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WHERE PALM AND PINE ARE BLOWING: CONVICT LABOR IN THE NORTH FLORIDA TURPENTINE INDUSTRY, 1877-1923

by JEFFREY A. DROBNEY

IN 1912 journalist Marc Goodnow visited the pine forests of north Florida seeking information for an article he was writing on the turpentine industry. Goodnow's findings, which appeared in an exposé entitled "Turpentine: Impressions of the Convicts' Camps of Florida," shocked the nation. In the article Goodnow described how he stood in horror and watched as a black convict was forced to be a "runner" in a deadly game of hide and seek. In this weekly occurrence, which trained camp dogs to track down escaped convicts, the man was given a five-minute head start and then required to lead the dogs on a chase through the swamps and saw-palmetto thickets of the forest. Goodnow described the chaotic scene: "Suddenly the baying of hounds grew near and raucous; every tree became a sounding-board— a voice in itself. Nearer and nearer came a great scuffling and crunching. A man plowed his way through the mat of dead leaves, grass, and pine needles— a negro running long, his face burnished with sweat, casting furtive glances over his shoulder. On his body was the flannel garb of a convict. For a moment the swift impression of witnessing an escape flashed through the spectators [sic] brain, but there was not the slightest chance of that. The dogs were beating through the palmetto growth like an avalanche down a mountain side— six of them, their dilated nostrils scenting the ground every few leaps, tongues hanging dry from their vicious mouths. Great drops of sweat flooded the receding forehead of the hunted black; sweat glued his striped shirt to his muscle-taut body; to one foot clung a coarse shoe; his trousers were torn and frayed from contact

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with sharp palmetto leaves and wet and sticky with the ooze of a nearby swamp."¹

Goodnow stood and watched as the dogs drew closer and closer to their chase. The convict took one last look across his shoulder and then: "With an agility surprising to see in a body seemingly spent from long pursuit, the black arms shot up, the legs came up under the thick trunk, and the Negro in one giant, primitive spring, had landed six or seven feet up the stock of a virgin pine— straddling it as a gorilla would a grapevine— and 'shinned' on up to a place well beyond the reach of the dogs. Almost in the same instant a hound pup sprang even higher up the tree and fell back savagely, not once taking his hungry, fire-shot eyes from the crouching form above. In another instant the entire canine detachment had surrounded the tree, baying furiously."² Only after the dogs had been leashed and returned to their holding pens was the convict was able to creep down from his safe haven.

Goodnow's description of this weekly ritual in the numerous convict camps manufacturing turpentine in north Florida during the five decades after the Civil War provides some insight into the lives of leased convict laborers. As evidenced by Goodnow's exposé, the convict lease system presents damning testimony of the indifference to human suffering and exploitation on the part of many of the South's industrialists and public officials. The purpose of this essay, therefore, is not simply to recount the abuses and horrors associated with convict leasing but to provide an understanding of the development of the system in Florida within the framework of economic conditions of the postbellum South. No industry demonstrates the institutional effects of convict leasing as well as the north Florida turpentine industry.

The convict lease system emerged in the turbulent years immediately after the Civil War. Where it operated, state officials leased convicts to local industrialists, or lessees, for fixed periods of time and for a specified annual fee. The use of convict labor in the region cannot be narrowly interpreted as merely an at-

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1. Marc N. Goodnow, "Turpentine: Impressions of the Convicts' Camp of Florida," *International Socialist Review* 15 (June 1915), 724-25.
 2. *Ibid.*, 725.

tempt to reinstate slavery in the New South. One historian of southern penology argues that the convict lease system did not “proceed as automatically as it has sometimes seemed in retrospect. The convict lease system developed haltingly and unevenly throughout the region.”³ Many southern states, including Florida, turned to convict leasing in the mid 1860s and 1870s as a temporary expedient to relieve their burgeoning prison populations. Edward Ayers’s study of nineteenth-century crime and punishment claims that the South more or less stumbled into the lease system, seeking a way to avoid large expenditures while hoping a truly satisfactory plan would later emerge.⁴ Thus the use of convict labor must be understood in the context of a region devastated by the Civil War and desperately trying to achieve the industrial goals set forth in “New South” ideology.

Several factors contributed to the pervasiveness of convict leasing. First, it served as a means to relieve states of the heavy financial burdens of maintaining central prison facilities. Southern penitentiaries had fallen apart during the Civil War. Buildings were in disrepair, and states found themselves without money to rebuild them, much less to feed or maintain prisoners. After 1866 the cost of maintaining dilapidated penitentiaries mounted, and the number of prisoners began to increase rapidly. Leasing convicts not only allowed southern governments to cut prisoner costs. It also added dollars to state treasuries.

Southern governments confronted a growing fiscal crisis after 1866 as the public made a constant stream of demands for internal improvements on under-funded state treasuries. Building schools, roads, bridges, and hospitals were high priorities, but spending money to house convicts had little taxpayer support. After a few abortive attempts, such as those made in Arkansas and Florida in which the state paid contractors to assume responsibility for convicts, southern states quickly recognized the financial benefits of the lease system. By 1876 all southern states had adopted laws authorizing the leasing of convicts to private entrepreneurs for an annual fee. The purpose of the

3. Edward L. Ayers, *Vengeance & Justice: Crime and Punishment in the 19th-Century American South* (New York, 1984), 188.

4. *Ibid.*, 189.

system also changed from providing states with financial relief to producing a continuing source of income.⁵ Very quickly, profits, and profits alone, began to drive the system. Government officials realized that leasing offered an unlimited source of income to pay for state services— funds that were politically safe since they were not based on unpopular taxes.

