-documented in the numerous studies of Shakespeare and his contemporaries. Shakespeare's plays provided many opportunities for boy players. In addition to the female roles apprentices played, there are boys' roles in such plays as *Titus Andronicus*, *Richard III*, *Macbeth*, *The Tempest*, and *King John*. Unfortunately, little is known of the boys who acted with the King's Men. A recent study by Andrew Gurr summarizes the evidence.

³⁴Burnett, 83.

³⁵F. W. J. Hemmings, "Child Actors on the Paris Stage in the Eighteenth and Nineteenth Centuries," *Theatre Research International* 12:1 (1987): 22. Complaints of monopoly infringement by the Comédie-Française led to a prompt closure.

Augustine Phillips' will, dated 4 May 1605, makes bequests to a "former" apprentice, Samuel Gilborne, and a "current" apprentice James Sands. The 1614 production of Webster's *The Duchess of Malfi* by the King's Men included Richard Sharpe as the Duchess, and John Thompson as the Cardinal's Mistress. To these names, Gurr adds John Rice, Richard Robinson, and Stephen Hammerton, who apprenticed with the company at some point between 1608 and 1642.³⁶ By the mid-seventeenth century when English theatres were closed, a strong and familiar tradition of child actors had been established.

During the Restoration and eighteenth century, Shakespeare supplied a significant portion of the repertoire, in both England and Germany, providing many roles for fairies, princes, and pages. Although child characters were seldom central to this period's drama, they were sometimes utilized to heighten emotional effect or as an inducement to another character. In Dryden's *All For Love* (1678), a spurned Octavia brings her two little daughters to Egypt in hopes that they will help pry Antony loose from Cleopatra's grip. Octavia bluntly encourages the children to manipulate their father:

Go to him, children, go;
Kneel to him, take him by the hand, speak to him,
... Go, I say, and pull him to me,
And pull him to yourselves from that bad woman.³⁷

The girls are successful. "I am vanquished. Take me, / Octavia—take me, children," cries Antony. It is the physical presence of his daughters that

³⁶Andrew Gurr, *The Shakespearian Playing Companies* (Oxford: Clarendon Press), 304, 370, 388.

³⁷John Dryden, *All For Love*, III:1 in John Harold Wilson, ed. *Six Restoration Plays* (Boston: Houghton Mifflin, 1959), 208.

moves Antony as political expediency, logic, and loyalty have not. Unfortunately, the girls' power is not strong enough to hold him, and he returns to Cleopatra in the next act.

Children are used for a similar end, but with more permanent success, in Kotzebue's *Menschenhass und Reue*, known in English as *The Stranger*. Because of his wife's indiscretions, the title character and his wife have been living apart for three years, during which time, neither has seen their young children. She has long since repented, but feels unworthy of his forgiveness. When a chance meeting throws them together, pride and propriety will not allow them to reconcile, although their love is strong. Just as they have said a final farewell and turned away from each other forever, and the father encounters his four-year-old daughter, the mother encounters her five-year-old son. The children have been produced at this crucial moment by helpful friends to spark that bond acknowledged as even stronger than passion: parental love. The children create the desired effect. Each parent hugs a child and then spontaneously turns to rush into an all-family embrace as the curtain falls. An English version of this play, translated by Benjamin Thompson, had a brilliant production at Drury Lane in 1798 starring Sarah Siddons and John Philip Kemble. The roles of the stranger's children in this production were played by Master Stokeley and Miss Beton, while the role of another five-year-old boy was played by Master Wells.³⁸

The Highfill-Burnim-Langhans *Biographical Dictionary* documents numerous other young performers on the London stage

³⁸Dougald MacMillan and Howard Mumford Jones, ed. *Plays of the Restoration and Eighteenth Century* (New York: Holt, Rinehart and Winston, 1959), 867-9.

during the eighteenth century. For example, Maria Theresa Catherine Teresi, born 1770, appeared with her father at Sadler's Wells in 1773. The little girl was "still so small she was perched on a table so the audience could see her" while she sang. At age eleven, Teresi was on the Drury Lane payroll all season, playing such roles as Cupid in *King Arthur*. She later married actor George Bland and had a long career as an actress and singer specializing in English ballads.³⁹ Thomas Achurch, who acted for thirty years at York prior to his death in 1771, also began his career as a child, playing a page in *Fatal Love* and Noodle in *Tom Thumb* in 1730.⁴⁰ Master J. Bannister, reported by a contemporary to be "a very little boy ... the son of a very subordinate performer in Garrick's company," played the role of young Lord William in *The Countess of Salisbury* at Drury Lane in 1771.⁴¹ The same role was performed in 1775 by a Master Norris.⁴² In 1779, this role was taken by a Miss G. Abrams, who also played one of Medea's sons and sang with her five sisters at Drury Lane that year in a Sheridan pantomime, *The Wonders of Derbyshire*.⁴³

³⁹Highfill, Philip H., Jr., Kalman A. Burnim, and Edward A. Langhans, *A Biographical Dictionary of Actors, Artists, Musicians, Dancers, Managers and Other Stage Personnel in London, 1660-1800* (Carbondale: Southern Illinois University Press, 1973), 2:162-9.

⁴⁰*Ibid.*, 1:27.

⁴¹*Ibid.*, 1:265-6, not the same as the actor James Bannister.

⁴²*Ibid.*, 11:47. There was an adult named Norris in the same company, possibly a parent, but any further career of Young Master Norris is unconfirmed.

⁴³*Ibid.*, 1:23.

The murder of the young Duke of York is one of the most heinous crimes committed by Shakespeare's Richard III. The presence of an actual child in this role has increased the play's effect on audiences for several centuries. A young Miss Norris played this role at the Haymarket in 1730 and again three years later at Drury Lane.⁴⁴ Jane Cibber (also known as Jenny) played it in 1741 at Drury Lane when she was eleven; the next season she was a page in *The Orphan*.⁴⁵ Miss Rogers played the Duke of York at Drury Lane, shortly after she had made her debut dancing there in 1760. She also played a fairy in *A Fairy Tale* and a page in *2 Henry IV* before graduating to such parts as Ariel and Celia in 1772 when she married and quit the stage.⁴⁶ Actress Anne Brett was born in 1720 debuted in 1727, and acted steadily for ten years before her marriage.⁴⁷ Sarah Siddons was born in 1755 to a touring theatre manager. Long before becoming London's leading actress, she was "a child star, an infant phenomenon." Her brother, John Philip Kemble, also acted as a child.⁴⁸ These are but a small handful of the children known to have performed professionally in England during the eighteenth century.

⁴⁴Ibid., 11:47. She was the granddaughter of "Jubilee Dicky" Norris (1665-1731).

⁴⁵Ibid., 3:240-1. Jenny was the granddaughter of Colley, and the daughter of Theophilis, to whose *Romeo and Othello* she played Juliet and Desdemona at the Haymarket in 1744.

⁴⁶Ibid., 13:63-4.

⁴⁷Ibid., 2:193, 322. Another granddaughter of Colley Cibber (daughter of Elizabeth), Anne married actor William Rufus Chetwood in 1738.

⁴⁸Martin Banham, ed., *The Cambridge Guide to Theatre* (Cambridge: Cambridge University Press, 1992), 892, 546.

Children played on the French stage as well. Classic dramatic literature contains many roles for children, such as Joas in Racine's *Athalie* and Louison in *Le Malade imaginaire*. In Paris, where the comic opera was forbidden to use dialogue, boys were useful for conveying information inscribed on placards. The boys were dressed as cupids and sometimes suspended above the stage. F. W. J. Hemmings has documented the existence of several children's companies in eighteenth-century France, some of which performed for adults and others for children.⁴⁹ The license of one such company, the Théâtre Beaujolais, operating between 1784 and 1790, stipulated that the children were permitted to mime their parts on stage but not speak. Offstage actors provided voice-overs. Although Hemmings is no doubt correct in believing this system resulted from Comédie-Française protectionism, it is reminiscent of the technique Flickinger identified in ancient Greek theatre.

In the early nineteenth century, the Western world's first child star emerged, Master William Henry West Betty. Master Betty began his acting career in the provinces and came to London in 1804 at age thirteen. He played classic adult roles and became wildly popular, earning as much as one hundred pounds a night. He played at both Covent Garden and Drury Lane, and on one occasion the members of Parliament were so intent on seeing him perform that a session was adjourned. The Master Betty craze lasted only a few years, after which he sank into obscurity. Recent scholars attributed his short-lived career to the fact that "He was pushed into making money rather than into

⁴⁹Hemmings, 9-14.

developing and polishing the fundamental techniques of his profession."⁵⁰ Although Betty was able to live comfortably on his earnings into his old age, it has been said that a great part of his wealth was lost "through the gaming extravagance of his father."⁵¹ If this is true, Mr. Betty, Sr., may be one of the earliest examples in recorded theatre history of a parent who exploited a talented child; he was certainly not the last.

Not long after the success of Master Betty, France produced an infant phenomenon. Five-year-old Léontine Fay made her debut in 1815. After touring before enthusiastic audiences, she reportedly "took Paris by storm" in 1821, performing a play written for her by Scribe.⁵² Other petite marvels followed. In America, Ellen and Kate Bateman began enthralling audiences with their portrayals of Shakespeare in 1849 — at ages five and six. Two years later, they scored a hit in London. Scholars of Master Betty have written, "Such success and notoriety led to a rash of imitators in England and America and perpetuated the performing child phenomenon for more than half a century."⁵³ Audiences were fascinated by children on stage.

This fascination was drolly noted by Charles Dickens in *Nicholas Nickleby*. Written thirty-five years after the debut of Master Betty, the novel satirizes both the performances of child stars as well as the custom

⁵⁰William L. Slout and Sue Radisill, "The Enigma of Master Betty Mania," *Journal of Popular Culture* 8:1 (1974), 87.

⁵¹*Ibid.*

⁵²Hemmings, 20.

⁵³Slout and Rudisill, 82.

of extending or exaggerating their youth. The character of Miss Ninetta Crumbles is an infant phenomenon and the daughter of the actor/manager of a small company that Nicholas joins. After watching her rehearse, he is astonished to learn from the girl's father that she is only ten years old.

It was [extraordinary]; for the infant phenomenon, though short of stature had a comparatively aged countenance, and had moreover been precisely the same age ... for five good years.⁵⁴

While the adoring father extols her talents, an experienced actor tells Nicholas that the "infant" would never be given work if she were not the manager's daughter. Her name is rarely mentioned. The narrator, as well other characters, generally refers to the girl simply as "the phenomenon." Before this novel was even finished, it had been plagiarized and put on the stage.⁵⁵ The infant phenomenon would have been played by a young woman to gain the full comic effect, although her two brothers were roles for children.

Nineteenth-century drama written for the stage took advantage of the fascination with child performers and gave children larger roles. The child characters in the Dryden and Kotzebue plays cited above say virtually nothing. They register essentially as symbols of childhood, rather than as children. The child characters in nineteenth-century drama are both more plentiful and more vocal, if somewhat stereotypical. Little Eva, of *Uncle Tom's Cabin*, is prototypical. In a dramatic adaptation from Stowe's novel, Little Eva first graced the stage

⁵⁴Charles Dickens, *Nicholas Nickleby* (1839; reprint, New York: Knopf, 1993), 290.

⁵⁵John Carey, Introduction to *Nicholas Nickleby*, xxix.

in 1852.⁵⁶ Reading from the Bible with Uncle Tom, she is the personification of innocent purity. After her early death, Little Eva is carried to heaven by doves, an inspiration to both the play's characters and its audiences. Hundreds of companies toured this play during the second half of the nineteenth century, providing work for numerous stage children, beginning with Cordelia Howard who became a child star in the role, and played it well into adulthood.⁵⁷ Another popular melodrama which contains a child's role is William Pratt's *Ten Nights in a Bar Room* (1858). In a bar fight, young Mary Morgan is critically wounded by a glass thrown at her drunken father. Her saintly death will be his redemption. She makes her father promise to give up drinking and promises to help him from above. In Act Four she tells him, "I'm going away to leave you and mother; our Heavenly Father has called me. ... I love you so much that I'm sure the good angels will let me come to you and watch over you always."⁵⁸

Child characters were particularly suited to melodrama, but this brief survey has shown that roles for children have existed in many forms of Western drama. The plays called for children, and producers and managers cast them. The Western history of children onstage is an unbroken line stretching from the fifth century B. C. to the present.

⁵⁶George Aiken wrote the third adaptation of the play which has proved its most popular and long-lived version.

⁵⁷*Cambridge Guide*, "Howard Family" and "Uncle Tom's Cabin." For a detailed discussion of the play's popularity and production history see Harry Birdoff, *The World's Greatest Hit: Uncle Tom's Cabin*, (New York: Vanni, 1947).

⁵⁸Michael Booth, ed., *Hiss the Villain* (New York, Benjamin Blom, 1964), 187.

Children became a permanent part of the theatre, their function remarkably consistent. This study takes up the story in the third quarter of the nineteenth century when performance collided with new views of children and their work. By 1874, performing children were a very old idea. A new idea at that time was childhood itself. The latter section of this chapter examines changing notions of childhood which would, for a time, powerfully affect society's perception of stage children.

Felicia J. Ruff has examined the numerous child roles in nineteenth-century dramatic literature and seen there a reflection of society's changing notions. Her dissertation, "Suffering Angels: Images of Children in Nineteenth-century Drama" (CUNY 1991), argues that these roles are "all united in a propulsion toward death."⁵⁹ Focusing primarily on the plays of Barrie, Belasco, Maeterlinck, Ibsen, Wedekind, Hauptmann, and dramatizations of Dickens, Ruff describes the idealized child: "a sexless, spiritually sensitive, angelic vessel lately come from God" and "superior to the polluted adult world they were forced to inhabit."⁶⁰ Little Eva and Mary Morgan certainly fit this description. Ruff sees this foregrounding of children in nineteenth-century plays as an outgrowth of an expanding consciousness of childhood.

In a groundbreaking study, Philippe Ariès has asserted that the concept of childhood was a fairly new invention in human history. Utilizing pictorial and linguistic evidence, Ariès demonstrated that for much of Western history, childhood was not seen as a distinct phase. Rather, persons passed from babyhood into an adult world. "In medieval

⁵⁹Ruff, 179.

⁶⁰Ibid., 39, v.

society the idea of childhood did not exist. ... Once he had passed the age of five or seven, the child was immediately absorbed into the world of adults."⁶¹ Ariès argues that this remained true to some extent well into the nineteenth century. Childhood was a concept that developed slowly, beginning about the seventeenth century. Although it is not possible to summarize Ariès' entire argument, here are a few of his examples. There is no portrayal of childhood in pre-twelfth-century medieval art. The few examples are just small-scale men.⁶² The first portraits of children do not appear until the fifteenth century.⁶³ Subject art from the fourteenth to nineteenth centuries suggests that "Children mingled with adults in everyday life, and any gathering for the purpose of work, relaxation or sport brought together both children and adults."⁶⁴ As late as the seventeenth century, Ariès notes, there was the lack of a strict distinction between the clothing of adults and children or between the games of adults and those of children.⁶⁵ Regarding language, Ariès observes that words such as *lad* and *boy* were used to stipulate, not age, but economic dependence or lower class status.⁶⁶ Writing more recently, Neil Postman points out that, until the seventeenth century, there was

⁶¹Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Random House, 1962), 128, 301.

⁶²*Ibid.*, 33.

⁶³*Ibid.*, 39.

⁶⁴*Ibid.*, 37.

⁶⁵*Ibid.*, 52, 99.

⁶⁶*Ibid.*, 26, 99.

no word in French, German, or English for a young male between the ages of seven and sixteen. "The word *child* expressed kinship, not an age."⁶⁷ Postman supports Ariès' thesis. In 1982, he wrote: "Childhood is a social artifact, not a biological category ... if we use the word *children* in the fullest sense in which the average American understands it, childhood is not much more than one hundred fifty years old."⁶⁸

The concept of childhood owed its emergence to a number of contributing factors. Ariès, Postman, and Ruff emphasize different but related stimuli. Ariès believes that the development of schools, as distinct from the medieval universities, helped to differentiate and separate children from adolescents, and adolescents from adults. The boarding-school system of the eighteenth century gave way to the day schools at the end of the nineteenth century. "The school class has thus become a determining factor in the process of differentiating the ages of childhood and adolescence. Where it does not exist ... the ages have kept a great deal of their former uncertainty."⁶⁹ Ruff and Postman cite great thinkers. Ruff notes that Rousseau's redefinition of motherhood and depiction of childhood in *Emile* and *On Education* helped to spread the image of a child as an innocent *tabula rasa*. Postman credits Locke and Rousseau with creating the idea of childhood.⁷⁰ Equally important, according to Postman, was the spread of reading. By creating a new

⁶⁷Neil Postman, *The Disappearance of Childhood* (New York: Random House, 1982; repr. Vintage Books, 1994), 14.

⁶⁸*Ibid.*, xi.

⁶⁹Ariès, 284-5, 177.

⁷⁰Postman, 59.

adulthood that excluded children, Postman argues, the printing press gave birth to childhood.⁷¹ Each of these scholars concludes that, beginning about the seventeenth century, childhood began to be seen as separate from adulthood. A child could be defined as one who lacked education or the ability to enter the adult world. The development of this concept continued into the nineteenth century.⁷² Postman asserts that, by the middle of the nineteenth century, it was well-established: "By the 1850s the centuries of childhood had done their work, and everywhere in the Western world childhood was both a social principle and a social fact."⁷³

Children were separated from the adult world. Distinctions in dress, literature, and recreation had evolved. The rise of the middle class had helped define childhood. As Postman writes, "an improved economic condition played a role in intensifying consciousness of children and in making them more socially visible."⁷⁴ Childhood attracted attention. Medicine acknowledged the uniqueness of children

⁷¹Ibid., 19-20.

⁷²Although Ariès' theory has gained prominence, some scholars suggest that a clear delineation did exist earlier between childhood and adolescence. Prominent among them is Natalie Zemon David, *Society and Culture in Early Modern France: Eight Essays* (Stanford: Stanford University Press, 1975), and, more recently, Norbert Schindler, "Guardians of Disorder: Rituals of Youthful Culture at the Dawn of the Modern Age" in *A History of Young People in the West*, vol. 1, *Ancient and Medieval Rites of Passage*, ed. Giovanni Levi and Jean-Claude Schmitt (Cambridge, MA: Belknap Press, 1997), 240-82, esp. 243-4.

⁷³Postman, 51.

⁷⁴Ibid., 44.

by inventing pediatrics.⁷⁵ In literature, the cult of the child developed. Ruff has looked at the saintly dying child of the stage in the context of child mortality rates in society at large. She notes that death scenes increase as the death rate begins to decline. "In an age which witnessed an ever increasing survival rate among children, it is significant that the death of a child becomes a recurring and powerful image."⁷⁶ This is entirely logical. Commenting on the indifference to child death which seems to have existed prior to the mid-nineteenth century, Ariès has hypothesized that its slender chance of survival rendered the child anonymous.⁷⁷ Conversely, its increased chance of survival made the child more visible. Emerging notions of a child's special nature made it seem more valuable; hence, its loss was more tragic.

Viviana Zelizer has examined this period's changing attitudes toward childhood from an economic standpoint. When price shapes or corrupts value, an entity is commercialized, as in the case of prostitution where value is negated by price. Zelizer maintains that the inverse can also occur: value can shape price. Zelizer calls this process sacralization.⁷⁸ She suggests that during the late nineteenth century children and childhood came to be seen as sacred. Prior to the mid-nineteenth century, a child had an "economic worth, as distinct from

⁷⁵Dr. Abraham Jacobi organized the Pediatric Section of the AMA in 1881; the American Pediatric Society was formed in 1887. Viviana Zelizer, *Pricing the Priceless Child* (New York: Basic Books, 1985), 29.

⁷⁶Ruff, 182-3.

⁷⁷Ariès, 39-40.

⁷⁸Zelizer, 20-22.

non-economic determinants of value."⁷⁹ This economic worth derived from the child's potential to earn income by his labor. After this period, a child's worth was derived from his sentimental value. Children's life insurance is one demonstration of this shift. According to Zelizer, Prudential first began insuring children under ten in 1875. These low-priced policies proved very appealing to the working class, and by 1896 over one and a half million were insured.⁸⁰ Zelizer records that the average death benefit matched the funeral costs. She asserts that working families were not seeking ready cash, but the opportunity for a proper mourning ritual. "The money was symbolic recognition of the emerging sacred value of poor children's lives."⁸¹ She concludes:

The surge of concern with the proper burial of poor children in the late nineteenth century, which became the main sales appeal of the insurance industry, suggests that working class parents adopted the middle class cult of child mourning. The sentimentalization of childhood cut across class distinctions.⁸²

Her findings support Postman's assertion that "By the turn of the century childhood had come to be regarded as every person's birthright, an ideal that transcended social and economic class."⁸³

Prior the turn of the century, however, that "birthright" was threatened by the Industrial Revolution. As Ariès explains:

⁷⁹Ibid., 13.

⁸⁰Ibid., 114, 116.

⁸¹Ibid., 127.

⁸²Ibid., 131.

⁸³Postman, 67.

[The emerging concept of childhood experienced] a retrogression during the first half of the nineteenth century, under the influence of the demand for child labor in the textile industry. Child labor retained this characteristic of medieval society: the precocity of the entry into adult life.⁸⁴

Postman calls industrialization a "constant and formidable enemy of childhood ... [in which] the special nature of children was subordinated to their utility as a cheap source of labor."⁸⁵ Nineteenth-century child industrial workers were functioning as adults, just as children had for centuries. They had no formal education and they labored with adults. Functionally, there was little to separate them from the adult world. Generally these child workers were of the lower social classes.

Children of the middle and upper classes, however, were traveling along the continuum begun in the Enlightenment. Increasingly, they attended school and did not labor. Thus middle and upper class children were living under the modern conception of childhood, while working class children were living a traditional non-childhood. "The whole complexion of life was changed by the differences in the educational treatment of the middle-class and the lower-class child," asserts Ariès.⁸⁶ Clearly, the reconceptualization of childhood was the underlying impetus for changing attitudes toward education, industrialization, and child labor during the period examined in this study. With the discovery of childhood, the labor of stage children was also subject to scrutiny. Their position was unique. As laborers, they functioned traditionally as

⁸⁴Ariès, 336

⁸⁵Postman, 53.

⁸⁶Ariès, 336.

children who did adult work in an adult world. Yet their portrayals of the new, emotionally-priceless children placed them in the modern era. As Viviana Zelizer has stated, the debate over stage children "reflected more than any other facet of child labor, the changing interaction between the economic and sentimental value of children in twentieth-century America."⁸⁷ It was this fluctuating definition of childhood that provoked the struggle over stage children.

⁸⁷Zelizer, 89.

Chapter 2

The Law

In early 1874, three reformers were involved in events which would ultimately have a large impact on professional theatre. Charles Loring Brace had founded the Children's Aid Society in 1853. By the 1870's he had sent hundreds of tenement children to the country and was focusing more and more energy on legislative reform.¹ For five years he lobbied for the passage of a bill to limit child labor in factories. Called the Children's Aid Society bill of 1872, it never passed the New York State legislature. Substantive reform in that area would have to wait fourteen more years for the Factory Law of 1886.

Brace was just as passionate, but more successful, in education. He wrote

If we could train the children of the street to habits of industry and give them the rudiments of moral and mental education, we need not trouble ourselves with anything any more. A child in any degree educated and disciplined can easily make an honest living in this country.²

¹Charles Loring Brace, *The Dangerous Classes of New York and Twenty Years Work Among Them* (1880; repr. Montclair, New Jersey: Patterson Smith, 1967).

²Jeremy P. Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse: Syracuse University Press, 1965), 6.

The legislators agreed. New York State passed the Compulsory Education Act of 1874 requiring that all children ages eight to fourteen attend school fourteen weeks per year, with at least eight of these weeks being consecutive. The law stipulated that no child in this age group would be allowed to work without a certificate proving that he had attended school the requisite number of weeks the previous year. These certificates were to be kept on file by the employer, along with a list of all children employed. This was the state's first attempt at universal compulsory education. The weakness of this law, however, was that it required no proof of age. Thus, a twelve-year-old factory worker could claim to be fifteen, and was therefore exempt. Likewise, a ten-year-old worker could claim to be seven. The law said that enforcement would be in the hands of local school officials, but no funds were allocated to pay for factory inspections.³ Brace estimated that almost a hundred thousand New York City children were working.⁴ Checking up on them was too big a job for unempowered, unpaid school officials. Factory owners simply left the names of under-age employees off their lists. New York State's first compulsory education law was unenforceable. Its significance lay in the fact that the state had taken a clear stand. By law, a child's education must take priority over his employment. This principle would prove useful to those

³"An Act To Secure Children the Benefits of Elementary Education," 1874, ch. 421, *Laws of the State of New York Passed at the Ninety-seventh Session of the Legislature* (Albany, 1874), 532-535.

⁴Felt, 1; he estimated over 100,000 in 1880.

working to eliminate child labor, since almost any job, including performing, would interfere with a child's state-ordained right to schooling.

At that same session the New York State legislature passed two laws relating to animals and championed by Henry Bergh. Bergh was a prominent figure on the New York political scene. Eight years earlier he had founded the Society for the Prevention of Cruelty to Animals (SPCA, later ASPCA) and since then had been a tireless public advocate for all forms of life. The new laws stipulated stiff fines or imprisonment for those killing or injuring animals and gave special powers to the officers of the SPCA. An officer could lawfully interfere with any act of cruelty to animals in his presence. The society was also given the right to destroy abandoned and injured animals. When a person was arrested for any reason, the Society had the right to seize any animals in that person's possession at the time of the arrest. This included cab horses. The law also stipulated that if an officer of the Society swore an oath that he had "reasonable cause to suspect" that the laws affecting animals "are being, or are about to be violated," the magistrate must issue and deliver a warrant for arrest.⁵ While animal-lovers may have cheered, the *New York Herald* warned that the new law "gave extraordinary powers to Mr. Henry Bergh — powers so odd and singular that when the people of New York begin

⁵*New York State Laws of 1874*, chs. 12, and 288; *New York Times*, 30 Jan. 1874; *New York Herald*, 18 March 1874.

to realize their practical enforcement one and all must feel puzzled whether to laugh or cry." ⁶

Obviously, the people of New York did not realize their danger because similar powers were shortly to be bestowed on Bergh's associate, the Vice President of the SPCA, Elbridge T. Gerry. Like Bergh, thirty-seven-year-old Gerry was a product of New York's Protestant, Republican, upper-crust society. His paternal grandfather and namesake was a signer of the Declaration of Independence, Governor of Massachusetts, and U.S. Vice President under Madison.⁷ Gerry, himself, was a graduate of Columbia University, a yachtsman, and lawyer. Social historian Lloyd Morris observed that "All New York knew" that Elbridge T. Gerry could entertain one hundred guests at dinner in his "Fifth Avenue chateau" on an hour's notice.⁸ His fortune was estimated to be over ten million dollars.⁹ Gerry was legal counsel for the SPCA, directing all animal protection litigation pro bono while conducting his private law practice.¹⁰

⁶"A Curious Bill for the Protection of Life," *New York Herald*, 18 March 1874.

⁷Reputedly responsible for the term "gerrymander" when a painter thought the new, favorable electoral district Gov. Gerry drew resembled a salamander. *Dictionary of Work Origins*, 253.

⁸Lloyd Morris, *Incredible New York* (1951; repr., NY: Arno Press, 1975), 235.

⁹*Chicago Tribune*, 15 May 1892.

Bergh and Gerry made headlines in April 1874 by bringing a battered orphan to court. Nine-year-old Mary Ellen McCormack had been beaten with rawhide and stabbed with scissors, but there was no law against injuring children. The cruelty to animals statute was the only means of bringing Mary Ellen's attacker to justice.¹¹ Although the girl's step-mother was quickly sentenced to one year in prison, the case dramatized the lack of legal protection available to children and prompted Gerry and Bergh, with John D. Wright, to found the Society for the Prevention of Cruelty to Children.¹² Until his death in 1927, Gerry devoted himself to this organization. He served as its legal counsel for the first year of its incorporation, 1875-6, and again from 1883-1927. He was SPCC's president from 1879 to 1901.

Perhaps as a result of the lack of teeth in the compulsory education bill, or the sharp ones in Bergh's animal protection law, exactly one year after the Mary Ellen case, another law was proposed. The *New York Herald* wryly observed that the bill was "quietly rushed through the Assembly ... no doubt specially intended for the benefit of Mr. Bergh's latest organization," the

¹⁰*Annual Report of the NYSPCC* (1908): 9:13; Benjamin McArthur: "Forbid Them Not: Child Actor Labor Laws and Political Activism in the Theatre," *Theatre Survey* 36:2 (November 1995):66; Elbridge T. Gerry, s.v., *Dictionary of American Biography*.

¹¹"Fearful Cruelty to a Child," *New York Post*, 9 April 1874; Claudia D. Johnson: "Elbridge T. Gerry's Obsession," *Nineteenth Century Theatre Research* 13:1 (Summer 1985):17.

¹²"The Cruel Step-Mother," *New York Post*, 27 April 1874.

SPCC.¹³ The amount of power given Gerry by this bill would become a topic of public grousing for the next four decades. Although the privileges given to Bergh's earlier organization set the precedent, Gerry would far outlast Bergh as a target for disapprobation.¹⁴ Section one of the new law enabled any five citizens to incorporate as a society for the prevention of cruelty to children and authorized any member of such a society to prefer a complaint before the court and aid in bringing the facts before such court. Section four stipulated that "All magistrates, constables, sheriffs, and officers of police shall, as occasion may require, aid the society so incorporated ... in the enforcement of all laws which now are or may hereafter be enacted relating to children."¹⁵ In essence, the police and the courts were put at the service of the society. When the SPCC beckoned, they could not refuse. Any five citizens, "so incorporated," could command the power of municipal government. If a law relating to children were on the books, the SPCC could insist on its enforcement. The police had to aid; the courts had to listen. It only remained for Albany to enact the laws which Gerry and his associates were ready to enforce in New York City.

¹³"Bergh and the Cruelty to Children." *New York Herald*, 8 April 1875.

¹⁴As late as 31 January 1909 an article in the *New York World* likened him to Brutus and Cromwell; COTS 15.

¹⁵*New York Herald*, 8 April 1874. The vote was 77 to 21.

The state legislature was intimately involved in the business of the City, and the City's representatives dominated the legislature. While most areas of the state were allotted only one or two representatives in the Assembly, New York County had thirty and Kings County (Brooklyn) eighteen. The next largest was Albany with four assemblymen.¹⁶ Whoever controlled Tammany Hall had a substantial impact on Albany. Since 1866, New York City had been controlled by the infamous Boss Tweed. As Tweed historian Alexander B. Callow analyzed it, "The Tweed Ring built its machine by capturing the four fortresses of power: Tammany Hall, City Hall, the Hall of Justice, and the state capitol."¹⁷ Now, the state capitol had been liberated. Thanks to a relentless state prosecution, the Tweed ring had finally been nullified. Mayor Oakley Hall of New York, the "Elegant Oakley," had been indicted in office.¹⁸ Tweed was charged in criminal court with several counts of theft and fraud. His first trial resulted in a hung jury. Tweed was re-tried, convicted, jailed, and released early on a technicality. Days later he

¹⁶*New York State Laws* of 1892, chapter 397.

¹⁷Alexander B. Callow, Jr., *The Tweed Ring*. (New York: Oxford University Press, 1966), 8. See also Morris, *Incredible New York*, Part Two "Beyond the Age of Innocence: 1870-1890;" and Denis Tilden Lynch, *"Boss" Tweed*, (Boni & Liveright, Inc., 1927; repr. New York: Arno Press, 1974).

¹⁸Hall was finally acquitted after two mistrials and earned a small place in theatre history as a playwright and occasional performer. Morris, 122; Callow, 290.

was re-indicted in a civil suit. Then, in a dramatic turn of events, he escaped, was convicted in absentia, was re-arrested in Spain, and finally re-incarcerated. Tweed would die in jail in 1878. The New York State legislator who had pushed for the state prosecution and who was now taking most of the credit for Tweed's fall was Samuel J. Tilden.

