

ship could also amount to virtual child slavery because many masters valued cheap labor more than any obligation to teach their young charges.

Indeed, one historian finds a link between apprenticeship and essentially involuntary servitude. Before the Civil War, Missouri's county courts were required to bind out free black children between seven and twenty-one as apprentices or servants, though no black apprentice could be placed with a white apprentice without the consent of the latter's parents or guardian. Without specifying Missouri, the historian reports that once the Civil War amendments freed the slaves, "white authorities used new apprenticeship laws to bind out black children without parental approval for virtually any reason."⁸²

The playing field was not level. On the one hand, runaway apprentices faced the full force of the criminal law, plus damage actions by the master when they reached majority. On the other, the law rarely enforced the master's bargain when children were deprived of education and used for domestic service and other labor, or when they were overworked or cruelly treated. Legislation in 1846 enabled parents to regain custody of their apprenticed children by paying the master for services already provided, but the right remained largely illusory because few poor parents could afford to pay. Apprenticeship began to decline after mid-century when industrialism displaced home-based work, but the state's apprenticeship law remained largely unchanged until its repeal in 1917.⁸³

Almshouses

By the middle of the nineteenth century, boarding-out and other forms of outdoor relief faced vocal criticism. Some critics charged that outdoor relief perpetuated poverty by allowing the poor to settle into a lazy life, and by reducing the shame and stigma of being poor. Other critics charged that outdoor relief encouraged people to provide the least possible food and shelter in return for payment or labor received from the poor.⁸⁴

Criticism led to creation of county almshouses, institutions which were seen as less expensive and better able to instill values and industry in the poor. The nation's almshouses often held entire poor families, sometimes deliberately separating parents from their children. At the beginning, even some reformers approved of separation so children could be trained for a gainful life free from parental influence. For decades, however, promises of training went unfulfilled. Many almshouses made no effort to strengthen poor families or keep them together. Children separated from their parents were often supervised by other adult inmates, including criminals and the mentally ill.

Because most Missouri counties had no metropolitan areas, nearly all the state's early almshouses were rural institutions. Many were no more than farmhouses where indigents might be placed under a common shelter. Almshouses were known by a variety of euphemisms, among them poor houses, poor farms, county farms, county homes, county infirmaries and county hospitals. Whatever the name, counties often purchased the least expensive land, made minimal investment in buildings and maintenance, and hired a superintendent for the lowest bid and an agreement to minimize expenses with inmate labor. The General Assembly authorized almshouses to use "reasonable and humane coercion" to require able-bodied inmates to work.⁸⁵

In 1827, the legislature authorized St. Louis County to accept a donation of up to two hundred acres for an almshouse. Evidently no such donation was forthcoming because legislation four years later authorized the county to purchase a maximum of one hundred acres for that purpose. An 1843 act authorized all Missouri counties to purchase as much as 160 acres to build their own almshouses. By the end of the 1850s, almshouses had been established in Jackson, Jefferson, Osage, Green, Buchanan, Clark and Knox counties. Forty years later, all but a few rural counties had established these institutions, including small counties with hardly anyone to occupy them. In 1903, Missouri's almshouses ranged in size from five acres in Linn County to 360 acres in Callaway County; the number of inmates ranged from three in Reynolds County to seventy-four in Greene County and 1401 in St. Louis city.⁸⁶

By the early 1850s, the nation's almshouses encountered sustained criticism from reformers who found it unjust to institutionalize adults for their poverty, to separate members of poor families, and to punish young children for their parents' predicament. Some critics challenged almshouses for being inhumane in design and operation, and for failing to instill values and industry in adult or child inmates. Other critics asserted that almshouses were frequently operated by political appointees unqualified to uplift the poor but quite capable of maintaining a low budget by providing inmates only the bare essentials of life. In the 1850s, a New York legislative committee found that "[c]ommon domestic animals [were] usually more humanely provided for than the paupers in some of" that state's almshouses.⁸⁷