A second factor contributing to the rise of the convict lease system was the desire to aid southern business. Southern entrepreneurs were short of both capital and labor to fulfill the prophecy of the New South. Convict labor bridged the gap between an agricultural slave economy and a society in the earliest stages of industrial development.⁶ After the Civil War many parts of the South suffered from a severe labor shortage, and New South industrialists found themselves in competition for scarce workers. An intense rivalry for labor developed between planters, seeking replacements for slaves, and industrial capitalists, who were attempting to move the region into the economic mainstream. In addition, many available free workers refused to work in the South's more dangerous but profitable industries, including turpentine. Free workers were also undesirable since they constituted a possible source of labor unrest. As one historian of the South noted, "The establishment of the convict lease offered an acceptable solution to the dilemma of creating a sufficient pool of industrial workers without disrupting the labor supply available for agriculture."⁷

The roots of the convict leasing system in Florida reach to the late 1860s. At the end of the Civil War the state government was confronted with an increasing number of convicts and inadequate facilities to house them. State officials considered using the old United States arsenal at Chattahoochee— used for several years by the Freedmen's Bureau to aid former slaves— as a prison building since the arsenal was relatively secure and able to house a large number of inmates. In 1868 Governor Harrison Reed applied to the United States secretary of war and the Freedmen's Bureau for permission to use the arsenal property for a state penitentiary. The request was granted, and the

5. Lewis N. Wynne, "Prisoners and Public Opinion: Convict Lease System" (paper in author's possession), 1.

6. Ayers, *Vengeance & Justice*, 192.

7. Wynne, "Prisoners and Public Opinion," 2.

former arsenal became the state's first prison in 1869 with a capacity of 300 convicts.⁸

Malachi Martin, a carpetbagger from Ireland and a former merchant in New York City, headed the prison. Martin had come to the state as a Union Army officer and had stayed after the war to serve in the state's Republican government. When the prison opened, the buildings were dilapidated, with windows and shutters gone, and doors off hinges. Overall it was little better than ruins. With the state treasury nearly empty, maintenance funds for the prison facility were virtually nonexistent. The costs to maintain the prison were quite extensive considering the state's dire straits. For example, in 1872 the cost of feeding a prisoner averaged twenty cents per day, and the annual operating costs of the entire institution were \$20,078.38.⁹

In 1877, when federal Reconstruction officially ended, the reins of state government passed to Democratic governor George F. Drew. With the change, the prison experiment came to an abrupt end. Because of the horrible conditions at Chattahoochee prison, the new administration made changes to the penal system. Since the Chattahoochee buildings were entirely unsuited for prison purposes, and the prison's \$40,000 annual maintenance costs were beyond the means of the government, the state turned to the leasing system.¹⁰ To secure lessees, officials solicited bids for the use of state convicts by placing advertisements in newspapers such as the *Pensacola Commercial*, the *Tallahasseean*, and the *Jacksonville Times-Union*. In 1880 state prisoners, for the first time, were leased for \$2,745.00 to Major H. A. Wise of Live Oak and Green Cheers of Leon County.¹¹ Major Wise subleased his convicts to Dutton, Ruff, and Jones, a company that dealt in turpentine, rosin, and naval stores. In 1889 the commissioner of agriculture assumed control of the leasing system and retained supervision until the system ended in 1919.

8. Grady Turnage, *From Mt. Vernon to Chattahoochee: A History of Mt. Vernon, River Junction, Chattahoochee and Vicinity* (Chattahoochee, FL, 1987), 12.

9. *Ibid.*

10. Charlton W. Tebeau, *A History of Florida* (Coral Gables, 1971), 276.

11. J. C. Powell, *The American Siberia: Fourteen Years Experience in a Southern Convict Camp* (Chicago, 1891), 16; *Biennial Report of the Department of Agriculture of the State of Florida, 1911-1912*, 9.

Three forces at work in Florida were vital to the development of convict leasing. First, with nearly 20,000,000 acres of virgin long-leaf pine and considerable stands of cypress, northern Florida was the scene of a rapidly developing timber and naval stores industry by the late nineteenth century. Competition among operators was intense, and all sought ways to control costs. A large labor force was necessary to maintain and expand the region's timber boom. The free labor force available to industrialists posed problems, however, especially when workers began affiliating with labor unions and striking for higher wages and better working conditions.¹²

In 1882 New York businessman Charles K. Dutton operated a turpentine and naval stores company in Florida and received a contract for convict labor. Dutton preferred to work leased convicts at his Newberry turpentine camp because "turpentine culture was exhausting work, it was difficult to obtain enough [free] labor for the proper cultivation of any great number of trees. Natives of Florida's piney woods would quickly abandon the work when any other type of livelihood became available."¹³ Naturally, since labor constituted a major portion of operating costs, turpentine farmers and sawmill operators sought the lowest possible wage level.

Also influencing the state situation was the belief of officials that state prisoners should not sit idly in their cells while maintained by the state. Like other southern states after Reconstruction, Florida's treasury teetered near bankruptcy, and state officials preferred leasing convicts to the alternative of taxing a financially drained citizenry.

Finally, there was a moral undercurrent, what historian Alex Lichtenstein terms "penal humanitarianism," associated with convict labor. Convicts were put to work because it was in their best interests. Florida officials felt that it was important that the convict develop habits of industry and a willingness to work.

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12. Melton McLaurin, *The Knights of Labor in the South* (Westport, CT, 1978), 60. McLaurin briefly described the Knights of Labor's organizing activities in the lumber industry in north Florida in the 1880s. For an in-depth examination of radical unionism in the South and southern reaction to it see James R. Green, *Grass Roots Socialism: Radical Movements in the Southwest, 1895-1943* (Baton Rouge, 1978).
 13. Powell, *American Siberia*, 275; Ayers, *Vengeance & Justice*, 192.

“Even if against his will the convict is taught to know what it means to be healthy, cleanly, industrious, and orderly, he will have reached a higher standard of living by reason of his experience on the convict force.”¹⁴ Thus Florida used the convict leasing system to avoid expenses, reap financial profit, relieve idleness among state prisoners, and supply local industry with much-needed cheap labor.

