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## Martin Tabert, Martyr of an Era

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## MARTIN TABERT, MARTYR OF AN ERA

by N. GORDON CARPER\*

**M**ARTIN TABERT, in his desire to "see the world," unfortunately met an untimely death in Florida. The national publicity given the circumstances surrounding his death provided the catalyst Floridians needed to abolish the cruel and corrupt convict-lease system, a peculiarly southern institution given impetus during the Civil War-Reconstruction era.

During Reconstruction, Florida's officials operated a dual penal system. A number of convicts were housed in the state penitentiary established in 1868, while others were leased to railroad, turpentine, and cotton interests.<sup>1</sup> Although the Republicans leased convicts during Reconstruction the primary motive governing prison development was criminal reformation. The financial, social, and political chaos resulting from the Civil War and Reconstruction, however, negated most attempts to reform the criminal and gave impetus to the lease system.<sup>2</sup>

The increase in the criminal population resulting from freeing the slaves, the corrupt prison system under the Republicans, the apathy and ignorance of the public, but, perhaps most important, the unwillingness to spend public funds on criminal reformation combined to encourage the Bourbon Democrats to enact Florida's first convict-leasing statute in 1877. Florida was following the lead of other southern states by placing the responsibility for convict care in the hands of private interests.<sup>3</sup>

From the inauguration of the system in 1877, until the end of Governor William Sherman Jennings's administration in 1905, one theme dominated Florida's penal development: bleed every

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1. N. Gordon Carper, "The Convict-Lease System in Florida, 1866-1923" (Ph.D. dissertation, Florida State University, 1964), 8-37.
2. Fletcher Melvin Green, ed., *Essays in Southern History* (Chapel Hill, 1949), 115.
3. *Laws of Florida*, 1877, 86. Whereas the statutes passed during Reconstruction provided that the state should retain control over the care and custody of the convicts, by the 1877 statute the state relinquished all convict control to the lessee.

dollar possible out of the lessees of state and county convicts.<sup>4</sup> If this policy did not lend itself to the concepts of modern penology, in general, the public did not seem dissatisfied. Occasional protests were voiced, but they amounted to little more than lonely cries in the wilderness. The cause of humanity had to wait until public opinion became more indignant. After 1905 public opinion, molded by the press, urged the authorities to revoke convict leasing, and in 1919 it was abolished.<sup>5</sup>

While the reformers worked to eliminate the state system, county convicts suffered abuses which perhaps were more barbarous than those suffered by state prisoners. Yet the public seemed ignorant of these brutalities; no incident had occurred which stimulated action. Then in 1922, a county convict died as the result of a severe beating. As the circumstances relating to the death of Martin Tabert became known, citizens throughout the nation demanded that Florida abolish corporal punishment and county convict-leasing.

In the fall of 1921, twenty-two year old Martin Tabert of Munich, North Dakota, decided to see the world.<sup>6</sup> At an early age he had borne the responsibilities of an adult on a 560-acre farm. His brothers and sisters had left home, and Martin's help was needed. With the end of World War I one brother returned to the farm, and Martin decided that he could take a trip. He had money, but planned to work part time and see the sights as he moved from place to place.

All went well until he reached Florida. Jobs were not abundant, and he soon ran out of money. Rather than return home or write his family for help, Martin decided to continue south. In so doing he made the mistake of riding on a train in Florida without a ticket.<sup>7</sup>

On December 15, 1921, a Leon County deputy sheriff arrested Tabert on the charge of "stealing a ride on a railroad train."<sup>8</sup>

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4. Carper, "Convict-Lease System in Florida," 44-186.

5. *Ibid.*, 218-303; *Laws of Florida*, 1919, 65; *Sixteenth Biennial Report of the Department of Agriculture of the State of Florida, 1919-1920*, 87; *Tallahassee Daily Democrat*, May 21, 1919.

6. "Out to See the World," prepared by Martin Tabert Committee, March 1923, Samuel D. McCoy Papers, Florida State Library, Tallahassee. After Tabert's death, the Martin Tabert Committee was formed to collect the pertinent facts in the case.

7. *Ibid.*

8. *Ibid.*; *Tallahassee Daily Democrat*, April 10, 1923.

He was taken before Leon County Judge B. F. Willis, who found him guilty of vagrancy and fined him \$25.00. Tabert could not pay his fine so Judge Willis decreed that he would serve ninety days in the county jail. Leon County Sheriff J. R. Jones immediately took Tabert into custody.