In an 1883 letter to Missouri's General Assembly, Bishop C.F. Robertson decried the "squalor and bestiality" that characterized many of the state's almshouses, particularly ones in the smaller counties. A contemporary textbook called almshouses the nation's minimum "guarantee against starvation," with inmates who were "often the most sodden driftwood from the social wreckage of the time."⁸⁸

Almshouses nonetheless continued to hold American children in substantial numbers. In the 1870s, Michigan still had about 600 children under sixteen in almshouses and New York still had more than 2100. As late as 1886, Missouri counties outside St. Louis still put most dependent children into almshouses. A 1904 investigation of Missouri almshouses revealed serious abuses, but about 100 almshouses (in 96 counties) still operated in the state as late as 1918. Between 1900 and 1905, investigations by the State Board of Charities and Corrections found that many Missouri almshouses still housed parents and children together.⁸⁹

Children's Asylums

Because sustained criticism of almshouses did not diminish belief in institutionalizing the poor, private organizations in the 1850s began operating new congregate institutions, children's asylums. More and more children in every state were now placed in private orphanages or other institutions, most of which were found in or near the larger population centers.

Orphans were a major social concern in the 1850s, when life expectancy (only 38.3 years for white males and 40.5 years for white females) and high rates of maternal death in childbirth left twenty to thirty percent of children parentless long before they could fend for themselves. Orphans were children with both parents deceased, and "half orphans" were children with one parent deceased. If the one deceased parent was the father, the family was normally left without a breadwinner because women had scant opportunities to earn a living wage. Without relatives to provide care, private charity became the lifeline for families seeking to avoid institutional commitment.⁹⁰

Several children's asylums opened in the St. Louis area, including five private orphanages by 1840 and more than twice that many by 1860. The nation's orphanages housed not only orphans and half-orphans, but also children whose poor parents could not care for them temporarily or in the longer term. In 1841, the St. Louis Association of Ladies For the Relief of Orphan Children was incorporated. The St. Louis Girls' Industrial Home, which sought to keep girls from begging on the streets, performed special services to children left destitute by the Civil War and urged police to bring small children to them rather than to public institutions. A home for soldiers' orphans opened in St. Louis shortly after Appomattox under private auspices, with a small state appropriation. Each of these institutions remained an alternative to the public St. Louis House of Refuge.⁹¹

America's asylums were designed to save children from lives of poverty, but once again the price often was separating families so values could be transmitted to children free from parental influence. Children's asylums fre-

quently did make serious efforts to provide food, clothing, housing, religious instruction and job training. Stress on industry, hard work and abusive discipline may sometimes have eclipsed interest in children's emotional well-being, but evidence also suggests that many of the nation's asylums showed a concern for children that most almshouses lacked.⁹²

During the antebellum period, slavery was the child welfare system for most black children in Missouri because most black children were slaves and most slaves were children. After the Civil War, Congress created the Freedmen's Bureau to assist newly freed slaves and their families. Perhaps the first federal social welfare initiative, the Bureau was underfunded and bitterly opposed as federal intervention in state affairs, and it ceased operating in 1871 without achieving its lasting goals. With most orphanages, children's asylums and other private institutions closed to black children and with almshouses segregated, the black community often turned inward for child care. Families often received care from black churches, lodges, women's clubs, orphanages and individuals. Children often received boarding and other care from members of their extended family or others in the community.⁹³

The nationwide progression from prisons and almshouses to children's asylums, orphanages and home care was slow and uneven. At its general meeting in May of 1875, the National Conference of Charities and Correction unanimously called for legislation in all states to "cause dependent children to be removed from county poorhouses, city almshouses, and common jails, and from all association with adult paupers and criminals and placed in families, asylums, reformatories, and appropriate institutions." The resolution went unheeded from coast to coast.⁹⁴

The dawn of the twentieth century saw Missouri still treating child poverty with an amalgam of outdoor relief, almshouses, asylums, and sometimes even prisons. The child savers' efforts on behalf of poor children would continue after the juvenile court began sitting statewide.

The Orphan Trains

From 1854 to 1929, a few private eastern child protective organizations went a significant step beyond institutional care by relocating as many as a quarter of a million destitute children from eastern slums to homes in rural Missouri and other midwestern states. This sustained migration was the now almost forgotten "orphan trains," which left a legacy as the nation's first sustained experiment with foster care for dependent children.

