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A St. Augustine *Crime Passionnel*

by Vivien Miller

The *crime passionnel* is not formally recognized in North American law. Nevertheless, any reading of nineteenth- and early-twentieth-century southern court records and pardon files reveals that, as acts of interpersonal violence, crimes of passion “generated by thwarted love, jealousy, [and] hatred that rises to the level of obsession” were not uncommon.¹ One such crime was perpetrated by Alexander Campbell. This was the unusual case of a middle-class white man who was convicted of first-degree murder in a Florida court in 1891 and sent to the convict lease system where he remained for a considerable length of time. This particular Florida *crime passionnel* suggests ways in which culturally constructed notions of southern manhood and womanhood shaped the attitudes of attorneys, judges, and jurors, the ways in which they evaluated criminal responsibility, their determination of the appropriate punishment, and subsequent appeals for clemency. Contrary to popular stereotypes, factors such as money and class did not always guarantee leniency in southern courts where, in certain contexts, privileged defendants could expect little sympathetic treatment. Neither education nor social position diminished moral and legal responsibility, and an act of violence by a socially advantaged defendant often received greater scrutiny than one committed by someone of limited education and means.

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1. Lawrence M. Friedman, *Crime and Punishment in American History* (New York, 1993), 8.

In interracial crimes, gender and class were the most important factors in southern justice; indeed, Campbell's crime of 1890 seemed to have few mitigating circumstances. As a transplanted Baltimore native, he was an "outsider" while his victim was a popular, pretty, and virtuous example of white southern womanhood who should have commanded protection and chivalry from Campbell rather than have been at the receiving end of a violent act brought on by his inability to control his passions. These circumstances ensured that during the spring of 1891, the Campbell case would be one of Florida's great headline-making murder trials. In their search for a credible explanation for their client's actions that would persuade jurors of Campbell's innocence of premeditated murder, his attorneys settled on temporary insanity. Their ability to present successfully an insanity defense was limited, however, by gendered definitions of mental illness as well as the medico-legal principles of the era.

Mamie Joseph was born in New York in 1870. Shortly after her birth, her mother separated from and divorced Mamie's father, whom the *Times Union* described dismissively as "a Spaniard called Robelho." Mother and daughter moved to Florida where Mamie enrolled at St. Augustine's Convent of St. Joseph.² By the 1890s, the young woman had grown to be "tall in stature and had dark skin . . . the fairest flower of the native element of St. Augustine."³

By September 1890, twenty-three-year-old Alexander Campbell had served as bookkeeper and clerk in the St. Augustine Transfer Company for ten months. Initially attracted to Mamie Joseph's beauty, Campbell soon became possessive. He allegedly threatened to kill her if she did not marry him. Still, Joseph received Campbell's latest proposal "in all kindness," but refused him. In the early afternoon of Monday, September 29, he went to the Joseph's home to ask why, earlier that day, she had broken their engagement by way of a hand-written note delivered by her maid to his office. Several witnesses remarked later that Campbell's demeanor was "unusual" and that he appeared "distressed." Later that afternoon he returned, this time brandishing a pistol. Entering the house without knocking or ringing for attention, Campbell burst into the parlor where Mamie,

2. (Jacksonville, Fla.) *Times Union*, 21 May 1891.

3. *Ibid.*, 1 October 1890.

her mother, and sister sat.⁴ As Campbell pointed the pistol at Mamie, her mother begged him not to shoot. Lizzie Johnson, an African American domestic, ran to the young woman's assistance and pulled her outdoors as Campbell fired the first shot. He went after them, chased the two women into a neighboring garden, and fired again. When Mamie tripped and fell backwards onto a bed of flowers, she begged Campbell not to kill her, but "he fired his third shot through her heart"; she died instantly.⁵ At the subsequent trial, George Johnson informed the court that after the shooting Campbell knelt by the body, smiled, and cried "Poor Mamie."⁶

Like Johnson, other prosecution witnesses who provided crucial testimony as to the circumstances of the shooting and Campbell's demeanor were African Americans. Alexander Covington had pursued Campbell and the two women, then placed Campbell under citizen's arrest. Major Argrett, a black police officer, took charge of the prisoner and delivered him to the St. John's County jail. By then, an angry mob had begun to form. As Argrett later testified, "I told the driver to hurry up to the Courthouse, as I was afraid he would be taken from us."⁷