By order of the Leon Board of County Commissioners, all county convicts were leased to the Putnam Lumber Company at \$20.00 each per month, and the sheriff turned Tabert over to the company.<sup>9</sup> In the meantime Tabert sent a telegram to his brother: "In trouble and need fifty dollars to pay fine for vagrancy. Please wire money in care of sheriff."<sup>10</sup>

Upon receipt of the telegram, John Tabert and his parents sent Martin a letter in care of the sheriff, which contained a draft on the First National Bank of Munich for \$7500.<sup>11</sup> Sheriff Jones received the letter on December 26, 1921, and returned the correspondence, unopened, to Mrs. Ben Tabert of Munich, North Dakota. The face of the envelope was stamped: "Returned to writer unclaimed from Tallahassee, Florida . . . by request of sheriff, Party Gone."<sup>12</sup> When Jones returned the letter, he did not tell the family what had happened. The Taberts logically assumed that Martin had found some method of securing his release and had left Tallahassee. Not knowing what else to do, they waited. Soon, however, they received a letter from the Putnam Lumber Company advising them that Martin had been sentenced to serve three months in the county prison system and had been sent to the Putnam Lumber Company's convict camp. The letter indicated that Tabert had developed a fever along with other complications and had died. Unable to locate any of Martin's family, the company had carried out all burial arrangements. Now the company officials were extending their sympathy to the family.<sup>13</sup>

When they received the letter, the Taberts suspected there was something irregular about their son's death, and asked the

9. Minutes of the Board of Commissioners of Leon County, August 15, 1921, 206-07, Leon Courthouse, Tallahassee.

10. Telegram, Martin Tabert to John Tabert, n. d., McCoy Papers: "A Victim of Convict Slavery," *Literary Digest*, LXXVII (April 21, 1923), 40.

11. "Out to See the World," McCoy Papers; Mr. and Mrs. Ben Tabert to Martin Tabert, December 21, 1921, *ibid*.

12. Envelope addressed to Martin Tabert, in care of the Leon County sheriff, December 21, 1921, *ibid*.

13. Putnam Lumber Company to E. D. Tabert, February 2, 1922, *ibid*.

family attorney, Norris Nelson, to make some inquiries. Nelson wrote Sheriff Jones and the Putnam Lumber Company asking for details.<sup>14</sup> The company informed Nelson that it leased all of Leon County's able-bodied male convicts and was responsible for their care and welfare. A state and county supervisor inspected the camp about once a month. According to the company's statement the camp physician had diagnosed Tabert's illness as malaria fever. Tabert apparently would not take his medicine regularly, and he contracted pneumonia. The letter concluded: "We do not understand why the sheriff of Leon County should have told the people he had gone and did not accept the money for his release."<sup>15</sup>

It would seem that the company was trying to place responsibility on the sheriff, but Jones informed Nelson that if there was any foul play it was the company's fault. Jones pointed out that Tabert was physically healthy when he was turned over to company officials. He also admitted: "There was some money wired to him here after he was gone, but I could not get it, as it was sent in his name, I therefore returned it."<sup>16</sup>

The Tabert family now knew how Martin had fallen into the hands of the lumber company, and at first they believed the story that they had been told. Later developments revealed that the sheriff and company officials had attempted to hide the true facts surrounding the death. In July 1922, ex-convict Glen Thompson wrote a letter to the Munich, North Dakota, postmaster inquiring whether Tabert's parents knew or cared to know the particulars of their son's death.<sup>17</sup> Thompson had been an eyewitness to the tragedy. The postmaster forwarded the letter to the Taberts who "for the first time, . . . began to realize that they were the victims of a monstrous deception in regard to the death of Martin."<sup>18</sup>

The Taberts wrote Thompson a letter asking for more information. He and others then furnished information which convinced them that Martin's death had not come about as de-

14. Norris Nelson to J. R. Jones, February 9, 1922; Nelson to Putnam Lumber Company, February 9, 1922, *ibid.*

15. Putnam Lumber Company to Nelson, February 15, 1922, *ibid.*

16. J. R. Jones to Nelson, February 17, 1922, *ibid.*

17. Glen Thompson to Postmaster, Munich, North Dakota, July 1922, *ibid.*

18. "Out to See the World," *ibid.*

scribed by Jones and the Putnam Lumber Company. Thompson stated that he had witnessed “many tortures” in the convict camp. Tabert’s feet, he said, were swollen due to swamp water and the condition of his shoes, but when he had asked “whipping boss” Walter Higginbotham for a larger pair of shoes he was ignored. Late in January 1922 Martin complained about aching groins, and the doctor lanced one and left him some medicine. Shortly afterwards Tabert had received a severe beating for working too slowly. Thompson said that Higginbotham had given Martin thirty-five to fifty licks before some eighty-five convicts using a four-inch strap weighing seven and one-half pounds. When Tabert begged Higginbotham to stop, the “whipping boss put his feet on Martin’s neck to keep him from moving out of position as he whipped him.” In spite of his physical condition, Tabert was forced to continue working, but shortly afterwards Thompson said that Martin’s condition deteriorated, and he died “without a struggle.” In spite of the evidence, the physician had attributed the death to “pernicious malaria.” Thompson suggested that Tabert might have written asking for money but, “letters were read going in and coming out, and many of them never went, and especially those calling for money to pay out.”<sup>19</sup>