Tilden was the image of a solid American. Country-bred of Puritan stock, he could trace his American roots back to 1623. One progenitor was said to have been a friend of Jefferson and a co-founder of the Democratic Party.¹⁹ In spite of his lofty ancestors, Tilden was a member of the middle-class, a farmer's son who built his fortune and career with his wits. One colleague called him "a good money maker, a shrewd and sharp manipulator of railroad stocks."²⁰ Elected to the State Assembly in 1845, Tilden later assumed chairmanship of the state's Democratic Committee and earned a reputation as Tweed's greatest enemy in the Democratic party.²¹ Some commentators thought Tilden's sole goal in the Assembly was to pass reform legislation.²² Other writers feel that

¹⁹Lynch, 138.

²⁰Matthew P. Breen, *Thirty Years of New York Politics* (New York: Published by the author, 1899), 549; Breen was a member of the New York State Legislature. Callow calls him "one of the earliest and best of those who exposed city bosses." 310.

²¹Stephen Fiske, *Off-hand Portraits of Prominent New Yorkers* (New York: George R. Lockwood & Son, 1884; repr. New York: Arno Press, 1975), 325.

his reputation is unearned, that he craftily bided his time until the tide had turned against Tweed's machine. Callow calls him, "A hero of last moments. A skillful general when the enemy was in retreat, he was the soul of indecision, procrastination, and lost opportunities when the ring was in power."²³ The best that contemporary Matthew Breen could say is that Tilden was "a good political manager."²⁴ Nevertheless, crowned with the prestige of a champion reformer, Samuel J. Tilden was elected Governor in 1874. Two years later he would almost become President of the United States. In a contested election, he lost to Rutherford B. Hayes by only one electoral vote. Back in New York, Tilden's hand-picked successor, William Robinson, was easily elected as a Democratic Governor associated with reform, but the voters were tired of Democratic corruption. In state elections, the Republican Party had won a "Glorious Triumph" and now controlled both houses of the legislature.²⁵ To many, reform meant a return to the old elite.²⁶

²²Fiske, 325; Morris, 118.

²³Callow 254. The same ideas were expressed in the *New York Herald* of 18 April 1875, several months after the election: "Gov. Tilden is probably the most non-committal man that has ever occupied the gubernatorial chair."

²⁴Breen, 592.

²⁵*The New York Times*, 11-3-1875.

²⁶Callow, 266.

In April 1876, two years after the Mary Ellen case, New York State passed An Act to Prevent and Punish Wrongs to Children. There was no need to rush this bill through quietly; reform was the order of the day. This law, chapter 122 of New York State laws of 1876, was the basis for all cases regarding stage children during the period covered by this study. Sections one, two and three of this law concerned performing children. Section one made it illegal for any person to exhibit children "singing, playing on musical instruments, rope or wire dancing, begging or peddling, or [performing] as a gymnast, contortionist, rider or acrobat."²⁷ In addition, it prohibited "any practice of exhibition dangerous or injurious to the life, limb, health or morals of the child." Thus there were two categories of forbidden exhibition: those acts specifically named, and any act which could be proved dangerous. Obviously, the second category left room for argument. "Dangerous" is a subjective term and an act which is dangerous for one child might be safe for another. The courts would have to make a case-by-case determination. In contrast, the first category was much clearer. Specific acts were illegal. As a lawyer, Gerry reasoned that it would be simpler to concentrate his efforts in stopping those acts which were specifically prohibited by law. The law prohibited the exhibition of children playing musical instruments, therefore anyone who exhibited a child playing a musical instrument was breaking the law. All discussions of whether or not this particular

²⁷ *New York State Laws of 1876*, ch. 122.

child was being harmed were irrelevant. The law had made that determination. It was not necessary to prove an act to be injurious, if that act were on the list. Singing and dancing were on the list.

Sections two and three defined violation of this law as a misdemeanor and stated that, in addition to being fined, anyone convicted could permanently lose custody of his children. Section four made no mention of performing or exhibition. It forbade the endangerment of the life or health of a child in any circumstances. Section four would be the basis for most of the SPCC's future work, but its cases involving stage children would capture the lion's share of attention from the press and the public.²⁸

Although many laws, such as the Compulsory Education Law discussed earlier, are passed without a plan for their enforcement, Gerry made it clear from the beginning that the SPCC was to be a pro-active organization. Its mission was to "seek out and rescue" children in trouble.²⁹ Indeed, that was its *raison d'être*. The Children's Aid Society, the Home for the Friendless, the Association for the Relief of Girls, and other such groups could only help *after* children were placed in their care. Gerry saw his Society as fulfilling a unique function by enforcing the law and actually removing the

²⁸ In 1905, SPCC began publishing in their *Annual Reports* statistics of the number of "theatrical investigations." For the years 1905, 1906, and 1907 the number of theatrical investigations were 205, 81, and 136 while the total number of complaints investigated for those years were 13,426, 12,615, and 15,257, respectively. The ratio in other years is similar.

²⁹"Objects of the Society", *SPCC Annual Report*, 1875.

child from the harmful situation. It is impossible to know what was in the mind of the New York State legislators, but since Elbridge Gerry lobbied for the passage of this law for two years and was widely identified with it, it is reasonable to assume that the law was, to some extent, what he wanted it to be. The lawmakers could not have been ignorant of his plans. They would have been aware of the law regarding the establishment of the SPCC. The work of the Society depended on both laws: Chapter 122 which made performance illegal, and the earlier act which authorized the Society as an enforcer. Legislators knew that the two went hand in hand. It seems clear that the legislature did plan on giving the SPCC the power which it subsequently enjoyed. The 1875 bill authorizing the SPCC had passed seventy-seven to twenty-one. The *New York Herald* called 1876's chapter 122 "one of the really good pieces of work done by the Legislature."³⁰

The SPCC would use this law to remove children from venues as diverse as opera, circus, concert saloons, variety, operetta, and melodrama. Was that its purpose? It does not seem clear that the legislature planned for 122's application to all genres of performance. While the Act to Prevent and Punish Wrongs to Children prohibited singing, dancing, gymnastics, and rope walking, it made no mention of acting or reciting. If the intention were to keep children off the stage, surely the word "acting" would have been included. Evidence suggests that the focus of the legislators

³⁰*New York Herald*, 8 April, 1875; 4 May 1876.

was not on stage performers so much as on street musicians and circus performers, who were seen as wholly separate from the "legitimate" stage.³¹ The class bias which can be inferred from this distinction will be the focus of my next chapter. Whether this was what the legislature planned or not, however, both the municipal and judicial branches of government would support the SPCC in its chosen course through most of the many challenges.

As early as its *Second Annual Report* in 1876, the SPCC Board of Managers noted that the law had been passed, and attacked, and that it had been deemed constitutionally sound. New York State Attorney General Charles S. Fairchild authorized the organization "To appear and act for the People of the State as counsel in all actions or prosecutions instituted by the NYSPCC, its Officers and Agents."³²

A pattern was established. SPCC agents would act on the letter of the law. Theatrical managers and the press would complain that they had overstepped, but the Society would be upheld. Gerry maintained, "If the law is erroneous, it is for the Legislature to amend it. Until amended or repealed, it seems to me that our

³¹Lawrence Levine has traced the use of this term from Macready, meaning of a poetic quality or superior literary worth, to Douglas Jerroll in 1832, "When the interest of a piece is mental rather than physical," to Norman Hapgood in 1899, who used it to distinguish classic from contemporary. *High Brow, Low Brow: The Emergence of Cultural Hierarchy in America*. (Cambridge, Massachusetts: Harvard University Press, 1988), 75. I use it here to mean "straight" acting, i.e., without singing or dancing.

³²*SPCC Annual Reports*, 1876:62.

Societies ought to enforce its provisions, and turn a deaf ear to the appeals of theatrical agents and managers, whose only object is to reap a pecuniary benefit from exhibitions which they concede to be illegal."³³ The legislature, however, made no effort to repeal the law. In fact, England, as well as other U.S. states, passed similar laws. For sixteen years, the SPCC enforced the laws protecting children. A small, but very visible portion of its work concerned stage children. There was constant grumbling but little formal resistance until early 1892. In that year the Act was challenged constitutionally, amended, and challenged again.

The assault began in January when comedian Francis Wilson, who had spent several years as a blackface minstrel, was doing a show at the Broadway Theatre called *The Lion Tamer*. In this pseudo-African routine, Wilson ran on stage doing acrobatics. On either side of him John Coleman and Jesse Henderson, two young African-American boys, turned somersaults.³⁴ The SPCC deemed the boys' performance illegal. One headline read, "Wilson's Pickaninnies Can't Dance."³⁵ Wilson's manager argued that the boys were only doing a comical imitation of gymnastics. This was an era when African-Americans were not yet accepted as serious actors.

³³Letter of 4 Nov. 1879 to the Secretary of the Cleveland Humane Society, printed in *SPCC Annual Report*, 1879:81.

³⁴*Sun*, 1 Jan. 1892; COTS 3. In his autobiography Wilson identifies the boys only as "John and Jess" (107).

³⁵*Sun*, 1 Jan. 1892; COTS 3.

but were often viewed by white audiences as "naturally" comic. As usual, Gerry insisted on a literal interpretation of the law. He told Wilson that if he thought the law was unjust he should change it.³⁶ That was all it took. Wilson became the ringleader of a movement to undermine Gerry's power over the theatre. Over the next twenty years, Wilson would devote immense amounts of time and effort to shaping the work rules for the theatre. Following the actors' strike of 1919, Wilson would ultimately win the war; but in 1892 he lost the battle to Gerry.

Wilson began by writing a letter to Albany and having it co-signed by some of the theatre's most prominent individuals, including performers Edwin Booth and Edward Harrigan; editor, Harrison Fiske; producers A. M. Palmer, Charles Frohman, Marc Klaw, and Abraham Erlanger; and children's agent, Mrs. E. M. Fernandez. Fiske published it in his *Dramatic Mirror*, one of New York's major dramatic papers.³⁷ The theatre people demanded that the law be changed.³⁸ Before the end of the month an amendment had been drafted by ex-Judge A. J. Dittenhoefer. The motivation for Dittenhoefer's involvement remains a mystery, but he was a formidable and tenacious legal opponent. Born one year

³⁶*Herald*, 16 Jan. 1892; COTS 3.

³⁷George J. Manson, writing in *Printers' Ink*, a Journal for Advertisers, 1 Jan. 1896, said there were four major dramatic papers: the *Clipper*, *Dramatic News*, *Dramatic Times*, and *Dramatic Mirror*; COTS 9.

³⁸*Herald* 16 Jan. 1892; COTS 3.

before Elbridge Gerry. Dittenhoefer had graduated at the head of his Columbia College class, and been nominated for justice of city court when he was only twenty-two years old. A solid Republican, he was a member of the electoral college that elected Lincoln in 1860, and served twelve terms as chair of the Republican National Committee. In his law practice he had gained prominence in corporation and commercial cases; however, he would become best known as an authority in theatrical law.³⁹ The amendment was introduced by New York Assemblyman Myer J. Stein. Immediately Gerry wrote a five-page letter to the legislature insisting that the Stein amendment would undermine the law totally, leaving helpless children in the hands of scoundrels. Explaining and justifying the current law, Mr. Gerry maintained that he had no argument with legitimate producers. "This Society has never interfered with the employment of a child under the age of sixteen in a reputable theatre where the health and morals of the child were not affected," he insisted.⁴⁰ Fiske, Dittenhoefer, and Gerry met with theatre managers to try to work out an agreement.⁴¹ Unable to resolve their differences, Gerry went to Albany to plead his case before a legislative committee; so did the theatre men.⁴² The Stein bill

³⁹John W. Leonard, ed., *Who's Who in America 1899-1900* (Chicago: A. N. Marquis & Co., 1899), 192.

⁴⁰Full text copy of letter is in NYSPCC scrapbooks; COTS 3.

⁴¹*New York World, Recorder*, 30 January 1892; COTS 3.

passed with resounding majorities: seventy-five over thirty-two in the Assembly, and nineteen over nine in the Senate.⁴³ On April 28 Governor Flower signed it into law. It would take effect the first of September. Child actors and their handlers rejoiced and bided their time. Many, including former *Fauntleroy's* Wallie Eddinger and Gertie Holman, sent letters of gratitude to the *Dramatic Mirror* for its help in their crusade.⁴⁴ So did child actress Olive Berkeley, apparently literate as well as politically aware at age four. But one young performer was not content to waste the summer waiting for a new law; she determined to test the old one.

Six-year-old Mildred Ewer was a dancer. Her mother Charlotte Ewer was the daughter of the Reverend F. C. Ewer, whom the *Chicago Post* termed "an eloquent and very dramatic preacher of New York."⁴⁵ Before his death, the Reverend had been acquainted with Elbridge Gerry. Charlotte Ewer married her own cousin, Fernando Ewer, and moved to his mother's home in Chile. There, she bore five children and fell upon hard times. She moved back to New York, re-christened her fourth child Mildred, La Regaloncita (Little Pet) and put her on stage as a flamboyant "Spanish" dancer. The child did well. In the spring of 1892, La Regaloncita was to have a

⁴²*New York Press, New York Times*, 4 February 1892.

⁴³*New York News*, 16 March 1892; *Dramatic Mirror*, 16 April 1892; COTS 3.

⁴⁴*Dramatic Mirror*, 14 May 1892; COTS 3. McArthur gives Fiske primary credit as instigator.

⁴⁵20 May 1892.

benefit at Palmer's Theatre. Mr. Gerry notified Mr. Palmer that dancing by children was illegal and would not be condoned.⁴⁶ To avoid arrest, La Regaloncita did not dance at her benefit; she posed and recited. This easily could have ended the matter, but little Mildred's agent, Dorothy Lane, felt that Gerry had overstepped himself. She vowed to fight him in court. The decision to challenge a law which was three months from expiration makes little practical sense. A method of carrying on the benefit performance while accommodating the letter of the law had been found and, presumably, could have been used again. But a court case could provide a career with something even more valuable than a benefit: publicity. The press obliged. The New York papers carried the story all summer long. "Would Not Let Her Dance At Her Own Benefit" ran the *Herald's* headline; "They Have It in For Mr. Gerry," warned the *Sun*, while the obviously partisan *Morning Advertiser* announced: "MR. GERRY'S VICTIM - Little La Regaloncita's Counsel Will Arrange To-day For a Test Case."⁴⁷ Ex-Judge Dittenhoefer again rallied to the cause, offering to represent the Ewers. "Can the Legislature take from the parent the right to employ a child in a lawful occupation not indecent or immoral and not dangerous to the life, limb, health or morals of the child?" he demanded.⁴⁸

⁴⁶*New York Tribune*, 20 May 1892; COTS 3.

⁴⁷*Herald*, *Sun*, 20 May 1892; *Morning Advertiser*, 7 June 1892; COTS 3.

⁴⁸*New York Evening World*, 23 June 1892; COTS 3.

Mrs. E. J. Fernandez also rushed to the cause. In the early 1880's Emily Letitia Fernandez had been a neophyte actress with a talented daughter. When Augustin Daly put her daughter Bijou to work, Mrs. Fernandez gave up the stage to serve as Daly's secretary and Bijou's manager. As Bijou's success grew, Mrs. Fernandez realized there was a market for child performers and a profitable niche for the woman who could supply them. Over the next twenty years she became one of the most powerful theatrical brokers in New York, running an agency later associated with Klaw and Erlanger, who themselves became powerful in the Theatrical Syndicate. A perennial co-host at Tony Pastor's annual Stage Children's Christmas party, Mrs. Fernandez was widely-identified as a lover and supporter of professional child performers.⁴⁹ Her involvement in La Regaloncita's case is easy to understand.

Fernandez planned a benefit to defray court costs. In deliberate violation of the anti-exhibition law, it was decided to place La Regaloncita as a specialty number in a show called *King Kaliko* then playing at the Broadway Theatre. In order to examine little Mildred after her dance so they could testify later as to any ill-effects, Miss Dorothy arranged to have three doctors backstage — and a number of pressmen to report it.⁵⁰ With plenty of notice, Gerry did not halt the performance but announced that he would

⁴⁹Obituaries in *New York Herald, Sun, Times*, 22 Dec. 1909.

⁵⁰*New York Sun*, 14 June 1892; COTS 3.

have Mildred's mother summoned to court.⁵¹ The next day, Mrs. Ewer was arraigned and held on five hundred dollars bail.⁵² The press was scandalized. The *Morning Advertiser* sponsored a legal defense fund to help battle "Czar Gerry."⁵³ The *NY World* ranted, "The arrest of Mrs. Ewer ... was an outrage against the rights of a parent which has been made possible by legislation obtained by cranky busybodies and meddlesome sentimentalists."⁵⁴ Gerry was blasted for not respecting the granddaughter of an old friend and for taking the bread out of children's mouths. Mildred had been earning one hundred fifty dollars a week while, "With her needle and working from sunrise to sunset Mrs. Ewer could possibly earn seven dollars a week."⁵⁵ The *Morning Journal* published a nine-paragraph letter, allegedly written by little Mildred. She hadn't been at home when the reporters had called. Astoundingly literate for a child of kindergarten-age, her letter said in part, "I have much to be thankful for in knowing that I can earn my living, and if I am permitted such a good one that thousands of poor little souls may well envy me."⁵⁶ During her mother's arraignment, Mildred and

⁵¹*New York Herald*, 13 June 1892; COTS 3.

⁵²*Evening Telegram*, 16 June 1892; COTS 3.

⁵³*Morning Advertiser* 21 June 1892; COTS 3.

⁵⁴*New York World* 19 June 1892; COTS 3.

⁵⁵*Morning Advertiser*, 21 June 1892; COTS 3.

her sister toured the prison, reportedly charming one and all.⁵⁷ The trial was covered in New York by the *Times*, *Recorder*, *Tribune*, *Journal*, *Sun*, *Press*, *Herald*, *Clipper*, *Dispatch*, *World*, *Dramatic News*, and the German-language *Staats Zeitung*.⁵⁸ Judge Dittenhoefer made a two-pronged argument. The law violated both the rights of parents to the custody and services of their infant children, and the constitutionally-guaranteed liberty of children. Gerry argued that the state protects each individual "in the enjoyment of health, vitality and education."⁵⁹ After a long delay, Judge Andrews gave his decision: the law was constitutional. The *New York Law Journal* quoted from his decision:

The Legislature is vested with the entire police power possessed by the people of this State, and in having determined that it is for the best interest of the State, and of young girls that they should not be exhibited as dancers before they reach the age of fourteen years, its decision is final and is not subject to review by the Courts upon the ground that the law infringes upon the rights of parents in some particular cases. ... But even in this case there is something repugnant to average sentiment in thus making money out of the natural gifts of a seven-year-old child before it has come to realize any part of the ultimate consequences of such a life.⁶⁰

⁵⁶"A Child Dancer's Complaint," *Morning Journal*, 26 June 1892; COTS 3.

⁵⁷ *American* (Trenton, New Jersey), 17 June 1892; Cots 3.

⁵⁸Clippings from all are found in COTS 3.

⁵⁹*New York World*, 24 June 1892; COTS 3.

He cited the fact that children could not legally marry or buy liquor and that these regulations were seen not as violations of liberty, but as safeguards. Miss Dorothy booked *La Regaloncita* to play Cleveland. Gerry had triumphed again.

I have described the case of *La Regaloncita* in detail because it is illustrative of four recurrent themes: the amount of publicity given to the children of the stage, the effect — or non-effect — of that publicity, the invisibility of stage parents, and the methods of accommodating the law. The *Morning Advertiser* estimated during this trial that there were about five hundred stage children living in New York.⁶¹ This is a relatively small number in what was already the largest city in the nation with a population of over one million people.⁶² As noted above, stage children made up less than a fifth of the cases under the SPCC jurisdiction, yet the amount of attention focused on these cases was astronomical. Was the public deeply involved in this issue or was the press just hungry for filler? And what was the effect of all this attention? In spite of virtually universal agreement across a broad political spectrum of publications that Gerry was in the wrong, the courts upheld him and his principles.

⁶⁰*New York Law Journal*, 22 July 1892. Last sentence from Albany *Telegram* 31 July 1982; both in COTS, 3.

⁶¹*Morning Advertiser* 10 June 1892; COTS 3.

⁶²The population was 1,041,886 according to Ira Rosenwaike, *Population History of New York City* (Syracuse University Press, 1972), 67. Morris says one and a half million, 197.

The Ewer case also illustrates the complicity of the press in the illusion of the stage children's autonomy. In this case, the child's agent is mentioned. This was unusual. Generally, there is no mention in the press of any adults who may be managing their professional children. Mrs. Fernandez, an agent, was depicted as a generous mother-figure. The press frequently published long letters allegedly written by young children, such as La Regaloncita and Olive Berkeley, who had never been to school. The press wrote of the *children's* decision to appear on stage or to make a court challenge. The press abetted the parents, managers, and theatrical producers in their invisibility to the public. Gerry, a grown man and a millionaire, was depicted as the opponent of small, innocent children. Rarely did the contemporary press mention the adults who derived profit from these children.

Noteworthy also is the relative ease with which a great many performers were able to adapt their performances to accommodate the law even as they resisted it. In many cases, dolls were easily substituted for babies. In a show called, *Little Miss Fix-It*, the SPCC objected to the use of a child. Analyzing the scene, the producers realized that the child's main function was to listen to a ballad sung by star Nora Banes. Not wanting to cut the song, they simply substituted a dog for the child and Banes sang the song to it.⁶³ How necessary were these children to the stage?

⁶³*Philadelphia Inquirer*, 2 March 1911; COTS 15.

While the Ewer case was winding down, the New York theatre was getting ready for the Stein amendment to take effect September first. The new law had five short subsections of forbidden activities. Number one, transferred almost intact from the original law, was clearly aimed at circus performers. It forbade exhibition "as a rope walker, gymnast, contortionist, rider or acrobat; or upon a bicycle or any similar contrivance." Subsection two revived an area of concern, not included in chapter 122 of 1876, which had nothing to do with performance. It forbade begging, rag picking, peddling, or collecting cigar stumps, bones, or refuse from markets. Subsection three I quote in its entirety, as its wording became a point of conflict. Children were not to be employed "In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation." Subsection four forbade the exhibition of children in any practice or place "illegal, indecent, or immoral," as well as the exhibition of insane, idiotic, or deformed children. Subsection five was the most dramatic change. It first forbade the exhibition of children in any place dangerous to the "life, limb, health or morals" of a child. It then went on to make exceptions. Singing in a church or school was excepted, as was performing "as a musician in any concert or in a theatrical exhibition, with the written consent of the mayor." This section also stipulated that permission not be granted unless the SPCC had been given forty-eight hours notice in order to investigate, and possibly request a hearing on, each application. A final clause said that the mayor could not authorize any violations

of the first, second, fourth, or fifth subsections. In other words, his permit authority was limited only to subsection three, stage performance.⁶⁴

Carefully studying the wording of the new law, Elbridge Gerry and his team noted that in subsection three "singing," "dancing," "playing an instrument," and performing in a "theatrical exhibition" were each listed separately. Obviously, the law defined them each as a separate activity. Looking at subsection five, Gerry saw that the mayor had the authority to allow performance only "as a musician in any concert or in a theatrical exhibition." Singing and dancing had not been included. Since they were not held to be within the category "theatrical exhibition" in subsection three, and since they were not specifically allowed in subsection five, Gerry claimed that the law did not give the mayor power to authorize these acts. "Theatrical exhibition" did not include singing and dancing; therefore, the exhibition of children singing or dancing on stage was flatly illegal and not under the mayor's purview. It should be noted that, although the mayor was now given authority to permit children to appear in legitimate plays, neither the original, nor the revised law had ever prohibited them from doing so. What had the amendment accomplished?

While the amendment was being debated and voted on in the spring, De Wolf Hopper had been performing the title role at the Broadway Theatre in a comic opera called *Wang*. He had performed

⁶⁴All quotations are taken from *New York State Laws of 1892*, ch. 309, p. 632.

the show in New York for twenty-two weeks during the previous summer and thirty-two weeks on tour.⁶⁵ Now he was back on Broadway and still selling well. For the loose-limbed comedian and singer, it was to be one of his greatest successes.⁶⁶ A feature of the show's second act was the "Baby Song." A quartet of little girls came on and sang a song to Hopper. The girls were adorable and the public loved it. In May of 1892, the SPCC notified Manager Ben Stevens that the company was in violation of the anti-exhibition act. Either the song would be cut, or the manager would be arrested. To avoid arrest, Hopper brought on the little girls, but he sang the song to them instead of they to him.⁶⁷ While the change worked, Hopper was furious. He made a curtain speech every night denouncing Gerry. In particular, he was riled by Gerry's inconsistency. Hopper had played the same number in the same show in the same city one year before; there had been no objection. On this subject the *Times* reported that the SPCC had acted in response to complaints from other producers that the law was being unevenly enforced. To avoid the appearance of favoritism, Gerry had promised them that his society would pursue every violation, not just the most blatant or

⁶⁵*New York Press*, 13 May 1892; COTS 3.

⁶⁶Don B. Wilmeth with Tice L. Miller, ed., *Cambridge Guide to American Theatre* (Cambridge University Press, 1996), 195.

⁶⁷*New York Herald, Sun, Tribune, Times, Press*, 13 May 1892; COTS 3.

harmful as they had perhaps done previously.⁶⁸ Whatever the reason, Hopper steamed all summer while he sang the "Baby Song" and waited for the Stein law to become effective and end his troubles. His manager was quoted in the *New York Sun* saying, "I regard it as a fortunate thing that the Legislature passed the law which, on and after September first, gives to the Mayor the authority to approve or disapprove the performances of children on the stage."⁶⁹

On September 1, the *Wang* children and twenty-two others applied for licenses from Mayor Hugh J. Grant.⁷⁰ The girls, Lilla Kline (4), Florence Kline (11), Ella Mansfield (6), and Beatrice Lawrence (9), received a round of applause when they sang their song for the first time since May. De Wolf Hopper gave a gracious curtain speech apologizing for his former harsh words toward Mr. Gerry, whose sincerity he now realized. The *New York Morning Journal* crowed:

Back come the children to the stage,
To make the grown folks merry!
To sing and act and dance at will --
In spite of Grandpa Gerry.⁷¹

⁶⁸*Times*, 14 May 1892; COTS 3.

⁶⁹13 May 1892; COTS 3.

⁷⁰*Morning Advertiser*, 1 September 1892; COTS 4.

⁷¹*Morning Journal*, 4 September 1892; COTS 4.

Then Gerry announced his interpretation of the Stein law. The *Wang* company was still in violation and the SPCC intended to test the new law in the courts.⁷² After a meeting with Gerry, Mayor Grant admitted the law was ambiguous and agreed to make *Wang* a test case.⁷³ The *Morning Advertiser* stormed, and hinted at corruption: "What right has Mayor Grant to join in the making up of a test case. ... Is it true that [Gerry] is a heavy contributor to Tammany Hall? Is it true that he has promised other nice checks if he is supported in his efforts?"⁷⁴ Harrison Fiske's *Dramatic Mirror* was more sanguine: "We are confident that [Mayor Grant] appreciates the fact that the people's representatives amended the old law in order to remove a rank injustice, which had long been condemned by public opinion."⁷⁵ The *New York World* ran a color cartoon eight inches tall showing Mayor Grant on a throne holding a scepter. At the foot of his pedestal was a toddler sucking his thumb. Kneeling before the throne were the petitioners: on one side, Gerry, in his trademark yachting cap, with his hands clasped; and on the other, what looked like a circus muscleman, labeled *Wang* with his palms outstretched in supplication. "The Modern Solomon," the caption read.⁷⁶ The

⁷²*New York World*, 2 September 1892; COTS 4.

⁷³*Morning Advertiser*, 2 September 1892; COTS 4.

⁷⁴*Morning Advertiser*, 6 September 1892; COTS 4.

⁷⁵*Dramatic Mirror*, 2 September 1892; COTS 4.

⁷⁶*New York World*, 9 September 1909; COTS 4.

Dramatic Mirror claimed Grant for its side: "The Mayor, in licensing the *Wang* children, has fulfilled the requirements of the new law and put himself on record as to his clear understanding of its provisions."⁷⁷ If that were the case, why did Grant go along with Gerry? What did Mayor Grant really believe and why didn't he take a stand? A contemporary wrote that Grant was "far from being a man of mental or moral strength."⁷⁸ It may be that a battle with one wealthy, prestigious Protestant reformer heading a philanthropic civic organization was all that Grant could handle. Right then, he was battling Reverend Dr. Charles H. Parkhurst.

Like Gerry, Parkhurst was a strong-principled member of the New York elite. He was pastor of the prestigious Madison Square Presbyterian Church and President of the Society for the Prevention of Crime, a small group composed of wealthy, well-meaning citizens who, up to this point, had remained fairly passive.⁷⁹ In February 1892, while Elbridge Gerry and Francis Wilson were each trying to convince the state legislature how to act on the Stein bill, Parkhurst startled his congregation by denouncing local corruption. Hamlet-like he announced, "In its municipal life our city is thoroughly rotten." He placed Grant at the heart of the problem. "Every effort that is made to inspire character in the city, every effort to make men respectable, honest, temperate and sexually clean is a direct

⁷⁷*Dramatic Mirror*, 10 September 1892; COTS 4.

⁷⁸Breen, 770.

⁷⁹Morris, 217.

blow between the eyes of the Mayor and his whole gang of drunken and lecherous subordinates."⁸⁰ The ouster of the Tweed Ring twenty years earlier had not eliminated corruption in Tammany Hall. Although Tweed's successor had a reputation among some groups as an honorable reformer, after his retirement it was back to business as usual.⁸¹ The current Boss was Richard Crocker, a tough Irish immigrant who had served as Alderman under Boss Tweed. He'd been on the city payroll since his early twenties ⁸² Crocker assumed control of Tammany in 1885. A contemporary writing in the 1890s said he had "almost despotic political sway."⁸³ According to social historian Lloyd Morris, "Boss Crocker had put Hugh J. Grant in the mayor's office because Grant, unlike most Tammany dignitaries, was rich, well-educated, well-born and satisfied by rank without power."⁸⁴ No doubt under Crocker's direction, Mayor Grant challenged Rev. Parkhurst to prove his accusations. The Pastor had drawn his information from newspaper accounts. With no real proof, Parkhurst was humiliated. Determined to make his point, Parkhurst hired a guide, disguised himself, and went on a tour of

⁸⁰Morris, 216.

⁸¹Fiske, 220. Breen, 763. The *New York Times* disagreed, however, writing that Boss John Kelly's "standard of official honesty is as low as his standard of official responsibility" (20 October 1875).

⁸²Morris, 229

⁸³Breen, 760.

⁸⁴216-7. Breen agrees, "Crocker ruled him with a rod of iron, " 770.

New York's seamiest underworld.⁸⁵ After a month's research, Dr. Parkhurst produced a bundle of sworn affidavits, which would result in a massive State investigation, numerous arrests, and the greatest surge in public resentment of Tammany Hall since the Tweed Ring.⁸⁶ With all this brewing, it may be that Mayor Grant had no desire to take on Gerry and the SPCC. By agreeing to let the courts decide, Mayor Grant removed himself from the center of the issue.

Theatre manager Ben Stevens and all four sets of *Wang* parents were issued summonses to appear at Jefferson Market Court.⁸⁷ In a media event, all four children appeared in court with their parents and Manager Stevens, who insisted that he had not broken the law.⁸⁸ Assemblyman Stein, assisting the *Wang* counsel, defended his law and claimed victory in the press even before the trial got underway: "However the test case may be decided, we feel that we have broken Mr. Gerry's iron rule. ... The 'autocrat of the green room' is a far less terrible autocrat than he was a week ago. But we shall fight him just the same on the construction of the

⁸⁵Morris, 219. The material he collected probably provided most of the source material for Caleb Carr's 1994 best-selling novel, *The Alienist* (Random House).

⁸⁶Morris, 219-20. The investigation of the Lexow Committee took place in 1894.

⁸⁷*New York World, Herald, Mail Express, Times, Tribune*, 5 September 1892; COTS 4.

⁸⁸*New York Tribune*, 8 September 1892; COTS 4.

law."⁸⁹ The fight did not take long. On 16 September, the *New York Law Journal* reported that Judge Beach had handed down a decision supporting Gerry's interpretation. He wrote in part:

The question raised in these proceedings is whether or not the Mayor can grant a consent for a "theatrical exhibition" which includes "singing" or "dancing" by the child.