Mamie Joseph's funeral took place on the morning of October 4 as a ritual display of community mourning. Held in St. Augustine's Catholic Cathedral, the funeral was well attended; the town's stores and businesses closed from 9:00 to 10:00 a.m. as the body was laid to rest in the San Lorenzo or "New" Cemetery, and a flag on an unidentified public building was lowered as a mark of respect. Mourners sent flowers to Mrs. Joseph, who was described as being "prostrate with grief."⁸

In death, Mamie Joseph came to embody "true southern womanhood" and the cultural expectations associated with that image—one with its roots in the antebellum South but increasingly at odds with the reality of southern women's lives by the late nineteenth century. In the popular imagination, unmarried southern ladies

4. Ibid. Unfortunately no court records pertaining to this case survive in either St. Johns County or Duval County. The Duval County Circuit Court trial records perished in the Jacksonville fire of May 3, 1901.

5. Ibid.; White Death Records 1882-1921, Records of the Cathedral Parish, St. Augustine, Fla., 13.

6. Statement of Facts Testified to at the Trial, 1, in *Application Case Files, 1887-1923*, Florida State Pardon Board, Record Group 690, Series 443, Box 174, File 788, Florida State Archives, Tallahassee.

7. Ibid.

8. *Times Union*, 5 October 1890.

provided models of chastity and paragons of virtue, and were expected to attain personal fulfillment in marriage and motherhood. After the Civil War, however, an increase in the number of female-headed households created a new, alternative model of capable and self-assured southern womanhood. By 1890, women's educational and work opportunities had multiplied, and "the notion that for a woman independence was only acceptable when it was a grim necessity" eroded.⁹ Still, even though defeat and post-war economic and demographic conditions did much to undermine the southern patriarchy, the image of the southern lady was slow to die and, in fact, continued to play an important role in shaping southerners' attitudes, thinking, and behavior. Societal assumptions about the indispensability of marriage to a woman's self-identity were stronger for Mrs. Joseph's generation than that of her daughters. Yet, even as attitudes toward courtship and marriage began to reflect this new style of southern womanhood, the majority of females still chose wifedom and motherhood over the alternatives.

Men's images of southern women changed more slowly than women's views of themselves, and it was the male perspective that remained central to southern criminal justice systems. The law embodied standards of justice "embedded in notions about proper definitions of manhood and womanhood and concepts of moral purity" that were more "traditional" than "modern."¹⁰ Southern courts reflected southern males' expectations that female defendants and victims be passive (except when they were being sexually assaulted), virtuous, respectable, and chaste, especially if they were unmarried. Any assessment of male responsibility was based in significant measure on how much the court deemed the female victim to have lived up to societal standards of respectable womanhood. Through its legal system, society protected a woman's honor, name, and reputation, and provided redress for the victim. Consequently, a woman's failure to live up to these expectations, possibly through her infidelity and suspected mendacity, provided exculpatory factors in assessing male criminal responsibility and, in extreme cases, situated violence within the boundaries of acceptable male action. These constructions of proper womanhood and man-

9. Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830-1930* (Chicago, 1970), 44, 133.

10. Elizabeth Pleck, "Wife-Beating in Nineteenth-Century America," *Victimology* 4 (January 1979): 72.

hood threatened devastating consequences for African American and lower-class white female defendants, but even a middle-class woman's status did not guarantee leniency. As in the Campbell case, contemporary gendered conceptions of criminal responsibility were crucial in assessing culpability in crimes of passion.

The law embodied standards of justice which rested on traditional definitions of masculinity and expectations of male conduct as well. The Campbell family of Baltimore was of good middle class standing and reportedly had "been on terms of intimacy" with St. Augustine's Joseph family for many years. Alexander Campbell had been groomsman at the wedding of Mamie Joseph's sister. He fell in love with Mamie and believed she felt the same. Following his arrest, Campbell claimed that he and Joseph had been engaged for several months, but she had broken off the engagement that morning citing her parents' objections. While Campbell acted as the unfairly rejected fiancé, the Joseph family characterized him as a deluded and unsuccessful suitor, refuting Campbell's account and asserting that although he had asked her to marry him on several occasions, Mamie had refused every offer. The family stated that the couple had never been engaged; and although Campbell presented Mamie with a ring, she had never worn it.¹¹

White middle-class Americans exercised the freedom to marry whom they chose for nearly a century, but late-nineteenth-century parents still exerted some control over their daughters' choices of husbands. This was the case for Mamie Joseph, if we believe her explanation to Campbell for rejecting his offer of marriage: that her parents objected to the match. Social expectation required a man to be able to support a wife before he could marry, and a young man's occupation, income, and temperament could be grounds for objections from both the woman and her parents.¹² At the trial, Mrs. Joseph testified that her daughter indeed was engaged to Campbell twelve days before the shooting and had accepted an engagement ring.¹³ Her testimony suggests that Mamie, rather than her parents, may have had her own reasons for rejecting Campbell as a suitable life partner or felt ambivalence toward marriage itself,

11. *Times Union*, 1 October, 2 October 1890.