Another former convict confirmed that Tabert had died a “horrible death,” and said that he had been whipped unmercifully and “barbarously murdered.”<sup>20</sup> Other letters stated that the men worked waist deep in swamp water. “It poisoned the men, their feet became sore and their bodies were often a mass of sores and nothing was done for them.”<sup>21</sup> Other letters noted that Tabert was too sick and weak to do the work demanded, and that he frequently had been knocked down and whipped. The other men were similarly treated. One former inmate wrote that he would carry to his grave “scars on his back caused by beatings from the brute Higginbotham, . . . the . . . whipping boss.”<sup>22</sup>

Ignorant of the convict-lease ‘system, the Taberts found the letters difficult to believe. Yet the evidence seemed conclusive, and they decided to do something. They persuaded North Dakota

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19. Thompson to Ben Tabert, August 25, 1922, *ibid.*

20. Unsigned letter to John Tabert, n. d., *ibid.*

21. “Out to See the World,” *ibid.*

22. *Ibid.*

State Attorney G. Grimson to go to Florida and investigate, and the material which he collected substantiated, in every detail, the letters received by the Taberts.<sup>23</sup>

According to Grimson, Sheriff Jones "was little better than a slave-catcher." He had an arrangement with the company whereby he received \$20.00 for every male convict sent to the camp for ninety days. Grimson also claimed that the company was a Wisconsin-owned corporation worth \$800,000 which increased its profits "by the labor of unfortunate men, picked up and forced into their custody through trivial violations of the laws of the state of Florida."<sup>24</sup>

A "Martin Tabert Committee" was formed which presented Grimson's findings to the North Dakota legislature, and then called for a resolution requesting Florida legislative action. North Dakota State Senator W. H. Porter introduced a concurrent resolution charging that Tabert had died as a result of physical abuse and torture inflicted upon him by T. W. Higginbotham, a Putnam Lumber Company employee. The legislature also accused Sheriff Jones and the company of conspiring to mislead Tabert's parents concerning their son's death.<sup>25</sup> The legislature charged that the sheriff and the lumber company were involved in a conspiracy to arrest and convict men for minor offenses. The company acquired a cheap labor supply, the sheriff received a cash compensation, and Martin Tabert had been the victim of their conspiracy.<sup>26</sup> The North Dakota legislature did not condemn Florida's state administration, but it did ask the Florida legislature to investigate the case and to punish the responsible parties.

Florida Governor Cary Hardee promptly replied to the resolution. Writing to Governor R. A. Nestus of North Dakota, he claimed that Florida's reputation had been injured by the resolution; and he insisted that no state treated its convicts more humanely than Florida. He listed the benefits accruing to Florida's criminals, but agreed that "if criminal responsibility attaches to anyone connected with the affair he will be promptly and vigorously prosecuted. I feel in view of these facts that the

23. *Ibid.*

24. *Ibid.*: "A Victim of Convict Slavery," 40.

25. Concurrent Resolution on Tabert Affair passed by North Dakota Legislature, February 27, 1923, McCoy Papers; "A Victim of Convict Slavery," 46; *Florida House Journal*, 1923, 16.

26. *Florida House Journal*, 1923, 16-17.

passage of the resolution by the Senate served no useful purpose.<sup>27</sup>

The Florida legislature immediately ordered a joint House-Senate committee to investigate Tabert's death and to conduct a thorough investigation of all convict camps where cruelty had been charged. The committee was supposed to determine also the merits of abolishing the entire lease system.<sup>28</sup>

Sheriff Jones, in a communication to Fred H. Davis, chairman of the special legislative committee, denied his involvement in the affair and demanded a full investigation which he claimed, would exonerate him.<sup>29</sup> Meanwhile on April 10, 1923, several witnesses assembled at Madison, Florida, for the grand jury investigation. Higginbotham, the whipping boss, was charged with the murder of Martin Tabert which, through his attorney, he denied. He admitted flogging Tabert, but claimed the beating was not unduly harsh.<sup>30</sup> It was expected that other witnesses would testify that Higginbotham was a man without mercy who flogged both black and white convicts "just for the sport of it."<sup>31</sup> Scores of witnesses including Tabert's fellow prisoners, former convict guards, and employees of the Putnam Lumber Company, were called to testify. Many newspapermen from throughout the South were present. Former convicts Glen Thompson and John Gardner were prepared to testify as eyewitnesses to Tabert's death. Thompson would reiterate the circumstances surrounding the death, while Gardner would describe "how the lashes were applied by dragging the strap through sugar and sand between each lick."<sup>32</sup>