The orphan trains' 75-year run began in New York City, which had the greatest mass poverty in the United States in the early 1850s, and the widest gulf between rich and poor. Industrialism and essentially unregulated

European immigration into the nation's largest port of call had produced the most squalid slums and the largest population of street children Americans had ever seen. In 1849, the city's police chief reported that 3000 children, nearly 1% of the city's population, were homeless with no place to sleep but in the streets and alleys, under stairwells or in abandoned buildings.⁹⁵

Enter Charles Loring Brace, a social worker from a comfortable Connecticut family who found children's asylums destructive and unnecessary for healthy children. Fresh from studies at the Union Theological Seminary, the twenty-seven-year-old Brace created the Children's Aid Society (CAS) in 1853 to provide shelter and education for New York's homeless and abandoned children.

Private philanthropy could not build asylums fast enough to house New York City's booming population of homeless and neglected children. One winter, Brace reported seeing small homeless boys piled together to keep warm under the stairs of printing offices, and two little boys sleeping in the Harlem Bridge's iron tube. "To sleep in boxes, or under stairways, or in hay-barges on the coldest winter nights, for a mere child, was hard enough," he wrote, "but often to have no food, to be kicked and cuffed by the older ruffians, and shoved about by the police, standing barefooted and in rags under doorways as the winter storm raged, and to know that in all the great city there was not a single door open with welcome to the little rover—this was harder."⁹⁶

Brace developed a plan, born of both altruism and necessity. Cash-strapped and with its shelter overflowing in 1854, the CAS began sending trainloads of these children from the City's most abject slums westward because, as Brace put it, "[t]he cultivators of the soil are in America our most solid and intelligent class."⁹⁷

Legal barriers to massive relocation of poor children were nonexistent in the 1850s. With children viewed as legal incompetents in domestic matters and almost as their parents' property, relocation raised no serious objection in either the sending or receiving states that courts had not heard from the children themselves, or from adults representing them. Parents of the orphan train riders were also essentially voiceless because they were near or beyond the brink of destitution, unlikely to complain to authorities or receive the law's sympathetic ear if they did.

Also nonexistent were practical barriers to the orphan trains. For most of the mid- to late nineteenth century, the general public in the sending states did not know about the mass migration because poor immigrant children often fell through the cracks. Most states did not regularly record births until after World War I. Public school authorities did not systematically track children. Adoption laws were new and infrequently used, and Social Security numbers and the instantaneous mass media were still decades away.

Wealthy citizens in the sending states who knew about the orphan trains generally supported relocation wholeheartedly, at least partly because they were unwilling to finance local care. Theodore Roosevelt, Sr. (the future President's father) and other well-heeled philanthropists believed that relocation was for the children's own good. Relocation was also seen as good for the cities, which feared the children's petty thievery and sensed that mass child poverty would breed mass adult crime later on.

In 1872, Brace wrote an autobiography whose provocative title, *The Dangerous Classes of New York*, demonstrated his own perception of the orphan trains as insurance against future crime. The Children's Aid Society circulated a flyer that spoke of "draining the city of these children." Even New York's Association for the Improvement of the Condition of the Poor, generally hostile to relocating the urban poor, acknowledged in 1858 that "relief of our overburdened city of its pauperism, by migration to the country is a very popular idea."⁹⁸

By the 1860s, other nonprofit relief organizations copied the CAS and began operating orphan trains from eastern slums to farms, mostly in the nation's heartland. One was the New England Home For Little Wanderers, based in Boston, another city struggling with pockets of abject poverty. Caring for infants and young children were the Sisters of Charity of St. Vincent de Paul, which established the New York Foundling Asylum in 1869. Later known as the New York Foundling Hospital, the asylum called its migrations "Mercy Trains." The Sisters of Charity even placed a cradle in the asylum lobby so mothers could safely abandon their babies in anonymity.⁹⁹