12. Ellen K. Rothman, *Hands and Hearts: A History of Courtship in America* (New York, 1984), 217; E. Anthony Rotundo, *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York, 1993), 114.

13. Statement of Facts, 2.

which, after all, was still a power relationship based on male dominance. In spite of the decline of coverture and legal changes which had altered the material conditions of wifehood over the previous fifty years, marriage continued to have deeper implications for women than for men.

In his study of white middle-class northern men of the nineteenth century, Anthony Rotundo argued that courtship was a very stressful undertaking which inflicted much pain, embarrassment, and humiliation on young men. This was largely because young men had difficulty understanding the objects of their love, obsession, and desire. Men thought courtship elicited the worst in women whom they considered insincere, vain, manipulative, and readily willing to make fools out of men. While such opinions reveal male insecurities over central issues of power and dominance, the structures of courtship were such that women could refuse or frustrate suitors but could not actively seek out partners. "Young men knew they risked pain and humiliation in courtship," Rotundo noted, "and they defended themselves with stubborn emotional restraint."¹⁴ Yet, in the face of humiliation, pain, and depression, male suitors were to keep their passions and baser instincts in check.¹⁵

While self-control marked middle-class manhood, "passionlessness" was a necessary attribute of true womanhood for much of the nineteenth century, arising in part from the view that women loved less intensely than men. In an age before reliable contraception, when abstinence provided the safest form of birth control, women burdened the responsibility of maintaining emotional and physical distance between themselves and their husbands. Such codes of conduct were communicated to young women via the mother-daughter relationship which historian Nancy Theriot described as "the core experience of nineteenth-century feminine acculturation."¹⁶ In explaining to her daughter the proper relationship between men and women, and in teaching her the details of domesticity, Mamie's mother may also have communicated her personal disappointment concerning the marital relationship. This, together with childhood memories of psychological pain and rejection following her parents' divorce, may have informed

14. Rotundo, *American Manhood*, 90, 104, 110, 112-113.

15. Rothman, *Hands and Hearts*, 199.

16. Ibid., 200; Nancy M. Theriot, *Mothers & Daughters in Nineteenth-Century America: The Biosocial Construction of Femininity* (Lexington, Ky., 1996), 42-43, 64.

Mamie's actions. Whether her rejection of Campbell was an individual act of rebellion, an assertion of her right to some control over her future, or an act in deference to her parents' wishes, it set in motion a tragic chain of events that she could not have foreseen.

During his first court appearance, two days after the murder, Campbell was "in a miserable condition . . . due to lack of sleep and much crying." He pleaded guilty to murder and refused counsel; and Justice P. Crocker decided to recommit Campbell to the St. Johns County jail. The decision proved providential. Campbell's second night in custody was fraught with danger. A mob of several hundred persons gathered near the jail, and a "citizen's committee" called on Deputy Si Davis to let them take charge of the prisoner.¹⁷ In killing Mamie Joseph, Campbell had brought dishonor not only to himself but also to the Joseph family. Honor—the gendered code of conduct for white southern men—required immediate vindication of this "heinous" act. Mamie Joseph had no brother to avenge her death, and there is no evidence that her stepfather participated in the attempted lynching of Alexander Campbell. Rather, members of the St. Augustine community, some of whom may have been related to the deceased, took it upon themselves to level "community justice." Deputy Davis refused to give up his prisoner, explaining to the citizen's committee that "the prisoner is in my charge and I am fully prepared to carry out the law to the bitter end," and ensuring that vigilantism did not take place before formal criminal justice proceedings started.¹⁸ Davis's actions suggest an increasing professionalism among law enforcement officials of late-nineteenth-century Florida, but, disturbingly, it was at a time when the lynching of African Americans reached epidemic proportions. Possibly, it was his situation as a white defendant that ensured Campbell's right to due process.¹⁹

By mid-March 1891, Campbell's attorneys—Walter A. Davis, Frank W. Pope, and W. A. McWilliams—petitioned for a change of venue, arguing it was the only way to ensure a fair trial. The motion was denied as was a defense request for continuance, and Judge Crocker set a trial date for March 17 in the St. Johns County Circuit Court. A venire of one hundred persons was called. On the first day

17. *Times Union*, 2 October 1890.