Two days after the grand jury began its investigation the legislative committee—Senators John P. Stokes and W. A. MacWilliams and House members John Clay Smith, Frederick Van Roy, and C. H. Kennerly—met and elected Stokes chairman. The committee believed that it had the power to investigate all alleged cases of convict brutality and to recommend appropriate action.<sup>33</sup>

27. *Florida Senate Journal*, 1923, 62-64.

28. *Tallahassee Daily Democrat*, April 6, 1923; *New York World*, April 14, 1923; *Florida House Journal*, 1923, 97, 142.

29. *Florida House Journal*, 1923, 102; *Tallahassee Daily Democrat*, April 6, 1923.

30. *Tallahassee Daily Democrat*, April 10, 1923.

31. *Ibid.*

32. *Ibid.*; *New York World*, April 10, 1923.

33. *Tallahassee Daily Democrat*, April 12, 1923; Minutes of the Joint Com-

On April 22, 1923, the grand jury indicted Higginbotham for "murder in the first degree."<sup>34</sup> Immediately afterwards all witnesses were summoned to appear before the legislative investigating committee in Tallahassee. Stokes pointed out that since Higginbotham was under indictment and the Putnam Lumber Company was faced with a \$50,000 civil suit filed by Tabert's family, the investigation should create no prejudice against them, but the charges against Sheriff Jones should be investigated.<sup>35</sup>

On April 17 the sheriff was on the stand and admitted that he received \$20.00 for each convict he delivered; after expenses, he netted about \$15.00 per man. Senator Stokes asked Jones if he lost his commission when a convict paid his fine, and the sheriff said he received his \$20.00 whether the convict served one day or ninety days.<sup>36</sup>

After hearing testimony from the deputy sheriff of Leon County concerning Tabert's arrest, the committee called County Judge B. F. Willis. He stated that after the boy was arraigned he had pled guilty. No attorney, not even the county prosecuting attorney, was present, according to Willis.<sup>37</sup>

By April 24, the committee concluded that both Sheriff Jones and Judge Willis should be removed from office. Governor Hardee also supported Jones's removal, but when he was asked if he would resign, the sheriff replied: "Why should I resign, when there has been no evidence against me except from former convicts and persons whom I have discharged from service?"<sup>38</sup>

The evidence against Jones continued to mount. Jerry Poppell, former jailer of Leon County, testified that the lumber company had made a deal with Jones to "railroad" men into the lease system for a sizable profit. Men charged with vagrancy were brought before the county judge and instructed by the sheriff and his deputies to plead guilty. On several occasions, Poppell said,

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mittee in Committee Room in Behalf of the Senate and the House of Representatives Appointed to Investigate the Death of Martin Tabert, Senator Stokes, Chairman, Monday, April 17, 1923, Office of the Secretary of State, The Capitol, Tallahassee.

34. New York *World*, April 12, 1923.

35. Tallahassee *Daily Democrat*, April 12, 1923.

36. Minutes of the Joint Committee; Jacksonville *Florida Times-Union*, April 18, 1923.

37. Tallahassee *Daily Democrat*, April 17, 1923.

38. *Ibid.*, April 23, 24, 25, 1923.

these trials took place late at night and were carried out by inebriated court officers.<sup>39</sup>

The investigating committee checked Jones's records and found conclusive evidence against him. During the seven months prior to the time Jones entered into the agreement with the lumber company only twenty men had been arrested as vagrants for riding trains without tickets. In the following seven months 154 men were arrested. The *Tampa Tribune* reported that Jones had admitted that he had delivered 163 men to the lumber company; he had netted at least \$2,500 in a comparatively short time.<sup>40</sup>

The committee began questioning witnesses on April 18 concerning Higginbotham's role in Tabert's death. Eighteen-year old John Gardner testified that he had been "whipped three times within a week, that he received approximately fifty licks each time and that Walter Higginbotham, the convict boss charged with murder in connection with the death of Martin Tabert, did the whipping."<sup>41</sup> He had been beaten so severely that he was unable to lie on his back for thirty days. He then told the committee that Higginbotham had brutally flogged Tabert four days before he died.<sup>42</sup>