I am of the opinion that he cannot. ... There is no doubt that the court can disregard the exact and literal wording of a legislative act, if upon a survey of the whole act . . . it is plain that such exact or literal rendering of the wording would not carry out the intent of the Legislature. . . [The acts] of singing and dancing are excluded in the wisdom of supreme legislative authority which cannot and should not be overruled by the courts.⁹⁰

In other words, Judge Beach did not feel bound by a literal phrase and he clearly did not see Gerry's interpretation as slippery 'legalese' or nit-picking. Beach felt that Gerry understood the true intent of the law. The author of the law, Myer J. Stein, disagreed. Miss Dorothy announced that Dittenhoefer would file an appeal. In the *Dramatic Mirror*, Harrison Fiske declared flatly that Judge Beach misunderstood the law. Fiske pointed out that Brooklyn's mayor and New York State's Attorney General also disagreed. According to the *Dramatic Mirror*, Brooklyn's Mayor Boody had acted "intelligently" under the new law, "In sharp contrast to the shifting, wire-pulling, court-seeking, Gerry-hobnobbing attempt in New York

⁸⁹*Morning Advertiser*, 2 September 1892; COTS 4.

⁹⁰*Mail Express*, 24 September 1892; COTS 4.

City to discredit the plain intention of the Legislature of the State in passing the Stein bill."⁹¹ When questioned, even the State's Attorney General said he thought the law's purpose had been to give the mayor discretionary power on all cases.⁹² Yet Judge Beach had sided with Gerry.

This round was finished but it would not be very long before the *New York Press* would report, "Gerry and the lawmakers are at it again." and a national magazine would declare, "A David has risen in the theatrical profession to meet the Goliath who has been decimating its ranks."⁹³ The "David" was a strikingly beautiful eleven-year-old named Zelda Sanders. While she was attending a religious conference during the summer of 1892, Zelda's beauty so impressed novelist Alexander Ford Hume that he wrote the play *Drayton Hall* for her.⁹⁴ Hume planned to have the play produced as a benefit to raise money to support renewed efforts to amend the anti-exhibition law. However, in October when Zelda applied for a permit. Mayor Grant — possibly hesitant to antagonize Gerry by aiding those fighting his law — denied the application. Zelda was

⁹¹24 September 1892; COTS 4.

⁹²*Dramatic Mirror*, 24 September 1892; COTS 4.

⁹³2 April 1893, COTS 6; *Illustrated American Magazine*, 9 February 1893; COTS 5.

⁹⁴This unlikely story was reported by a dozen newspapers and several national magazines during the period from October 1892 to April 1893.

unwilling to be thwarted. She filed suit against Grant and Gerry, demanding that they show cause why she should be denied a permit.

Not content with the slow workings of the judicial system, she also founded the Anti-Gerry Society.⁹⁵ The purpose of this supposedly all-child organization was also to pass legislation loosening the restrictions on child performers. Zelda was president. The treasurer was five-year-old Lillie Kline, who had been barred from dancing in *Wang*. A reporter visiting their "headquarters" noted that every communication was answered on club stationery and that the organization had grown to over a thousand members "in three days."⁹⁶ This being an election year, letters had been sent to every candidate for the Assembly. By December, another paper was asserting that the club had "several thousand members."⁹⁷ Once again the credulous, or calculating, New York City press credited children with outstanding organizational and political skills. It ran headlines such as: "Children Against Mr. Gerry," "Now Let Gerry Tremble," "Stage Children Have Formed An Aggressive Society," "Gerry's Baby Enemies," "Gerry and the Infants," and "A Tot's Crusade — Stage Mites To Introduce an Assembly Bill."⁹⁸ The

⁹⁵*New York Herald, World, Evening Advertiser*, 17 Oct. 1892; COTS 4.

⁹⁶*Morning Advertiser*, 13 Nov. 1892; COTS 4.

⁹⁷*Brooklyn Citizen*, 11 Dec. 1892; COTS 4.

World ran a cartoon captioned, "Gulliver Gerry Surprised by the Lilliputian Thespians." showing Gerry sprawled on his stomach, tied and surrounded.⁹⁹ The New York City papers once again presented an image of a grown man fighting little children, when any reasoning person would realize that the expertise required to do a large mailing or even obtain letterhead stationery (designing, ordering, paying for) is beyond most children. That children could actually have drafted a sound bill is out of the question. One Rochester paper noted this reality and called the club "An Absurd Movement," declaring, "The persons responsible for the formation of the Anti-Gerry Society of New York ... ought to have the ridicule of the metropolis heaped upon them."¹⁰⁰ But "the persons responsible" were rarely alluded to in the city's press. Naming adults as Gerry's opponents would show a fair fight: adults versus adults; lawyers versus lawyers. The image of Gerry opposing children would always look like an unfair fight, hence unsympathetic to Gerry and his cause. Why should the press work against him? Gerry's own explanation for the bias of the press was money. He calculated that advertisements for theatres netted each newspaper between twenty and sixty thousand dollars a year.¹⁰¹

⁹⁸*New York Herald*, 17 Oct. 1892, *Evening Advertiser*, 17 Oct. 1892, *World*, 17 Oct. 1892, *Morning Advertiser*, 13 Nov. 1892, *Dramatic Mirror*, 26 Nov. 1892, *Brooklyn Citizen*, 11 Dec. 1892.

⁹⁹17 Oct. 1892; COTS 4.

¹⁰⁰ *Herald* (Rochester), 18 Oct. 1892; COTS 4.

Coverage which might expose theatre managers as greedy or exploitative would jeopardize revenues. While publications such as the *Dramatic Mirror* were clearly presenting a sincerely held, albeit self-serving view. Gerry's explanation may be plausible for other papers.¹⁰²

In any event, the press continued to celebrate "Zelda's" crusade. By January 1893, Hugh Grant, who had declined renomination, was no longer Mayor of New York, and Zelda got her permit. The new mayor, Thomas F. Gilroy, was an Irish immigrant who soon made it clear that he was not beholden to Mr. Gerry.¹⁰³ The *Drayton Hall* benefit went on in January 1893, and in February a bill to amend the anti-exhibition law was once again introduced in the New York State Legislature.¹⁰⁴ Zelda Sanders went to Albany to plead her case, as did Elbridge Gerry and a group of theatrical managers. The counsel retained by Zelda's Anti-Gerry Society was Myer J. Stein, no longer a member of the Assembly.¹⁰⁵

¹⁰¹Article by Gerry in *North American Review*, July 1890, reprinted in NYSPCC Annual Report for 1890.

¹⁰²Fiske, who became the sole proprietor of the paper in 1888, was married to Minnie Maddern Fiske, who often worked with child actors and had been one herself.

¹⁰³John W. Leonard, ed., *Who's Who in American 1899-1900* (Chicago: A. N. Marquis & Co., 1899), 273; *New York Sun*, 23 April 1893, COTS 6.

¹⁰⁴*New York Herald*, 15 January 1893, *New York Mercury*, 15 February 1893; COTS 5.

¹⁰⁵*Illustrated American Magazine*, 9 February 1893; COTS 5.

It is likely that Zelda's bill was based on the amendment which Stein had introduced and fought for the year before, and that Stein himself was responsible for the bill's language. The contingent of theatre managers supporting it was much the same as those who had addressed the Legislature in 1892. In the absence of Francis Wilson, leadership fell to A. M. Palmer, a theatre owner and manager who held a law degree but had never practiced.¹⁰⁶ Palmer was determined. "If this legislature doesn't help us we shall appeal to the next legislature," he declared, "We shall not desist until we have emancipated all children."¹⁰⁷ The group also included Daniel Frohman, Henry Abbey, Marc Klaw, and Joseph Jefferson. Along with a few others, these men had formed themselves into an organization called the Society for the Protection of Stage Children.¹⁰⁸ Now two societies opposing each other both claimed to be protecting children. Gerry's society strove to protect their health, education, and innocence, while the new society's goal was to protect the children's right to earn money.

Mr. Gerry brought along pictures of child dancers in what he considered improper or obscene poses. One was of La Regaloncita. He testified that the bill would educate children for unworthy ends

¹⁰⁶*Who's Who*, 544.

¹⁰⁷*Dramatic Mirror*, 8 April 1893; COTS 6.

¹⁰⁸*Spirit of the Times* (New York), 25 March 1893; COTS 5 also notes that the Honorable Oakley Hall, late of the Tweed Ring and former mayor, had been asked to serve as counsel, but does not say whether he accepted.

— a career in song and dance. He insisted that although it was reputable managers who were supporting the bill, its passage would open the door for unsavory dives and concert saloons to hire children. Gerry was joined by Dr. W. O. Stillman, the President of the Albany Society, who testified that dancing was medically harmful to children whose bones had not fully hardened.¹⁰⁹ Conservative organizations such as the Women's Christian Temperance Union and *The Philanthropist* magazine voiced their opposition to the bill. The former prepared a form letter for their members to sign and mail to legislators reminding them that the union had twenty-two thousand members, while the latter warned that, "A new peril to young girls is threatened by a movement on the part of theatrical brokers to secure the passage of a bill by the Legislature of this state."¹¹⁰

Familiar voices spoke up in support of the bill. Mrs. E. L. Fernandez, the children's agent, published a long letter in the *Dramatic Mirror* insisting that children in the theatre were treated almost too well.¹¹¹ In Albany, Wales F. Severence, who had co-sponsored the Stein amendment in the State Senate during the previous session and was now counsel for the newly-formed Society for the Protection of Stage Children, claimed that the last Legislature had been fooled and its intentions foiled by the

¹⁰⁹*Argus* (Albany), 30 March 1893; COTS 6.

¹¹⁰An unsigned form letter is preserved in the NYSPCC scrapbooks; *Philanthropist*, 1 March 1893; COTS 5.

¹¹¹18 March 1893; COTS 5.

insertion of semi-colons. A. M. Palmer ridiculed Elbridge Gerry and maintained that a career in song and dance was entirely legitimate. He argued for the right of children to perform only in reputable theatres and only with the consent of the mayor. Children, he said, find it better to dance and earn their living than to starve. If the SPCC were doing its job, the forty-eight hour notice should be sufficient to screen out applications for work in disreputable venues. Joseph Jefferson, now sixty-four years old and a sixty year veteran of the stage, charmed and amused the legislators with his folksy manner and humorous stories to no avail.¹¹² In the end, the Legislature adjourned without amending the law. Harrison Fiske fumed that this Legislature was "one of the most corrupt bodies that ever sat in the capitol." while A. M. Palmer more circumspectly commented, "The wires that connect certain New York political powers with the New York delegation are not seen but they are felt."¹¹³ An unidentified magazine clipping in the SPCC scrapbook for this year went further, asserting, "I have recently been informed that a power of no less importance than Richard Crocker himself intimated a desire to see the bill brought to a stand still."¹¹⁴ But the *Sun* voiced another opinion. "It may be said that

¹¹²*New York Clipper*, 1 April 1893; *Argus*, 30 March 1893; *New York Press*, 30 March 1893 and 2 April 1893; all in COTS 6. All report on the testimony given to the Legislative Code Committee.

¹¹³*Dramatic Mirror*, 8 and 29 April 1893; COTS 6.

¹¹⁴Crocker was the current Tammany Boss; see above.

the majority of theatrical managers agree with other considerate people that the sight of juvenile ballet dancers or gymnasts is abhorrent, and that only such tasks as are easy and decorous should be assigned to boys and girls onstage."¹¹⁵

This was not to be the last triumph of the year for Mr. Gerry, however. On July 1 the New York Supreme Court handed down its ruling on the cases of Mrs. Ewer, the mother of La Regaloncita; Ben Stevens, the manager of the *Wang* company; and Mrs. Allison Sanders, the mother of Zelda.¹¹⁶ In each case the higher court affirmed the previous ruling.¹¹⁷ Although La Regaloncita, represented by the persistent ex-Judge Dittenhoefer, immediately announced that they would take their case to the New York Court of Appeals, the singing and dancing of children was still illegal on the New York stage. Three courts and the New York State Legislature

¹¹⁵23 April 1893; COTS 6.

¹¹⁶ In ten months of press coverage on Zelda, this is the first date on which I found any mention of her mother's existence. Up to this point the suit was always referred to as Zelda's. A few months earlier, amidst much fanfare, Zelda and Mr. Gerry had reconciled. He had sent her a walking doll from Paris and invited her onto his yacht, and she had dissolved the Anti-Gerry Society. The next year, she made friends with another millionaire, Lucky Baldwin. She subsequently became his ward and possible heir, retired from the theatre, and moved to San Francisco. *New York Sun*, 16 Dec. 1894, *San Francisco Call*, 25 Dec. 1894; *Citizen* (Lowell, Mass.), 28 Dec. 1894; COTS 7.

¹¹⁷*Sun, Times, Tribune, World, Morning Advertiser*, 1 July 1893; COTS 6.

had stood by the policies of the Society For the Prevention of Cruelty to Children.

The next serious attempt to change the law came sixteen years later, in 1909, but the techniques, the arguments, and many of the players were the same. This campaign's poster girl was nine-year Frances Golden Fuller, who with her brother, seven-year-old Morin, was performing in the James Forbes comedy, *The Traveling Salesman*, at the Gaiety Theatre. On January 20, the *Morning Telegraph* ran a feature story about the kids' success, and, coincidentally, just four days later the same paper reported that little Morin had called a meeting to organize a permanent group which would send a delegation to Albany and work to amend the law. The plan was already quite advanced. By this time New York labor laws had caught up with the stage. Children under the age of seven were prohibited from employment in any field and no children could work past ten at night. While these statutes were certainly being evaded in many places, the SPCC enforced them in the theatre. Now, reputable, legitimate theatre was being affected by Gerry's agents. Reports of attendance at the children's meeting varied from sixty to two hundred. According to the *American*, the "adults took back seats and remained mute."¹¹⁸ The *New York World* reported an impassioned atmosphere: "Fire was in their eyes" and cries of "Liberty!" filled the air.¹¹⁹ The stage children objected

¹¹⁸New York, 25 Jan. 1909; COTS 15

¹¹⁹31 Jan. 1909; COTS 15.

to being put in the same class as factory children. They called their group the Society of Stage Children.

The New York press once again framed the issue as a children's initiative, but an out-of-town paper observed, "It is not to be supposed that all the details of this movement originated with the children."¹²⁰ Photos of members of the delegation were published not only in the New York papers but in Los Angeles, Louisville, Minneapolis, and Pittsburgh, and Cincinnati.¹²¹ Although Frances Fuller was not elected president of the society, she garnered the most publicity. Called the "Bernhardt of the Stage Kids" and "an actress of considerable fame and ability," Frances thought it was "rather peculiar that a private organization bearing a man's name should be the law to a certain number of young citizens of this community."¹²² The *American* (New York) ran a long feature article with several photos entitled, "Why I'm Fighting the 'Gerry Society'".¹²³ Her offer to name a doll after Governor Hughes

¹²⁰*Los Angeles Express* 5 Feb. 1909; a later article in the New York Sun said the meeting had been chaired by playwright James Forbes, manager Henry Harris and his employee, Lee Kugel. 14 Feb.; COTS 15.

¹²¹Respectively, *LA Express*, 5 Feb.; *Louisville Times*, 8 Feb.; *Minneapolis News*, 9 Feb.; *Pittsburgh Press*, 9 Feb.; *Cincinnati Times-Star*, 15 Feb.; COTS 15.

¹²²*Evening World*, 1 Feb.; *Morning Telegraph*, 31 January 1909;

¹²³14 Feb. 1909; COTS 15.

if he would only aid her cause garnered Frances three-quarter inch headlines in the *Evening World*.¹²⁴

The key element in this campaign was the difference between stage children and factory children. If the children were not the same, the laws which govern them should not be the same. Hence, the cooperative New York press frequently alluded to the sophistication and intelligence of the stage children. The *American* called them "a sophisticated, self-centered, and well-balanced assemblage."¹²⁵ The *Morning Telegraph* observed that these children "were much brighter than the average public school ones, better dressed."¹²⁶ The *World* declared, "Thanks to the steady influence of the Gerry laws, parents of wee players are now more particular about the education of their children."¹²⁷ An article pointed out that one boy in the group was going to Yale and another to Princeton.¹²⁸ Another headline read, "Bright Children Give Lawmakers Pointers."¹²⁹ About this time, the theatre managers formed an organization called the National Alliance for the Protection of Stage Children. Many members were formerly of the

¹²⁴1 Feb.: COTS 15

¹²⁵25 Jan. 1909; COTS 15.

¹²⁶25 Jan., 1909; COTS 15.

¹²⁷24 April 1909; COTS 15

¹²⁸*New York World*, 31 Jan., 1909; COTS 15.

¹²⁹*Cincinnati Times-Star*, 15 Feb., 1909; COTS 15.

Society for the Protection of Stage Children, which had faded quickly away. Marc Klaw, Francis Wilson, Minnie Maddern Fiske, and playwright Augustus Thomas, took the lead.¹³⁰ Fiske and Wilson would have joined in a bitter fight against Klaw and his partners in the Theatrical Syndicate a few years before, but on the issue of child actors they agreed. Nationally, the application of child labor laws to the theatre was becoming a greater problem than New York's original anti-exhibition law had ever been. Mrs. Fiske was involved in a test case in Massachusetts, and Wilson and the others were lobbying that legislature hard.¹³¹ In the end both New York and Massachusetts lawmakers were unresponsive to the arguments of Frances Fuller and Francis Wilson and their respective comrades.¹³² In New York State, the procedure for licensing children to perform remained essentially unchanged until the 1970's. The SPCC remained the gateway to the stage for all children. The Society was notified of all permit applications made to the mayor. The completed application form required an accurate description of the demands of the role, as well as information on the child's age and health. The SPCC had forty-eight hours in which to

¹³⁰clipping labeled "Philadelphia, 16 Feb., 1910:" COTS 15.

¹³¹*Syracuse Standard*, 12 Jan. 1910; *New York Times*, 27 Jan., 6 Feb. 1910.

¹³²See Benjamin McArthur, "'Forbid Them Not': Child Actor Labor Laws and Political Activism in the Theatre," *Theatre Survey* 36:2 (November 1995):70-76 for an excellent short summary of the struggle in Massachusetts.

make its appeal to the mayor. Summing up the Society's work in 1916, SPCC president John D. Lindsay wrote. "So well has the system been developed that, except in rare instances, these recommendations have been controlling."¹³³

Outside of New York, other states and other countries also turned their attention to stage children during this period. When New York State passed An Act to Prevent and Punish Wrongs to Children in 1876, it was the first state in the union to make any effort to protect stage children. As concern for children's health and safety grew during the last quarter of the nineteenth century, chapters of the Society for the Prevention of Cruelty to Children and the Humane Society sprang up all over the country. At the turn of the century, when popular attention began to focus on child labor, New York again led the way with the formation of the New York Child Labor Committee under Robert Hunter. This, in turn, led the way to a country-wide reform movement under the National Child Labor Committee, incorporated in 1907. Its work is documented in Walter Trattner's *Crusade For The Children* ¹³⁴. Although the NCLC's goal of passing a constitutional amendment prohibiting child labor was never attained, a great deal of child labor reform legislation was passed at the state level. Some states passed legislation specifically relating to stage children. By 1907, stage children in Rhode Island under the age of sixteen were permitted

¹³³ "President's Address," *SPCC Annual Report*, 1916:21.

¹³⁴Chicago: Quadrangle Books, 1970.

to work only during the day, and those under fourteen not at all.¹³⁵ California's stage children's law seemed to be inspired by anti-theatrical prejudice. Opponents claimed: "It savors of the once-popular belief that the stage was a place of fascinating iniquity populated by people who painted their features and did not go to church."¹³⁶ For the most part, however, stage children were included under general child labor laws. This was true in Massachusetts, Illinois, Maryland, and Louisiana.¹³⁷

These laws tended to be more restrictive than New York's performance-oriented regulations, yet their application was often upheld. In a 1906 Colorado case, a theatre manager charged that the inclusion of stage children was "contrary to the spirit and the letter" of the juvenile law, which gave the court jurisdiction over all "occupations likely to be detrimental to the health" of children under fourteen. It was argued that since night performances could affect a child's health, stage children were covered under the law.¹³⁸ In the same year, the Des Moines Humane Society

¹³⁵*Herald* (Newport), 11 March 1907; COTS 14.

¹³⁶*San Francisco Post* 3 Dec. 1910; COTS 15.

¹³⁷*New York Times*, 6 Feb., 1910; COTS 15. on Louisiana see Faye E. Head, "The Theatrical Syndicate vs. The Child Labor Law of Louisiana," *Louisiana Studies* (Winter 1974): 365-74; and Nancy Burkitt Pride, "The Child Acting Controversy as Related to the Louisiana Child Labor Law of 1912" (M.A. Thesis, Louisiana State University, 1972).

¹³⁸*Denver Republican* 4 March, 1906; COTS 14.

threatened to turn the force its child labor laws on the theatre if shows with child actors continued to play there.¹³⁹ Ironically, when the Wisconsin Legislature contemplated a tough child labor law, the theatre men lobbied for a more reasonable one, modeled on "Gerry's law" instead.¹⁴⁰ As Boston and Chicago gained increasing importance as theatrical centers, the application of factory laws to stage children in these states became a source of heated debate.¹⁴¹ Jane Addams squared off against playwright Augustus Thomas.¹⁴² Francis Wilson addressed the Massachusetts Legislature. Theatre managers claimed that stage children had nothing in common with factory workers. Everett W. Lord, the Secretary for the New England Branch of the NCLC, thought the inclusion was appropriate. He wrote in 1910, "Unless the results of stage employment can be shown to be different from the results of employment elsewhere there seems to be no good reason for exempting the theatre from the operation of general child labor laws."¹⁴³ Ultimately, the greatest problem for the theatre became the inconsistency of child labor laws from state to state, and producers like George Tyler pleaded for uniform

¹³⁹*News* (Des Moines, Iowa), 13 April 1906; COTS 14.

¹⁴⁰*New York Telegraph*, 7 March, 1911; COTS 15.

¹⁴¹Benjamin McArthur includes an excellent short synopsis of these struggles in "'Forbid Them Not': Child Actor Labor Laws and Political Activism in the Theatre."

¹⁴²McArthur, 73.

¹⁴³*New York Journal* (Jersey City, NY), 4 June, 1910; COTS 15.

legislation to facilitate touring companies.¹⁴⁴ Today, as ninety years ago, state laws regarding stage children vary widely.

Uniformity is provided by the performers' unions, Equity, SAG, and AFTRA. In 1911, Francis Wilson praised the Colorado law which mandated that (1) a child actor must be accompanied by a parent or guardian capable of teaching him; (2) the aggregate number of hours of the child's employment be limited; (3) no child perform a play or act dangerous to life or limb or detrimental to manners.¹⁴⁵ These ideas were to be incorporated into the work rules of Actors' Equity Association, the actors union which Wilson would help found two years later, and which is a focus of chapter five.

New York State seems to have led in protecting stage children internationally as well as nationally. I have not discovered any law that predates the NY Act of 1876, although scholars have written on the lives, economics, and sometimes abusive conditions under which child actors worked in Europe and Asia.¹⁴⁶ England passed the Children's Dangerous Performances Act in 1879. In contrast to New York's inclusion of all children under sixteen years of age, the

¹⁴⁴*New York Times*, 6 Feb. 1910: COTS 15.

¹⁴⁵*New York Times*, 24 Dec. 1911; COTS 15.

¹⁴⁶ See F. W. J. Hemmings, "Child Actors on the Paris Stage in the Eighteenth and Nineteenth Centuries," *Theatre Research International* 12:1 (1987): 10; William L. Slout & Sue Rudisill, "The Enigma of Master Betty Mania," *Journal of Popular Culture* 8:1 (1974): 82-9; A. C. Scott, *Mei Lan-Fang: The Life and Times of a Peking Actor* (Hong Kong: University Press, 1971).

English law concerned itself only with those fourteen and younger, stipulating that they must be off the stage in the evening by ten. In 1892, American actor Charles Arnold told the *Dramatic News* how much more flexible was English enforcement. On tour in England, he was using a local ten-year-old girl for a bit part at the very end of his play. Arnold was notified that he was in violation of the girl's permit. When he explained in court that the girl didn't enter until late in the play, her license was simply amended to allow her to perform until ten fifteen, rather than ten o'clock. Arnold found the English court much more reasonable than those in his native New York.¹⁴⁷ Generally, however, the law was ignored, as was a French law of the same period which banned performances by children under ten.¹⁴⁸ England passed the Prevention of Cruelty to Children Act in 1894 and tightened restrictions further with the Employment of Children Bill in 1904. The latter generated quite a bit of debate, with Henry Irving raging that it sprang from "a rooted hostility to the theatre and a gross ignorance of theatrical conditions."¹⁴⁹ Throughout this period, all of the industrialized nations were examining the role that children played in business and society and ultimately reaching similar conclusions.

Before leaving the subject of the law, it might be well to look briefly at Elbridge T. Gerry's argument, given the power of his

¹⁴⁷6 August 1892; COTS 4.

¹⁴⁸*New York Dramatic News*, 21 October 1893; COTS 6.

¹⁴⁹*Chicago Tribune*, 4 April 1903; COTS 13.

stance. His views were remarkably consistent during the forty-four years covered in this study. In 1879, Gerry wrote a long letter to the president of the Cleveland (Ohio) Humane Society, in which he outlines his five objections to children's performing.¹⁵⁰ They all have to do with physical well-being: (1) night performances deprive children of valuable "midnight sleep" (2) the raising and lowering of the curtain causes rapid changes in temperature through which children are first over-heated and then chilled; (3) the excitement of performance impairs sleep; (4) children are taken home through cold and damp night air following strenuous performance. (5) over a long period a child's resistance can be worn down, resulting in serious illness. An internal memo dated three years later adds two more reasons: (1) school attendance is impaired directly by daytime rehearsals and performances, and indirectly by nighttime performances, which cause children to be tired the next day; (2) through the stage children make "bad associations." This is the moral objection which grows more prominent through the years and on which commentators inevitably focus.¹⁵¹ In 1890, twenty-five years after the founding of the Society, the *North American Review* published an article by Gerry which echoes the concerns for physical health in dramatic terms when describing what happens

¹⁵⁰Carbon copy of the letter is preserved in NYSPCC scrapbooks, COTS I.

¹⁵¹See Claudia T. Johnson, "Elbridge T. Gerry's Obsession," *Nineteenth-Century Theatre Research* 13:1 (Summer 1985): 17-30.

when a children's light opera troupe disbands. "Their voices prematurely strained and used, their physical systems broken down by constant exposure to the draughts of the theatre, and the loss of sleep incidental to the late nocturnal performances render them unfit for employment in any legitimate operatic business." He then turns to moral health. "Then opens for them the only market for what is left of them — the low variety dives, dime museums and drinking saloons in our great city."¹⁵² The future moral well-being of the children became a constant secondary theme in Gerry's justifications, but the physical well-being of children always remained his primary concern.

¹⁵² July 1890; Reprinted in Appendix of *NYSPCC Annual Report* 1890, pp. 116-20.

Chapter 3

Noblesse Oblige

This chapter will examine stated and unstated warrants for the passage of the 1876 anti-exhibition law. First, however, I will eliminate a motive which has often been suggested: antitheatrical prejudice. Both during and after his lifetime, Elbridge T. Gerry has frequently been labeled anti-theatre. An 1882 magazine charged that Gerry's course of action was "a last vestige of the old time bigotry respecting the stage."¹ A century later, scholar Claudia D. Johnson concluded an article by asserting that "his humane instincts were incapable of carrying him beyond the narrowness of anti-theatrical bias."²

These charges overlook both Gerry's words and his actions. He attended the theatre occasionally and always denied that he had any objection to theatre on principle. Gerry's participation in the Annual Stage Children's Christmas Festival seems to support this claim. Each Christmas, the New York theatre community held a festival for stage children: performers and offspring of performers. Members of the former group sang, danced, or recited for a theatre full of the latter. Afterwards, all were given gifts and a party. The annual event was initiated by "Aunt" Louisa Elbridge and hosted by theatre manager Tony Pastor. Elbridge worked laboriously to learn what each of the performing children needed, and then worked even harder to solicit the funds to pay

¹"Employment of Children," *The Theatre* (5 August 1882), 4.

²Johnson, 29.

for it. For sixteen years, Elbridge Gerry was among Aunt Louisa's biggest contributors. In 1893, when Henry Irving and theatre manager Henry Abbey each gave twenty-five dollars, Gerry gave fifty. In 1895, when Irving sent twenty-five dollars, Gerry, and J. P. Morgan each sent in a hundred. At the sixteenth annual festival in 1901, Gerry, along with Morgan, William Whitney, and Joseph Jefferson, was still contributing the highest amount. Although the papers called this "conscience money" or Gerry's "Dr. Jekyll aspect," it may just as easily be taken as evidence of his genuine feeling.³ It is difficult to believe that a man who sincerely felt the theatre to be an immoral institution would consistently subsidize its youngest practitioners and the children of its practitioners in this manner.

In fact, Gerry was only opposed to "disreputable" theatres. Lawrence Levine has convincingly argued that theatre audiences changed dramatically during the course of the nineteenth century. In his words:

At the beginning of the nineteenth century, the theatre was a microcosm, it housed both the entire spectrum of the population and the complete range of entertainment. ... [In the decades following the Civil War] separate theatres, catering to the "judicious" appeared in city after city, leaving the other theatres to those whom [John Howard] Payne called "the idle, profligate and vulgar."⁴

Levine demonstrates that in large urban centers, different socioeconomic groups became associated with different theatres. The anti-theatrical

³*New York Dramatic Mirror*, 2 December 1893, COTS 6; *Spirit of the Times*, 14 December 1895, COTS 8; *New York Tribune*, 22 December 1897, COTS 10; *New York Press*, 30 December 1901, COTS 12.

⁴Levine, 56, 60.

work of Gerry, the SPCC, and the citizens and judges who supported it was, in reality, an extension of the feelings of their class about the "idle, profligate, and vulgar." Legitimate theatre was attended by the better class. Writing of the 1880s, social historian Lloyd Morris affirms, "Serious drama now had the highest moral sanction; everybody knew that one of the most successful theatres in New York, the Madison Square, was owned by the brothers Mallory, one of whom was publisher of *The Churchman* and the other a clergyman."⁵ In an 1890 magazine article, Gerry himself divided theatres into three classes based on audience as well as content.⁶ In "reputable" theatres, "only legitimate drama is exhibited to audiences composed of cultured and intelligent people." "Semi-reputable" theatre showed spectacular exhibitions. In "disreputable" theatres, "both dialogue and performances fester with indelicacy, and the audience, composed of the lowest and most degraded classes of society, engage in smoking and drinking." This distinction was understood by the managers of the reputable theatres and the public they served. Morris writes that in the most fashionable playhouses, one would dress in formal evening attire to sit in the orchestra.⁷ The two most fashionable were Daly's and Wallack's.

Augustin Daly managed theatres in New York for the last third of the nineteenth century.⁸ He wielded absolute control in his domain,

⁵Morris, 182.

⁶*North American Review*, July 1890, reprinted in *SPCC Annual Report*, 1890:116-24.

⁷Morris, 188.

demanding a strict discipline from his actors both onstage and off. They were not to be seen drinking in public. They were to avoid "Bohemian" tendencies and could be fined for lack of courtesy. Daly ran an intensely respectable theatre. In 1881, he sent Gerry a letter of support. While some managers argued that the banishment of child actors would hurt the stage, Daly wrote, "Except in cases when the presence of a child is absolutely necessary as a component part of the play and with which the law at present does not necessarily interfere, the use of young children is of no practical benefit."⁹

The most prestigious competitor to Daly's Theatre was Wallack's. The Wallack family had spawned a long line of actor-managers, active both in England and the United States. Lester Wallack had succeeded his father as manager of an ensemble that maintained prominence in New York City for thirty-five years.¹⁰ Although the sixty-two-year-old Wallack stopped dying his hair about this time, according to one observer he could "still make-up satisfactorily for a romantic hero."¹¹ Wallack also wrote Gerry a letter of support asserting that employing children on the stage is "needless and hurtful— except when the

⁸His methods and eccentricities have been reported both in biography and in the many memoirs of the actors who worked for him. See Marvin Felheim, *The Theatre of Augustin Daly* (Cambridge: Harvard University Press, 1956); Clara Morris, *Life on the Stage: My Personal Experiences and Recollections* (New York: Charles Scribner's Sons, 1901); Dora Knowlton Ranous, *Diary of a Daly Debutante* (New York: Duffield, 1910); John Drew, *My Years on the Stage* (New York: E. P. Dutton, 1922).