The leasing of state convicts to private firms ultimately provided thousands of low-cost workers to various Florida industries, including railroads, farms, and phosphate mines. With the rapid development of the naval stores industry at the end of the nineteenth century, however, most Florida convicts spent their days in the palmetto scrub and pine forests of north Florida, harvesting tar and pitch and producing turpentine spirits. The number of prisoners leased to turpentine operators varied from 27 percent of the prison population in 1899 to 90 percent at the



Convict laborers gather rosin from trees in Lake County, Florida, c. early 1890s. Photograph courtesy Florida Photographic Collection, Florida State Archives.

14. Alex Lichtenstein, “Good Roads and Chain Gangs in the Progressive South: The Negro Convict is a Slave,” *Journal of Southern History* 59 (February 1993), 105. Although this quote is referring to the use of convicts for road labor, it also applies to the use of convicts for industrial labor.

height of the Florida turpentine boom between 1907 and 1909.¹⁵

State convicts were let to the highest bidder every four years. Under the agreement, leasing agencies assumed responsibility for all state prisoners, both current and future, for the length of their lease and agreed to provide living quarters, clothing, bedding, food, and medical attention at no cost to the state. Leaseholders normally put a few hundred convicts to work at their own turpentine operations and subleased the remaining convicts to other operators in the state.

Convict labor camps producing turpentine were located in the remote pine forests of the state, far from civilization. Living and working conditions varied from camp to camp and often fluctuated within a camp due to the rapid turnover of guards and management. Because of the number of turpentine camps housing state convicts, the state found it difficult to enforce a set of uniform rules relating to living conditions. Although turpentine operators were liable for the health and lives of the convicts, this responsibility was loosely enforced. A typical camp consisted of white-washed, rough-board buildings constructed of pine. The largest buildings resembled warehouses or stables and were used as bunkhouses. In the earliest camps the sleeping quarters were nothing more than crude log houses. The entire camp was surrounded by a high board fence or stockade. Enclosed in the stockade was the camp store, or commissary, a one-story shack that housed the kitchen, one or two pig pens, and an occasional garden plot where camp officials cultivated vegetables to feed the prisoners.¹⁶ The interior of the stockade

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15. *Report of the Commissioner of Agriculture of the State of Florida, 1889-1890*, 140; *Biennial Report of the Commissioner of Agriculture, 1909-1910*, 567. Despite the high percentage of state prisoners engaged in turpentine, the actual number of convicts employed in the industry was relatively small when compared to the number of free laborers. According to census and prison employment data, convict laborers comprised less than 10 percent of the total work force employed in the Florida naval stores industry.
 16. *Report of the Commissioner of Agriculture, 1899-1900*, 49; *Report of the Commissioner of Agriculture, 1901-1902*, 53; *Biennial Report of the Department of Agriculture, 1911-1912*, 23-28. Robin Lauriault offers a different view of turpentine camps in north Florida in his article "From Can't to Can't: The North Florida Turpentine Camp, 1900-1950," *Florida Historical Quarterly* 67 (January 1989), 310-28. Lauriault examined camps using another form of forced labor (peonage) and the camps using free labor. Interview with William Alonzo Register, January 28, 1974, Oral History Collection, Florida State Archives, Tallahassee.

was generally bare, with no trees, grass, or shade of any kind. A "captain" was in charge of each prison camp, but captain was the title generally accorded all white men who supervised black gang labor.¹⁷

The interior of bunkhouses were even more crude than the exteriors of the buildings, with the rafters and boards uncovered. The main cells, or living quarters, were usually constructed in an "L" shape and were divided between a dining hall and sleeping quarters. The dining halls contained one or two small heating stoves, with zinc-covered tables and boxes and broken chairs serving as dining room furniture. Only dishes, pans, and spoons were used inside the stockade, since knives and forks could be used as weapons in a quarrel or escape attempt.¹⁸ The walls of the bunkhouse were usually bare, except for a listing of the rules and regulations of the state prison authorities and an occasional barred window. Bathing and toilet facilities were primitive. Prior to 1900 they were often nothing more than barrels or tubs filled with water set in the sleeping quarters. Each night twenty-five to thirty men used the bathing facilities. Typically, the tub would not be emptied or properly cleaned after each bath. As a result, disease and infections easily spread among the prisoners.

The sleeping quarters also varied. Some camps had individual cots but most had only sloping platforms, covered with hay and blankets, running the entire length of the bunkhouse. Once they returned from the woods, the convicts went straight to the bunkhouse where they were shackled in for the night. The men were fastened to a "night chain" strung from one end of the bunkhouse to the other by a smaller chain that fastened to their leg irons. Once a "chain search" was completed, dinner, which normally consisted of salt pork, corn bread, rice, beans, sweet potatoes, cow peas, and occasional beef or fish, was served and eaten at their bunks. Shortly thereafter the men retired for the night. Despite working together in the woods, black and white prisoners were separated at night and during meal time.

Employers worked the convicts on the task system in three or four squads, each squad supervised by one or two guards and

17. Lauriault, "From Can't to Can't," 316.

18. *Biennial Report of the Department of Agriculture, 1911-1912*, 25.

accompanying dogs. One squad was responsible for boxing virgin trees, another squad dipped fresh pine pitch to remove the resin, while a third and fourth squad scraped third-year trees and pulled fourth-year trees in order to keep the resin flowing.¹⁹ Still another squad back-boxed older trees that were sufficiently large enough to yield still more resin.²⁰ The work was arranged so that the various squads arrived at a certain stage of their rounds on certain days of the week. With constant, heavy work the entire forest territory could be covered between early Monday morning and Saturday.