Higginbotham claimed: "The whipping was administered following reports submitted by one of the guards in charge of Tabert's squad in which the prisoner was accused of shirking." When Tabert reported that he was ill, a doctor was sent for and medical attention was provided, but Higginbotham concluded that Tabert was not doing his job according to orders and administered a light whipping of ten licks. He denied that he had held Tabert in position by placing his foot on the boy's neck.<sup>43</sup>

A. P. Shivers, a convict guard who had worked for the Putnam Lumber Company, sharply contradicted Higginbotham's statements. According to him Tabert was healthy when he first came to the camp but soon after he "was suffering with running

39. *Ibid.*, April 25, 1923; Minutes of the Joint Committee.

40. *Tampa Tribune*, April 25, 1923; E. Lassande to Samuel McCoy, n. d., McCoy Papers. On April 27, the Senate removed Sheriff Jones from office. According to the the Tallahassee *Daily Democrat*, Judge Willis was removed from office May 16, 1923.

41. Tallahassee *Daily Democrat*, April 18, 1923.

42. *Ibid.*

43. Minutes of the Joint Committee; Tallahassee *Daily Democrat*, April 19, 1923; Jacksonville *Florida Times-Union*, April 20, 1923.

sores," and his legs were so swollen and diseased that he "could hardly drag around."<sup>44</sup> The day Tabert was beaten, the convicts had walked two miles to the swamp, and the boy could not keep up. When the convicts returned that night, Higginbotham made Tabert lie on his stomach before the rest of the men. Then, according to Shivers, "Higginbotham pulled up his shirt. He gave him about thirty licks as Tabert groaned and screamed for mercy. Tabert kept on twitching his body so Higginbotham placed the heel of his boot on the youth's neck to make him keep his body rigid. He then gave him about forty or fifty more licks. Higginbotham told Tabert to get up and the boy was a little slow about it so Higginbotham said, 'you can't work yet, eh?' and pushed the boy down on the ground. This time he gave him about twenty-five licks. He told Tabert to get up and when the secretary [*sic*] straightened up, Higginbotham made a pass at him with the handle of the strap. He missed him and Tabert staggered around in a half circle with Higginbotham hitting him over the head and shoulders."<sup>45</sup> Afterwards Tabert was unable to move from his cot, and the odor coming from his quarters was very offensive. Higginbotham looked in on Tabert, and later he told Shivers that he thought the boy might die. Tabert died the following night.

Dr. T. Caper Jones, convict camp physician, had examined the body and pronounced that death had resulted from pneumonia with malaria complications. After extensive interrogation by the legislative committee, Dr. Jones announced that the real cause of death was syphilis, but that he had not reported this because of the embarrassment it might have caused the Tabert family.<sup>46</sup> In view of Jones's conflicting testimony and his misstatement of the facts, the committee recommended that his testimony be referred to the State Board of Medical Examiners and that "the medical profession be purged of a seemingly unworthy member."<sup>47</sup>

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44. *Tampa Tribune*, April 18, 1923; Minutes of the Joint Committee.

45. *Ibid.*

46. Minutes of the Joint Committee; Jacksonville *Florida Times-Union*, April 19, 1923; Tallahassee *Daily Democrat*, April 18, 26, 1923; "Out to See the World," McCoy Papers.

47. G. Grimson to McCoy, April 30, 1923, McCoy Papers. The Senate adopted a resolution which officially denounced Jones as a "disgrace to the profession."

Higginbotham went on trial for first degree murder on June 5, 1923, in Lake City. The state charged that Tabert had died from the whipping administered by Higginbotham. W. Padgett, a former convict guard at the Putnam Lumber Company, testified that Tabert had pleaded with Higginbotham not to beat him, but that the whipping boss had administered seventy-five lashes with a leather strap.<sup>48</sup> J. E. Jackson, also a former guard, supported Padgett's testimony.

The defense attorneys did not deny that Tabert had been beaten, but argued that this was "in accordance with prison regulations which specified ten lashes."<sup>49</sup> Higginbotham testified that he had to whip Tabert. The convict had been reported for not working on at least three occasions, and he was whipped after the third report and received only eight lashes. Higginbotham denied the charge that he had placed his foot on Tabert's neck.<sup>50</sup>

In view of the conflicting testimony, the jury's duty was difficult. After considerable deliberation, however, they found the defendant guilty of second degree murder. On July 8, 1923, Judge A. G. Campbell sentenced Higginbotham to twenty years in the state penitentiary.<sup>51</sup> He was released after posting a \$10,000 bond. Through considerable legal maneuvering, the case was reviewed by the Florida Supreme Court in 1924. On the basis of a legal technicality, the court reversed the decision of the Columbia County Circuit Court and granted Higginbotham a new trial to be held in Dixie County.<sup>52</sup> The Columbia County Court records were transferred to the Dixie County Circuit Court Clerk on January 27, 1925. This was the last action taken in the Higginbotham case.<sup>53</sup>

48. Tallahassee *Daily Democrat*, June 27, 1923.

49. *Ibid.*, June 28, 1923.