By the time Missouri's last recorded orphan train left Trenton in 1929, the CAS and the other private agencies had relocated as many as 250,000 destitute city children. St. Louis was often a gateway to the west, as children arriving there would be placed on separate trains for various destinations. Thousands of these children found new homes on Missouri farms, including Henry Lee Jost who was born in New York City in 1873 and came to Hopkins, Missouri eight years later. Jost served as Kansas City's mayor from 1912 to 1916 and as a Congressman from 1923 to 1925. After his one term in Congress, he returned to practice law in Kansas City, where he died in 1950.¹⁰⁰

The name "orphan trains" is actually a misnomer because nearly half the estimated quarter million young riders were not orphans. They had at least one living parent, unemployed, sick with cholera or other disease, violent, alcoholic, drug addicted or simply too poor to support their families, even with earnings from their children's labor. The urban poor had no social safety net—no unemployment insurance, workers' compensation, extended medical care insurance, maximum hours laws or other protections that awaited twentieth century legislation.

Some parents abandoned their children to the Children's Aid Society, often anonymously in swaddling clothes on doorsteps or other public places. Other orphan train riders had run away and were living on the street, including some children born out of wedlock in an era when Americans did not look kindly on "bastards" or their unmarried, often young and destitute, parents. Some riders came to the Society themselves and sought help. Still other riders were turned over to the CAS by law enforcement authorities after being picked up for begging, vagrancy, thievery, prostitution or other crimes. Without their parents' knowledge or consent, some riders were simply taken off the streets or relocated from overcrowded orphanages because food was scarce and begging common in private institutions like the New York Home For Friendless Boys and the Brooklyn Benevolent Society. Some parents were reportedly coerced into surrendering their children.¹⁰¹

Brace and most of the orphan trains' other operators truly believed westward migration from urban squalor to rural open spaces would benefit the needy children. Many of these urban social workers disdained the children's poor parents as much as they disdained asylums and other congregate institutions, but the workers were certainly not the only Americans during the Gilded Age who found harsh industrialism repulsive, yearned nostalgically for a simpler rural life and believed uncritically in the virtues of hard outdoor farm work. Without meaningful federal or state involvement in child protection, social workers who recoiled at overcrowding, disease and homelessness in the teeming eastern slums saw little choice but to try relocating the children, one way or another.

The orphan trains yield a compelling story. Trainloads of children, often with no idea why they were on board or where they were going, would depart from New York and other eastern cities with agents of the CAS or other sending organization. Inquisitive children were often simply told they were going to "take a trip." The entire process almost certainly inspired fear and trepidation in the hearts and minds of city children suddenly uprooted from their families, sometimes without farewells. Traveling alone hundreds of miles to unknown destinations across rural landscape unlike anything they had ever seen, older children sensed they would never return.

The orphan trains would make well-publicized in midwestern rural train stations, auditoriums, general stores and meeting halls. These whistle-stops suited Missouri well because, except in the south central and southeast parts of the state, railroads linked almost all moderately sized towns and were responsible for the emergence of the state's four largest cities, St. Louis, Kansas City, St. Joseph and Springfield.¹⁰²

Some orphan train children were "tagged" before their eastern departure,

given a number to wear on their clothing that matched a number held by a family at the midwestern stop. The matched family could take the child on arrival, but would suffer no consequence for renegeing at the last minute if the child did not meet their expectations.

Most orphan train riders were untagged, so first impressions mattered. The prearranged train stops were attended by large crowds of townspeople who wanted to look the children over. To make the children look more appealing, agents on the train would clean and dress them up in new clothes, sometimes the only garments they owned. Older children were sometimes told to demonstrate any skill they might have, such as singing or dancing. Children would be led off the train to line up for the townspeople's inspection on a platform and see whether they would be chosen. "We'd stop in these little towns and get out of the trains, and they'd interview us," said one rider decades later, "It was kind of like a cattle auction. If they liked us, they would take us." "They would look you over pretty good," sometimes even prodding the child, feeling his muscles and checking his teeth for good health if the family was looking for an extra hand to work the farm.¹⁰³