For Florida turpentine operators the convict lease system was ideal. Labor costs were fixed and low, problems associated with labor turnover and unionization were nonexistent, but, most important, convicts could be driven at a pace free workers would not tolerate. The state stipulated that convicts work from sunup to sundown. With days so different in length throughout the year, however, the question of what sunup and sundown meant was an annoyance for both the state and the lessees. In the north Florida turpentine camps convict laborers awakened at 4:30 A.M. and were at their assigned tasks by 5:00 A.M. They received thirty minutes for lunch and then worked until their task was finished, which often meant laboring until after sundown. Convicts were frequently forced to work six or seven days a week in all types of weather. Operators extracted as much labor from the convicts as possible. According to an 1886 report by the United States commissioner of labor, Carroll D. Wright, convicts averaged about 30 percent more productivity than free laborers.²¹ One convict laborer in a north Florida turpentine camp summed up the inevitability of his work day thusly, "Captain, he drives pretty hard, and a man gets sick once in awhile; but then that don't make no difference around here— they all just works about the same, nohow."²²

Prisoners worked in the woods in a radius of a few miles from the stockade and went to and from their work site on a

19. Boxing was the process by which workers cut a crescent-shaped cavity into the tree base to collect resin flowing from the face of the tree.

20. For a more detailed description of the turpentine process see Jerrell Shofner, "Forced Labor in the Florida Forests, 1880-1950," *Journal of Forest History* 25 (January 1981), 14-25.

21. Wynne, "Prisoners and Public Opinion," 5.

22. Goodnow, "Impressions of the Convicts' Camps of Florida," 731.

“squad chain.” Since convicts worked with “stride chains” and “waist chains” riveted to their bodies, the “squad chain” was formed when men were strung to another longer chain by the rings of their waist chains. In his book *American Siberia*, J. C. Powell described the scene as looking like “ribs from a central vertebrae.”²³ Despite the chains, the entire gang went to their work site at a trot.

In one turpentine camp near Gabriella in Orange County, the captain of the camp, H. F. Douglas, made the men run to and from the work site, located eight miles from the stockade. The pace was set each morning and evening by Douglas, who was always mounted. Upon inspection of the camp by state officials, they realized that Douglas did not provide the convicts with shoes and found the men’s feet splintered and swollen from the leaves of the saw-palmettos they encountered on their daily runs. Untreated, the lacerations produced intense inflammation, sometimes blood-poisoning, and even death.²⁴ According to one convict, the men were always in “intense pain.”²⁵

During the first years of the twentieth century the state implemented a program to improve the living and working conditions of convicts. In a response to the many muckraking articles detailing abuses in the leasing system, the state implemented a plan for routine camp inspections. Florida employed its first supervisor of state convicts in 1899 to inspect each camp’s living and working conditions and to investigate any charges of abuse levied by prisoners. The job of the supervisor was to enforce the regulations of the Board of State Institutions relative to the general care and treatment of state convicts in the camps. By 1910 a staff of four investigators inspected camps monthly and submitted detailed reports to the commissioner of agriculture. As evidenced by the reports, the state attempted to ensure that prisoners were not tortured and were provided with adequate

23. Powell, *American Siberia*, 22.

24. Richard Barry, “Slavery in the South To-Day,” *Cosmopolitan* (March 1907), 486-87; Supervisor of Convicts N. A. Blitch to Governor N. B. Broward, April 5, 1906, Commission of Lands and Immigration: Convict Lease Program, ser. 42, carton 6, Florida State Archives, Department of State, Tallahassee (hereinafter, COLAI, FSA).

25. Barry, “Slavery in the South To-Day,” 487; Blitch to Broward, April 5, 1906.

clothing, food, and shelter. The supervisor of state convicts had authority to remove prisoners suffering from medical problems and send them to a state convict hospital and to insist that the lessees provide shoes, clean linens, and food.²⁶

The state also demanded that lessees and sublessees improve aspects of the old leasing system. Lessees were required to build better-insulated and -ventilated housing cells. In addition, prisoners were to be given individual beds, night shirts, and pillows. Sanitation systems were installed whenever possible, and the dreaded "night chain" was replaced by the night guard. In 1903 the state required the Florida Naval Stores Company, as part of its leasing agreement, to establish a central hospital in Ocala for sick prisoners. The hospital was owned and maintained by the Florida Naval Stores Company, but the commissioner of agriculture, the state prison physician, and the supervisor of state convicts operated the hospital.²⁷ In 1906 the state established a second hospital near Quincy. As part of new leasing arrangements, the state made certain that new lessees were financially responsible for both hospitals, which included paying the salaries of attending physicians.

The state continued to improve the system by introducing rules that prohibited lessees from chaining prisoners in the stockades as soon as they came in from the woods. Rooms were created in the barracks where convicts could eat their meals and congregate when not at work or sleeping. In addition, the state required that lessees have a physician tend to the injured or sick. Prison officials hired ministers to travel to the various camps to conduct religious services once a month. Finally, state law required the lessee to maintain a headquarters camp or business center for the transaction of all business arising between state authorities and the company. The leasing companies were required to furnish the commissioner of agriculture a full report at the end of each month detailing the kinds of food, the amount, and the articles of clothing and bedding given to each prisoner. By requiring such measures the state was able to maintain better control over the leasing system.

26. *Report of the Commissioner of Agriculture, 1899-1900*, 47-50; Robert Shelley Blount, III, "Spirits in the Pines" (master's thesis, Florida State University, 1992), 164.

27. *Biennial Report of the Commissioner of Agriculture, 1903-1904*, 316.