50. *Ibid.*, July 3, 1923.

51. Minutes of the Circuit Court of Columbia County, July 8, 1923, 166, Columbia County Courthouse, Lake City; Tallahassee *Daily Democrat*, July 10, 1923.

52. Minutes of the Circuit Court of Columbia County, October 30, 1924, 345; *Florida Reports*, 1924, *T. W. Higginbotham v. State of Florida*, 26, 43.

53. Minutes of the Circuit Court of Columbia County, January 27, 1925, 381; Minutes of the Circuit Court of Dixie County, special term beginning March 1925, Dixie County Courthouse, Cross City; Grimson to McCoy, September 11, 1924, McCoy Papers. Although the Dixie County Circuit Court minutes show that Higginbotham was involved subsequently in an assault and battery charge, the minutes contain no reference to a murder trial involving the convict-whipping boss. Apparently Higginbotham served no time for his role in the Tabert affair.

Perhaps those who worked to see justice prevail after Tabert's death could take some consolation in the outcome of the civil suit for \$50,000 damages brought against the Putnam Lumber Company by the Tabert family. On November 29, 1923, the company agreed to settle out of court. The Taberts received \$20,000, and in return publicly stated that the company was absolved "of all willful blame."<sup>54</sup>

Although the investigating committee had utilized most of its time uncovering the circumstances surrounding Tabert's death, the committee was equally concerned with the convict brutalities which had occurred elsewhere in the state. Substantial evidence was uncovered of convict mistreatment in the turpentine camps in Baker and Bradford counties owned by State Senator T. J. Knabb.<sup>55</sup> Although the committee's findings in the Tabert incident overshadowed their investigation of these camps, the evidence produced against the senator was significant. The county convict-lease system with all its abuses had been in operation for many years, but the public knew little of its workings. The record of brutalities uncovered by the investigating committee focused the attention of the public at last upon the cruel treatment prisoners received at the hands of private corporations.

Paul Revere White, a nineteen-year old from Washington, D. C., had been arrested while walking on a highway near White Springs, Florida. Convicted of vagrancy and sentenced to six months in the Alachua County jail, he was leased to Senator Knabb and put to work scraping turpentine boxes in Baker County. White testified that because he could not do as much work as the Negro hands, he was "kicked, beaten, and whipped practically every day during the time he was at Knabb's camp."<sup>56</sup> White's testimony was substantiated by Dr. Lamb of Macclenny who claimed the "youth's hands and feet were minus skin to the flesh, deep seated ulcers were found on his legs, and one or more ribs were fractured where . . . the whipping boss hit him with his fist, and where he had also kicked him."<sup>57</sup>

Convict supervisor J. B. Thomas reported to Commissioner

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54. Tallahassee *Daily Democrat*, November 28, 1923; Grimson to McCoy, October 9, 1923, McCoy Papers.

55. Tallahassee *Daily Democrat*, March 9, 1923.

56. *Tampa Tribune*, April 29, 1923.

57. *Ibid.*

of Agriculture W. A. McRae that White was forced to sleep on a cot with no covering when the temperature was eighteen degrees, and that he had removed him because "it meant murder to leave the man at the camp." According to Thomas, "Mr. Knabb is running a human slaughter pen at this convict camp, and I respectfully request that Roddenberry and Thompson, both of these men are Knabb's wardens, be placed on the blacklist and that Knabb's camp be discontinued."<sup>58</sup>

Using Thomas's report and other evidence, the Baker County grand jury conducted an investigation and indicted Captain John Roddenberry for cruelty to convicts. Before a trial date was set, Knabb was summoned to appear before the legislative investigating committee. Upon his arrival in Tallahassee, he announced his innocence of the brutality charge. After a conference with Thomas, Knabb issued a statement written by Thomas which essentially denied what the supervisor had earlier stated. He now insisted that the case had been exaggerated and that the senator's men had not been excessively cruel and inhumane.<sup>59</sup> Thomas's statement was the catalyst for a thorough investigation of conditions at Knabb's camps.