⁹Letter dated 12 March 1881; COTS 1.

¹⁰Wilmeth and Miller, 395.

¹¹Fiske, 344.

character represented by the child is a component part of a play and indispensable to the plot or story."¹² That same month Gerry also received a letter from J. H. Haverly, the manager of Haverly's Theatre, declaring, "I heartily unite with you in your efforts to repress the custom of forcing young children to assume tasks beyond their years and strength."¹³ Messrs. Abbey and Schaeffel, who managed the Booth and Park Theatres, wrote, "No first class theatre would be benefited in the least by allowing them to take part in any entertainment."¹⁴

While both the proliferation and the preservation of these letters suggest that they were solicited for political ends, that in no way detracts from their significance. These men, at the top of their profession, were willing to go on record supporting the enforcement of the non-exhibition law. True, they were prudent enough to make carefully-worded exceptions, but so did the law. Daly used children in his Shakespearean productions. Bijou Fernandez got her start with him. He pointed out that the law did not "at present interfere" when the child's role was a necessary component of the play. The law did not interfere with Daly's productions of legitimate drama. His company performed Shakespeare, melodramas, and adaptations of Kotzebue, Pixérécourt, and other European dramatists. Daly was safe from the law. He and the other reputable managers understood that they were not the target. They saw Gerry as an ally, not an opponent. Note the phrase in Abbey and Schaeffel's letter: "No *first class* theatre." These prestigious theatre

¹²Letter dated 14 March 1881; COTS 1.

¹³Letter dated 15 March 1881; COTS 1.

¹⁴Letter dated 14 March 1881; COTS 1.

managers saw fit to align themselves with Gerry and his supporters, rather than with other theatre managers. It seems that class rather than professional solidarity was the significant factor. These men apparently thought it was in their interests to sharpen the divide between themselves and managers of lower-class entertainments. Levine has argued that the elite had "a vested interest – unconscious though it may have been — in welcoming and maintaining the widening cultural gaps that increasingly characterized the U.S."¹⁵ The backing of better-class theatre managers for the enforcement of the anti-exhibition law supports his thesis.

The SPCC's method of operation was to initiate an investigation only after a complaint had been filed. Thus enforcement had a quality of randomness. If no one filed a complaint, a violation could go unprosecuted for months. The *Wang* children, discussed in chapter two, had performed in New York for twenty-two weeks with no interference from the SPCC. It may be that productions such as this were unnoticed; it may also be that the Society turned a blind eye to possible violations when they occurred in reputable theatres. The Society, and Gerry personally, were frequently charged with inconsistently enforcing the law. It may be that the *Wang* children were not hindered because *Wang* was a first-class production. At the time, Gerry admitted to the press that he only prosecuted this company's return engagement when prompted by rival theatre managers' complaints of selective enforcement.¹⁶

¹⁵Levine, 227.

¹⁶*New York Times*, 14 May 1892; COTS 3.

In public perception, the anti-exhibition law existed for the lower classes. It will be recalled that in the 1909 campaign to amend the law, which was discussed in the previous chapter, a key point was the class status of Frances Gold Fuller and her fellow actors. Their argument hinged upon differentiating themselves from lower-class child workers in terms of sophistication and intellect. "We are different from the children who work in factories," they protested. The discussion was centered not on the kind of work but on the kind of worker. Theatre was not the problem.

Other reformers, who supported the anti-exhibition laws, also had to defend themselves against the charge of being anti-theatrical. Jane Addams lobbied vigorously against child labor in all fields, including the stage. She spoke persuasively at a 1906 meeting of theatre producers with the Illinois Factory Inspector. Addams urged the prohibition of children from the professional stage, while insisting on her belief in drama as a valuable tool in building individual identity in children as well as a sense of community.¹⁷ Her colleague Edith de Nancrede reported, "Certainly we at Hull-House have found no other means so successful in holding a large group together from childhood, through adolescence and into maturity."¹⁸ Addams joined other speakers on this theme at a conference held during the Chicago Child Welfare Exhibit in 1911.

¹⁷*Chronicle* (Chicago), 26 January 1906, COTS 14; see also Shannon Jackson, "Civic Play-Housekeeping: Gender, Theatre, and American Reform," *Theatre Journal* 48 (1996): 337-71 for a discussion of how theatre functioned at Hull-House with regard to community formation and the reformation of personal identity.

¹⁸*Ibid.*, 347.

Professor S. H. Clark, speaking on "The Artist Child" declared, "It is understood in this discussion that we are not opposed to the stage as such."¹⁹ He pointed out the use of children in some dramatics at Hull House. Speaking at the same meeting, Charles Zueblin, the editor of *Twentieth Century Magazine*, urged the creation of playgrounds and fieldhouses which would be used for the production of drama as recreation. "Surely, we are not going to lose sight of the drama or of the opera," he declared.²⁰ These later reformers may have differed from Gerry and his early supporters in some respects, but like Gerry, they insisted that their quarrel was not with the theatre per se, but with its use of children.

If it was not antitheatrical prejudice, what force did compel the passage and enforcement of the anti-exhibition law? The stated justifications for the law fall into two broad categories: the immediate well-being of the children and the long-term well-being of the adults they will become. Short-term concerns were generally physical: either outright abuse or the gradual deterioration of health. Long-term concerns were physical, moral/emotional, and educational/economic. In examining these issues a researcher must ask several questions. First, did former child actors suffer from poor health or physical conditions resulting from their early years on the stage? Second, were the children unable to adapt to the realities of adult life? Did their early lives render them emotionally or morally unfit to join society? Did the early stress of

¹⁹Sophonisba P. Breckinridge, ed., *The Child in the City* (Chicago: Dept. of Social Investigation, Chicago School of Civics and Philanthropy, 1912), 302.

²⁰*Ibid.*, 448.

adult responsibilities take its toll later? Third, were the former child actors economically solvent, or capable of earning a living? Did their early stage training provide them with a sound start to a life-long career performing? If not, were they equipped to earn a living off the stage or was their education so neglected as to render them useless? The questions of education and theatrical training will be taken up in chapter four. The other long-term concerns, although impossible to examine quantitatively, cannot be dismissed, but since Gerry began his campaign focusing on solely physical concerns and only later moved on to moral ones, we will do likewise.

The physical abuse and unhealthy conditions stage children experienced were the most dramatic justifications for the anti-exhibition law, and they are also the least debated. Both contemporaries of Elbridge T. Gerry and modern scholars acknowledge the existence of physical abuse in some situations. In November 1875 the SPCC rescued a child circus performer called Prince Leo from the Tivoli Theatre. The young boy had been purchased from his parents by acrobat Walla Leonard, who used constant beatings to force the boy to do tightrope walking and other dangerous acrobatic feats. Two physicians testified to the effect that injuries had already resulted in weakening and partially destroying the walls of the boy's abdomen and unnaturally curving the spine.²¹ *Harpers' Weekly* drew attention to the case in a story entitled "Little Infant Slaves of the Arena." The publicity increased support for the

²¹SPCC, *Annual Report*, 1875:39-40.

passage that winter of what the *New York Herald* called the "Prince Leo bill," i.e., the anti-exhibition law of 1876.²²

Abuse continued long after the law was passed. It was easy for touring performers to evade the law. In 1902 actor Joe E. Brown, the comedian with the wide, wide mouth, was hired out by his family at the age of ten to acrobat Billy Ashe. In his autobiography, Brown said Ashe "instructed me over the head and admonished me frequently across the buttocks." On one occasion, the boy fell forty feet into a net. His knee slammed into his jaw, breaking the bone. Although a doctor advised him to stay in bed for at least a week, Ashe made the boy a cap with straps to hold the bone in place and told young Joe to forget about it and go on with the show. Brown recalled, "I lived on soup for three weeks but I never missed a performance."²³

Buster Keaton is perhaps the most famous case of well-documented physical abuse. His father was an angry alcoholic who used the same training system as Billy Ashe. Buster, who joined his parents' act in 1898 when he was three years old, was thrown off the stage frequently, but when he got hurt, he was not permitted to cry.²⁴ At age eight, Buster lay unconscious for eighteen hours after being kicked in the head by his father. Although a doctor urged rest, Buster performed two hours after waking. An x-ray of the adult Buster revealed untreated

²² *Harpers' Weekly*, 19 (11 December 1875), 19, 1009; Johnson, 19; "Work of the Session," *New York Herald*, 4 May 1876.

²³ Joe E. Brown as told to Ralph Hancock, *Laughter is a Wonderful Thing* (New York: A. S. Barnes and Company, 1956), 35-36.

²⁴ David Robinson, *Buster Keaton* (Bloomington: Indiana University Press, 1969), 4.

cracked vertebrae. In the act, he was to keep a straight face at all times. Keaton later said, "If I should chance to smile, the next hit would be a good deal harder."²⁵ Psychotherapist Linda Sanford, interviewed for a recent Keaton biography, believes that the blank stare, which became Keaton's trademark, is evidence of a dissociative disorder in which the mind and heart go numb.

To survive that kind of physical abuse, onstage or anywhere, ... you have to do a mind-body split. The only way of surviving was to send his mind and spirit elsewhere, to a safer place. Being without expression is really the classic dissociative disorder.²⁶

In adulthood, both Buster Keaton and Joe E. Brown wrote off their pain as just part of the business; yet we can never truly know whether the Keaton stare was prompted by technique or psychological damage. Since standards of discipline and acceptable behavior differ from age to age, it is difficult to label the boundary between strict training, harsh discipline, and sadism, when a child is forced to endure pain in order to entertain adults.

Several examples of acrobatic training at the turn of the century do seem cruel, however. In a 1903 case, Florence and George Miggs, aged seven and eight, were found locked in a rat-infested closet, having been tortured during training by the acrobat who adopted them for his act. Florence's limbs had been punctured in many places with hot irons.

²⁵Marion Meade, *Buster Keaton: Cut To The Chase* (New York: Harper Collins, 1995), 32-33.

²⁶Quoted in Meade, 35.

George's back was bloody from repeated beatings, all of his teeth were out, and the bottoms of his feet had been burned.²⁷

During a performance at the Olympic Theatre in 1875, three little boys, aged six, seven, and nine, performing with a man who was not their father, were billed as "The Carlos." They seemed exhausted and fell several times but their act continued.²⁸ Another six-year-old boy, whose stage name was Little Romeo, was being trained by a trapeze performer to whom he was not related. The man was twice arrested before the child was finally taken from him and adopted, telling "pitiful tales of suffering and abuse."²⁹ No doubt, this is what theatre manager J. H. Haverly meant when he wrote to Gerry of "the custom of forcing young children to assume tasks beyond their years and strength."

Girls were also unwilling gymnastic performers. The mother of twelve-year-old Edna Cornell signed a contract allowing her daughter to be adopted by Fannie Nelson of the Nelson Family Acrobats. Nine months later, Edna fled the Nelsons pleading, "I would rather die, Mamma, than be a tumbler. If you send me back again I will kill myself; ... Look at the bruises on my back and arms."³⁰ These children were rescued by the SPCC, but some were not so lucky. A warrant was issued for a man cruelly using a six-year-old boy who fell several times during a

²⁷*New York Press, World, and Morning Journal*, 23 April 1903; COTS 13.

²⁸SPCC, *Annual Reports*, 1876:31.

²⁹SPCC, *Annual Reports*, 1876:38.

³⁰"Torture Girl To Train Her?" *New York Evening Journal*, 26 March 1902; *New York News*, 28 March 1902; *New York Morning Journal*, 29 March 1902; *New York Times*, 4 April 1902; all in COTS 13.

gymnastic performance of the Garnella Brothers, but the act slipped out of town before the law could be enforced.³¹

Acrobatic children may have been working with their own parents as Buster Keaton was. They may have been hired through a contract between their parents and the gymnast, as Joe E. Brown was. They may have been legally adopted as Edna Wilson was (although her mother claimed to have signed the papers while very ill and not fully conscious). They may have been sold or simply been stolen. Some children were brought to this lucrative market from overseas. In 1900, two Japanese acrobats were arrested in New York for forcibly training children to perform. Officials concluded that the three children in their possession were just the most recent of many who had been either bought or stolen outright from their parents in Japan. The children were smuggled into the United States from Canada. The Treasury Department in Vancouver notified the SPCC, which was able to put a stop to the business.³² In an earlier case, a seven-year-old English boy, known as Petit Bob, was performing with the Davene Family acrobats at Niblo's Garden. His real name was Robert Caldwell and his aunt was in the company. When the SPCC notified his parents in England of the dangerous act, they insisted they had never given permission. However, in light of the fact that the boy's parents had made no efforts to locate their son, the SPCC was skeptical and placed the child in the care of a Christian Brother.³³ In

³¹*SPCC , Annual Reports , 1876:32.*

³²*New York Post, 24 May, 1900; New York Tribune, 25 May 1900; Morning Journal, 25 May 1900; COTS 12.*

³³*SPCC , Annual Reports, 1879:60-1.*

1917, the SPCC returned another young acrobat to his parents in Tangier. He had been performing with a troupe of Arabian acrobats. According to the Society's records, "the dull routine of living like ordinary children had bored Hadj Abdullah, so he set forth, bent on the discovery of something more exciting."³⁴

In most of these examples, the children were not being trained in a family business. On the contrary, there was often no familial bond at all. The child was simply a rental. This fact may have led to greater abuse, since a non-relative who had ceased to function effectively in the act could perhaps have been discarded and replaced more easily than an offspring. In the traditional, family-centered circus act, the danger to the child was offset by the love of his or her parents, who would not allow the risk to be too great. When the child acrobats were only hired performers, reformers were concerned that the desire to increase the act's excitement level might outweigh concerns for the safety of the children and that only pecuniary interests would be considered.

Newspapers, biographies, and SPCC records furnish numerous accounts of physical abuse suffered by children performing in circus and acrobatic acts throughout the period under study. Examples of the unhealthful conditions endured by children in other performance venues are far less dramatic, but just as plentiful.

Smoking, and exposure to smoke, were common among stage children. Many children performed in smoke-filled concert saloons. In 1892, a United States Senate committee announced that smoking was

³⁴SPCC, *Annual Reports*, 1917:27. The fact that this child was African may account for the unusually tolerant SPCC attitude.

injurious to the health of young and old alike, but even before that most people felt that children should not smoke.³⁵ According to the anti-exhibition law, children were forbidden to perform in saloons and late at night, but there were many infringements. In 1878, the proprietor of the Tivoli Theatre was arrested when nine-year-old Bertha Rhinehardt was found singing and dancing at eleven-thirty at night "amid smoke of bad tobacco and the fumes of still worse liquor."³⁶ In 1881, SPCC agents found eleven-year-old Eliza Clark in a saloon, entertaining a crowd of women with a dance. She was reportedly in the habit of drinking whiskey and smoking tobacco.³⁷ Comedian George Jessel smoked cigars while on tour, before age twelve.³⁸ In a 1900 case, eight-year-old Mary Smith sang nightly to amuse customers in a smoky saloon; her pay was given in drinks consumed by her father.³⁹ Another eight-year-old, Baby

³⁵"All Law and No Liberty," *New York Sun*, 25 July 1892, "Senator Harris of the Senate Committee on Epidemic Diseases at Washington reported the other day their conclusion that cigarette smoking is decidedly injurious to youth; that, in fact, the use of tobacco in any form and by anybody, young or old, is 'injurious to the physical condition of man,' but that Congress has no constitutional power to prohibit the manufacture or sale of cigarettes in the United States, as it was invoked to do."

³⁶SPCC , *Annual Reports*, 1878:24.

³⁷SPCC , *Annual Reports*, 1881:20.

³⁸Eddie Cantor with Jane Kesner Ardmore, *Take My Life* (Garden City, NY: Doubleday, 1957), 80.

³⁹*Brooklyn Eagle*, 10 February 1900; A slightly conflicting story in the same day's *Evening Journal* reports that the girl was actually sold to the saloon owner for twenty-five dollars; COTS 12.

Goodman, performed regularly to attract customers in a bar owned by her father.⁴⁰

Each performance venue seemed to lend itself to a particular kind of abuse. The circus was the site of the most extreme physical cruelty. The saloons and concert saloons exposed children to late hours, smoke, and alcohol. The Juvenile Opera troupes were often guilty of abandonment or economic exploitation.

In the last quarter of the nineteenth-century, companies of children playing in operettas were immensely popular. They criss-crossed the country singing the works of Gilbert and Sullivan, as well as less lofty creations. *Iolanthe* and *H. M. S. Pinafore* were favorites. These companies were a particular source of aggravation to Elbridge T. Gerry. Unfortunately, when bookings dried up, company managers would frequently abscond with the receipts, leaving the child performers to fend for themselves in whatever city they happened to be.⁴¹ In December 1880, the *Telegram* reported that "Warner's Juvenile Fatinitza Troupe" which had been formed on the East Coast, had disbanded out West, stranding its young members at Christmas.⁴² The next month the managers of "Roylance and St. John Knight's New York Miniature Opera Company" sent the child actors on to Manhattan by themselves

⁴⁰Unidentified clipping dated 8 February 1883; COTS 5.

⁴¹This was also a problem for adult actors. When their union, Actors' Equity Association, was formed, one of its first acts was to establish a fund that would pay transportation home for those performers stranded on tour by bankrupt or unethical producers. See Alfred Harding, *The Revolt of the Actors* (New York: William Morrow, 1939) 38-39.

⁴²*New York Telegram*, 30 December 1880; COTS 1.

following a performance on Staten Island. An outraged theatre manager had dragged Mrs. Roylance, clutching her cashbox, to the police department demanding the rental fee. When the cashbox was pried open, however, it was empty. The child performers were given twenty-five cents each and herded onto the ferry. According to a press report, "At twelve o'clock they arrived in New York, cold, hungry, and crying for their salaries."⁴³ The Massachusetts SPCC contacted the New York office in 1882 on behalf of two children performing with the New Miniature Ideal Opera Company who had written their parents in Boston. Not only were the children homesick, but the promised fifteen dollars per week had not been forthcoming.⁴⁴ The same year, the *Dramatic News* reported on a group of children stranded by the Boston Miniature Ideal Opera Company.⁴⁵ Economic exploitation was not the only abuse in children's opera. In an unusual incident, the *New York Times* reported that the manager of the "Juvenile Opera Company" brutally punished his cast while on tour. Sixteen-year old Josie Gamel was whipped with a strap for receiving a note from an audience member. Two younger children were kicked for missing a cue, and another boy was beaten on the head.⁴⁶

The point of these numerous examples is that there was a justification for establishing legal protection for performing children.

⁴³*New York Sun*, 4 January 1881; COTS 1.

⁴⁴*SPCC, Annual Reports*, 1882:42-3.

⁴⁵*Dramatic News*, 14 October 1882; COTS 1. The Boston location and proximity in time suggest that this may be the same company as the New Miniature Ideal Opera Company referred to in note 24.

⁴⁶"A Manager's Brutal Methods," *New York Times*, 26 April 1886; COTS 9.

Gerry was not simply a Victorian crank. Clearly, there were many children being harmed through performance. Undoubtedly, there were also many child performers who were not hurt and who enjoyed better lives through their stage work than would otherwise have been available to them. Why then, should all performances of gymnastics by children be illegal, rather than simply the dangerous ones? One reason may simply be the difficulty of defining abuse. As discussed above, both Joe E. Brown and Buster Keaton, as well as their handlers, would have argued that the children were not in danger. Yet, at one point, each was ordered off the stage by a doctor. The doctor thought it was dangerous for the child to perform in that condition. The manager did not. If performing were illegal only when it was dangerous, who would define danger? Should the decision be made by a doctor or a manager, who was sometimes a parent, and whose livelihood depended on the child? It was a slippery slope. Even more difficult to prove were dangerous conditions which caused health to deteriorate over time, such as exposure to cigarette smoke. Our own era demonstrates how difficult it is to persuade people of the health hazards of smoking, even when scientific evidence is plentiful. How much more difficult it would have been for an agent of the SPCC to convince a nineteenth-century saloon-keeper that the smoke in his bar posed a real danger to the featured juvenile entertainer. Although the law threw a wide net, SPCC procedure essentially limited prosecution to only the most obvious violators. Gerry maintained that his society rarely initiated an investigation. If no audience member of an acrobatic act was moved to complain, it was unlikely that the SPCC would investigate. A sort of natural selection could take place in which

the more benign acts were tolerated, and those which most violated public mores were prosecuted.

In addition to health, a long-term harm that concerned Gerry was the moral and emotional development of the child. He claimed that many girls, having been abandoned by the juvenile opera companies, had no recourse but prostitution. He claimed that young voices were ruined by the bad training and irregular hours so that instead of a concert career, young performers had no option but the stages of cheap saloons and dime museums. He claimed that the irregularity of stage life made regular work hours unappealing to former boy actors, who became shiftless. These same concerns would be enumerated later by Edward Clopper in his 1912 study of children involved in street trades.⁴⁷ Clopper identified three sorts of deterioration: physical, material, and moral. By material deterioration he meant the tendency to form distaste for regular employment, and having had small chance of acquiring a trade, to drift into the large class of casual workers. Under moral deterioration, Clopper included the development of independence and defiance of parental control; weakness cultivated by formation of bad habits; a liking for the petty excitements of the street; and opportunities to become delinquent. While some of these concerns sound prudish, others are valid. SPCC annual reports list many young teenage girls who were rescued from houses of ill repute. The story has long been a cliché, but having embarked on a stage career, many girls found that legitimate work opportunities ended with their girlishness. Boys, too, found many fewer parts once they moved toward puberty. That they were then unsuited for

⁴⁷Clopper, 127.

stable work is impossible to prove but probable. By outlawing the juvenile opera companies entirely, legislators arranged that children could not later be placed in these positions. This was clearly Gerry's thinking and perhaps his views dominated the 1875 New York State legislature as they later would control the SPCC. Although Gerry initially invoked only physical concerns, dangers to morality played a major role in his arguments against the Stein amendment in 1893 and in subsequent writings.

Elbridge Gerry's explanation for his campaign against stage children expressed concern only for the physical and moral well-being of children; were there other, unstated, motivations as well? An examination of some of the law's pre-history and implementation may create a context for understanding a number of contributing factors to the passage and rigorous enforcement of the anti-exhibition law. Prominent among them were class bias and social control.

It was noted above that the 1875 Act made no mention of "acting" or "reciting." This omission seems strange if the Act had been conceived as an anti-theatrical tool. Perhaps, however, it had another purpose. In February 1874, two months before the Mary Ellen case prompted the founding of the SPCC, New York State Assemblyman Scherman introduced a bill entitled "An Act To Prevent the Traffic in Italian And Other Children." While the title of this bill illustrates that its target was far removed from the theatre, its wording bears a striking resemblance to the anti-exhibition law. This earlier bill penalized anyone who "shall let out, apprentice, or give out ... such child or children to any Italian or other person for singing, playing an instrument, rope walking, dancing,

blacking boots, selling newspapers, stealing, begging, etc."⁴⁸ The identification of one immigrant group and the inclusion of such non-performance jobs as boot-blackening and selling newspapers make it clear that the original framers of this act were not thinking of performance in general, but of the activities of a particular class of immigrants. The acts specifically named were those associated with this group. The Act To Prevent the Traffic in Italian And Other Children never became law, but the strong similarity in language and close proximity in time make it likely that this bill was the model for Gerry's 1876 law. The mystery of the omission of legitimate acting from the 1876 law becomes clear when we look at its genesis. It does not appear that the legislators were considering types of performance and decided to omit "straight" acting, but that the original bill was aimed at a variety of behaviors practiced by Italian immigrants, some of which were performance. The earlier bill gives no indication of any thought of legitimate theatre, vaudeville, or operetta. The inclusion of singing and playing instruments may be attributable to the prevalence of Italian organ grinders on the streets of New York.

The original wording of the Gerry bill names only Italians. Why should this group be singled out? Although the mass immigration of Italians would not occur until the 1880s, the stream that would become the torrent was already flowing. In 1870, there were almost three times as many Italian-born residents of New York City as there had been five years earlier. Between 1870 and 1875 their number doubled. In the next

⁴⁸"A Bill To Stop the Traffic in Children," *New York Times*, 5 February 1874.

five years, it doubled again.⁴⁹ These immigrants may have drawn attention and inspired fear for a number of reasons. They looked different. Irish and German immigrants, who preceded and outnumbered the Italians, were physically indistinguishable from the native-born Anglo-Saxon Americans. The new immigrants, the Italians and the Jews, were from southern and eastern Europe. As a group, they would have looked strikingly different from the earlier Northern European immigrants. A small number would be more noticeable.

Italian immigrants were different from previous groups in other ways. As Thomas Kessner pointed out in his study, *The Golden Door*, the Italian immigrants did not come in family groups and they did not come to stay. Single men of working age made up by far the largest percentage of Italian immigrants.⁵⁰ They came to earn money for a finite period and then to return home. An 1874 Italian study reported a trend already established: "Thousands of Italians go in search of work abroad, then come back within a year or two."⁵¹ They did not make an effort to settle down or to mix into the great melting pot. As they were physically distinct, they remained culturally distinct.

⁴⁹ Rosenwaike lists the total Italian-born residents of New York City for these years as follows: 1865--955; 1870--2,794; 1875--6,507; 1880--12,223. Table 23, page 67. His figures are drawn from state and federal censuses.

⁵⁰ Thomas Kessner, *The Golden Door: Italian and Jewish Immigrant Mobility in New York City 1880-1915* (New York: Oxford University Press, 1977), 27. During 1882-3, 88% of Italian immigrants were male (33). Although this study begins in 1880, it is likely that earlier arrivals established this pattern.

⁵¹ Leone Carpi, *Dell colonie e dell'emigrazione d'Italini all'estero*. Quoted in Kessner, 28.

Italian workers often lived in groups to save money. It was the Italians who developed the infamous padrone system, which may have directly inspired Assemblyman Scherman's 1874 bill. Although workers had been recruited in Europe since the colonial period, no system was quite so effectively ruthless as the padrone system. Young boys and men were essentially indentured servants or serfs. They arrived under contract to a padrone who would supply work, room, and board, and send some money back to the family in Italy. Unfortunately many of the padrones were quite unscrupulous; they kept a large percentage of the wages and provided little in return. The young men were made to do the lowest jobs and herded into more than usually wretched conditions to live. Boys were often bootblacks.⁵² Sometimes ten or twelve boys shared a few feet of floor to sleep; they were given little to eat. They were prisoners. The exposure and arrest of the Padrone Ancarola in 1879 was one of the SPCC's proudest moments.⁵³ At the time of his arrest Ancarola had just imported seven boys between the ages of nine and thirteen. At the trial, eleven-year-old Giosue Guerrieri testified that he was under contract to play the violin for Ancarola for four years. Other boys told the same story. They had left their homes and parents only "upon the grand promises" of Ancarola, the king of the padrones. Ancarola was found guilty.

⁵²Clopper, 88. Italians and African-Americans controlled this business until 1895 when the Greeks superseded them. See also Luciano Iorizzo, "The Padrone and Immigrant Distribution," in *The Italian Experience in the United States*, eds. Silvano Tomasi and Madeline H. Engel (Staten Island, New York: Center for Migration Studies, 1970), 43-76.

⁵³SPCC, *Annual Report*, 1879:67-78.

When the SPCC used the 1876 law to prosecute theatre managers, there were frequent objections. When the SPCC applied the same law to prosecute Padrone Ancarola, New York applauded. To many, this was the purpose for which the law had been passed. This idea persisted. A dozen years later when Manager Henry French was denied a permit for the children in his light opera company to perform at Madison Square Theatre, he was dumbfounded that this law should be applied to his civilized entertainment. "Was not the law framed to cover the padrone cruelties?" he protested.⁵⁴ Yes, it was.

Whether Gerry personally shared with legislators and citizens a distrust of and distaste for the Italian immigrants, or whether he simply took advantage of public sentiment to get a bill passed which could be applied to his own concerns, is impossible to know. However, the existence of a growing anti-Italian sentiment is well-documented throughout the period. Italians were an easy target. They were poor and illiterate. According to Ellis Island records for 1900, the average Italian arrived with only eight dollars and eighty-four cents, the third lowest of all immigrant groups.⁵⁵ Incoming Italians also had a higher illiteracy rate than that of other nationality groups. Over a ten-year period at the height of Italian immigration, officials reported that more than half of all Southern Italian immigrants fourteen and over could neither read nor write.⁵⁶ This is not surprising in light of the fact that many of these

⁵⁴*New York World*, 3 January 1892; COTS 3.

⁵⁵Richard Gambino, *Blood of My Blood* (New York: Doubleday, 1974), 78. Lithuanians were lowest with \$7.96 and Scots highest with \$41.51.

immigrants came from Sicily, whose illiteracy rate in 1867 was ninety-five percent.⁵⁷ Once on American soil, the Italian immigrants had little regard for education and seldom encouraged their children to attend school.

Anti-Italian feeling extended into the halls of culture. Lawrence Levine has demonstrated anti-Italian bias in the opera world. Between 1884 and 1891, the Metropolitan Opera performed no Italian operas, and, in 1879, one writer declared that the Italians "have by no matter of means reached so high a degree of development in the art of musical composition as the Germans have."⁵⁸ World-traveler Henry James felt that Italy was a beautiful and pleasant place, but he thought that Italian immigrants in America had lost "that element of agreeable address." He found them "colorless" and uninteresting.⁵⁹

Each Annual Report of the Society for the Prevention of Cruelty to Children, published from its first year of operation in 1874, contained a section called "Details of the Most Important Cases." Especially in the early years, a significant number of these cases concerned children or

⁵⁶*Report of the Commissioner General of Immigration 1899-1909*, lists 54.2 % as illiterate; quoted in Sr. Mary Fabian Matthews, C.S., "The Role of the Public School in the Assimilation of the Italian Immigrant Child in New York City, 1900-1914," 127, in Tomasi and Engel, 125-41.

⁵⁷Leonard Covello, "The Social Background of the Italo-American School Child" (Ph.D. diss., New York University, 1944), 387, quoted in Tomasi and Engel, 127.

⁵⁸William Francis Allen quoted in Lawrence Levine, *Highbrow/Lowbrow: The Emergence of Cultural Hierarchy in America* (Cambridge, MA: Harvard University Press, 1988), 220.

⁵⁹*The American Scene* (1905; reprint, Bloomington: Indiana University Press, 1968), 128.

families who were either specifically designated in the records as "Italian" or who have undeniably Italian names. In 1875, when Italian-born residents comprised only 1.6 percent of New York City's population, the same ethnic group was involved in over sixteen percent of the SPCC's "Most Important Cases," a number ten times that of their proportion of the population.⁶⁰ The cases described in this section of the *Annual Reports* were drawn from the entire spectrum of the SPCC's work and included children who had been beaten, sexually abused, and abandoned. Yet, in 1876, ten percent of the "Most Important Cases" involved street musicians. In 1875, it was eighteen percent. The Society considered street musicians to be a significant problem. Most of these cases involved organ grinders and street violinists — two professions associated with Italian immigrants, such as the victims of Ancarola and other padrones. The SPCC was supported primarily by contributions, and these necessarily came from the comfortable classes. Whom did the organization serve? Child labor historian Jeremy Felt has stated that Elbridge Gerry was "interested primarily in the correction of idleness and vagrancy and only secondarily in the abolition of child labor."⁶¹ The genesis of the 1876 law, its wording, and its early application lend credence to this view.

In *Child Labor in City Streets*, researcher Edward N. Clopper wrote, "Some children are used as singers or performers upon musical

⁶⁰Population figures are from Rosenwaike, 67; SPCC figures are from *Annual Reports*.