As a result of these changes, living and working conditions did improve after 1900 for some convicts. As shown by the monthly inspection reports submitted to the state, approximately one third of the camps provided adequate food, clean bedding, sanitary facilities, and proper health care and recreation. Despite these changes, state inspectors found that the majority of state convicts still faced abusive guards, inadequate diets and health care, and unsanitary facilities.²⁸ In 1902, during an inspection of the Daniel Brothers' turpentine camp in Luraville, inspector Earnest McLine wrote: "The bread at this camp is very poor. No coffee is ever given. The diet is the same for dinner, breakfast, and supper, one day after the other."²⁹ During his tour of the camps, McLine judged that the cooking at the O. L. Williams & Co., turpentine camp in Gulf City was "the poorest I have found at any of the camps. I don't see how the men can eat it and work. I tried a piece of the fresh bread and could not do it. The meat they were eating was almost pure grease."³⁰

During the inspections, investigators talked to prisoners individually and even after "improvements" in the leasing system were bombarded with complaints from prisoners denied food and abused by guards. Numerous reports documented attacks and beatings by guards. Female prisoners were leased out and until 1910 were confined to the same labor camps as men. State reports reveal that female prisoners were the objects of sexual abuse, both from guards and other male prisoners. During McLine's inspection of the Daniel Brothers' turpentine camp in Luraville, he found female prisoner Marie Davis pregnant. Davis confided to McLine that the captain of the camp forced her "to stay with him," and she was afraid to resist his advances for fear of punishment.³¹ State inspectors did their best to limit

28. For a full understanding of the conditions in the camps, it is necessary to review the hundreds of camp reports from the supervisors of state convicts. For further information see COLAI, FSA.

29. Earnest McLine to Governor W.S. Jennings, April 1, 1902, ser. 42, carton 6, fol. 6, COLAI, FSA. McLine, who was the prison bookkeeper for the state, visited all of the convict labor camps during March 1902 at the suggestion of Governor Jennings.

30. McLine to Jennings, April 1, 1902.

31. *Ibid.*

and correct this type of abuse when it was brought to their attention. Marie Davis was removed from the camp by Commissioner of Agriculture B. E. McLine. But because the sheer numbers of camps and great distances handicapped state authorities (supervisors of state convicts traveled over 20,000 miles per year to inspect the various camps), the vast majority of abuses went unrecorded.

Attempts to escape from prison camps throughout the South were frequent. Until 1902 no formal method of capturing an escaped convict existed. Unless the escapee was captured within a few hours by camp bloodhounds, the success rate for recapture was less than 30 percent.³² When the Florida Naval Stores and Commission Company took over the state lease for convicts in 1902, the state put into place a very complex system for recapturing escaped prisoners. After 1902 each new prisoner had his or her measurements taken, and all prominent scars and marks recorded. The leasing company's headquarters kept copies of each prisoner's record on file. In addition, a photograph was taken with a front and side view, and this was also kept at the lessee headquarters.

When an escape occurred, the lessee received notice and within hours several hundred of the photographs were sent to local sheriffs both in and outside the state. State law also required the lessee to offer a \$100 reward for the capture and return of the prisoner. In 1906 the state printed a book containing photographs and descriptions of all escapees dating back ten years and made it available to all state law enforcement officers. By updating the book each year, authorities hoped to aid in apprehending old escapees. Despite such elaborate efforts, the success rate for recapture was only about 50 percent after 1902. In 1912, for example, of the 1,421 prisoners leased to various companies, there were ninety-six escapes. Only forty-seven of the escapees were captured and returned.³³

32. Recapture rates for a six-year period between 1896 and 1901 are: 1896, 21 percent; 1897, 11 percent; 1898, 33 percent; 1899, 77 percent; 1900, 8 percent; and 1901, 26 percent. *Report of the Commissioner of Agriculture, 1901-1902*, 71.

33. Goodnow, "Impressions of the Convicts' Camps of Florida," 729; *Biennial Report of the Department of Agriculture, 1911-1912*, 64. Success rates for recapture during a four-year period from 1909-1912 are: 1909, 49 percent; 1910, 56 percent; 1911, 49 percent; 1912, 50 percent. These numbers are derived from the yearly reports of the Department of Agriculture.

Only the Sabbath or an occasional holiday provided a respite from toil in the camps. As one convict laborer stated, Sunday mornings were reserved for “cleanin’ up, takin’ a bath, and changin’ clothes.”³⁴ In one camp visited by Goodnow in 1913, the men had some structured recreation. Every Sunday morning the men were marched out of the stockade under guard to play baseball. Only the catcher and first baseman wore gloves, and these were constructed from hemp sacking stuffed with straw and rags. According to Goodnow the diamond “was covered with palmetto roots and stubble, yet most of the men played in their bare feet. The game was crude, of course, but full of life— each side bantering and joking with the other over an error or a strike-out.”³⁵ During the Thanksgiving and Christmas holidays, officials often provided prisoners with special dinners and two or three days rest.

Life in the camps bred an inmate subculture. Convicts had an incentive to finish their assigned tasks as soon as possible, usually by Saturday afternoon, since the remainder of the day and Sunday were generally periods of rest. Traditional amusements helped fill convicts’ free time. Some prayed, danced, played poker, or sang. Goodnow reported that in the evenings most convicts in the camps passed the time singing, laughing, and telling jokes. A telltale sign of the convicts’ interest in music is that in many photographs convicts can be seen with guitars or other musical instruments. Throughout the South, black convicts fused their culture with their experience in the lease system to create the convict work song, a distinctive folk art that has survived to the present day.³⁶ These songs revolve around themes of confinement and escape and thus serve as metaphors for much of the convict experience in north Florida.

During periods of unstructured free time, the state tried to enforce a strict moral code. Card playing and the use of profane or obscene language by prisoners, guards, or camp managers was forbidden. In most cases, however, the codes were ignored, except during monthly camp inspections. During an unscheduled visit to a turpentine camp in Luraville, Inspector McLane arrived at the camp late in the evening. Instead of find-

34. Goodnow, “Impressions of the Convicts’ Camps of Florida,” 726.

35. *Ibid.*, 730.