According to Mrs. Thelma Franklin, wife of the postmaster and storekeeper of Glen St. Mary, the Putnam Lumber Company convict camp brutalities were mild in comparison with conditions existing at Knabb's camp. She said that when she saw White he "looked like a corpse." She also told how Thompson, one of the guards, had killed a woman and her daughter. Mrs. Franklin testified that nine convicts were killed at the camp. When Senator Stokes asked her why she was so willing to testify, she said: "What I have to testify is for the sake of humanity and to allow people of the country to know the real truth."<sup>60</sup>

When convict supervisor Thomas was called to the witness stand, Senator Stokes asked him why he had first described Knabb's camp as a "slaughter pen" and then later claimed that Paul White had neither been cruelly nor inhumanely treated. Thomas did not answer to the committee's satisfaction, but he did admit that at least nine deaths at Knabb's camp had not been investigated.<sup>61</sup>

58. *Ibid.*

59. *Ibid.*, May 2, 1923.

60. *Ibid.*, May 9, 1923.

61. *Ibid.*; Minutes of the Joint Committee.

As the committee completed its work, Senator W. H. Mapoles proposed that Knabb be removed from the Florida Senate unless he could disprove the allegations that had been made; Knabb's attorneys were unable to refute Mrs. Franklin's charges.<sup>62</sup>

The investigating committee concluded its work May 10, 1923. It recommended that the county convict-lease system be abolished, that corporal punishment of state and county convicts be forever prohibited, and that the laws governing the care and housing of convicts be revised.<sup>63</sup> The committee's investigation was the catalyst for an increasingly vocal sentiment against the lease system. As the committee uncovered more and more brutalities, abolitionist sentiment developed throughout the United States. For the first time many individuals and organizations were openly opposing this kind of penal system.

United States Senator Duncan U. Fletcher called for an end to the practice of leasing convicts to private parties.<sup>64</sup> Tampa's Board of Trade passed a resolution condemning the cruelty and lack of humanity and the graft growing out of the iniquitous system which brought disgrace to the state. The resolution urged the abolition of corporal punishment and the lease system.<sup>65</sup> The Milwaukee Woman's Club also asked the Florida legislature to take steps to put the state's penal system in harmony with the times. The ladies noted that human slavery was abhorrent, and that Florida's penal system was even more abominable.<sup>66</sup>

The Grand Council of Georgia and Florida of the Order of United Commercial Travelers of America called for an end to the lease system and the use of the whip. The Rotary Club of Gainesville termed the system indefensibly bad, and to show that Florida did not condone human barbarism, it must "wipe out every vestige of this system."<sup>67</sup> Mayor Frank Fortune Pulver of St. Petersburg described the leasing of convicts and using the

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62. *Tampa Tribune*, May 12, 1923; interview with Barney J. Padgett, Macclenny, July 10, 1963; interview with John F. Baker, Lake City, July 10, 1963. The records show that although Knabb was not removed from the Senate, the Alachua County commissioners severed their contract with the senator.

63. *Florida Senate Journal*, 1923, 1591.

64. Tallahassee *Daily Democrat*, April 16, 1923; *New York World*, April 13, 1923.

65. *Florida House Journal*, 1923, 817.

66. *Ibid.*, 1495.

67. *Ibid.*, 1843.

lash as not only inhuman but un-American. The tourist business, he said, was suffering because of the bad publicity Florida was receiving, and the "delay in removing the one horrible and ugly sore spot is making Florida synonymous with Russian Bolshevism."<sup>68</sup> The United Daughters of the Confederacy of Florida denounced the "barbarous system under which human beings [are] virtually sold into slavery and brutally whipped, regardless of their physical condition or the degree of their offense."<sup>69</sup> The members of the Union Congregational Church of Crystal Springs also demanded immediate legislative action.

When the legislature abolished the state convict-lease system in 1919, abolition sentiment had been encouraged by the Florida press in general and especially the *Tampa Tribune*. The leadership in the abolition movement following Tabert's death, however, came from two out-of-state citizens— Amos Pinchot and Samuel D. McCoy. Pinchot, a New York attorney and brother of Gifford Pinchot, made Florida his winter home, and he was interested in the problems of the state. McCoy was a correspondent for the New York *World*, and he covered the Tabert case for that newspaper. On April 16, 1923, Pinchot, in a letter to Mrs. William S. Jennings and to Miss Elizabeth Skinner, denounced the convict-lease system and the use of the lash. He said that the brutalities had "clouded the skies and darkened the waters of [his] old hunting and fishing grounds." He did not blame entirely men like Higginbotham who were merely instruments of the system. When the state legalized convict leasing it had put excessive power into the hands of camp guards and unlimited brutality was the result. Pinchot reminded the ladies that cruelty breeds crime.<sup>70</sup> Pinchot realized that there would be some opposition to a move to eliminate the lease system. He felt that corporate interests would oppose abolition and that state officials would merely go through the motions necessary to pacify public opinion. If the state refused to act, Pinchot threatened that he and other sportsmen would vacation elsewhere. Florida, he insisted, had to right the wrongs committed by those who had been "contemptuous of the sanctity of the human body and the dignity

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68. *Ibid.*

69. *Ibid.*, 1844.