⁶¹*Hostages of Fortune: Child Labor Reform in New York State* (Syracuse: Syracuse University Press, 1965), 19.

instruments, but this is in reality only another form of begging."⁶² With the passage of the 1876 law, begging by children became a crime. The Stein amendment of 1892 decreed additional non-performance activities to be unlawful: rag-picking and collecting cigar stumps, bones, or refuse from markets. The SPCC vigorously enforced these edicts. The prohibition of these activities is what today would be called a "quality of life" issue; but whose life was being protected? Children who have sufficient to eat are not likely to collect refuse from markets, nor are they likely to beg. These activities are done by people who find them necessary for survival. The children of the lower classes were not being protected by these restrictions. To the upper classes, those who are likely to be the object of begging, these activities may be annoying or repulsive. The "Italian" bill of 1874, the anti-exhibition law of 1876, and the Stein amendment all contain sections which seem to cater to the squeamishness of the rich rather than the needs of the poor, protecting the quality of life of "Americans" from the onslaught of the immigrants.

Between 1860 and 1870 the foreign-born population of New York City increased by thirty-five thousand.⁶³ During the following decade it increased another sixty thousand. Men like Elbridge Gerry, Charles Parkhurst, Henry James, and Charles Loring Brace felt that society was destabilizing. Lawrence Levine reports that the foreboding of the upper classes had begun even before the Civil War: "Philip Hone and George Templeton Strong, two of the century's great chroniclers, filled pages of their fascinating diaries with a sense of loss, looming disorder and

⁶²Clopper, 38.

⁶³Rosenwaike, 63.

chaos."⁶⁴ Mark P. Henger has discussed "mounting anxieties about the stability of class identity" as an inducement for the many undercover investigations of the poor done by reporters during the 1880s.⁶⁵ Henger asserts that the writings of these social explorers reflect a "belief that workers and the poor were somehow fundamentally different."⁶⁶ The immigrants were alien to those who considered themselves "native Americans."

Language was only part of the problem. The Italian tongue was unintelligible to most native-born Americans, but the Italians even seemed to think differently. Those who moved among them were baffled. In the words of one charity worker:

Until the Italians became numerous, we had at least means of communication with most of the families we knew. We not only spoke the same language, but they knew what we were talking about when we urged them advantages of temperance, industry, or economical living ... we seldom failed to agree in theory. [But the Italians] are truly foreigners to us. We do not speak a common language; our standards have no meaning to them.⁶⁷

The immigrants had different beliefs.

New York had traditionally been an overwhelmingly Protestant city. A 1855 New York State Census listed attendance at Catholic churches in New York City as less than ten percent of that at Protestant

⁶⁴Levine, 173.

⁶⁵Mark P. Henger, "A World of Difference: Constructing the 'Underclass' in Progressive America," *American Quarterly* 491 (March 1997): 31. Such social explorers included Nellie Bly and Stephen Crane.

⁶⁶*Ibid.*, 27.

⁶⁷Paul Boyer, *Urban Masses and Moral Order in America, 1820-1920*. (Cambridge, MA: Harvard University Press, 1978), 154.

churches.⁶⁸ But the Catholic community was growing in numbers, prominence, and power. In 1858, at the height of the Know-Nothing movement, Bishop John Hughes laid the cornerstone of St. Patrick's Cathedral. In his 1997 study, *American Catholic*, Charles R. Morris cites this as the seminal moment in American Catholicism.

The cathedral was an announcement— Hughes *intended* it as an announcement—of a great gravitational shift in the land. It enunciated a vision of Catholicism as a new power center, a major moral and political force in its own right—militant, expansionist, ethnically grounded, unapologetically separatist. ...⁶⁹

By 1879, when the finished cathedral was finally dedicated, the announcement had been heard loud and clear. To many Protestants the spread of Catholicism was particularly threatening because it signaled anarchy. As Paul Boyer has argued, "Protestant churches of the Gilded Age saw their creed not just in theological or ecclesiastical terms but as the foundation of the American social order."⁷⁰ By the time of the dedication, the American Catholic Church had grown enough to merit its first cardinal. John McClosky had succeeded Hughes as Bishop of New York, and, in 1875, was appointed cardinal. At the dedication, Cardinal McClosky stood among the rich and powerful of New York. His niece was married to Boss John Kelly of Tammany Hall.⁷¹

⁶⁸Rosenwaik, 53.

⁶⁹Charles R. Morris, *American Catholic* (New York: Random House, 1997), 25.

⁷⁰Boyer, 140.

⁷¹Fiske, 232-3. See also Charles R. Morris, 11-2.

Catholics were making their way into the halls of power, but just as the Protestant elite looked askance at the encroaching Catholics, the Catholics themselves—dominantly Irish—looked disapprovingly at their Italian brethren. An article in the *Catholic World* described the Italians as "totally devoid of what may be termed the sense of respectability."⁷² A representative sent to Rome called them "utterly faithless."⁷³ In Catholic schools, Italian children were often segregated by Irish nuns, and Italian-language Masses were held in church basements. One priest suggested that because of their "filthy conditions and habits" his Italian parishioners should hear Mass in a "cheap frame or corrugated iron barn-like chapel ... far away from the other buildings."⁷⁴

In 1873, depression struck; it would last five years. In New York City salaries in the building trades dropped from about three dollars for an eight-hour day in 1872 to about two dollars for a longer, ten-hour day in 1875.⁷⁵ That same year, the violent "Molly Maguire Riots" in the Pennsylvania mining industry resulted in the conviction and execution of ten laborers. Writing in 1959, labor historian Joseph G. Rayback concluded that this incident led the public to believe that workers were "inclined to riot, sabotage, arson, pillage, assault, robbery and murder. ...

⁷²Bernard J. Lynch, "The Italians in New York City," *Catholic World* XLVII (April 1888):68, quoted in Silvano M. Tomasi, "The Ethnic Church and the Integration of Italian Immigrants in the United States," 167, in Tomasi and Engel, 163-94.

⁷³Charles R. Morris, 90.

⁷⁴*Ibid.*, 129, 90.

⁷⁵Joseph G. Rayback, *A History of American Labor* (New York: Macmillan, 1959), 130.

This impression became the foundation of the anti-labor attitude held by a large portion of the nation to the present day."⁷⁶ The anti-labor sentiment had first been concretized with the organization of the Know-Nothing Party in 1854. Its platform, as Richard Gambino has summarized it, was "hatred of Roman Catholics, hatred of foreigners and foreign ways as un-American, and resentment of cheap immigrant labor."⁷⁷ Gambino argues that the weight of continuing Know-Nothing thought descended full-force on the Italian immigrants who "replaced the Irish as the target of anti-Catholic hatred ... [and] all the earlier immigrant groups as targets of resentment about the competition of cheap labor." He cites a notice recruiting labor to build the Croton Reservoir just north of New York City, which lists the following pay rates:

Common labor, white \$1.30 to \$1.50
 Common labor, colored \$1.25 to \$1.40
 Common labor, Italian \$1.15 to \$1.25.⁷⁸

The Italian laborers posed a threat to the security of other workers, while all immigrant groups seemed menacing to the hegemony of the native-born Protestant elite. By 1878, the estimated number of unemployed

⁷⁶Ibid., 133. For the most recent analysis see Kevin Kenny, *Making Sense of the Molly Maguires* (New York: Oxford University Press, 1998).

⁷⁷Richard Gambino, *Blood of My Blood: The Dilemma of the Italian-American* (New York: Doubleday, 1974): 97-8. Bias was sometimes demonstrated violently. See Charles R. Morris on mid-century anti-Catholic violence, chapter 3, *passim*, and Iorizzo, in Tomasi and Engel, 50, whose Table I: "Mob Violence Against Italian Americans" lists forty-two deaths across the country during the period covered by my study.

⁷⁸Ibid., 71.

across the country reached three million.⁷⁹ It was in the midst of this depression that the anti-exhibition law was passed. The question of how to contain and control the encroaching hordes became a pressing concern.

Many efforts at control took the form of philanthropy. Roy Rosenzweig, in his study of workers' leisure, *Eight Hours For What We Will*, has hypothesized that the upper classes were striving to control and contain the alternative working class culture by which they felt threatened.⁸⁰ Control was exerted through a re-shaping of the recreational spheres of the saloon, the park, and Independence Day celebrations. Rosenzweig argues "that the battle over the saloon often took on aspects of a 'class war' over the recreational world of the industrial working class" in which the "command posts" were staffed by "the native Protestant elite."⁸¹ Although Rosenzweig's study deals only with one medium-sized industrial city in Massachusetts, many of the same forces were at work in New York. In *Urban Masses and Moral Order*, Paul Boyer argues that mounting anxiety about urban disorder led to a "century long effort to impose moral conformity on urban America." Despite the variety of approaches applied, Boyer sees "powerful currents of ideological continuity" from the Jacksonian through the Progressive eras.⁸² The first part of the century saw the founding of organizations

⁷⁹Rayback., 129.

⁸⁰*Eight Hours For What We Will: Workers and Leisure in an Industrial City, 1870-1920* (Cambridge: Cambridge University Press, 1983).

⁸¹*Ibid.*, 45, 95.

⁸²Boyer, viii, 75.

which sought to bring small-town morality to the city. These included the American Bible Society, the American Tract Society, and the New York Sunday School Society. Mid-century saw the founding of the YMCA, the American Temperance Union, and Brace's Children's Aid Society. The Gilded Age saw the growth of the charities organizations movement and the playground movement. In all these groups, the energies of the native Protestant population were focused on literally reforming the character of the urban masses.⁸³

Frederick Law Olmsted, the park designer and architect to whose genius some of the most beautiful sites in New York City are due, subscribed to many nineteenth-century elitist social ideas. Olmsted agreed with his Yale classmate and life-long friend, Charles Loring Brace, that the lower classes needed a place to go in which their energy could be shaped to peaceful or non-destructive ends. In an 1853 letter encouraging Brace to go forward with the Children's Aid Society, Olmsted wrote, "The poor need an education to refinement and taste and the mental and moral capital of gentlemen."⁸⁴ This concept had been voiced two years earlier in an editorial supporting what was then called the New York Park: "It takes up popular education where the common school and

⁸³In addition to Boyer, see John G. Sproat, *"The Best Men": Liberal Reformers in the Gilded Age* (New York: Oxford University Press, 1968); David Moisseiff Scobey, "Empire City: Politics, Culture and Urbanism in Gilded-Age New York" (Ph.D. diss., Yale, 1989); and Dominick Cavallo, *Muscles and Morals: Organized Playgrounds and Urban Reform, 1880-1920* (Philadelphia: University of Pennsylvania, 1981).

⁸⁴Quoted in Scobey, 320.

ballot-box leave it, and raises up the working-man to the same level of enjoyment with the man of leisure and accomplishment."⁸⁵

Olmsted's 1858 design for Central Park was to provide that education. Olmsted used physical form as a function of social planning.⁸⁶ The Park was to be for the peaceful recreation of all classes, but they were not to mingle. According to David Moisseiff Scobey:

The Park's most celebrated design innovation—the segregation of its different traffic circuits—was the most class-inflected of these strategies of dispersal; it tended to draw elite visitors throughout the park's bridle paths and carriage drives while less well-to-do pedestrians congregated in the picnic and play grounds of the lower park. ... Public intercourse, in short, accommodated itself to the practices of class segregation.⁸⁷

The lower classes would learn how to behave from the promenading upper classes. Scobey has declared, "Urbanism became in Olmsted's hands an extension of the genteel project of moral education and social stewardship."⁸⁸ During the late 1850s, 1860s, and 1870s, this "project" was undertaken by the "best men." Scobey characterizes them as "Anglo-Saxon and Protestant by origin, Republican by loyalty. ... The 'best men' viewed city building ... as a point at which they might impose moral

⁸⁵Scobey, 355, quoting Andrew Jackson Downing, *The Horticulturalist*, 1851.

⁸⁶Albert Fein, *Frederick Law Olmsted and the American Environmental Tradition* (New York: George Braziller, 1972), 14. Brace and Olmsted were childhood friends who took a walking tour of Europe together as young men. In Fein's words, They "immersed themselves in a whole range of environmental and social matters," 16.

⁸⁷Scobey, 438.

⁸⁸Scobey, 319.

order on a disorderly public life."⁸⁹ They gave speeches on "The Public Duty of Educated Men."⁹⁰ Dr. Felix Adler co-founded the Society for the Study of Child Nature and later the Ethical Culture Society. In a speech to the latter group Adler demanded, "Why is it that in a City like this the tail rules the head; that the morally undeveloped rule the morally developed? It's your fault I say; the fault of the better class."⁹¹ This is one reason why the Rev. Dr. Parkhurst presided over the Society for the Prevention of Crime, and why it was members of the better class who supported these organizations. Boyer asserts that Olmsted "assumed unquestioningly that men of his class were duty-bound to work to elevate the moral and social tone of city life."⁹²

The playground movement in New York City during this period may be seen in the same light. Its growth paralleled the surge in immigration. In his study of the movement, Dominick Cavallo wrote, "Organized play programs were aimed at these 'foreign' populations," while "Most play advocates were middle class, Anglo-Saxon, and Protestant."⁹³ In 1875, there were no public playgrounds in New York. In

⁸⁹Ibid., 315, 323.

⁹⁰Sproat, 292, referring an 1877 speech at Union College by George William Curtis, editor of *Harper's Weekly*.

⁹¹Quoted in Breen, 777.

⁹²Boyer, 238. Scobey notes that the Park was not successful in "civilizing" the lower classes partly because it was too far away from their tenement neighborhoods in an era when transit was inefficient. He quotes contemporary observers who claim that the Park was used primarily by the comfortable classes. Urbanism was also stymied by Tweed's increasing control of city services. See Part V, "The Failure of Stewardship," especially, 451-57.

the 1880s, legislative approval was given to spend one million dollars to acquire small parks and playgrounds. By the end of the century, thirty-one schoolyard playcenters had been built.⁹⁴ Nationwide, municipal governments spent over one hundred million dollars for the construction and staffing of organized playgrounds during the period of this study.⁹⁵ Cavallo believes that for urban reformers the movement to regulate children's play "was not so much a reform undertaken on the child's behalf, ... but a medium created to reconstruct and control his moral values."⁹⁶ Boyer agrees, writing, "The rhetoric may have differed, but these playground leaders were pursuing the same objectives that their forerunners in urban moral reform had been seeking for a century: to shape a cohesive urban moral order."⁹⁷ Rosenzweig cautions against too simplistic an analysis, believing that social reformers were influenced by many factors, among them a genuine desire to do good. Nevertheless, he notes, "The obvious motives of social control and overt class biases evident in ... statements [by Olmsted] have earned park and playground reformers the disdain of subsequent historians."⁹⁸

⁹³Dominick Cavallo, *Muscles and Morals: Organized Playgrounds and Urban Reform, 1880-1920* (Philadelphia: University of Pennsylvania Press, 1981), 6, 23.

⁹⁴McArthur, "The Chicago Playground Movement: A Neglected Feature of Social Justice," *Social Science Review* 49 (September 1975): 378. Charles Zueblin, *American Municipal Progress*, revised ed. (New York: Macmillan, 1916), 296.

⁹⁵Cavallo, 2.

⁹⁶*Ibid.*, 17.

⁹⁷Boyer, 243.

Whatever the judgment of history, nineteenth-century reformers felt it was not only their right, but also their duty, to tend to — or civilize — the lower classes. Children were the key to the future and were often the specific targets of reform, as in the Children's Aid Society and the child study and playground movements. Boyer has observed that the mid-century Sunday school literature viewed slum children as victims of "the 'ruinous' influence of 'intemperate,' 'profane,' 'dishonest,' 'brawling,' 'licentious,' 'profligate,' and 'vicious' parents."⁹⁹ Scobey writes that by the post-war boom, "Street children had long been lightning rods for anxiety about public order."¹⁰⁰ The children needed to be rescued. Brace and Gerry were just two in a long line of rescuers. As Boyer concludes, "In the Progressive playground movement no less than in the Jacksonian Sunday school movement, children were seen as the key to the creation of a moral and cohesive urban order."¹⁰¹ This is one reason why a millionaire such as Gerry would found the SPCC and expend so much energy on its aims. Elbridge Gerry was one of the "best men." He loved yachting and could have devoted more of his time to pleasure, but he was driven by a strong sense of moral duty. In his study of Gilded-Age Reform, "*The Best Men*," John G. Sproat writes that following the corruption of Grant's presidency, discouraged Republicans looked to reform and searched for men who could lead. "The ideal politician, most reformers agreed, was the man willing to sacrifice

⁹⁸Rosenzweig, 127.

⁹⁹Boyer, 39.

¹⁰⁰Scobey, 257-8.

¹⁰¹Boyer, 246-7.

himself for reform. He was a teacher who taught by example as well as by precept."¹⁰² He could almost have been describing Elbridge Gerry. Although not drawn to politics, Gerry nevertheless wanted to reform society. Unlike reform politicians, who rarely lasted more than one term, Gerry was not deterred by his unpopularity. Frequently caricatured and even vilified, he was undaunted. His participation in the Stage Children's Christmas Festival and his other grand gestures were the instructions of a teacher. He expected that other would follow his example because he was doing his rightful duty. Many did follow. Officers and Directors of the SPCC included Cornelius Vanderbilt, W. H. Macy, and Theodore Roosevelt; contributors included J. P. Morgan, Russell Sage, and other familiar New York names, such as Astor, Stuyvesant, Van Courtland, and Tiffany.¹⁰³ Helping the poor, and thereby controlling them, was one way of maintaining class identity and stability.

Thus the passage and rigorous enforcement of the anti-exhibition law may not be attributable to a Victorian anti-theatricalism, as has been charged.¹⁰⁴ However, there is sufficient evidence to argue that it may have sprung from motives which were not wholly altruistic. This course of action was, in part, an early instance of the response of the traditional Protestant elite to the proliferation of immigrants who seemed increasingly alien in behavior and belief. This reaction would grow more pronounced in the closing years of the nineteenth century and then

¹⁰²Sproat, 69.

¹⁰³SPCC *Annual Reports*, 1875-1919.

¹⁰⁴See Johnson *passim*.

wane during the twentieth. I do not suggest that class bias was ever the sole motivation for the events under discussion, merely that it was a significant factor. Paradoxically, it was this factor which contributed to the ultimate failure of the anti-exhibition law.

As the Gilded Age drew to a close and the Progressive Age surged forward, both the nature of immigration and the nature of the social reformer changed. The Great Melting Pot took effect. Not all of the Italians had returned home. The American-born children and grandchildren of 1874's Italian organ grinders intermarried with the Irish descendants of Boss John Kelly of Tammany Hall. They became the new Americans. The prominence of the old elite faded and with it an appreciation of their special status. The anti-exhibition law never kept children off the stage as effectively as it kept classes distinct. As the impetus to accomplish this diminished, so did the effectiveness of the law.

Chapter 4

Training vs. Education: The Debate Over a Stage Child's Best Path to Adult Success

"My love for performing was fated to clash with my love for learning," wrote Yiddish theatre star Molly Picon, who began her career at age five.¹ She was not alone. Formal education seemed bound to conflict with careers that happened mainly at night and/or on tour. The education of stage children was a hot button issue throughout the period examined in this study. There was a wide range of opinion — about both what was, as well as what should be. The definition of education, like that of childhood, was in flux during this time. A centuries-old notion of education was gradually giving way to a modern, twentieth-century view. Before taking up the question of stage children's education, this chapter will review the conflicting educational models and consider how they informed the debate over stage children.

Traditionally, the only education necessary for any child was that which would enable him or her to earn a livelihood, i.e., vocational training. For centuries, children had been trained in familial occupations by working alongside their parents. If this wasn't feasible, children were apprenticed outside the household for on-the-job training. In the minds of most people, there was little separation between a child's education and his labor. This thinking was shaped by centuries of custom. Medieval European economy took for granted the labor of children. Parents trained their children in the fields and shops, and estate

¹Molly Picon with Jean Bergantini Grillo, *Molly!* (New York: Simon and Schuster, 1980), 21.

managers counted on children's labor to insure cultivation. Child workers were integral to the organization of feudal society.²

In the Renaissance, apprenticeships were commonplace. A visitor to fourteenth-century England observed:

[H]aving kept them at home till they arrive at the age of seven to nine at the utmost, they put them out, both males and females, to hard service in the houses of other people, binding them generally for another seven to nine years. And these are called apprentices, and during that time they perform all the most menial offices; and few are born who are exempted from this fate, for every one, however rich he may be, sends away his children into the houses of others, whilst he, in return receives those of strangers into his own³

This practice was not unique to England. As social historian John R. Gillis has noted, "Informal and formal apprenticeship of children prevailed in all [European] countries until the eighteenth century."⁴ The children of Venetian glass-blowers learned their parents' craft in the fourteenth century just as the offspring of Flemish weavers learned theirs three hundred years later. Gillis asserts, "For the weaver's children the work place was both school and recreation."⁵ The tradition moved to America. Fictional hero Johnny Tremain, apprenticed to a silversmith

²R. W. Southern, *The Making of the Middle Ages* (New Haven: Yale University Press, 1953), 101-2; M. M. Postan, *The Medieval Economy and Society* (Baltimore: Penguin, 1972), 141.

³John R. Gillis, *Youth and History: Tradition and Change in European Age Relations, 1770-Present* (New York: Academic Press, 1981), 8, quoting *A Relation or rather a True Account of the Island of England about the year 1500*.

⁴Gillis, 9.

⁵Gillis, 49.

in Revolutionary War-era Boston, is just one of many examples. General obligatory apprenticeship was not abolished in England until 1814, just sixty years before New York State moved to enforce formal "book-learning" for all.⁶

Apprenticeship was customary in theatre as well as in other fields. The presence of children on stage from ancient to modern times has been previously demonstrated. It follows that these children had to have training. This training generally took the form of practical stage work, either with their own family or with others. Strolling players in ancient Italy were often family groups with mother, father, and children each playing their part. An epitaph from the age of Sulla tells us of the grief of parents over the death of a mime actress, Eucharis, who was only fourteen years old. She had just been reaching renown and "was so skilled in her profession that it seemed the Muses themselves had taught her."⁷ All of the famous *commedia delle' arte* troupes, such as the Andreini and the Gelosi, were family-based, as were touring acrobats. Spanish companies in the sixteenth century were family-based by law, since only actresses who had husbands or fathers in the group were licensed to appear.⁸ The English choir schools and boy apprentices of Shakespeare's day are universally acknowledged. When Myra and Joe Keaton brought little Buster into the act, they were practicing an ancient custom. So were the Browns and other parents who lent or rented their

⁶Gillis, 51.

⁷W. Beare, *The Roman Stage*, 3d ed. (London, Methuen, 1964), 152.

⁸Hugo Albert Rennert, *The Spanish Stage in the Time of Lope de Vega* (New York: Dover, 1963), 142.

child to a professional performer for training. In this tradition, the child was entitled to vocational training which would fit him for a specific occupation. Training was essential; education was superfluous.

Certainly, not every child who served an apprenticeship — in acting or another craft— was guaranteed a successful adult career in that field, and many apprentices must have found their lines uncongenial. However, the apprenticeship provided all the basis thought necessary for adulthood. After that, it was up to the individual to make his way. Formal education was a pastime for a small, generally male, elite.

By the third quarter of the nineteenth century, views on education had changed. Literacy was no longer for the few but for the many. In France, for example, eighty-two percent of the population was reading by 1878.⁹ England established free primary schools with the Education Act in 1870, and made attendance compulsory soon after.¹⁰ New York State passed its first compulsory education bill in 1874, just two years before the Gerry law. Modernists and reformers believed that a formal education was essential for every child. The purpose of this education was not to prepare a child for a single job, but to train his mind and to expose him to a wide variety of disciplines and ideas. It was thought that some sort of intellectual development was necessary in order to equip children for life in the modern age, but not everyone agreed. Philippe Ariès has noted the discrepancy between the educational treatments of middle-class and lower-class children in the nineteenth century.¹¹ In

⁹Roland N. Stromberg, *An Intellectual History of Modern Europe* (New York: Appleton-Century-Crofts, 1966), 329.

¹⁰*Ibid.*

¹¹See chapter one, note 83.

New York, many working class parents resisted sending their children to school.¹² To them, the value of a child's paycheck seemed far more tangible than the education available in school. They were seeing education—and childhood—from the traditional, rather than the modern point of view.

These differing opinions on the value and the purpose of childhood experience formed the subtext of the debate over the education of stage children.

The issue was complex, with each premise calling forth more questions. When Elbridge Gerry charged that the education of stage children was being neglected, he made three assumptions: (1) that children should receive a formal education; (2) that regular schooling was the best means of acquiring that education; and (3) that a performing child was not attending school regularly. His vocal opponents might have objected on the basis of any one of the three, either philosophically on points one and two, or factually on point three. Gerry subscribed to the modern view of childhood and education. Another modernist might accept his belief in the value of a liberal education but question whether formal schooling was in fact the best course to that end. Traditionalists, who thought of acting as a craft, dismissed the importance of a formal education altogether; they supported the apprenticeship model, believing that on-the-job training was a child's most worthwhile preparation for adulthood. This stance prompts an inquiry into the effectiveness of an apprenticeship in guaranteeing a successful adult career.

¹²See chapter three, especially page 94.

Accepting for the moment the validity of Gerry's first two assumptions, let us try to determine the accuracy of his charge. Were stage children denied schooling? Even this simple question is difficult to answer definitively. There is no statistical documentation on how much schooling the average stage child received. There is, however, plentiful anecdotal information, particularly about those children who went on to theatrical success as adults.¹³ Yiddish theatre star Molly Picon had two years of high school. Jimmy Durante attended school through seventh grade; George Burns through fifth. George Jessel had eight months of formal schooling during his childhood. George M. Cohan had only six weeks of formal schooling, but never regretted it. Buster Keaton went to school just one day and many of Keaton's friends believe that he never learned to read.

Even for students who attended regularly, the strenuous schedule made progress difficult. Picon writes, "Our shows had four and sometimes five acts and finished well after midnight. Then to have to get up at 7:00 A.M. to go to school was not easy."¹⁴ The SPCC charged that children who worked at night could not be alert in the morning. Concerned citizens sought evidence. In 1907, a boy named William Brown, who was appearing in *Neptune's Daughter* at the Hippodrome Theatre, was noticed yawning in school. By this point, the permit system was in effect whereby the SPCC advised the mayor on whether or not to

¹³The following examples are drawn from various biographies and autobiographies; on Picon, see Picon, 21; on Cohan, see McCabe, *George M. Cohan: The Man Who Owned Broadway* (New York: Doubleday and Company, 1973), 10; on Durante, Burns, Jessel and Keaton, see Meade, 39.

¹⁴Picon, 16.

allow specific children to perform. Certainly William was not the only boy who yawned in school, but, aware that he was working nights, Brown's teacher reported him to the Society, which promptly canceled his permit. William's employer, stage director Richard Temple, swore he would never work with a child again. Temple told the press that he would lobby for vigorous enforcement against other theatres so his competitors wouldn't have an advantage.¹⁵

In some cases, the families' nominal belief in the importance of their children's education bowed to expediency. Joe E. Brown's contract said that acrobat Billy Ashe would return him to his parents in September to resume his studies. But when Ashe booked the act in a string of "cheap honky tonks" during the fall with no intention of returning ten-year-old Joe, the Browns did not intervene.¹⁶ When young Della Fox went out on tour in *Editha's Burglar* in 1883, her parents extracted a promise from the tour manager to tutor her himself. The child's role was central to the play's realization. The tour manager and playwright was twenty-six-year-old Augustus Thomas, who would subsequently gain his first major success with the full-length version of *Editha's Burglar*. Thomas would become a major spokesperson in both the debate over child actors and the formation of Actors Equity Association. But in 1883, as his memoir makes clear, it was all the ambitious young man could do to keep the struggling company together. While Thomas reports that he gave extra lessons to Della as fines for bad

¹⁵"Child Actor Dropped," *New York Times*, 9 May 1907; COTS 14.

¹⁶Brown and Hancock, 55.

behavior, it is difficult to tell how seriously he took his pedagogical duties.¹⁷

When Elbridge Gerry and the SPCC argued that stage children were being denied a necessary education, the theatre profession defended itself vociferously. Some producers unquestionably shared Gerry's views on the importance of schooling, but insisted that they went to a great deal of effort to make sure that education was not short-changed. Actor-manager Chauncey Olcott was praised for imparting a love of learning to the children in his shows. He provided a governess to instruct them and encouraged them to be taken off the stage to complete their education.¹⁸ Manager George Tyler, who later produced and encouraged Eugene O'Neill, was another modernist. He hired a tutor for the juvenile cast members of *Mrs. Wiggs of the Cabbage Patch*, declaring, "I don't want these children to learn only what the stage has to offer. They must not be robbed of their childhood right to education. ... I mean to do something for them and to educate them while they are on the road."¹⁹ By 1909, one writer thought the problem was solved. In a long feature supporting Frances and Morin Fuller, *New York World* ran a photo of fifteen successful stage children. Praising their intellectual sophistication, it stated, "Thanks to the steady influence of the Gerry laws, parents of

¹⁷Augustus Thomas, *The Print of My Remembrances* (New York: Charles Scribners Sons, 1922), 166.

¹⁸"Stage Children Go To School," *Chicago Inter-Ocean*, 23 September 1902; COTS 13.

¹⁹"Managers Who See To It That the Training and Education of the Little Artists Is Not Neglected," *Brooklyn Eagle*, 2 February 1908; COTS 14.

wee players are now more particular about the education of their children."²⁰

Francis Wilson was a self-taught avaricious reader whose library was his pride and joy.²¹ As fervently as he fought for the rights of children to perform, he believed in their need to be educated. In 1910, he announced a plan to establish a four-room school next door to the American Academy of Dramatic Arts to provide a no-cost education for children performing on Broadway. The school would teach language, history, and arithmetic between one and three o'clock each afternoon.²² Wilson's school never materialized, but just a few years later, in 1914, the Professional Children's School was founded.

The need for young actors to have formal schooling was recognized by Mrs. Franklin W. Robins and Deaconess Jane Harris Hall, the founders of PCS, when they discovered five young actors backstage playing poker instead of studying.²³

Among its students in the early years were Milton Berle, Ruby Keeler, and Patsy Kelly.²⁴ The school still flourishes today, providing an academic education with flexible schedules to accommodate students pursuing careers in modeling, music, ballet, theatre, and other related professions.

²⁰*New York World*, 24 April 1909; COTS 15.

²¹Wilson Obituary, *New York Herald Tribune*, 18 October 1935; NYPL, Billy Rose Theatre Collection, clippings file.

²²*Brooklyn Citizen*, 8 May 1910; COTS 15.

²³Professional Children's School informational packet, 1997.

²⁴Lillian Roth, *I'll Cry Tomorrow*. (New York: Frederick Fell, 1954), 25.

Some members of the theatrical profession defended the lack of formal education, however, asserting that the theatre was an education in itself. They contended that children needed an education, but not necessarily a school. Wilson argued this at one juncture, pointing out that through their travels and stage work, young actors learned about history, geography, and literature — thereby gaining a liberal education.²⁵ As a co-founder of the National Alliance for the Protection of Stage Children, Augustus Thomas debated Jane Addams in 1911. "There are only thirty chances in a year for a child actor to appear in a play in the city," he declared. "Every one of these chances is as valuable to the child who gets it as a Rhodes scholarship to a university man."²⁶ In a pamphlet published that same year Thomas wrote, "The stage, with its lessons of history, costume and custom ... is a liberal education ... in going to the stage [the child] is going to school."²⁷

The most intense debates regarding the instruction of stage children did not deal with the concept of a liberal education at all, however. They focused on the much more traditional idea of apprenticeship. To some, professional children were being given an invaluable gift. As actor David Warfield, one of David Belasco's leading players, entreated, "Why make it impossible for them to learn an art

²⁵*Morning Telegraph*, 21 February 1910; COTS 15.

²⁶*Evening Journal*, 6 December 1911; COTS 15.

²⁷"Stage Children of America" (New York: Alliance for the Protection of Stage Children, 1911), 7-8; quoted in Viviana Zelizer, *Pricing the Priceless Child* (New York: Basic Books, 1985), 93.

which tops all other arts?"²⁸ Unconsciously subscribing to the traditional view which privileged training over education, many theatre professionals insisted that childhood experience was not only useful, but essential for those hoping to pursue a stage career. Actors who had grown up on the stage maintained that early stage experience was absolutely necessary in order to attain a high level of craftsmanship. To ban children from the stage today was to deprive the stage of great talents tomorrow. British stage star Ellen Terry spoke at a 1911 benefit for the National Alliance for Stage Children insisting, "You can't have grown actors without child actors. ... If you stifle the dramatic genes in the boys and girls of today there is going to be a famine of good actors to entertain your children."²⁹ Although this argument is rarely mentioned in connection with the child actors of the 1990s, it was a significant element in the controversy that raged a century ago.³⁰ To the traditionalists, the goal of childhood stage experience was very specific: success on the stage as an adult.