36. Ayers, *Vengeance and Justice*, 202.

ing the camp quiet, he witnessed guards in the cells telling “smutty tales in a loud boisterous way,” thereby keeping the prisoners awake. Not knowing who he was, the guards continued with their discussion, and McLine “heard some of the dirtiest jokes and the most foul mouth men I ever listened to.” The night guard on duty had written “smutty poetry” on the walls of his room, and the “champion piece of the lot” was printed on a smooth board and positioned in the corner for all the guards and prisoners to see. McLine immediately tore the board down and recommended that it “be worn out on the man who wrote it.” The captain of the camp ordered the men to wash down the walls and assured McLine that such incidents would not happen again.³⁷

Since profits drove the state convict leasing system in Florida, rehabilitating prisoners was not a primary concern of state officials. To make certain that Florida made as much money as possible from the leasing system, new contracts were put out to bid every four years. The company bidding the highest amount was given the state leasing contract. Profits made from convict labor, however, were not limited to the state. Companies that leased inmates did so for the express purpose of making money. There were large profits accruing to lessees from the labor of convicts and from lucrative subleases.

In 1906 the state leased its 1,200 convicts to C. H. Barnes & Company of Jacksonville. The state received \$207.70 a year per convict, or \$.57 a day for each laborer. The state received a total of \$245,647.94 for the use of its convicts.³⁸ Barnes & Company then subleased all of the prisoners to S. A. Rawls of Ocala for between \$.85 to \$.95 a day per convict (between \$310 and \$346 a year). Barnes & Company, who never had any direct contact with the prisoners, made a profit of approximately \$144,000. Rawls continued the process of subleasing prisoners, sending them to various turpentine and lumber operators in northern Florida and making a profit of \$100,000.³⁹

In the years 1910 to 1914 the state leased between 1,400 and 1,800 convicts to the Florida Fine Company for the sum of

37. McLine to Jennings, April 1, 1902.

38. *Biennial Report of the Commissioner of Agriculture, 1905-1906*, 307; *Biennial Report of the Department of Agriculture, 1911-1912*, 49.

39. Barry, “Slavery in the South To-Day,” 484-86.

\$323.84 per convict annually, a significant increase from earlier costs. The Florida Pine Company in turn subleased convicts to individual turpentine distillers and lumber operators in the state for \$400 each. Thus the company amassed an excess of \$76 per man, or an approximate profit of \$130,000 per year. During the four years that they held the state lease, the Florida Pine Company earned profits of \$345,540 through subleasing.⁴⁰ During this same period, the company paid the state \$1,293,252.70 for the right to lease state convicts.⁴¹ The arrangement was so profitable and satisfactory to both parties that the Florida Pine Company and the state renewed the lease on January 1, 1914, for two additional years. During the first thirty-two years that the convict lease system operated (1880-1912), the state received a total of \$2,722,620.14.⁴² Until 1902 proceeds derived from the leasing program went into the general fund of the state treasury. Beginning in 1903, after deducting all expenses incurred for inspecting and supervising the camps, the revenue was disbursed to the counties in proportion to their assessed property value.

Not only the state and lessees benefitted. Employers who leased convicts profited from their labor. In the turpentine camps that Goodnow visited in 1912, even with the expense of maintaining prisoners, which amounted to approximately \$700 per year, plus the initial leasing cost, the average profit for a naval stores operation that subleased convicts was \$25,000. Clearly, convict leasing served its purpose by producing large profits for Florida capitalists.⁴³

Sizable company profits induced intense competition for leases and subleases. A change in the state lease brought about what prisoners called the "big division." When the "big division" occurred, normally every four years with the signing of a new leasing agreement, the entire body of prisoners gathered at a central point to be redistributed to camps. When the lessees changed every four years, so too did the sublessees. The "big division" was a bureaucratic nightmare for both the state and prisoners as nearly all the sublessees were new, and the greater

40. Blount, "Spirits in the Pines," 162.

41. *Biennial Report of the Department of Agriculture, 1911-1912*, 49.

42. Goodnow, "Impressions of the Convicts' Camps of Florida," 732; *Biennial Report of the Department of Agriculture, 1911-1912*, 49.

43. Goodnow, "Impressions of the Convicts' Camps of Florida," 731.

part of the prisoners switched to new labor camps and new managers. This division caused a great deal of psychological stress for the prisoners, since most feared being transferred to a camp where living and working conditions were unknown.

A system driven by profits exacted a cruel human toll. Mortality rates differed from camp to camp, as did living and working conditions, but at its worst the convict lease system in Florida's turpentine camps was lethal. In human terms the cost of the convict lease was high. Convicts unfortunate enough to work in a north Florida turpentine camp not only had to survive harsh punishment, poor food and living conditions, but also demanding and inhuman work schedules. To obtain accurate numbers on mortality rates is difficult, but fragmentary evidence is startlingly suggestive. Overall, according to one historian of the South, the annual death rate for convicts ran as high as 25 percent in some states.⁴⁴ In comparison to other southern states, Florida's mortality rate for its leased convicts appears lower than some and equal to others.