70. Amos Pinchot to Elizabeth Skinner and Mrs. W. S. Jennings, April 16, 1923, Amos Pinchot Papers, Library of Congress, copy in McCoy Papers.

of human life."<sup>71</sup> Pinchot sent copies of his letter to McCoy and the editor of the *New York World*, noting that he had seen the lease system in operation. It was his hope that his communication would help the efforts of the *World* and others to eliminate the brutal system.<sup>72</sup>

George Westcott Stearn of the American Agricultural Association congratulated Pinchot on his stand and denounced the system as "only another name for and form of SLAVERY."<sup>73</sup> He called on President Warren G. Harding and the United States Attorney General to use their influence in the abolition movement.<sup>74</sup>

Governor A. B. Cox of North Dakota thanked Pinchot for his efforts, and noted the hundreds of letters that his office had received from throughout the United States. It was his opinion that "unless the existing evils in connection with the leasing of convicts are corrected in the state of Florida . . . a great many of those who go to Florida for their vacations will be constrained to visit other states."<sup>75</sup>

While Pinchot vigorously worked for abolition, McCoy of the *New York World* was supplying his paper with on-the-spot coverage of the investigating committee's work. McCoy had been sent to Florida to investigate the Tabert case and he remained for nearly two months, telegraphing a dispatch almost every day.<sup>76</sup>

McCoy's articles were very significant. Largely because of his stories papers throughout the country printed editorials demanding the abolishment of the lease system and the lash.<sup>77</sup> In Florida, some fifty papers strongly attacked the lease system.

As the Tabert investigation continued, the House began debate on the bill to end the lease system. Representative Nathan Mayo, chairman of the house convict committee, caused a stir when he displayed convict paraphernalia, including a whipping strap, threadbare clothing splashed with swamp muck, and torn and mismated shoes. According to Mayo the whip was loaded at the handle end, and "it was a frequent practice to treat the strap

71. *Ibid.*

72. Pinchot to editor, *New York World*, April 16, 1923, Pinchot Papers.

73. George Westcott Stearn to Pinchot, April 20, 1923, *ibid.*

74. *Ibid.*

75. A. B. Cox to Pinchot, April 20, 1923, *ibid.*

76. "The Death— And Life of Martin Tabert," McCoy Papers.

77. August Rehan to McCoy, April 24, 1923, *ibid.*

with syrup and oil and drag it in the sand to give it more 'effectiveness'.<sup>78</sup> While holding the trousers aloft, Mayo moved that the rules be waived and that the lease system and corporal punishment be abolished. Following this dramatic scene the House decided to act. One member stated: "Let's go at it right, while we are at it. Most of the other states in the Union, and even Georgia, have discontinued corporal punishment."<sup>79</sup>

Senator W. A. MacWilliams introduced a bill to abolish the lease system, and it passed the Senate April 20 by a vote of thirty-one to one. However, an initial effort to abolish the lash failed. As the debate continued in the senate, several members declared themselves in favor of a modified lease system. Included in this group were Senators J. B. Johnson and T. J. Knabb. In a bitter letter the justice committee of the Ku Klux Klan labeled the two legislators as "human devils and bribe takers" and traitors to their state. They were warned that if they continued their stand they might receive 100 lashes and a coat of tar and feathers.<sup>80</sup>

On May 12, 1923, the Senate passed a bill prohibiting the use of corporal punishment on county convicts. The House endorsed this action by a vote of sixty-one to eight,<sup>81</sup> and Governor Hardee signed both bills.<sup>82</sup>

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78. *Tampa Tribune*, April 14, 1923.

79. *Ibid.*

80. Justice Committee of the Ku Klux Klan to Senators J. B. Johnson and T. J. Knabb, n. d., McCoy Papers; Tallahassee *Daily Democrat*, May 9, 1923.

81. Tallahassee *Daily Democrat*, May 12, 1923; New York *World*, May 13, 1923.

82. Jacksonville *Florida Times-Union*, May 24, 25, 1923; Tallahassee *Daily Democrat*, May 24, 25, 1923; New York *World*, May 25, 1923; *Laws of Florida*, 1923, 231, 412-13.