The debate was waged endlessly in the New York newspapers and periodicals of the day. Spokesmen for the theatre produced long lists of famous actors who began their careers as children. The SPCC, and later the National Child Labor Committee, produced equally long lists of

²⁸"As To Children On Stage," *Omaha Herald*, 1 November 1908; COTS 14.

²⁹*New York Tribune*, 5 March 1911; COTS 15.

³⁰The necessity of early training, while not generally urged for child actors busy with sitcoms and commercials, is a dominant factor for today's children in ballet, gymnastics, and figure skating, and will be discussed in chapter 5.

actors who had not begun performing until adulthood, yet had nevertheless achieved distinction. Prominent among those testifying to the benefits of early stage experience were Joseph Jefferson, Francis Wilson, Minnie Maddern Fiske, and Ethel Barrymore. In 1892, Harrison Fiske's *Dramatic Mirror* published a list of one hundred fifteen adult performers who began their careers in childhood including European stars, Adelaide Ristori and Sarah Siddons.³¹ Sixteen years later, as the controversy continued, *Women's Home Companion* submitted Maude Adams, Mabel Taliaferro, Henry Dixey, Annie Russell, and Mabel Hollins as further evidence that childhood stage experience led to adult success.³²

Some theatre professionals disagreed. Producer David Belasco wrote

I am by no means certain, even when a child shows great precocity for acting, that to place it in the theatre at a tender age is the best way to develop its character or cultivate its talents for future use. My own way would be to supervise with greatest care its health and education under domestic influences, and then give it a later start on the stage.³³

The *New York Times* estimated in 1910 that, of five hundred prominent actors, only ten percent had begun as children.³⁴ More recently, historian

³¹"The Mirror Versus Gerry," *Dramatic Mirror*, 5 November 1892; COTS 4.

³²"Stage Children Who Grew Up," *Women's Home Companion*, 1909; COTS 15.

³³David Belasco, *Theatre Through Its Stage Door* (1919; reissued, ed. Louis V. Defoe, New York: Benjamin Blom, 1969), 132.

³⁴"Managers Urge Crusade to Aid Stage Children," *New York Times*, 6 February 1910, COTS 15.

Benjamin McArthur revisited the question in his book, *Actors and America Culture, 1880-1920*. McArthur based his study on actors listed in *Who's Who*. Using this measure of success, McArthur found that of one hundred forty-three leading players on the legitimate stage during this period, about a quarter of the men had acted as children, compared with forty-two percent of the women.³⁵ In other words, three-quarters of the successful actors he surveyed attained that success without the benefit of childhood experience. These findings seem to indicate that it was quite possible to succeed without early experience.

McArthur's study began with adult actors who had attained a level of prominence. The actors in his sample were those listed in the *Dictionary of American Biography*, *National Encyclopedia of American Biography*, and *Notable American Women, 1607-1950*.³⁶ These individuals had not only earned esteem in the world of theatre, but were thought of sufficient repute to be included in national directories of those prominent in many fields. My research moved in the opposite direction. Through materials in the SPCC and Shubert Archives, I have identified two hundred eleven stage children who worked at some time between 1875 and 1919. Although there were certainly many other professional children, documenting individual performers is difficult. Included in my sample are only those children for whom I have verified a name connected to at least one specific instance of professional performance in New York City. From this pool of child performers, I

³⁵Benjamin McArthur, *Actors and American Culture, 1880-1920* (Philadelphia: Temple University Press, 1984), 39.

³⁶*Ibid.*, Tables 6,8,9, and 10 on pp.31, 34, 38, and 39.

have tried to identify those whose careers continued into adulthood. A search of various editions of *Who's Who on the Stage* revealed entries for only seventeen of the previously identified child performers.³⁷ This publication is certainly not the only determinant of success. Many actors have long theatrical careers without ever achieving the prominence that would prompt their inclusion. In addition, many childhood performers could have achieved later success as performers in venues of which *Who's Who* did not take note, or under different names. However, the proponents of early stage experience argued that this route was the best path to one specific goal: prominence on the legitimate stage. This is the precise achievement acknowledged by inclusion in *Who's Who*. Although it could easily be made, I have found no record of any argument that an early stage career inculcated habits that might be profitably applied to other professions. Although many disputed Gerry's claim that early theatrical work led almost invariably to moral ruin, I have found no record of a claim that it created *better* citizens or workers. Supporters claimed only that an early performance career would not irrevocably damage a child and that it bettered his chances of adult success on the legitimate stage. Thus, although inclusion in *Who's Who* is only a measure of one particular kind of success, it is appropriate here since it was that very particular brand of success which was at issue. Given the fact that only seventeen out of a sample of two hundred

³⁷Walter Browne, *Who's Who on the Stage* (NY: Walter Browne & F. A. Austin, 1906); Walter Browne and E. De Roy Koch: *Who's Who on the Stage* (NY: B. W. Dodge & Company, 1908); Dixie Hines & Harry Prescott Hanaford, eds., *Who's Who in Music and Drama* (NY: H. P. Hanaford, 1914); *Who Was Who in the Theatre 1912-1976*, compiled from *Who's Who in the Theatre*, vols. 1-15 (Detroit, MI: Gale Research Company, Book Tower, 1961).

eleven names are listed, about eight percent, it does not appear that childhood experience significantly increased chances for an adult stage career which was successful by this criterion.

What happened to the other ninety-two percent of these child performers? This question is impossible to answer quantitatively. Although I cannot undertake it at this time, a long-term study whose goal was documenting these careers would undoubtedly produce results. Such a study would trace those individuals already identified using Durham's *American Theatre Companies*, Odell's *Annals of the New York Stage*, Brown's *A History of the New York Stage*, along with contemporary reviews and memoirs. Additional names could be gleaned from a comprehensive survey of reviews if it is kept in mind that children's roles were often played by women. For the present study, I am forced to fall back upon the abundant anecdotal references to the post-childhood careers of stage children.

Some former child performers found other jobs in the theatre. Willie Seymour, who as a child had performed with Edwin Forrest in *Metamora*, stage managed for Augustus Thomas and later for Charles Frohman.³⁸ Mrs. E. L. Fernandez, who began performing "almost in babyhood in Burton's theatre," was quite successful running an agency associated with Klaw and Erlanger for over twenty years.³⁹ Thomas Yore, who stage managed for Richard Mansfield; Jack Oakley, the manager of a show called *The Limited Mail*; and John McKeever, the treasurer of

³⁸Thomas, 264.

³⁹Henry French, "Entertaining Talk With a Theatrical Woman," *New York Mercury*, 27 January 1895, COTS 8.

Wallack's Theatre, were all former child actors.⁴⁰ One also finds stray comments on former child actors who left the theatre, such as Tommie Russell, one of the original Little Lord Fauntleroy's, who went quietly into real estate; Lotta Crabtree, who retired young and wealthy due to her mother's clever management of her childhood earnings; and Mlle. Bertoto, who died young, without the money to pay for a funeral, after her mother squandered hers.⁴¹ But for the most part, it is impossible to determine if the ninety-two percent of child performers I have identified who did not have outstandingly successful performing careers as adults had acquired the skills necessary to make a living in another field, or whether the price of youthful employment in the theatre was too high.

In 1896, a "bloated woman, shabbily attired and reeking with the odor of whiskey," staggered into a New York City police station and asked to spend the night. A judge recognized her as Jennie Worrell, a former member of the singing and dancing trio of children called the Worrell Sisters.⁴² In 1904, a fourteen-year-old girl entered a police station and asked to be sent to prison where she could "be good." Her stage work having dwindled with her childhood, she had been dancing in music halls and felt there was no other way to escape prostitution.⁴³ Because of

⁴⁰"Gerry Discussed By Mrs. Fernandez," *Hartford Telegraph*, 2 January 1898, COTS 11.

⁴¹Russell alternated the role with Elsie Leslie. *New York Herald*, 29 December 1897, COTS 10; *New York Recorder*, 14 March 1896, COTS 9; "Child Performers," *New York Dramatic News*, 20 January 1894, COTS 7.

⁴²"A Stage Favorite's Fall," *New York World*, 25 May 1896, COTS 9.

⁴³"Child Actress Seeks Prison," *San Francisco Call*, 1 August 1904, COTS 13.

cases like these Elbridge Gerry asserted that children who began on the stage ended in the streets and whorehouses. I have previously argued that his attitude was not a prejudice born of anti-theatrical Victorianism, but a conclusion based on practical experience. Gerry was not a sociologist or psychologist; indeed, the study of the effects of experience on children was just beginning. He had nothing to go on but examples and intuition. Were there emotional or psychological factors that made theatre work unfit for children? Jane Addams thought so. "Stage children forfeit their childhood," she wrote.⁴⁴ Many theatre practitioners agreed. Mary Pickford reflected that her childhood career struggle "matured me very early, I suppose, but it cheated me out of any real childhood."⁴⁵ Milton Berle was the fourth of five children born to an ambitious mother and a father who could not seem to hold a job. For most of his childhood, "Miltie" was the family bread-winner. "I guess I thought my childhood was fun while I was living it. Looking back, I can feel in my gut that it was lousy," wrote Berle. "It was still a good few years before I learned words like *tension* and *resentment* and *hostility*. ... You don't take on grown-up responsibilities while living inside a kid's body without paying a price for it."⁴⁶ Clearly Berle's and Pickford's comments are from their adult perspective, and many children from poor families were working. The difference was that the performing child was unique in the

⁴⁴ *New York Morning Sun*, 6 December 1911, COTS 15.

⁴⁵ Pickford, 47.

⁴⁶ Milton Berle with Haskel Frankel, *Milton Berle, An Autobiography* (New York: Delacorte Press, 1974), 44, 62.

family. He or she was not merely a contributor, but frequently the *sole* bread-winner.

David Belasco, in the quotation cited above, remarked that, in his opinion, early stage experience was not the best way to develop the talent *or character* of a child. One of Belasco's stars was Mrs. Leslie Carter, who turned to a theatrical career following her sensational divorce. Although she had never acted as a child, Mrs. Carter has strong opinions on the subject. Interviewed in 1909, she said she didn't think the stage was a place for children. "It makes them too precocious. Stage life robs them of the infantile manners and grace they ought to have."⁴⁷ Fanny Davenport was one of Daly's leading players.⁴⁸ The daughter of an actor, she had been a popular child actress herself in the 1850's. Like many theatre professionals she resented Gerry's interference, yet she agreed that a theatre was not an ideal place in which to develop a child's character.

I do not ... approve of children taking to the stage in their tender years. The atmosphere of the average playhouse, particularly behind the wings, is not, I think, a healthy atmosphere for a child. It must deaden, if not entirely destroy a child's moral perceptions to witness and listen to the talk and actions we all know are indulged in by some of the lower orders of our profession. ... I never see it without thinking it would be better off at home.⁴⁹

In spite of this oft-repeated sentiment, the idea that childhood experience was necessary persisted.

⁴⁷"Gerry Agents Keep Mrs. Carter Busy," *New York American*, 10 February 1909, COTS 15.

⁴⁸Wilmeth, *Cambridge Guide*, 121.

⁴⁹"A Chat With Fanny Davenport," *New York Dramatic Mirror*, 23 November 1895, COTS 8.

One solution to this dilemma was to find a way to train future artists for the stage without the danger of exploitation. The drama school was born. Reformers seized upon drama schools as a solution. Everett W. Lord, Secretary of the New England chapter of The National Child Labor Committee, insisted in 1910 that training for a stage career did not have to be *on* the stage.⁵⁰ As reported above, Jane Addams encouraged drama by children at Hull House. Speaking at the Child Welfare Congress in 1911, Professor S.H. Clark claimed that the primary benefit of early dramatic training was the development of freedom and the unconscious, and that this could be accomplished in a school, "Where they may be taught and trained under the direction of competent teachers in an environment suited to childhood and youth."⁵¹

For adult actors, drama schools satisfied a desire for legitimacy. Benjamin McArthur has illustrated how the drive for professionalism swept many industries during this time. He writes:

At no point does the history of acting and the wider history of occupations intersect more clearly than in the last two decades of the nineteenth century. Players became a part of the most important occupational trend of American history, the diligent pursuit of professional standing.⁵²

While McArthur points to the rising number of academies and the popularity of professional training in numerous fields, he feels that the need for acting academies was genuine. The theatre industry was being

⁵⁰Everett W. Lord, "Children of the Stage," (New York: National Child Labor Committee, 1910); COTS 15.

⁵¹Breckinridge, 305, 406.

⁵²McArthur, *Actors and American Society*, 85.

reorganized during this period. The old stock company system collapsed and, with it, the forum for apprenticeship training. McArthur claims that the supply of experienced actors could not keep up with the demand. Another system of training had to be found. In 1879, *Illustrated Weekly* called on universities to train actors just as they did doctors and lawyers. The *Dramatic Mirror* repeated this call in an 1895 editorial declaring, "The profession can make no better headway without schools of instruction than can the profession of the law or that of medicine."⁵³ In response to the need, a number of academies were founded in New York including the Lyceum Theatre School in 1884 (later, the American Academy of Dramatic Arts), The Empire Theatre Dramatic School in 1893, (later, the Stanhope-Wheatcroft Dramatic School) and the National Dramatic Conservatory in 1898.⁵⁴ The establishment of professional acting schools served two purposes for the adult actor. It supplied training for the neophyte and it satisfied the need for credentials of professional respectability. For child actors, dramatic academies provided the additional benefit of removing the child from a setting of possible exploitation and/or corruption, without bankrupting the theatre of the future. Some theatre professionals scoffed at the idea of learning acting in a classroom. As McArthur observed, "To a generation accustomed to apprenticeship as the only conceivable means of learning a trade, acting

⁵³Ibid., 99, quoting *Illustrated Weekly*, 8 March 1879, and *New York Dramatic Mirror*, 26 October 1895.

⁵⁴James H. McTeague, *Before Stanislavski: American Professional Acting Schools and Acting Theory 1875-1925* (Metuchen, NJ: Scarecrow Press, 1993), 45, 205, 217.

schools seemed patently ridiculous."⁵⁵ Mrs. E. L. Fernandez, the most important children's agent of the 1880s and 90s, insisted that stage experience was the only acceptable training and that drama schools only made children into "automatons."⁵⁶ Nevertheless, the idea had caught on.

In 1889, Mrs. Arnetta Wood, a woman with some stage experience, put her three-year-old daughter, Carlotta, on the stage. "Little Tuesday," as the girl was called, had a thriving career until she clashed with Elbridge Gerry five years later.⁵⁷ Although Mayor Grant had given her a permit to appear in *The Still Alarm* at the Fourteenth Street Theatre, Gerry served an order to the manager enjoining the performance.⁵⁸ This occurred during the time of the Wang controversy disputing Gerry's interpretation of the Stein amendment. Gerry, it will be recalled, was triumphant. Little Tuesday, along with a host of other young players, was stymied. At age eight, she retired to become a schoolgirl. Mrs. Wood was in need of an income. She decided to begin training children for the stage. By 1896, she already had several pupils. Her goal was to train them

⁵⁵Ibid., 103.

⁵⁶"Entertaining Talk With a Theatrical Woman on Dramatic Topics," *New York Mercury*, 27 January 1895; COTS 8.

⁵⁷"Little Tuesday a Schoolgirl," *New York Sun*, 20 January 1896; COTS 9.

⁵⁸*New York Recorder, Times, Morning Advertiser*, 6 September 1892; COTS 4.

to be natural, not parrot-like. She used the Delsarte system to make them graceful, and "gently explained" to them the plays of Shakespeare.⁵⁹

Another stage mother had the same idea. Mrs. Anna Taliaferro had two talented daughters, each of whom went on the stage at age two. Mabel Taliaferro (born 1887) made a hit in *The Little Princess*, *Little Lord Fauntleroy*, and *Editha's Burglar*. Playwright James A. Herne reportedly called her "the greatest child actress in the world."⁶⁰ She was under contract to Liebler and Company for ten years and became a protégé of Ethel Barrymore and Maude Adams. The arrangements for Mabel's 1917 appearance in a play called *The Woman Thou Gavest Me* testify to her successful transition from juvenile to adult performer.⁶¹ The contract set Mabel's salary at seven hundred dollars a week and declared:

It is expressly understood that in the matter of billing, advertising, program listing and arrangement, the selection of dressing, state and drawing rooms, and traveling and theatre accommodations generally, you are to be given first and preferential treatment.⁶²

Younger sister Edith (born 1892) played in Herne's *Shore Acres* and in *Rebecca of Sunnybrook Farm*. When she was appearing as "Lovely Mary" in *Mrs. Wiggs and the Cabbage Patch* at age fourteen, *Leslie's Weekly* reported that Edith was the "highest paid girl on the stage."⁶³

⁵⁹*New York Sun*, 20 January 1896; *Dramatic Mirror*, 25 January 1896; *New York Recorder*, 26 October 1896. It is not clear how successful Mrs. Wood's school was. I found no record of it beyond 1896.

⁶⁰Unidentified clipping in COTS 13.

⁶¹*New York Evening Journal*, 22 May 1902; COTS 13.

⁶²Contract dated 28 March 1917 between Taliaferro and the Derwent Hall Caine Producing Company; Shubert Archive, Contracts Series II, no. 43A.

Their mother did not wait for these geese to stop laying golden eggs before she began hatching plans of her own. By 1899, Anna Taliaferro had established a school with an aim vastly different from that of Mrs. Wood. Mrs. Taliaferro's students were trained to imitate the voices and actions of leading actors and actresses. It seems that she strove for the precise "parrot-like" result which Mrs. Wood and Mrs. Fernandez disdained. A reporter for the *New York World* who attended a performance by Taliaferro's students wrote that "A person witnessing one of their plays almost imagines he is seeing famous performers in miniature."⁶⁴ The article is accompanied by photos of the children in costume and character with captions such as, "Adie Robinson as Annie Russell in *Catherine*," Reba Kaufmann as Olga Nethersole in *Camille*," "Lily Gentle as Anna Held," and "Lillian Claire and Inez Kaufmann as Williams and Walker." A feature article seven years later reports that it is Mrs. Taliaferro who has "entire charge of the stage children in New York, and to whom managers apply for diminutive actors and actresses." The school had become the supplier. Taliaferro is quoted as saying, "A few years ago only a few children were in the profession but now it takes hundreds to supply the demand."⁶⁵

Although Anna Taliaferro, E. M. Fernandez, and Arnetta Wood had each had some stage experience, none of these women who worked

⁶³"Hundreds of Child Actors on the Stage," *Leslie's Weekly*, 15 November 1906; COTS 14.

⁶⁴"Child Actors and Actresses," *New York World*, 5 March 1899; COTS 12.

⁶⁵"Hundreds of Child Actors on the Stage," *Leslie's Weekly*, 15 November 1906; COTS 14.

as teachers and agents of child actors had had long or successful careers themselves. Oddly, it was often the successful actors who seemed to support formal education for their performing children. Maude Adams was the daughter of actress Annie Adams. Maude made her earliest stage appearance at nine months to help out her mother's company when the infant originally cast would not stop crying. Maude's career began in earnest while her mother was performing with J. K. Emmet's company in one of his many "Fritz" vehicles, *Fritz in Ireland*. Emmet was not happy with the child in the play and asked little Maudie to give it a try. It was the first of many childhood successes. Maude's career had not been Annie's idea, but the die was cast. According to an early biographer, Annie Adams wanted her stage-struck daughter to get an education.

From the time she played the child's part in "Fritz" at four years of age Maudie Adams was never satisfied unless she was traveling and playing with her mother. Again and again Mrs. Adams sent her daughter back to the old home and to her grandmother in Salt Lake City, but there came from school and from home the report: 'Maudie is good and learns fast, but she frets so much for you and the life of the stage that we are afraid she may be ill.'⁶⁶

Maude bounced back and forth until age twelve, when Annie insisted on two solid years of continuous schooling. At fourteen, however, Maudie quit school for good, announcing, "I shall not need any more education unless I become a teacher or a literary woman, and I don't want to be either."⁶⁷ Still, this was more formal education than many child actors received.

⁶⁶Ada Patterson, *Maude Adams: A Biography* (1907; reprint, New York: Benjamin Blom, 1971), 23.

⁶⁷Patterson, 27.

The most prominent theatre families, such as the Drews and Barrymores, tended to keep their children off the stage until they had acquired a formal education. Ethel Barrymore was sent to boarding school from age six until age twelve. Lionel Barrymore was at Seton Hall until age fifteen.⁶⁸ Benjamin McArthur has noted that legitimate actors in this period generally had more education than the average American.⁶⁹ He classifies the majority of actors in his study as socially and economically middle class. It follows that middle class parents would want their children educated. It must be remembered, however, that McArthur's figures concern only successful performers on the legitimate stage. He does not include any discussion of those who performed on street corners, in concert-saloons, circuses, vaudeville, or variety. When McArthur states that most actors came from solidly middle-class backgrounds, he means most actors who were successful on the legitimate stage.

During the period of the present study, however, not everyone was of this opinion. It seemed to many people that the overwhelming majority of stage children were from the lower classes. Writing on the craze for children's operettas in 1882, one New York reporter commented, "It is very strange too, that juvenile prodigies are nearly all the offspring of the poor or needy."⁷⁰ Another paper defended the rights

⁶⁸Ethel Barrymore, *Memories* (New York: Harper and Brothers, 1955), 16.

⁶⁹Benjamin McArthur, *Actors and American Society, 1880-1920* (Philadelphia: Temple University Press, 1984), 33. He notes that his figures "refute the charges of many contemporaries that actors were uneducated simpletons."

⁷⁰*New York Evening Telegram*, 7 August 1882, COTS 1.

of children to perform on the assumption that they were economically disadvantaged: "It is not as if these children would be given the advantages of the children of the well-to-do classes, if they were not on the stage."⁷¹ Theatre men such as Augustus Thomas and David Belasco, who frequently worked with children during this period, felt similarly. Thomas asserted that actors were generally drafted from among the poorer classes.⁷² Belasco wrote, "I have always found the humbler byways of life the stage's best recruiting-ground. ... We never get the children of affluence or even of the modestly well-to-do."⁷³ Belasco was a great impresario who saw himself as an expert on child actors. He used them frequently in his plays and wrote about them in his memoir. For Belasco, there was no reason for a middle-class child to go on the stage. "It offers no benefit to the child who has the ordinary advantages of comfortable home surroundings and careful parental discipline."⁷⁴ Only for children who did not have a comfortable home, for children who were forced to work, was the stage a viable option. "If a child must work — no child really should have to work at all — the employment it finds in the theatre is more pleasant and less likely to do it physical harm than any other that is accessible to it," wrote Belasco.⁷⁵

⁷¹"The Gerry Society," *Washington, D.C. Times*, 30 March 1898, COTS 11.

⁷²*New York Times*, 6 December 1911, COTS 15.

⁷³Belasco, 11, 137.

⁷⁴*Ibid.*, 132.

⁷⁵*Ibid.*, 160.

Economic necessity was proffered as a defense of child theatre workers again and again. "There is no method whereby a child can assist in the support of its parents which requires so little effort and is so well repaid," argued one theatre manager.⁷⁶ Elbridge Gerry felt this was an excuse made by lazy, vile parents. Jane Addams said that, in her experience, "When a man finds the wages of a child will support the family, he quits work himself."⁷⁷ Mayor Van Wyck's disgust with such parents is palpable when we read his decision to deny a permit in 1900.

The attempt to secure a license for an eight-month-old child to appear on the stage because it is necessary to the support of its family, raises a query as to whether there is anything in the eternal scheme of things that calls for the support of such a family.⁷⁸

Nevertheless, many families relied on the incomes of their talented children.

Those children knew there were mouths to be fed and rent to be paid. Although Augustus Thomas insisted that "one never sees an unwilling child" on the stage, it is difficult to determine how much choice these children had.⁷⁹ Reading the life stories of former child actors one is stuck by the constant presence of adult responsibilities on

⁷⁶"The Stage Children: What Local Theatre People Say of Senator Pitney's Bill," *Jersey City (New Jersey) Journal*, 20 February 1899, COTS 12.

⁷⁷*New York Morning Sun*, 6 December 1911, COTS 15, in debate with A. Thomas.

⁷⁸Regarding a production of *Woman and Wine* at the Manhattan Theatre, *New York Evening Telegram*, 10 May 1900, COTS 12.

⁷⁹Augustus Thomas, "The Case for Stage Children," *Colliers Weekly*, April 1911, COTS 15.

small shoulders. The ever-plucky Molly Picon admits that performing long hours was tiring, "But we needed the fifty cents that I got for each performance. ... It had to be done, so I did it."⁸⁰ The mother of George Burns was widowed at forty-three with twelve children. At age six, he was already contributing to the family's upkeep.⁸¹ Mary Pickford knew that the well-being of her widowed mother and brother and sister rested on her young shoulders. At age eight she played nineteen weeks of one-night stands. At thirteen she was staying with family friends in New York, hounding the theatrical offices for work each day: "Flight after flight of stairs; mile upon mile of hot, sticky pavement — and all this time, night after night, in the Whelans' tiny railroad flat ... I slept on a Morris chair with the back let down and an overstuffed chair at my feet."⁸² Buster Keaton frequently said that he never had any choice in what to do with his life.⁸³ He supported his parents from age five until their deaths. Rose Marata, a ten-year-old girl supporting two adults, was reportedly forced to dance and play the castanets in a South Street saloon, although completely exhausted.⁸⁴ For these children, formal education was not a priority.

⁸⁰Picon, 16-7.

⁸¹Martin Gottfried, *George Burns and the Hundred-Year Dash* (New York: Simon and Shuster, 1996), 16.

⁸²Mary Pickford, *Sunshine and Shadow* (Garden City, NY: Doubleday, 1955), 90-91.

⁸³Joanna E. Rapf and Gary L. Green: *Buster Keaton: A Bio-Bibliography* (Westport, CT: Greenwood Press, 1995), 4; Meade, 39.

⁸⁴SPCC *Annual Reports*, 1875:41.

It would appear that the education of stage children, like the venues in which they performed, was often a matter of class. Children from middle-class families, whether theatrical ones such as Maude Adams and Lionel Barrymore, or non-theatrical ones such as Zelda Sanders and Frances Fuller, tended to receive formal schooling. The educations of children from poor or lower-class families, whether theatrical such as Buster Keaton and George M. Cohan, or non-theatrical such as Milton Berle, Mary Pickford, and the numerous Italian immigrant street musicians, were often sacrificed to economic expediency.

"Success on the stage," reported the *Evening Journal* in 1910, "is largely dependent upon inherited capacity, and upon childhood experience."⁸⁵ The necessity of the latter criterion has been disproved; what of the former? In his study of one hundred forty-three prominent actors, McArthur reports that twenty-five percent were born into the theatre. He cites a study of Australian actors by Ronald Taft whose findings were similar. Of the two hundred eleven stage children who worked in New York City at some time between 1875 and 1919, I have established that sixty of them, or twenty-eight percent, came from parents who were also performers. I have not been able to confirm biographical information about all of the children in the list, however, so there may be others with undiscovered theatrical ties. Nevertheless, the fact that Taft, McArthur, and I each found only about a one-in-four ratio of actors

⁸⁵"Children on the Stage: Foolish Legislation Deprives Them of Opportunity," *New York Evening Journal*, 18 February 1910, COTS 15.

descended from theatrical families to those who weren't certainly lends credibility to these figures.

If theatrical parentage and childhood experience were both advantageous for later success, it would be likely that the children with both these features would be those listed in *Who's Who*. When I cross-reference the list of the sixty children known to have come from theatrical families with the list of the seventeen performers listed in *Who's Who*, however, only seven names emerge. Two of these are the Taliaferro sisters; another is Bijou Fernandez. In other words, of the child actors who attained adult success, as measured by their listing in *Who's Who*, fewer than half were from theatrical parents. Conversely, more than half, almost sixty percent, of the child performers in this sample who attained adult success cannot be identified with theatrical families. Thus, "inherited capacity" does not appear to be a determining factor for success on the stage.

I have identified two hundred eleven specific child performers, by name and role, but this group represents only a small fraction of the number of children performing professionally during this period, and it is impossible to know how representative this sample is. The identities of most of the children who performed on New York's stages during this period are lost. For the first twenty years examined in this study, we can only guess at how many children were involved; there are no statistics available. Some idea of the number of stage children may be gained from a consideration of the popularity of child-dominated vehicles. By the 1870s when this study begins, *Uncle Tom's Cabin*, with the lush child's role of "Little Eva," had had a resurgence of popularity. About fifty companies were touring it, while many others performed operettas. In

the early 1890s, the popularity of child actors was boosted by the extraordinary success of the stage adaptation of *Little Lord Fauntleroy*. In 1892, the *New York Morning Advertiser* stated that "There are about five hundred stage children who live in this city and are annually booked here for tours through the States."⁸⁶ Comments by two jaded newspaper columnists in 1893 testify to the ubiquitousness of child performers. A writer for *Music and Drama* asserted that "the public has grown weary, and more than weary, of infant phenomenons."⁸⁷ Two months later the *Herald* declaimed:

Fauntleroyism in all its stages has now spread to such an alarming extent and is flourishing with such a wild luxuriance that the artist who has had the misfortune to arrive at the years of discretion is positively forced to play second fiddle to the babbling dramatic freaks who infest the stage like so many chirping sparrows.⁸⁸

Following the institution of the permit system, the SPCC published the number of child performance permits granted each year by the mayor's office. Figures from 1895, the first year for which figures are available, until 1918 may be found in Appendix B. During the first few years listed, an average of about two hundred twenty permits were issued annually. Between 1898 and 1905, the numbers jump tremendously, varying from one to four thousand and justifying Anna Taliaferro's enthusiastic estimates cited above. These figures do not include children

⁸⁶"In 'King Kaliko,'" *Morning Advertiser*, 10 June 1892, COTS 3.

⁸⁷"The Stage Child and Its Fate," *Music and Drama*, 9 September 1893, COTS 6.

⁸⁸"Plays of the Week," *New York Herald*, 19 November 1893, COTS 6.

who were performing illegally and/or in the streets. In 1912, social reformer Edward Clopper consciously excluded performers from his study of children working in the streets since only a "small number of children are involved."⁸⁹ The arrests cited in the *SPCC Annual Reports* seem to be the only record of the many child street and saloon performers. Presumably, only some of the children performing in these venues came to the attention of the SPCC, and only some of these cases were chosen to be highlighted in the published *Annual Reports*. It is impossible to determine how large the whole is from this fraction of a fraction.

No other organization kept statistics on child performers. Actors Equity Association was not formed until 1913 and did not track child actors during the period of this study. Statistics on child labor included only those children working in factories, mills, mines, and stores. There are many opinionated comments, which sometimes support and sometimes appear to conflict with the SPCC figures. In 1897, a year in which 260 permits were issued, a newspaper estimate placed the number of "tiny tots now disporting themselves on the boards" of New York theatres at 400.⁹⁰ The organizing committee of the 1901 Stage Children's Christmas Festival counted 412 child actors in the country, of which 173 were then appearing in New York.⁹¹ The SPCC recorded the issuance of 3,821 permits for children to perform in New York City that year.

⁸⁹Clopper, 38.

⁹⁰*Halifax (Nova Scotia) Herald*, 22 January 1897, COTS 3.

⁹¹*New York Tribune*, 30 December 1901.

There seems to be universal agreement that 1903 was a peak year for child performers. It had the highest number of permits: 4001. A newspaper columnist complained that, "The stage youngster has recently become epidemic."⁹² Another article expressed a similar impression: "Not since the days of Mrs. Burnett's *Little Lord Fauntleroy* and the juvenile pinafore companies has there been so marked a demand for child plays."⁹³ Alexander Ford Hume, writing in *Everybody's* magazine, theorized that a craze for child actors erupted every ten years. He pointed to the 1870s infatuation with juvenile opera companies, the 1890s "Fauntleroy" fascination, and *The Little Princess* mania beginning in 1902. The 1906 feature article on Mrs. Taliaferro's child actor business, cited above, reported that she saw an average of 100 children a day.⁹⁴ After 1906, the demand for permits lessened. Over the next twelve years, an average of 535 permits were issued annually.