In 2002, Elizabeth Wilde Daniel recalled her experience on the Greenfield Opera House platform in Greene County when she was five years old in 1919. "We were all so gol-darn tired, and this preacher got up and said, 'These children are real tired. And they're hungry. If anyone in this crowd will take one of these children and give them dinner, then you and your wife talk it over. And if you want to keep 'em, we'll put your name down and give you three weeks to try 'em out.'" "It was just like taking a car out and testing it," said Ms. Daniel, who acknowledged that she was better off in Missouri than she would have been if she had remained in New York City.¹⁰⁴

Siblings were routinely separated with little second thought. In 1908, eight-year-old Noah Lawyer and his three brothers arrived in Savannah, Missouri and were taken by four separate families. In 1929, nine-year-old Edward Newman and his brother arrived in Missouri on the last orphan train. The boys were separated when a family kept his brother but said they did not want Edward because he was too small. "We used to watch groups of three or four little brothers and sisters holding on to one another and just crying on the train because one of their siblings had just been adopted at the last stop," one rider said years later. "I had a hold of little Johnny" on the platform, another rider recalled of his brother, "but they pried us loose."¹⁰⁵

Townspeople would pick and choose among the children. The ones selected would go home with their new parents to rural surroundings unlike anything they had ever seen before. Parents could return the children to the Society within a year if things did not work out as planned, and some chil-

dren did indeed have to make more than one trip westward. Aside from adoption, receiving states had no legal mechanisms for assuring the welfare of children left within their borders.

Little thought was given to the fragile sensibilities of rejected children. Ones not selected at a particular stop, often because they were smaller and might not be hardy workers, would repeat the inspection process at the next stop until a match was made. Children not selected by the last stop might be returned to New York, perhaps to repeat the trip on another orphan train all over again. "Can you imagine being the last one?," a rider's daughter said years later.¹⁰⁶

Joseph Aner was a six-year-old orphan train rider adopted in 1896 by the Markways, a Wardsville, Missouri farm family that already had nine children of their own. More than a century later, his grandson noted that the CAS had new parents sign documents agreeing to give the young rider a home, but without necessarily agreeing to love the child. Joseph was fortunate because his mother had left him in a basket on a New York City doorstep when he was an infant but, after an unsuccessful Iowa placement and a return to the City, his Wardsville family adopted him on his second trip westward and treated him as one of their own. He took the Markway surname, later married and had four children, and remained in mid-Missouri until he died in 1968.¹⁰⁷

What became of the orphan train riders? Many found loving homes with midwestern families who desperately wanted a child, either because they could not have one of their own or because they had lost a child in an era marked by high infant and child mortality rates. Other riders faced abuse or led difficult childhoods with families seeking little more than free farm labor in days when such labor was scarce and modern farm machinery was unknown. Children were seen as miniature adults expected to earn their keep, and hard work was seen as a cure for character flaws that had assertedly afflicted the child's family with poverty to begin with. Some riders were transferred informally from family to family free from legal scrutiny because Missouri did not require court approval for transfers of children until 1917.¹⁰⁸

Many CAS riders were born Catholic to immigrant Irish, German and Italian parents, or born Jewish to eastern Europeans once the new immigration began in the 1880s. Many of these children were raised Protestant once they arrived at their destinations. Because scarcely any black children were included on the trains, New York's black community sought to serve these children through such organizations as the Colored Orphan Asylum.¹⁰⁹

Few orphan train riders were ever formally adopted by their new midwestern families. The children's selection and later care and upbringing ordinarily went unmonitored because modern mass communication and

state social welfare agencies were still years away. The sending societies could not afford to supervise the new parents' promises to provide education and church attendance, and in any event generally lacked personnel trained and experienced in supervision. The children's city of birth, their natural parents and the sending societies themselves never heard from most of the riders again. Riders' letters to their natural parents generally went undelivered.