In one camp visited by Goodnow in 1912, seven of the forty convicts had died the previous year from diseases contracted from standing or working in water during most of the year.⁴⁵ This represents a mortality rate of approximately 18 percent. Based on the annual reports released by the state, the average death rate for convicts was below 5 percent, and the leading causes of death were tuberculosis and venereal disease. This rate is in comparison to Alabama, which had a mortality rate of 40 percent; Mississippi had a mortality rate of about 16 percent; and Arkansas's rate was approximately 25 percent.⁴⁶ One convict in Goodnow's exposé noted that most of the convicts working

44. James C. Cobb, *Industrialization and Southern Society, 1877-1984* (Lexington, 1984), 69.

45. Goodnow, "Impressions of the Convicts' Camps of Florida," 730.

46. Wynne, "Public Opinion and Prisoners," 5; C. Vann Woodward, *Origins of the New South* (Baton Rouge, 1951), 214. According to statistics released by the State of Florida in *Biennial Report of the Department of Agriculture, 1911-1912*, the mortality rate for prisoners in North Carolina was less than 1 percent, Georgia 2 percent, Mississippi 4 percent, and Alabama 3 percent. Overall, higher mortality rates in other regions can be contributed to the fact that convicts in other states often worked in more dangerous industries. Coal mining in Alabama and Tennessee was one of the most dangerous industries for free and convict labor.

in the turpentine camps died at the height of the rainy season in July and August. Because convicts were constantly standing in water, these were the worst months of the year for contracting chills, fever, and pneumonia.

Order in the convict camps was extremely tenuous, and punishment was dealt out with a certain sense of desperation. Camp operators conceded that the use of convicts for labor involved a discipline system peculiar to itself. They acknowledged that there were many things that to the outsider seemed harsh, stringent, and cruel, but they vehemently defended it by arguing that stern forms of discipline were necessary to maintain order. According to one operator, discipline in the camps was so important because there was a "vast difference between stone walls and open fields."⁴⁷

Florida's turpentine camps expected convicts to meet higher quotas of daily production than their free labor counterparts, as much as 50 percent more.⁴⁸ In order to achieve daily control over workers, necessary to reach such high work goals, punishment for laxity and unproductivity was frequent and severe. Whipping was the most common form of punishment. It was usually carried out by the "whipping boss," the only person in the camps authorized to administer the strap. The preferred whipping instrument was a rawhide lash, known as a "cat-o-nine tails," a term that describes the nine leather straps at the end of a wooden or leather handle.

Other forms of punishment were not unknown. J. C. Powell, a captain working in north Florida, noted in his book *The American Siberia* that one of the punishments handed out to convicts was to string them up by the thumbs. Some of the men had hands that resembled those of "certain apes."⁴⁹ "Sweating" and "watering" were also occasionally used in the camps. Sweating consisted of placing a convict in a small, unventilated, and unlighted box. The "ordeal by water" was a particularly gruesome punishment. The prisoner was strapped down and a funnel forced into his mouth, into which water was poured. The effect extended the stomach, producing great pain and occasional death.

47. Powell, *American Siberia*, 6.

48. Wynne, "Prisoners and Public Opinion," 5.

49. Ibid.; Powell, *American Siberia*, 15.

To check excessive punishment being levied upon convicts, prison officials required that each company leasing prisoners keep a monthly "prison punishment record." The report was to be submitted on the first of each month to the Board of Commissioners of State Institutions and the commissioner of agriculture in Tallahassee. Companies were required to furnish the name of the prisoner punished, the date punished, the offense, the number of "licks" received, the name of the person doing the whipping, and the name of the individual who recommended the whipping. Prisoners were whipped for a variety of reasons ranging from "laziness," or performing "bad work," to swearing and not finishing the assigned task.

Monthly punishment records suggest that approximately 10 percent of the convicts were affected, and the average number of "licks" was nine.⁵⁰ The number of licks received depended upon the offense, and it often varied from prisoner to prisoner and camp to camp. At the Malloy, Smith & Co., a turpentine camp in Hampton Springs, Leroy Dooling received eight licks for "idleness" on January 5, 1914. Two and one-half weeks later, on January 22, Bolivar Thornton received twelve lashes for the same offense. In comparison, at the Norua Naval Stores Company in Bonifay, Will Howard received four licks for "idleness" on March 4, 1914, while Arthur Kinnsley received ten lashes for "disobedience" on March 21.⁵¹

Opposition to the convict lease system increased considerably during the late nineteenth and early twentieth centuries. Beginning in the late 1880s and early 1890s exposés on the convict lease system appeared with increasing frequency in newspapers, state documents, northern publications, and proceedings from national prison associations. In addition, various independent political movements in the South, including the Greenback party in the 1880s and the Populist party in the 1890s denounced the convict lease. Occasionally, states did respond to criticism, and some even undertook the task of improving the conditions of the various convict encampments within their borders. Some states responded by passing laws limiting the hours of work for convicts, or requiring improvements in living conditions.

50. *Report of the Commissioners of Agriculture, 1899-1900*, 49.

51. Prison Punishment Records, ser.42, box 2, COLAI, FSA.

Public opinion, combined with opposition towards the system by organized labor, seems to have been the most effective weapon in ending the system.⁵² By the late 1890s public opinion throughout most of the South had turned against the lease system. Under pressure from their constituents, Louisiana officials ended the practice in 1901, Mississippi in 1906, Oklahoma in 1907, Georgia in 1907, and Texas in 1910.⁵³ The decade of the 1890s also saw a new trend in southern penology that further helped to bring down the convict leasing system. During the 1890s state governments gradually shifted toward use of prison farms, as southern legislatures began to separate women, youths, and prisoners deemed unfit for work from the general population of leased convicts. By 1898 only nine southern states still leased prisoners to industrialists, and between 1900 and 1913 reformers overthrew the convict lease in six additional states and weakened it in the others.⁵⁴

Despite the system's gradual decline throughout most southern states, convict leasing persisted in Florida well into the second decade of the twentieth century. Criticism of convict leasing in Florida peaked after 1908 when graphic descriptions of brutality and suffering in the camps caused many newspaper editors and civic leaders to join the Florida Humane Society in its campaign against leasing. Additionally, the Florida Good Roads Association and many taxpayers began calling for convicts to be used by counties on road-building and maintenance projects.⁵⁵ In 1908 state administrators embarked on a propaganda campaign aimed at quelling unrest over the convict leasing system. State officials acknowledged that in many cases the system was "misrepresented from a want of properly understanding the operations of the system."⁵⁶ Through annual re-

52. One historian contends that convict leasing died out not only because of public outrage created by the system's abuses but also because it became unprofitable. Because of the intense competition between businessmen for convict laborers, the price of convicts went higher and higher, eventually reaching a point where it equalled free labor. See Wynne, "Prisoners and Public Opinion," 7.