Clearly, child performers were quite popular during this entire period. Yet, the fate of these children remains elusive. There is no resolution to the debate. It is impossible to say with certainty whether most suffered or benefited—professionally, intellectually, or emotionally—from their early experiences. Since the vast majority of stage children remain nameless, neither Gerry's gloomy predictions nor

⁹²"The 'Angel Cheelid'," *Rochester Democratic-Chronicle*, 7 February 1903, COTS 13.

⁹³"Demand for Children's Plays and Hostility of The Gerry Society are Driving Managers Frantic," *Brooklyn Eagle*, 3 May 1903, COTS 13.

⁹⁴Harriet Quimby, "Hundreds of Child Actors on the Stage," *Leslie's Weekly*, 15 November 1906, COTS 14.

the defensive claims of the theatre community regarding the long-term well-being of the stage children can be proven.

Chapter Five

Labor

The term "labor" represents both work and the collective bargaining organizations of workers. This chapter deals with the relation of child performers to each. Francis Wilson, who labored onstage as a child and dealt with organized labor as an adult, played a large role in defining for the twentieth century the status of stage children as workers. The conclusion of this chapter moves forward in time to consider children of the present who provide entertainment, not only onstage, but on tennis courts, on ice rinks, and before cameras as well.

When an actor works, he plays. His job is to play a part. The ambiguous meaning of the term "play" is at the heart of the debate over child actors. Play is the work of childhood. Children often play-act. When a child "plays" professionally, is it still play? *Webster's Deluxe Unabridged Dictionary* lists twelve meanings for the noun "work." Number one is "bodily or mental effort exerted"; number two is "employment."¹ While child actors clearly were employed, the degree of effort exerted—or perceived—made it difficult for many observers to label the children's activity as labor. Indeed, after economic necessity, the relative lightness of their duties was probably the most frequently stated justification for not interfering with the performances of stage children. Even people of the theatre insisted that stage children did not labor. Former child actress Phyllis Dare recalled that since she "had to work hard at lessons all day, ... acting at night did not seem work at all, but

¹*Webster's Deluxe Unabridged Dictionary*, 2d ed., s.v. "labor."

came rather as a sort of playtime."² The *New York Dramatic Mirror* declared, in 1883, "Acting is not toil to children — it is play."³ The *Theatre* asserted, "[W]hat will be work to them when they are older, is now only play."⁴ Augustus Thomas stated unequivocally in 1911, "The child of the stage does not work."⁵

As demonstrated in chapter one, children in this period's dramatic literature were frequently sentimentalized. Real children portrayed an ideal of innocence. Economist Viviana Zelizer has hypothesized that "The work role of child actors was ironically camouflaged by their fictional roles."⁶ Audiences could not see beyond the performance. This phenomenon is common even today, when audiences identify an actor with a role, crediting a real man or woman with the traits of a character. An actress who plays a doctor may be asked for medical advice. Audiences want to believe that performances are natural. When former child vaudevillian Fred Astaire danced, his movements looked effortless, even spontaneous. Often, the most successful work of a dancer, gymnast, or actor is that in which the existence of technique is most

²Phyllis Dare, *From School to Stage* (London, 1907), 13, quoted in Claudia D. Johnson, "Elbridge T. Gerry's Obsession," *Nineteenth Century Theatre Research*, 13:1 (summer 1985):21.

³*New York Dramatic Mirror*, 17 March 1883, COTS 1.

⁴"Employment of Children." *The Theatre. A Weekly Journal of the Stage* I (August 5, 1882): 4, quoted in Johnson, 21.

⁵*New York Telegraph*, 19 February 1911, COTS 15.

⁶Viviana A. Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (New York: Basic Books, 1985), 95.

obscured. To many observers, child performers just seemed to be having too much fun to be working.

Their situation was analogous to that of newsboys, who often evoked a similar response and over whose regulation raged a similar debate. The New York newsboy was romanticized as a happy entrepreneur, embodying the American ideals of independence and self-sufficiency. In *How the Other Half Lives*, Jacob Riis described him this way:

Vagabond that he is, acknowledging no authority and owing no allegiance to anybody or anything, with his grimy fist raised against society whenever it tries to coerce him, he is as bright and sharp as the weasel. ... [H]is sturdy independence, love of freedom and self-reliance, together with his rude sense of justice ... enables him to govern his little community.⁷

Riis strove to throw light upon the horrors wrought by tenement life, but he seemed to admire the newsboys, or street Arabs as they were called. It was attitudes such as this which promulgated the notion that children involved in street trades did not need protection under the child labor laws. Even Elbridge T. Gerry did not think newsboys needed regulation. He thought them neither neglected nor vicious. He pointed out that some of New York's most successful businessmen had gotten their starts as newsboys. Although the New York Child Labor Committee attacked him in the press, Gerry insisted that working in the streets was healthy.⁸ Technically, newsboys were not employed, since they did not

⁷Jacob Riis, *How the Other Half Lives* (New York: Scribner, 1890; reprint, New York: Dover, 1971), 153.

⁸Jeremy Felt, *Hostages of Fortune: Child Labor Reform in New York State* (Syracuse: Syracuse University Press, 1965), 58-60.

receive wages as such. Thus, for a long while, they slipped through a loophole in child labor legislation. The New York Street Trades Law of 1907, the nation's first aimed at regulating street traders, was less stringent than its instigators had planned, thanks in part to Gerry's intervention.⁹ Clopper's 1912 study, cited above, demonstrated the high incidence of academic retardation, delinquency, and familiarity with vice among children in the street trades. Clopper insisted that these children were being done a disservice and that the purpose of legislation was to "prevent the labor of children, not to distinguish between closely related forms of labor."¹⁰ Nevertheless, child labor reformers fought child labor reformers over the nature of newsboys' work, just as they did over that of stage children. The tenacity of the idealization is demonstrated in a recent work by historian David Nasaw. In *Children of the City at Work and Play*, Nasaw reasserts an image of the newsboy as happy entrepreneur, safe and industrious, whose only problem was the repressive Victorian reformers whose goal was to "quarantine the susceptible" to "moral pollutants."¹¹ Like that of stage children, the work of newsboys seems too play-like to be judged as labor.

Play-acting may be fun, but regardless of the amount of exertion involved, surely timing has something to do with the distinction between work and play — or more precisely — between labor and

⁹Felt, 60.

¹⁰Edward N. Clopper, *Child Labor in City Streets* (New York: Macmillan, 1912; reprint, Garrett Press, 1970), 191.

¹¹David Nasaw, *Children of the City at Work and At Play* (New York: Oxford University Press, 1986), 144 ff.

recreation. During recreation, one is free to choose an activity. During work, one's activity is prescribed. Children playing house one minute can switch to cowboys or tag the next. For child actors this fluidity of fantasy was impossible. This distinction seemed to be lost to many. Young Cora Quinten played a major role in Theodore Kremer's potboiler, *The Fatal Wedding*, for three seasons beginning in 1901.¹² An ad placed in May 1902 boasted that she had not missed a single performance during the first season.¹³ There is no doubt that Cora, who looks about seven in photographs of the time, was aware of her obligations. The first act must be played first and the wedding scene last. No matter how much she might wish it, Cora could not skip to the exciting second act finale where her character escapes from the villain by cutting the rope and sending him crashing into the water below. In fantasy play, this scene would probably be done over and over, but in the theatre it came just once each night. Was this play? An article entitled "Baby Actress in *As Ye Sow Longs For Childhood Illusion*" reported on seven-year-old Olive Wright. The writer felt that Olive clearly knew she was working. Although "merry," the little girl had "lost all illusion about the stage; she recognizes her work as work, knows that she is working in just the same manner as the other actors and the very stage hands."¹⁴ Realists insisted, and common sense agrees, that it could not be otherwise.

¹²*Brooklyn Eagle*, 6 April 1909, clipping in Cora Quinten file, Robinson Locke Scrapbook Collection, Billy Rose Theatre Collection, New York Public Library.

¹³Unidentified clipping dated 24 May 1902, Cora Quinten file.

¹⁴*Chicago Chronicle*, 2 November 1905, COTS 14.

However, the opinion that child actors were not working persisted, often among those who strongly opposed child labor in other fields, just as in the case of newsboys. Zelizer comments, "[I]n a bizarre turnabout, prominent child labor reformers were suddenly the leading advocates of child labor on the stage."¹⁵ A juvenile court judge of the time noted that the issue of stage children was "the only question concerning child labor that has threatened any division of opinion among the best known in this country who have been foremost in the fight against child labor."¹⁶ While the play-like quality of children's stage work was certainly a factor, a look at the broader context of child labor reform and those who supported it may explain this contradiction.

Child labor was prevalent throughout the nineteenth century in a variety of industries including mining, manufacturing, and agriculture. There was a tradition of using women and children to supplement the labor force whenever necessary. Whenever there was a depression and pressure to lower costs, unskilled labor, women and children, were hired to keep wages down. The skilled were pitted against the unskilled.¹⁷ As industrialization increased, so did the use of child workers. When Elbridge T. Gerry founded the SPCC, there was very little formal opposition to child labor. Scattered regulations passed in various states during the ante-bellum period aimed at a diffuse set of goals and were

¹⁵Zelizer, 85-86.

¹⁶Benjamin B. Lindsey, "Children on the Colorado Stage," *Survey* 27 (October 14, 1912): 996, quoted in Zelizer, 85.

¹⁷Joseph G. Rayback, *A History of American Labor* (New York: Macmillan, 1959), 58.

not strictly enforced. An 1842 Massachusetts law set a maximum number of hours children could work each week. An 1848 Pennsylvania law set a minimum age.¹⁸ Other laws considered safety issues. New York State paid little attention.

In New York City, a Citizen's Association was formed in the 1860s by prominent men such as Peter Cooper, August Belmont, and William B. Astor. The Citizen's Association investigated health conditions and death rates among the working classes. This group was followed by other charity organizations, such as the New York Association for Improving the Condition of the Poor and the Charities Aid Association.¹⁹ Gerry came out of this tradition, but he was ahead of his time in actually trying to evict the performing child from the workplace.

The Knights of Labor had been growing for several years when Gerry's anti-exhibition law was passed. Two years later, in 1878, the Knights formed a national constitution. Its platform included the elimination of child labor for those under the age of fourteen.²⁰ The Knights of Labor called for federal action as early as 1880, but the first national bill was not to be introduced in Congress until 1906.²¹ Nevertheless, child labor remained a priority of the Knights. Nineteen

¹⁸Elizabeth Sands Johnson, "Child Labor Legislation," in John R. Commons, ed., *History of Labor in the United States*, vol. 3 (New York: Macmillan, 1935), note 2, 403.

¹⁹Felt, 4.

²⁰Rayback, 144-45.

²¹Walter B. Trattner, *Crusade For the Children: A History of the National Child Labor Reform Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 89.

states passed minimum age laws between 1880 and 1890, after which time, the Knights' dominance faded.²² The AFL, which succeeded the Knights as America's most important labor organization, was less interested in child labor reform.²³ After the turn of the century, the New York Child Labor Committee (NYCLC) and the National Child Labor Committee (NCLC) became the prime movers in the fight for legislation restricting child labor.²⁴

This was a significant shift. Jeremy Felt has observed that labor "did at times provide valuable assistance" to the NYCLC, "But labor almost always had to be asked; it was the Committee or some other private group such as the Consumers League that took the initiative."²⁵ A biographer of Florence Kelly, the founder of the Consumers' League, reached a similar conclusion:

The demand for laws to protect working women and children—for child labor, maximum hour, and minimum wage laws—came not from organized labor but from middle class groups. The drive behind this demand was not self interest but social conscience.²⁶

Gerry himself declared in 1908:

Again and again the officers of our Societies appeared before the various labor organizations and pointed out to them the

²²Rayback, 182.

²³Commons, 404.

²⁴See Commons, Trattner, and Felt.

²⁵Felt, 47.

²⁶Josephine Goldmark, *Impatient Crusader: Florence Kelley's Life Story* (Urbana: University of Illinois Press, 1953), 206.

inevitable troubles that would result by permitting child labor to intervene to obtain cheaper labor.²⁷

The NCLC, like the Society for the Prevention of Cruelty to Children, was founded and staffed by upper- and middle-class citizens trying to help the children of the working class. Gerry said he was in the child rescue business. The SPCC rescued children from abusive families, from the street, from factories, from wherever they were deemed to be in danger. The only self-interest of which Gerry was ever accused had to do with an alleged desire for publicity or glorification. There was no possible economic motive. Organized labor unions, on the other hand, exist for workers to help themselves. Economic self-interest is frequently a dominant motivating factor. When unions object to child labor, it is generally because children are perceived as usurping the jobs of adults. The 1878 Knights of Labor platform that targeted child labor also included planks aimed at the abolition of imported servile labor, the abolition of convict labor, and the implementation of the eight-hour work day.²⁸ Clearly, the Knights' stance on child labor was protectionist in nature, motivated by the economic self-interest of the members, rather than concern for the children.

Working class parents seldom voiced a philosophical objection to child labor. Children worked to help the family. Child labor reformers were outsiders trying to take bread off the family table. That is how the Gerry Society, as it was frequently called, was perceived. Many former

²⁷Elbridge T. Gerry, "Child Rescue and Exclusive Work," *Proceedings of the Nineteenth Annual Convention of Societies For the Prevention of Cruelty to Children and Animals of New York* (October 22, 1908), 61.

²⁸Rayback, 145.

child actors have recalled how they were taught to see the "Gerry men" as enemies to be avoided. As Mary Pickford's biographer recounts,

Two of the first things a child ever learned were to lie about his age and a whole lot of other things, and to hide when the Gerry Society came around. ... Lillian Gish recalled how the girls were taught to wear makeup and high heels at the age of nine or ten so as to look sixteen if they had to appear in court.²⁹

Milton Berle, who starred with Pickford in a film of *Rebecca of Sunnybrook Farm*, grouched, "New York had the Gerry Society protecting us right into the poorhouse."³⁰ There was even a joke about the response of one child actor when asked her age. She replied: "Five for the street car conductor, seven for mama, and ten for the Gerries."³¹ The children were partners with their parents, producers, and co-stars in thwarting outside intervention. They looked forward to their "emancipation." Mabel Taliaferro had several brushes with the SPCC. "Thank God I'm Out of Gerry's Power," was the headline of an interview with the mature Mabel on her sixteenth birthday.³² A famous, although possibly apocryphal, anecdote tells how Buster Keaton thumbed his nose at the SPCC by taking out a large ad in *Variety* which supposedly read:

²⁹ Robert Windeler, *Sweetheart: The Story of Mary Pickford* (New York: Praeger Publishers, 1974), 30.

³⁰ Milton Berle with Haskel Frankel, *Milton Berle, An Autobiography* (New York: Delacorte Press, 1974), 58.

³¹ "Where Children are Chosen for Positions on the Stage," *New York Times*, 17 April 1904, COTS 13.

³² *New York World*, 31 May 1903, COTS 13; for skirmishes, see "Child Actress Under Gerry Ban," *New York Press*, 20 January 1903, COTS 13; and "Mable Taliaferro Takes Boy's Role," *New York Times*, 31 August 1909, COTS 15.

"Today I am a Theatrical Man – Good-bye Mr. Gerry."³³ Even those children who were not successful agreed. In 1893, reporter Kate Kensington came upon a quartet of children singing on Delancey Street, two boys and two girls. The oldest was twelve. They were all siblings, she learned, and each of the girls held a much younger brother or sister in her arms. Their mother was dead; their father had run off. Dirty and hungry, the quartet had been trying to raise some money from a rough crowd. They told Kensington that what they most feared were the Gerry men.³⁴

When Actors Equity Association was formed in 1913, legitimate performers were following the example already set by Yiddish actors, stage hands, and musicians. The theatre, like many other industries, had become unionized. As a founding member commented, "It was high time to take such a step for, up to that period, bookkeepers, scrubwomen, and actors were about the only body of people who had not combined for protection purposes."³⁵ AEA was "established for the purpose of securing a 'fifty-fifty,' open-and-above-board contract between actor and Manager."³⁶ To achieve that end, the Association formulated seven aims — all of which concerned money and none of which concerned

³³Berle, 58.

³⁴Kate Kensington, "Singers in the Streets," *New York Recorder*, 23 July 1893, COTS 6.

³⁵Francis Wilson, *Francis Wilson's Life of Himself* (New York: Houghton Mifflin, 1924),251.

³⁶"Dedictory Address," *Equity: Official Organ of the Actors Equity Association*, 1, no. 1 (December, 1915): 1.

children.³⁷ The actors' union, like almost all other unions, was operating in the economic self-interest of its members. Topics concerning the welfare of actors, such as safe and sanitary conditions for work or travel were seldom mentioned. The union's initial and exclusive concern was the adoption of a standard contract. From the end of the strike in 1919 until 1924, Equity focused its energies on attaining a closed shop.³⁸ For its first eleven years, Equity concentrated on the course of action which would secure its economic goals.

In the theatre, it was virtually impossible for a child to take away a job from an adult. On the contrary, the presence of a child could, essentially, create work for adults. The role of a child might be integral to a play with an otherwise adult cast. This was the case in a Francis Wilson vehicle, *The Bachelor and the Baby*. The humor of the piece resulted from the intrusion of a child into an adult's world.³⁹ Without the child, the play could not be presented, or could not be presented as effectively, so the adult actors could not earn. Thus there was no economic motive for Equity to limit working children. In this respect, its position was unusual among labor unions. Whereas the AFL might want children

³⁷Ibid., "Our Seven Aims" were: payment of transportation costs for out-of-town jobs, limiting the period of non-paid rehearsals, establishing two-weeks notice or two-weeks pay for severance, requiring pay for any actor released who has rehearsed at least a week, preventing an increase in the number of weekly performances without an increase in pay, full pay for all weeks worked, some adjustment regarding the cost to actresses of their dresses.

³⁸Alfred Harding, *The Revolt of the Actors* (New York: William Morrow and Company, 1929), 507.

³⁹Ad in Francis Wilson clippings file, Billy Rose Collection of the New York Public Library.

out of a factory to protect adult jobs, Equity would want children in the theatre to protect adult jobs. Almost all unions, however, would agree that regulation should come from inside their industry, not from outsiders.

The first president of Equity was Francis Wilson. It may be recalled that Wilson had squared off against Gerry as early as 1892. In many ways, the two men were alike. Each was energetic, wealthy, resolute, and idealistic. Each was in the public eye, yet kept a very private life as husband and father. Each would devote decades to a cause in which he believed deeply.

Their differences are more dramatic. Elbridge T. Gerry's enormous wealth came to him via inheritance and marriage. He had a formal education at the finest schools, and, in the tradition of his class, chose to devote himself to a philanthropic cause, helping those who could not help themselves. He held office in the SPCC for fifty-three years, during which time no degree of opposition or ridicule was able to dissuade him from a chosen course. In spite of his extensive labors for the SPCC, he still found time to tend to "the finest pleasure yacht belonging to an American," to travel frequently to Europe, and to serve as the President of the New York Yacht Club for many years.⁴⁰

In contrast, Francis Wilson was a self-made man. When he died, in 1935, his estate was valued at over ten thousand dollars. Although nowhere near Gerry's status, this estate was still considerable for a man

⁴⁰"Men and Women," *New York Morning Advertiser*, 26 February 1895, COTS 8; "Amend the Gerry Bill," *New York Mercury* 17 April 1895, COTS 8.

who had begun with nothing.⁴¹ Francis Wilson was born in 1854 near Philadelphia to an overworked mother and a literate, but ineffectual father, who rarely held a job. As a small boy, Wilson started earning money singing and dancing. By the time he reached his early teens, he was the family breadwinner. He was successful doing comedic blackface routines and eventually teamed up with another young man to tour an act that lasted eight or nine years. When he was twenty-three Wilson left the act, which by that time was earning one hundred and fifty dollars a week, for a job as a utility man in a stock company at the Chestnut Street Theatre at a salary of fifteen dollars a week. He had made a choice. All his life, Francis Wilson would remain undaunted by the odds and committed to his personal values.

The success he sought in the theatre was assured when he took on the role of Cadeaux in the comic operetta *Ermine* in 1886. Cadeaux was a little rascal cowed into foolish acts by a burly companion. Over the next thirty-five years Wilson would return to it again and again, playing the part nearly thirteen hundred times. Wilson had success in other plays too: with *The Merry Monarch* in 1890, and then with *The Lion Tamer* in 1893, where he encountered the SPCC.

That conflict seemed to have somehow galvanized Wilson's principles. Financially secure and professionally respected, he began to stand up for what he believed. He believed in the honor of his profession. He saw the theatre and its practitioners as worthy of respect

⁴¹Biographic information taken from Wilson's *Life of Himself*; Francis Wilson clippings file, Billy Rose Theatre Collection of the New York Public Library; Don B. Wilmeth with Tice L. Miller, *Cambridge Guide to American Theatre* (Cambridge: Cambridge University Press, 1996), 406; and McArthur, "Forbid Them Not," 71-2.

and independence. Gerry was one threat to that independence; the Syndicate was another. The booking partnership of Marc Klaw and Abraham Erlanger already controlled nearly two hundred theatres when they joined with other businessmen to form the Theatrical Syndicate in 1895. The Syndicate insisted on exclusive contracts with their clients. Artists booked through the Syndicate were required to book only through the Syndicate, which would dictate routes, dates, and fees.⁴² A number of prominent actor-managers objected, including Joseph Jefferson, Richard Mansfield, Fanny Davenport, Nat Goodwin, James O'Neill, Minnie Maddern Fiske, and forty-one-year-old Francis Wilson. They met in Chicago." Among the youngest but not the least successful of all the actor-managers of the time, I did not presume to advise, "wrote Wilson.⁴³ Resistance was difficult, however. As the Syndicate's power grew, there were fewer and fewer first-class houses available for non-Syndicate shows. Mrs. Fiske sometimes played in barns, but many of the other artists capitulated. Their betrayal was disheartening to Wilson:

I stayed in until beaten down hopelessly by the defection of my fellow actor-managers. Of all who started out so bravely to oppose the usurpation of the Syndicate but two "stars" of any influence remained – Mrs. Fiske and myself. ... Our people had fallen victim to their own selfishness and egotism.⁴⁴

Although Wilson worked out a compromise with the Syndicate, he stayed "rebellious and resentful" for several years.⁴⁵ Many actors disliked

⁴²Wilmeth, 373.

⁴³Wilson, *Life of Himself*, 156.

⁴⁴*Ibid.*

⁴⁵*Ibid.*, 165.

being under the control of businessmen, whose top priority was the bottom line. To Wilson, an even greater evil was the lack of unity among the artists themselves. He learned here that disunity brought defeat.

Wilson remembered this lesson enough to bury the hatchet and join with his former enemies to fight an old foe. In 1909, as discussed in chapter two, members of the theatre community were again challenging the laws over stage children in New York State. Wilson joined Marc Klaw in the National Alliance for the Protection of Stage Children, along with Augustus Thomas, Minnie Maddern Fiske, and others. Regardless of their past and future differences, these theatre professionals joined forces to combat the new child labor laws that were being applied to stage children. The laws were being imposed from outside the theatre industry, prompted by the NCLC, and the artists insisted it was not appropriate. Theatre was different from other work. Wilson seemed to take the matter personally. An attack on the worthiness of a childhood spent in the theatre was an attack on his own childhood, as well as on his profession.

In 1910, Mrs. Fiske's production of *Salvation Nell* became a test case in Massachusetts, where it was illegal for a child to perform even a walk-on.⁴⁶ Francis Wilson spoke before the state legislature. In Boston meetings, he debated an ex-president of Harvard.⁴⁷ In the press, he rebutted the arguments of the NCLC, in the person of Everett Lord, its

⁴⁶*New York Times*, 27 January 1910, COTS 15; Francis Wilson, "Child Labor on the Stage," *New York Survey*, 18 June 1910, COTS 15.

⁴⁷*New York Sun*, 26 February 1910, COTS 15.

New England Secretary.⁴⁸ Lord insisted there was no valid reason that theatre work should be exempted from the child labor laws.⁴⁹ Wilson's cause came up four votes short, and the NCLC triumphed in Massachusetts.⁵⁰ Undeterred, Wilson moved on to the next crisis spot. During 1911 he spoke in Wisconsin and Illinois. In 1912, he pleaded eloquently before lawmakers in Louisiana.⁵¹

The success record of the National Alliance for the Protection of Stage Children was mixed, but Wilson was learning valuable political skills. His tactic was to praise and defend the theatre, never to attack. His methods contrasted with those of his confederates. In the 1892 fight for the Stein amendment, Wilson's allies frequently ridiculed Elbridge T. Gerry (see chapter two). Harrison Fiske regularly lambasted Gerry in the *Dramatic Mirror*. During the 1909 campaign, Marc Klaw said he preferred Gerry to the NCLC, whom he called "misdirected." The *Cambridge Guide to American Theatre* characterizes Klaw as "soft spoken," "gently persuasive and gracious."⁵² Yet Klaw said the NCLC did their work with "a fanaticism, an indiscretion, a mercilessness worthy of the Salem witch

⁴⁸"Francis Wilson Defends the Right of Children to Act," *New York Times*, 3 July 1910, COTS 15.

⁴⁹See chapter 2, note 143.

⁵⁰Wilson, *The Survey*, 18 June 1910, COTS 15.

⁵¹Faye E. Head, "The Theatrical Syndicate vs. The Child Labor Law of Louisiana," *Louisiana Studies* 13, no. 4 (Winter 1974): 365-74.

⁵²Wilmeth, 221.

burners."⁵³ There are no such invectives in the preserved quotations of Francis Wilson. He simply defended the actor, his work, and his world.

Throughout this period, while he was working with Marc Klaw, J. J. Shubert, and other managers to abolish restrictions on child actors, Wilson was also meeting with colleagues in an effort to undermine the power of the Syndicate. Formed in 1896, this group called itself the Actors' Society of America. The Syndicate ignored it, however, and the Society had little influence. By 1912, it became clear to its members that, in its current structure, their group would remain ineffectual. The Actors' Society voted to dissolve itself, but agreed that a subgroup would meet to seek a new direction. This committee chose Francis Wilson as its head. The new direction was unionization, and on May 26, 1913, the Actors Equity Association held its first organizational meeting. This was, to Francis Wilson, the most important work of his life. He later asked that his epitaph be, "Here lies the man who tried to free the actor."⁵⁴

Wilson would hold the office of President from Equity's beginnings until 1924. The goals of the organization set him squarely against the United Managers Protective Association, whose president was Marc Klaw.⁵⁵ Initially, Augustus Thomas would serve as a sort of mediator; later he would become Executive Chairman of the Producing

⁵³"Marc Klaw Stakes Out Stage Children's Claim," *New York Morning Telegraph*, 7 January 1911, COTS, 15.

⁵⁴*New York Evening Post*, 8 October 1935, Francis Wilson clippings file, Billy Rose Theatre Collection of the New York Public Library.

⁵⁵Information on AEA's first years is drawn from Harding, *Revolt of the Actors*, except where specifically noted.

Managers Assn. Wilson's former allies became his bitterest opponents. Gerry was almost forgotten.

In 1913, Gerry was seventy-six years old. His society had withstood every assault. New York's anti-exhibition law, so vigorously objected to in 1876 and 1892, looked lenient juxtaposed to twentieth-century child labor regulations now being applied to stage children in states across the nation. The New York theatre community had become accustomed to the Gerry law. Mayors were often generous in approving permit applications. The New York theatre community was not used to actors sticking up for themselves. The status of child actors diminished as an important issue. The struggle between the union and the managers went on for six years, with each side constantly building its base of support. Their disagreements were many, but there is no doubt that on the issue of child performers they were in absolute agreement. Whichever side won, it would support the right of children to work in the theatre.

The 1919 actors' strike is a landmark in American theatre history. Thirty-seven plays in eight cities were forced to suspend production. Sixteen others were prevented from opening. The powerful producers were forced to yield. Equity was universally acknowledged as the collective bargaining association of the legitimate actor. Managers agreed to adopt AEA's Standard Contract for all professional productions. With this accord, Francis Wilson arguably became the most powerful man in the New York theatre. Behind him were all the original union members who had shared his vision. Supporting him were the thousands of new members who had joined during the strike and admired his leadership. Humbled before him were the once invincible producers. The vision of Francis Wilson was triumphant.

Of course, AEA was not—and is not now— a dictatorship. Its ruling body is the Council and councilors are elected by the entire membership. Records from the union's early years reveal that there was a great deal of controversy on certain topics. As Wilson recognized, "The real struggle of Equity was with actors who had to be educated as to the necessity of organizing."⁵⁶ Not unlike the young members of Frances Fuller's Society of Stage Children a few years earlier, many actors insisted that they had little in common with other workers. As actress Blanche Bates protested, "We are not laborers and what we have cannot be capitalized." Actor Louis Mann agreed: "To unionize the stage would circumscribe genius."⁵⁷ Equity leadership felt that affiliation with the AFL was imperative if their union was to have any real power, but identifying with laborers seemed demeaning. Beginning in 1915, AEA published a monthly newsletter for its members, *Equity*, the "Official Organ of the Actors' Equity Association." Early numbers of *Equity* magazine are filled with exhortations to affiliate. This was the only way to gain any real power at the bargaining table.

It is folly for players to delude themselves with the idea that this devoutly-to-be-wished end can be accomplished by any other means than such as the Musicians' Union and other related trades and professions have adopted, after long and much bitter experience.⁵⁸

⁵⁶Wilson, *Life of Himself*, 252.

⁵⁷Harding, 59.

⁵⁸"What Will You Do," *Equity* 1, no. 3 (February, 1916): 4. See also nos. 5 and 7.

The decision to affiliate was the most contentious issue within Equity ranks, and it was not settled until July 1919. Equity affiliated with the AFL and the support of Samuel Gompers, the stage hands' union, and the musicians' union was instrumental in the ultimate success of the September strike. Within Equity, as well as without, the vision of Francis Wilson triumphed. Wilson's goals were the union's goals, and Wilson's priorities were the priorities of the union.

The seven aims of AEA did not mention children. While this may have been an oversight, it seems more likely to have been a deliberate choice. In the eyes of Wilson and those around him, children in the theatre did not need regulating. They did not need special attention. They needed only to be accepted as part of the business, as Wilson had been — to be given their chance to succeed. They needed, in short, to be taken for granted as a normal component of the theatre. The Wagner Labor Archives in New York City contain a list of every motion introduced in Equity Council minutes during a an eight-year period beginning in 1917. Between this year and the end of the strike in 1919, there was no motion introduced relating to children.⁵⁹ *Equity* magazine reflects a similar lack of concern with child actors. In its first five volumes (1915-1920), there is but one article concerning stage children, and that is reprinted from a London publication. The article, by Sydney Valentine, is addressed to members of the newly-formed union for British actors, and reads in part:

⁵⁹AEA Council Minutes, AEA Collection, Robert F. Wagner Labor Archives, Bobst Library, New York University.

One of the first important duties our new Union is called upon to undertake, is to watch over the interests of children employed in places licensed for public entertainments.

It is obvious that it is the duty of the actors' Association to ... co-operate with the Board of Education with the object of protecting them and promoting their welfare.... Further, the Council suggests that it would be advisable to make it an absolute condition that half the child's salary only be paid to the matron or governess for its maintenance, and that the other half be paid to trustees, to be held or used for the benefit of the child, as they saw fit.⁶⁰

No such recommendations were made by the American AEA Council. Wilson wanted AEA to pursue a laissez-fair policy with regard to child performers, and Equity did.

Having established its power, Equity became recognized as a universal authority. Writing in 1929, Alfred Harding observed:

Since 1925, going far beyond the province of strictly its own, the Actors' Equity Association has become the champion and the spokesman of the legitimate theatre throughout the country. Its opinion and assistance are sought whenever the welfare of the actor or of the theatre is concerned.⁶¹

In the case of child actors, the union was virtually silent. AEA's laissez-faire policy regarding stage children became the controlling vision.