Brace himself seemed unconcerned about the loose procedures, and unmindful that most of his pint-sized travelers had not yet reached their teens. "The children," he said matter-of-factly, "are free to leave if ill-treated or dissatisfied, and the farmers can dismiss them if they find them useless or otherwise ill-suited." Brace also presumed fancifully that the children and their new parents were contracting parties on an equal footing. "The employers [Brace's words] agree to send the children to school, and, of course, to treat them kindly. Beyond this there is no agreement and . . . the relation is left much to the feeling of both parties."¹¹⁰

What was Missouri's attitude about the orphan trains? The official record is sketchy, but it appears that the essentially rural state welcomed the arrival of free labor at the beginning, when the state placed high priority on recruiting a rural workforce through immigration. In 1857, barely three years after the first orphan train left New York City, Missouri Governor Robert M. Stewart said that "It is in the interest of Missouri to invite immigration. . . . It matters not to us whence it comes, if it brings with it moral worth and political integrity."¹¹¹

Missouri lost many men and much property during the Civil War and, with uncultivated agricultural land covering more than half the state, competed mightily to attract immigrants from the east to help recover from the conflict. In his inaugural address on January 2, 1865, Governor Thomas C. Fletcher urged creation of a state agency to encourage immigration that would help recovery from the war. The legislature responded by creating the state Board of Immigration to "repair as rapidly as possible the losses sustained through the desolations of war." The Governor chaired the board, which was charged with doing "all and everything which may and will enhance and encourage immigration to this State, either from the eastern States of the United States or from the eastern hemisphere." A central mission of the board was to publicize the state's "developed and undeveloped agricultural" resources.¹¹²

The state immigration board immediately sought to attract capital and persons willing to own and manage farms, and to assure a supply of farmhands and a labor force. In the orphan trains' early years, the state did not look unkindly on trainloads of children who replenished the workforce available to farm families willing to take them in.¹¹³

The legislature acted again in 1867, authorizing counties to form immi-

gration societies of their own to attract settlers. The state immigration board also worked with private groups such as the Missouri Immigration Society, and with various regional and county emigrant aid societies such as the Southwest Missouri Immigration Society. By 1869, Governor Fletcher could boast that thousands of immigrants had already come to Missouri, and that this “unprecedented influx of population is a cause for congratulation.”¹¹⁴

The legislature discontinued the state immigration board for a year in 1878, but created a new board the following year. By the close of the century, the lawmakers instructed the state immigration board to “properly represent the advantages afforded by Missouri to persons desiring to secure homes in the west,” and urged board members to advertise “in at least one agricultural paper or other journal published in the eastern or middle states.” As late as the Progressive era, Governor Herbert S. Hadley (1909-1913) sought to reinvigorate the immigration board because the state’s rural areas had been steadily losing population to the southwest and the cities.¹¹⁵

By the end of the nineteenth century, midwestern states began losing patience with what the U.S. Children’s Bureau would indelicately call the eastern states’ practice of sending “the social waste of their congestion” westward on the orphan trains. In the 1890s, at least four states—Michigan, Minnesota, Indiana and Illinois—enacted legislation restricting importation of children into the state. The Indiana Board of Charities expressed frustration that the state had become a “dumping ground for dependents from other states.”¹¹⁶

Missouri criminalized child-importation in 1901. The law prohibited persons from bringing into the state a child “having any contagious or incurable disease or being of feeble mind or vicious character.” Out-of-state associations were required to guarantee the State Board of Charities and Corrections that they would place no such child in the state, and that they would promptly remove any child who became a public charge within five years after being brought into the state.¹¹⁷

Missouri’s 1901 legislation pulled no punches. A blunt emergency clause provided for immediate effectiveness because “the New York children’s aid society is pouring car loads of children into the state without properly supervising them, thereby burdening our commonwealth.” Questions arose about the constitutionality of state restrictions on children’s free movement, but Missouri courts had no occasion to provide answers. The state received \$3000 bonds from the New York Children’s Aid Society and the New York Foundling Asylum in 1901 and 1910 respectively. The State Board of Charities and Corrections began requiring quarterly reports from out-of-state child placing societies, but enforcement efforts went no further.¹¹⁸

Several more states enacted restrictive legislation before Theodore Roosevelt’s 1909 White House Conference on Dependent Children request-