53. Woodward, *Origins of the New South*, 424.

54. *Ibid.*, 724.

55. Shofner, "Forced Labor in the Florida Forests," 19.

56. *Biennial Report of the Commissioners of Agriculture, 1907-1908*, 370.

ports from the commissioner of agriculture, officials attempted to provide what they termed a "full and clear analysis of the system" to clear up any misunderstandings. State officers realized that the uproar generated by the convict lease system would ultimately force Florida to assume responsibility for state prisoners. To appease their critics, state officials offered new restrictions on lessees, including limiting the number of work hours a day to ten and prohibiting companies from receiving leasing agreements when they only intended to sublease prisoners. In addition, officials called on the legislature to provide laws that would eliminate all women and all prisoners deemed unable to work from the leasing system.⁵⁷ State officials passionately argued that good business judgement demanded that the state not destroy the system because of previous defects, but rather eliminate the defects and create a better system. Agriculture Commissioner McLine pleaded in his defense of the leasing system, "Give me a prison system free from defects, evils and wrong doing, and I will show you the incoming dawn of the millennium."⁵⁸

During the next few years the fight over the system moved into the state legislature. In 1909 the legislature authorized the state to purchase land for a prison farm, and two years later 15,652 acres were purchased in Bradford County. Florida's first legislative attempt to limit the leasing system came in 1911 when Governor Albert W. Gilchrist vetoed a bill that would have phased out the system gradually. Governor Park Trammel opposed convict leasing and introduced a bill in the state legislature that would have ended the system altogether. The bill passed the house only to be defeated in the conservative state senate.⁵⁹

Beginning in the summer of 1913 the Florida legislature began slowly to restructure the traditional convict lease system under pressure from state progressives. A state farm was established in Bradford County on the land purchased in 1911. Under a state law passed in 1913, beginning on January 1, 1914, all female convicts and all male convicts determined unfit for

57. Ibid., 374-91.

58. Ibid., 391.

59. Wayne Flynt, *Cracker Messiah: Governor Sidney J. Catts of Florida* (Baton Rouge, 1977), 137.

labor were to be placed on the farm "to be used as the Board of Commissioners of State Institutions may direct."⁶⁰ The 1913 law allowed county commissioners to apply for able-bodied convicts to be used on public roads, but it required the counties to guard, clothe, feed, and provide medical attention for the convicts. The state made the rules and regulations for the working of convicts and could withdraw them at anytime if a county did not meet state requirements. All remaining able-bodied convicts were to be leased to private companies. The leases were limited to two years, and the convicts could not be subleased, thereby providing the state with a better opportunity to monitor conditions. Additional changes to the system came four years later.

Governor Sidney J. Catts, who was elected on a progressive platform in 1917, had been exposed to the abuses inflicted on convicts leased to west Florida turpentine camps near his home in Defuniak Springs. He utilized Florida's good road movement as a vehicle for ending the system. Because Florida was beginning its dependence on tourism, good state highways were needed for the increasing traffic volume. In January 1917 the Florida State Road Department submitted a lengthy report detailing possible improvements on the state's highways. The report called for the use of prison laborers to maintain state roadways. After a bitter fight in the legislature, the final bill passed the house on May 28. Under the Convict Lease Act the State Road Department received 300 prisoners.

The Convict Lease Act did not end the practice of leasing within the state. According to the law, any male convict not employed on the roads or prison farm could still be leased privately for two years. Even after the Convict Lease Act was passed, the state leased 650 convicts to private interests at a minimum charge of \$300 per convict annually.⁶¹ Introduction of a centralized, state-operated prison farm and the imposition of stricter controls over lessees were important victories for prison reformers at the time. Death rates in turpentine camps declined and conditions improved.

Not until 1919, however, when the state built a new prison at Raiford, did the legislature end the state convict leasing sys-

60. Goodnow, "impressions of the Convicts' Camps of Florida," 733; *Biennial Report of the Department of Agriculture, 1921-1922*, 13-14.

61. Flynt, *Cracker Messiah*, 139.

tem. Although the legislature ended the practice at the state level, convicts were still being leased by counties. Only in 1923 as a result of the death of Martin Tabert— a young man from South Dakota arrested in Leon County on a charge of vagrancy, sent to a Madison County turpentine camp, and beaten to death by an overzealous whipping boss— did the Florida legislature forbid the leasing of county convicts to private employers.⁶²

Despite moral questions associated with the leasing system, one point cannot be overlooked. Convict labor helped to create and mold crucial parts of a new industrial economy in north Florida. Indeed, the men who toiled in north Florida's piney woods were viewed as a valuable commodity to be exploited for their labor. Evidence suggests that officials operated on the basis of an almost limitless supply of labor. They lacked an incentive to prolong the lives of prisoners through treatment even remotely humane. In fact a good hound dog in a camp was a more-fit object of official pride than the convicts who dipped pitch or scraped resin and toiled in palmetto scrubs and swamps. At the end of the chase described earlier by Marc Goodnow, the officers and guards did not inquire about the well-being of the convict; they only patted the dogs' heaving ribs and stroked their heads in appreciation.

62. N. Gordon Carper, "Martin Tabert, Martyr of an Era," *Florida Historical Quarterly* 52 (October 1973), 115-31. Carper's article was based on his 1964 dissertation, "The Convict-System in Florida, 1866-1923" (Ph.D. diss., Florida State University, 1964); Tebeau, *A History of Florida*, 382.