This study has examined how child performers were regulated between 1874, when Elbridge T. Gerry founded the SPCC, and 1919 when AEA established itself as an indomitable force in the professional theatre. Equity superseded the SPCC as the preeminent authority with regard to young performers, and the state has tended not to intervene. Harding

⁶⁰Exerpts from "The Actor," London, 1919, Sydney Valentine, "Children on the Stage," *Equity* 4, no. 5 (April, 1919): 13-14.

⁶¹Harding, 547.

reports how bills were introduced in Wisconsin and New Jersey during the 1920s barring children from appearing on the stage:

Then Equity explained how the children's interests were safeguarded and what a blow it would mean to the theatre not to be able to present plays dealing with family life in which children are necessary—and the bills were withdrawn or defeated.⁶²

Management teamed up with Equity on this effort. Harding comments, "Though Equity and the managers had been at swords' points pretty consistently ... they joined forces if not hands, in preventing the passage of a bill in the Wisconsin legislature."⁶³ It is the one issue on which union and management seem never to disagree.

Equity's stance on child actors has remained essentially unchanged since the time of Francis Wilson. Indeed, a 1995 forum of the Stage Managers Association focused on the dearth of attention which Actors' Equity has given to young performers. One panelist called attention to the fact that work rules which govern child actors are now almost a century old. Another panelist summed up in a few short sentences all of what the Equity rulebook has to say about children.⁶⁴ Today, the legitimate theatre employs numerous children on Broadway and in national tours of shows such as *Les Miserables*, *Miss Saigon*, *The Diary of Anne Frank*, *Ragtime*, *The Sound of Music*, and *Titanic*; this, however, accounts for only a small percentage of children performing professionally.

⁶²Harding, 547.

⁶³Harding, 384.

⁶⁴Stage Managers' Association Newsletter (March 1995): 3, 5.

Most of today's professional children do not fall under Equity's jurisdiction. Television and movies employ hundreds of children each year under the aegis of the Screen Actors Guild (SAG) and the American Federation of Television and Radio Artists (AFTRA). Other children work in areas devoid of regulation, such as the five million dollar beauty pageant business whose fastest-growing segment is the children's division, for those up to eight year old.⁶⁵ Many children work as models. Children also train intensely from a very young age as ballet dancers. Their training may pre-empt academic education and take up many hours each day, but since they are not employed, they are not regulated. Professional children are not limited to the performing arts. There are many venues of entertainment open to them. The popularity of the circus has declined, but in its place has risen the Olympics, for which many children actually train full-time as gymnasts and figure skaters, and about whose long-term physical development and well-being many have expressed concern. They compete internationally in tennis. Unlike other forms of child labor, work by children in entertainment is ubiquitous and popularly acceptable.

For the most part, Equity's laissez-faire policy seems to not only have endured in the theatre but to have extended into law. As Francis Wilson would have had it, the entertainment industry was granted an exemption from national child labor law by the federal Fair Labor Standards Act of 1938. This is sometimes referred to as the "Newsie" exemption since lawmakers were convinced to exempt newsboys as

⁶⁵Paul Petersen, "Little Girl Lost,"(<http://www.minorcon/LittleGirlLost.htm>): 1.

well.⁶⁶ State laws governing child performers remain as inconsistent as they were when La Regaloncita jumped from Chicago to Cleveland to avoid them in 1892, and when producer George Tyler pleaded for standardization in 1910.⁶⁷ The National Child Labor Committee undertook a brief study of child actors and former child actors in 1941. It reported an "extreme variation" among state laws at that time.⁶⁸ Nothing has changed. Today, some states, such as Maryland, have old laws in effect which forbid virtually any performance by a minor.⁶⁹ Many others have general child labor laws; however, these seldom apply to performing children. As recent researchers learned:

Incredibly, a majority of all states have granted specific statutory exemptions to the entertainment industry so that child labor laws do not apply to them. Some of these states require permits or administrative authorization in order for the exemption to be exercised. However, in many states, the exemption is unconditional!⁷⁰

⁶⁶Paul Petersen, "A Failing System,"(<http://www.minorcon.org/FailingSystem.htm>): 2. Wilson died three years earlier, in 1935.

⁶⁷*The AFTRA-SAG Young Performers Handbook*, ed. Jacqueline Bradley et al.(Screen Actors Guild, 1990): 24; "Driven From Home," *New York Morning Advertiser*, 1 July 1892, COTS 1; "Managers Urge Crusade to Aid Stage Children Barred From Appearing in Several States Where "Factory" Laws Are Applied To Them," *New York Times*, 6 February 1910, COTS 15.

⁶⁸Anne Hood Harkin and Gertrude Folks Zimand, *Children in the Theatre: A Study of Children Employed on the Legitimate Stage* (NY: National Child Labor Committee, 1941), 5.

⁶⁹Marc R. Staenberg, Esq. and Daniel K. Stuart, Esq.: "Children As Chattels: The Disturbing Plight of Child Performers" (<http://www.minorcon.org/ChildrenAsChattels.htm>): 9.

⁷⁰*Ibid.*

Now, as at the turn of the century, producers and parents often shop for the least restrictive area in which to work. A spokesman for California's Department of Industrial Relations told the *Washington Post*, "We're seeing a lot of the industry moving to other states where there are not such strong child labor laws, primarily to the South."⁷¹ Former-child-actor-turned-activist Paul Petersen maintains that "State Film Commissioners actually attempt to lure Producers by saying 'we have no child labor laws.'"⁷² Petersen sits on the Young Performers Committee of the Screen Actors Guild (SAG). In 1991 he founded a non-profit support and assistance foundation to aid former child stars. In addition to its original mandate, A Minor Consideration, as the group is called, has since worked to raise consciousness, compel compliance with laws and union work rules, and encourage legislation which protects child performers.

How different are the lives of today's professional children from those in which Elbridge Gerry and his adherents intervened so long ago? A cursory glance shows that while some things have changed, many have not. Today's Equity rule book calls for the producer to provide a chaperone at the theatre during performances, a tutor, and expenses for a parent accompanying a child on tour. The purpose of the chaperone, commonly called a wrangler, is to insure the children's safety while they are backstage, in the dressings rooms, etc. Insuring a child's safety may

⁷¹Sharon Waxman, "Infants on TV Are Overworked, Critics Charge," *Washington Post*, 6 June 1996, (reprint,<http://www.minorcon.org/Shaking%20Things%20Up.htm>).

⁷²Paul Petersen, "If You Have A Child in the Industry, This is for You," (<http://www.minorcon.org/callingparents.htm>): 3.

mean standing up to a producer when a child is too tired or a situation too precarious. It may mean checking that exits from high platforms have guardrails and lights, or that child actors are clear of a fast-descending-four-hundred-pound act curtain. Taking these actions can require courage and clout. According to one wrangler, however, this position is often filled by people with little interest and no investment in the children's welfare.

My competition for this job is the flyman's girlfriend ... the producer's niece ... they see it as a babysitting position. ... The person I replaced would spend the evening in the wardrobe room whining about her boyfriends. Two of the children were found wandering up Michigan Avenue in Chicago.⁷³

There are no qualifications for a wrangler. Even if a wrangler is responsible, he or she can be ignored. There are no laws in New York State to back up a wrangler's recommendations.

Education fares better. Equity requires a tutor, and New York State dictates that that person be a licensed teacher. Neither the union nor the state stipulate the amount of time to be spent on education. According to Alan Simon, the founder of *On Location Education*, a company which supplies tutors for children in the performing arts, most theatrical companies choose to follow the guidelines established by the Screen Actors Guild (SAG), which mandate three hours a day, five days a week.⁷⁴ It is a producer's choice, however.

At America's most prestigious ballet school, the School of American Ballet in New York City (SAB), ballet classes for students age

⁷³Stage Managers, 12.

⁷⁴Stage Managers, 4.

thirteen and older are scheduled during regular school hours. Students who wish to continue their training must find a way to adapt. State law requires all children to continue their education through age sixteen or high school graduation, whichever comes first. In the past, many SAB students who could not afford the high tuition of the Professional Children's School (about fourteen thousand dollars per year), in addition to their SAB fees, opted for a correspondence course toward a GED, or high school equivalency diploma. Unfortunately, most students failed to complete even that. Asking a teenager deeply involved in an intensive training and performance program to take total responsibility for her own academic advancement was just too much. Some students opted for home schooling, but the results were not satisfying. Recently, SAB has acknowledged the problem and its own obligation to provide for the educational benefits of its students. A newly-adopted Statement of Academic Policy discourages students from attempting the correspondence course. The school now recommends PCS or a local, arts-oriented, public high school, which has been somewhat accommodating. SAB has not, however, altered its class schedule to allow its students to attend regular academic high schools.⁷⁵

Young figure skaters also face difficult compromises with regard to education. According to a new book by Christine Brennen, most elite skaters are tutored because the hours available for practice time at the rink often conflict with normal school hours. Tara Lipinski stopped

⁷⁵School of American Ballet Newsletter 24 (Fall, 1993); SAB "Statement of Academic Policy," adopted at SAB Board meeting, April 14, 1998; telephone interview with Sherrie Hinkle, SAB Director of Student Life, 14 July 1998.

going to school in sixth grade. Brennen writes, "Tara did not have a school locker; she did not have a home room. She had a full-time job."⁷⁶ Schoolwork is squeezed in around the edges.

When the film industry began to sign children up to long contracts in the 1930s, California created the position of "studio teacher," a teacher with social welfare oversight and the legal power to halt a shoot. While this sounds encouraging, in practice, many persons currently holding this position are underqualified, holding only an elementary level credential.⁷⁷ According to Paul Petersen, "No applicant for a State-issued credential certifying them as a 'studio teacher' has, in the past eleven years, ever, failed the alleged test."⁷⁸ Sixty percent of all the complaints received by SAG's Young Performers Committee involve educational concerns.⁷⁹ Most young actors are very bright and many go on to higher education. Kristy Coombs, who toured in the musical *Annie*, used her earnings to become the first member of her family to attend college. Roseanne Sorrentino is an English teacher and Melissa Bettancort is an entertainment attorney; both are former "Annies."⁸⁰

⁷⁶Christine Brennen, *Edge of Glory: The Inside Story of the Quest for Figure Skating's Olympic Gold* (New York: Scribner, 1998), 55, 59, 63-4.

⁷⁷Petersen, "If You Have a Child...," 2, citing California Appellate Court, 23 December 1996.

⁷⁸*Ibid.*, 1.

⁷⁹*Ibid.*, 2.

⁸⁰Nancy Carson, interview by the author, 15 July 1998. Carson is the head of the Carson-Adler Agency, which specializes in child performers and represented the actresses mentioned. Carson is also the author, with Allen Fawcett and Gene Busnar, of *Kid Biz: How To Help Your Child Succeed in Show Business* (New York: Warner Books, 1986).

However, there are few effective safeguards to guarantee that a child's academic growth will not be sacrificed to a short-lived juvenile career.

Physical torture during training, such as that which the SPCC sometimes uncovered, is seldom in evidence today. In general, professional children are well-cared for, although they are sometimes exposed to unnecessary risk. In the search for realism, producers sometimes search for a way to avoid a California law forbidding an infant from working before they are fifteen days old. Producers have realized that a premature infant may be over the fifteen-day limit and yet still retain that newborn-look, since they have not yet reached their due date. *The Washington Post* reported complaints from nurses "that weeks-old infants who were born prematurely—still fragile and highly susceptible to infection—are commonly used to depict newborns."⁸¹ Even very young children often work long hours. Many young athletes and ballet dancers suffer injuries, and there has been some concern about the long-term health effects that intensive, pre-pubescent gymnastics training may have on girls. Technically, athletes in training are not working, so they are not regulated. Yet gymnasts and figure skaters work more than full-time. As Christine Brennen comments, "Their lives were marked by a one-dimensional quality rarely found in families of active, bright American teenagers."⁸² A group of girl gymnasts from the 1996 Olympic team went off on a cross-country tour without one parent or guardian to look after their welfare. The only adults present were those

⁸¹Waxman, 2.

⁸²Brennen, 55.

who drew their income from the children's performances.⁸³ If a girl wants to quit, will her coach and her publicist tell her not to? Clearly, all issues regarding the health, safety, and education of child performers have not been resolved.

When she was fifteen years old and still an "amateur" figure skater, Michelle Kwan earned five thousand dollars a night for seventy-five shows.⁸⁴ Macauley Culkin's eight million dollars salary has been widely reported. Charlotte Ewer argued in 1892 that she could make only seven dollars a week while her daughter, La Regaloncita, was paid one hundred fifty dollars—twenty times as much. For today's successful child performers that ratio is much larger. Professional children who succeed are paid very well. Although theatre salaries are not nearly as high as those of Kwan and Culkin, Broadway minimum is still substantial. The two small boys who silently portrayed the sons of Diana Rigg's *Medea* in 1994 were each paid nine hundred fifty dollars per week, union scale. That means that each of the tiny children parading before the King of Siam in Broadway's recent, long-running production of *The King and I* could have earned almost fifty thousand dollars per year, considerably more than many a college instructor. Does this justify the sale of their youth? That question is still a matter of opinion. Those who support the idea of professions for children today cite many advantages of such careers. Elbridge T. Gerry would have disagreed.

⁸³ Jonathan Van Meter, "Shannon! Jaycie! Dominique! And Again!" *New York Times Magazine*, 20 October 1996, 58.

⁸⁴Brennen, 93.

Thus far, only successful children have been mentioned. It must be acknowledged that in every entertainment medium, many more fail than succeed. For every Tara Lipinski or Michelle Kwan, there are hundreds more little girls who rise at dawn to practice skating and whose parents spend life savings and college funds on coaches. For every little girl who was cast in *Annie*, dozens more auditioned. It is impossible to quantify the number of New York children who spend their after-school hours going from audition to audition. There is an endless number of open calls for plays, commercials, soap operas, and films. Children from neighboring states spend two to three hours driving into the city several times a week for appointments. Agents are not willing to work with children who are not available to attend frequent auditions on short notice. Huge chunks of childhood are traded for the mere possibility of success. Children may work all month at getting work and wind up with one day's pay for a commercial. Their childhoods are sold cheap.

Even the most avid proponents of child performers, however, would argue that the child has a right to economic security. When the former child star Mlle. Bertoldo died an early death in 1894, there was not enough money left to pay for her funeral. The *Dramatic News* was particularly incensed, demanding that "all minors engaged in profitable work on the stage should have a part, a considerable part, of their wages set aside for their own future benefit."⁸⁵ Three-quarters of a century later, in 1937, Jackie Coogan learned that he had absolutely no savings from his many years of childhood labor. His parents had spent it all. In response, California passed the Coogan Law. Its woeful inadequacies

⁸⁵"Child Performers," *New York Dramatic News*, 20 January 1894, COTS.

were demonstrated in 1994, when Gary Coleman, who had starred in a television series for many seasons, sued his parents to recover some of his earnings. He, too, had no money.⁸⁶

The recent scandal involving child actor Edward Furlong highlighted problems both in educational neglect and economic exploitation. The fifteen-year-old sued for, and was awarded, legal emancipation. The judge did not believe that there were any adults in Furlong's life who would sincerely put his welfare over their greed, so the boy was given the right to make all his own legal decisions. It is tragic that no guardian seemed to care more about the boy than about his income. At the time, Furlong was having an affair with his twenty-nine-year-old studio teacher.⁸⁷ By law, the studio teacher functions as a sort of welfare case worker as well as an educator. She was paid to safeguard him from exploitation, yet she may be one more predator. The earning capacity and youth of child actors makes them desirable and easy prey.

Nancy Carson runs an agency that deals only with children. She insists that troubled families will be troubled families whether they are in show business or not, and that good parents will be good parents wherever they are. "It is the parents who make all the difference," she insists.⁸⁸ It may also be true that reasonably good parents shift their

⁸⁶Debra Kaufman, "What Price Freedom?" *Hollywood Reporter* 1994 *Showbiz Kids Special Issue*, S-29. Coleman eventually won his suit. In the summer of 1998, he was working as a security guard. "Gary Coleman's Autograph Atercation." <http://www.mrshowbiz.com/news/today's-stories/980731/colemano73198>.

⁸⁷Ibid., S-46.

⁸⁸Carson interview.

priorities when faced with the pressures of possible fame and fortune for their children. In any case, the number of child performers who have been associated with tragedy makes it difficult to dismiss completely the charges Elbridge Gerry made so long ago.

Ultimately, Gerry was unsuccessful in rescuing the stage child. Although the SPCC still functions, its campaign for stage children was essentially defeated in 1919. Four conditions which undermined the goals of the SPCC and NCLC with respect to professional children still exist today. First, the long tradition of stage work by children remains. It has endured over a century since Gerry first challenged it. This very longevity makes it acceptable to most people. Since children have always performed, it just seems normal that they should keep on doing so. The market may fluctuate until energized by the Chapel Boys of St. Paul's, or a *Little Lord Fauntleroy*, or an *Annie*, or a *Home Alone*, but children have an infinite appeal. The market endures. Secondly, the play-like quality of children's performance work is unchanged. Singing, dancing, pretending, even skating, seem to be so much fun that it is difficult to conceive of the long hours rehearsing or filming which made the performance possible. Thirdly, it remains in the economic self-interest of organized labor and the entertainment industry to endorse rather than oppose the labor of the professional performing child. In this age of skyrocketing salaries, when one gifted child can support a mini-industry, there is less, not more incentive to limit his output. Fourth is the difficulty in pinning down the nature of the damage a professional career can do to a child. It is intangible. Elbridge T. Gerry did not have adequate language to describe his concerns that went beyond the physical. Trying to name the danger, Gerry floundered on the shoals of class bias and

ethnic stereotyping. Clopper called it material degeneration. Reformers have had no way to demonstrate what anecdotal evidence told them was true of the profound negative as well as positive psychological effects professional work can have on children. When reformers pointed to class or morality, their arguments rang false, and there was no statistical or scientific proof to back them up.

This study has examined the rise and fall of the campaign to bar children from performing professionally in New York City between 1874 and 1919. The large-scale effort to legally keep children off the stage was unique to this period and owed its existence to the intersection of several conditions and ideas. A centuries-old view of childhood and child labor that began to erode in the seventeenth-century yielded to a new model. By the third quarter of the nineteenth century, the innocent child, needing nurture, had become the prevailing image. This fragile being was juxtaposed – on the stage and in reality – with the body- and soul-crushing horrors of industrial work. The social conscience of the better classes demanded intervention. Co-existing with their desire to rescue was a fear of the threat posed by each increasingly-alien wave of immigration. Prompted by these factors, among others, a law was passed prohibiting the exhibition of children. Elbridge T. Gerry spear-headed the passage. Would it have happened without him? We can only speculate. He was a man of his time, however, and his time was ripe for his mission. How else to explain the steady and generous funding of his society and enforcement of "his" law? How else to explain its being consistently upheld by the courts? For that moment in theatre history, the state and a vocal portion of the public joined in the belief that children should be kept off the stage. An equally vocal portion of the

public disagreed. I have shown how that disagreement was based as much on conflicting notions regarding education and its purpose as on child labor. The theatre became the stage on which the battle between the traditional view of childhood and the modern, or twentieth-century, idea was played out.

Neil Postman, in *The Disappearance of Childhood*, has suggested that the rigid divisions between adulthood and childhood are dissolving. The blissful ideal of a protected sphere of childhood, established in the mid-nineteenth century, may be demolished by the end of the twentieth. Our willingness to see children employed full-time is just one example. In addition to the hundreds of children who work in the entertainment industry, there are the many other children involved in intensive training. Whether the activity is chess, ice skating, gymnastics, baseball, ballet, or piloting an airplane, there is a seriousness to the endeavor which is not compatible with the turn-of-the-century ideal of childhood. As Postman observes:

What we have here is the emergence of the idea that play is not to be done for the sake of doing it but for some external purpose, such as renown, money, physical conditioning, upward mobility, national pride. For adults, play is serious business. As childhood disappears, so does the child's view of play.⁸⁹

Zelizer defined the nineteenth-century idea of acceptable child's work as that which profited the family, and the twentieth-century idea of acceptable child's work as that which benefits only the child.⁹⁰ By this definition, working as a Senate page would be considered an acceptable

⁸⁹Postman, 131.

⁹⁰Zelizer, ch. 3 "Illegitimate Child Labor or "Good Work"?"

job by modern standards because the family does not benefit economically, whereas working in a factory would be acceptable only under the older standard. According to the ideas presented by both Zelizer and Postman, children such as Macauley Culkin and Tara Lipinski are clearly working under the traditional set of values in which it is acceptable for the child to contribute to, and even support, a family. Public acceptance of their lives represents a reversion in thought. Postman sees this trend illustrated by many aspects of today's society. He comments:

We are faced with the possibility that childhood is a transitory aberration in cultural history, like the horse-drawn carriage or black scribbles on a white paper.⁹¹

If Postman is correct that childhood is disappearing, the undermining of Gerry's program on stage children by 1919 may have been an early indication of this dissolution.

It is not my purpose here to determine the accuracy of Postman's hypothesis. The future of this new notion of childhood may be short. What is clear, however long it lasts, is that a new definition of childhood did emerge in the end of the nineteenth century, and that that new vision had a strong affect on the theatre of New York City. Before reformers worked to pull children out of factories, there was a law to take them off the stage. Later, when most fields of labor were deemed inappropriate for children, young performers were returned to the stage. This study has examined the apparent paradox of stage children and their equivocal position as laborers.

⁹¹Postman, 144.

The truth is that child workers will exist, in the theatre as well as other fields, as long as it is economically viable for them to do so. Two major studies of child labor each end on this rather pessimistic note. Jeremy Felt's study of the history of child labor reform in New York State (1965) concludes that, in spite of the passage of over forty laws, the legislation was mainly symbolic. Enforcement was poor. There was only mixed success in tenement homework, the street trades, and agriculture. Tenement work remained hidden while the latter two areas were protected by what Felt terms "countersymbols," that is, ideals of sanctity of the individual entrepreneur and the virtuous quality of work in the countryside.⁹² The greatest progress in eliminating child labor in factories and department stores was due, not to legislation, but to the Depression. Trattner's book on the national movement for child reform (1970) reaches a similar conclusion. He quotes the National Secretary of the NCLC who said in 1933, "We have done more to eliminate child labor in the last three or four months than we were able to do in the preceding ten years." This was due to the emergency removal of children from major industries, newsboys excepted. The National Recovery Act targeted child labor, not out of social conscience, but because it drove down adult wages. Trattner concluded that progress in child labor reform was due less to the efforts of the NCLC than to structural changes in the economy.⁹³

Although a great deal of effort was exerted toward amending the U.S. Constitution to prohibit child labor, no change was ever made. In

⁹²Felt, "Epilogue."

⁹³Trattner, chapter VIII, "Depression Decade: Successes and Setbacks."

1925, during the debate, one legislator complained, "They have taken our women away from us by constitutional amendment; they have taken our liquor away from us; and now they want to take our children."⁹⁴ But the government did not "take" their children. Children still belong to parents. In the last several years, child labor has been reported in spots all over the world. It is not to be supposed that the secret sweatshops of New York are free of underage workers. In the entertainment industry, eighty percent of all jobs are based in California.⁹⁵ Entertainment lawyers Staenberg and Stuart recently drew attention to current law:

Today, California Family Code Section 7500 states that parents are absolutely entitled to their children's earnings:

§ 7500. Services and earnings of child.

(a) The mother of an unemancipated minor child, and the father, if presumed to be the father under section 7611, are equally entitled to the services and earnings of the child.

(b) If one parent is dead, or unable or refuses to take custody, or has abandoned the child, the other parent is entitled to the services and earnings of the child.⁹⁶

During his childhood, juvenile actor Macaulay Culkin supported six siblings and two parents, who owned four luxury apartments.⁹⁷ Figure skater Michelle Kwan became a millionaire at fourteen, and her father took early retirement.⁹⁸ Unfortunately, too many parents are motivated

⁹⁴Felt. 171, from *American Child* 7 (April, 1925): 6.

⁹⁵Paul Petersen, "Kids and the Law," ([http://www.minorcon.org.KidsAndLaw.htm](http://www.minorcon.org/KidsAndLaw.htm)):1.

⁹⁶Staenberg and Stuart, 6-7.

⁹⁷Paul Petersen, "The Child Has Become the Parent,"(<http://www.minorcon.org/ChildParent.htm>): 2.

⁹⁸Brennen, 93.

by profit. Paul Petersen asserts, "Reports of cash payments to parents to ignore established work rules have become commonplace. ... Sub-standard teaching and work rule violations are becoming routine, but parents rarely 'officially' report these incidents."⁹⁹ As under Gerry's anti-exhibition law, parents work to evade the protections established for their children.

Florence Kelly wrote, "The test of the work, however, should not be whether boys can do it, but what it does to boys."¹⁰⁰ Too few people have put the work of performing children to that test, insisting that the participation of children was essential to theater, movies, sports, advertising, etc. "Yet it is not safe to argue, because the child actor is necessary to the theatre, that the theatre is necessary to the child," wrote impresario David Belasco.¹⁰¹ Does a child "need" to perform? Only recently has the first full-scale scientific study on the effects of an early career been undertaken. Entitled "Psychosocial Adjustment of Former Young Performers," the study is to be conducted under the direction of Dr. Lisa Rapport of the Wayne State University Psychology Department.¹⁰² Paul Petersen, who instigated the research, has reached his own conclusion. Petersen declares, "There are significant risks to children who find their way into the Entertainment Business. On that

⁹⁹Petersen, "If You Have a Child ...," 2.

¹⁰⁰Florence Kelley, *Some Ethical Gains Through Legislation* (1905): 15, quoted in Clopper, 127.

¹⁰¹David Belasco, *The Theatre Through its Stage Door*, ed. Louis V. DeFoe (1919; reprint, New York: Benjamin Blom, 1969), 132.

¹⁰²Petersen, "A Failing System," 1.

point there is no longer any dispute."¹⁰³ If that is true, perhaps my study of the struggle over the regulation of past child performers may be of value to those hoping to minimize the risks for the future.

¹⁰³"History of 'A Minor Consideration,'" (<http://www.minorcon.org.History.htm>): 2.

Appendix A

Child Actors Listed in *Who's Who*
Child Actors of Theatrical Parents

* = child of theatrical parents			see KEY
	Corinne		a, b, c
	Fred	Astaire	d
*	Wallie	Eddinger	d
*	Bijou	Fernandez	b, d
	Della	Fox	d
	Irene	Franklin	d
	Frances	Fuller ⁺	e
	Loie	Fuller	a, b, d
	Millie	James ⁺	e
	Elsie	Janis	a, b, d
	Elsie	Leslie	b, c
*	Marilyn	Miller	d
*	Mildred	Morris	a, b, d
	Leonie (Leona)	Powers	d, e
	Cyril	Smith	d
*	Edith	Taliaferro	c, d, e
*	Mabel	Taliaferro	c, d, e
	Eva	Tanguay	d
*	Viola	Tobin	d, e

KEY

a = listing in Walter Browne, *Who's Who on the Stage*, 1906

b = listing in Walter Browne and E. De Roy Koch: *Who's Who on the Stage*, 1908

c = listing in Dixie Hines & Harry Prescott Hanaford, eds., *Who's Who in Music and Drama*, 1914

d = listing in *Who Was Who in the Theatre 1912-1976*, compiled from *Who's Who in the Theatre*, vols. 1-15 (Gale Research Company, Book Tower, 1961).

e = adult credits listed in Edwin Bronner, *The Encyclopedia of American Theatre 1900-1975* (NY: A.S. Barnes & Co., Inc., 1980).

+ = credits listed in the *Encyclopedia* merely but not included in *Who's Who*. Since the *Encyclopedia* endeavors to list complete cast lists but does not denote distinction, these actresses were not included in my count of those who attained prominence.

Appendix B

Performance Permits Approved by New York City Mayors,
1895-1918Source: Society for the Prevention of Cruelty to Children,
Annual Reports

<u>Year</u>	<u>Number of Applications For Permits</u>	<u>Number Denied By Mayor</u>	<u>Number of Applications withdrawn</u>	<u>Number of Permits Granted.</u>
1895	240	29	-	220
1896	187	9	-	177
1897	294	28	-	260
1898	1128	72	-	1010
1899	1668	84	31	1553
1900	2241	86	73	2082
1901	3889	42	26	3821
1902	3753	48	3	3702
1903	4172	158	13	4001
1904	2487	67	28	2392
1905	2,674	40	18	2,616
1906	623	36	0	587
1907	629	14	7	608
1908	365	14	7	344
1909	435	12	3	481
1910	516	5	5	506
1911	625	10	3	612
1912	635	32		599
1913	652	15	9	628
1914	669	30	11	628
1915	436	24	5	388
1916	636	17	9	238
1917	667	8		659
1918	734	8		729

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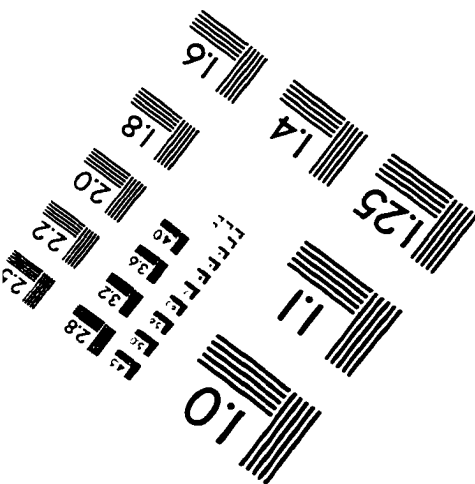
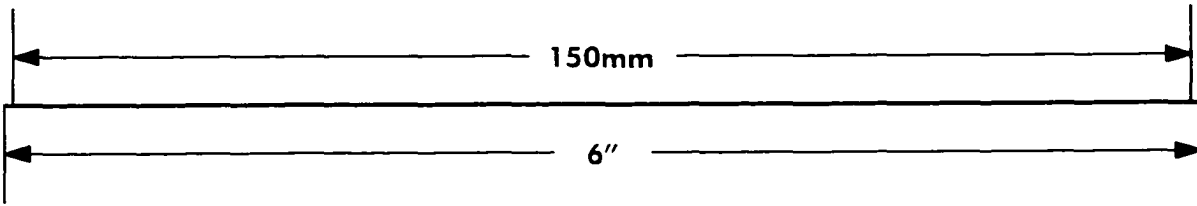
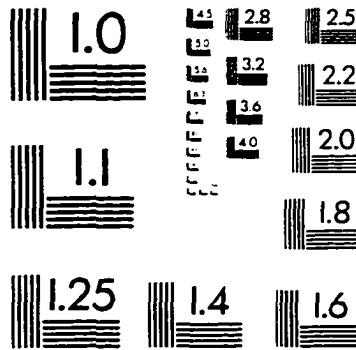
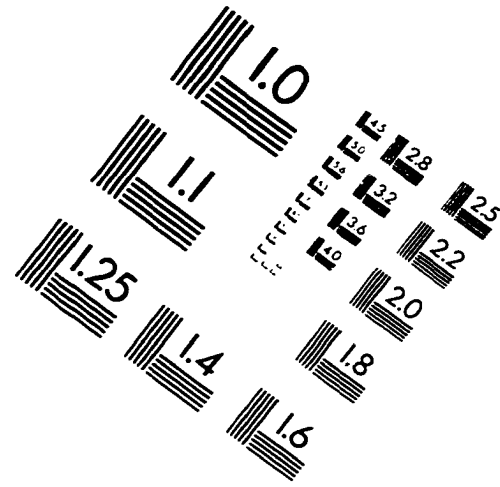
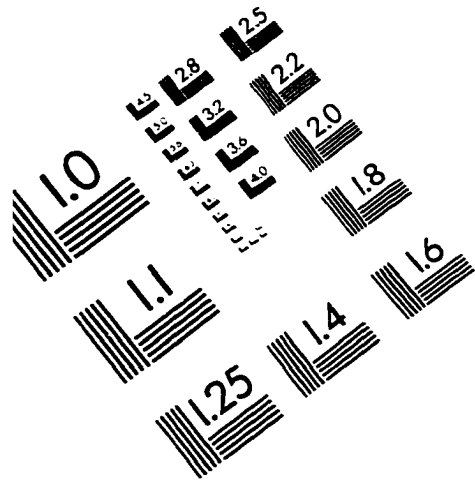
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