18. *Ibid.*

19. Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York, 1984), 252.

of the trial, however, Crocker granted a second defense motion for a change of venue and ordered the case transferred to Jacksonville in Duval County before May 1.²⁰

As the trial began in its new venue, Campbell appeared in the Circuit Court of Duval County looking "haggard."²¹ Indicted for murder in the first degree, he pleaded "not guilty," and the process of selecting a jury began.

Jurors were to be average male citizens chosen at random, but state laws listed classes of people who were excluded or could excuse themselves from jury duty. In 1890s Florida, those excused included attorneys, judges, teachers, doctors, pharmacists, ministers of religion, firemen, and telegraph operators. In capital cases, the prosecution also could challenge anyone who was opposed to the death penalty. Jurors were to presume a defendant innocent and treat him as if he were a complete stranger with no history, but this could be problematic when forming jury pools both in small towns such as St. Augustine and even in larger cities such as Jacksonville.²² Indeed, at the end of the Campbell trial, one juror was found guilty of perjury: he was related to the victim and her family and had been overheard to say "that if he was put on the jury he would hang the prisoner." Also, by the 1890s, it was not unusual for African American men to be called for jury service in Duval County, and several were available for the Campbell trial. One potential black juror, J. S. Bartlett, however, failed the *voir dire* process—"dismissed as not being intelligent enough and having an opinion of the matter" of Campbell's guilt. When the jury was formed finally, J. H. Brown was its sole African American member.²³

There were other observers in the courtroom. In the late nineteenth century, attending criminal trials provided a popular pastime for both women and men. Crowds expressed their impressions of defendants as objects of fascination, revulsion, or pity. One Jacksonville reporter lamented the presence of large contingents of young ladies who attended the Campbell trial each afternoon "to gaze upon the prisoner and gratify a morbid curiosity by a close scrutiny of all of the features of a man who slaughtered his sweet-

20. Extract of Minutes of the Spring Term 1891 of the Circuit Court of St. Johns County, State of Florida, *Application Case Files*, 174/788.

21. *Times Union*, 18 March, 13 May 1891.

22. Friedman, *History of Crime and Punishment*, 243, 248.

23. *Times Union*, 21 May, 27 May 1891.

heart because he was consumed with a selfish jealousy that would rather see her dead—slain by his hand—than have her the wife of another.”²⁴ For those who could not squeeze into the courtroom, newspapers such as the *Times-Union* provided detailed coverage, allowing readers to attend the trial vicariously.

The mothers of defendant and victim provided much of the courtroom drama. Campbell’s fifty-five-year-old mother entered the courtroom on May 19 as the jury was being selected. She “came in and placed her arms around the prisoner’s neck, kissed him and wept bitterly as if her heart would break.”²⁵ Mrs. Joseph arrived the next day as the trial began, “heavily veiled in black and on the arm of her second husband”—a vision of physical weakness and dependence on male protection in this very public arena. Both women played well the gender lines which were drawn firmly in southern court proceedings and the criminal justice system as a whole. In late-nineteenth-century Florida courtrooms, women were onlookers, victims, witnesses, and defendants, but they ran no trials, did not serve on juries, and did not appear as litigants. The law was a masculine public profession, and, as a fraternity which engaged in adversarial debate and verbal jousting in the highly structured arena of the courtroom, lawyers constituted a masculine community which alienated and intimidated women.²⁶ As late-nineteenth-century feminist Antoinette Brown Blackwell wrote, the law was “wholly masculine,” and its language expressed the “thoughts, feelings, [and] biases of men.”²⁷ Dispassionate decision making equated with responsible manhood; dispensing justice was an exclusively patriarchal duty.²⁸ The thick clouds of smoke emanating from cigar-puffing attorneys and judges attested further to the male dominance of Florida courtrooms.

As the trial began, the defense team immediately entered a plea of “temporary insanity.” Medical experts on insanity, loaded down with books, were consulted at length. The *legal* definition of insanity rested on the McNaughten test, formulated by English

24. Statement of Facts, 5.

25. *Times Union*, 20 May 1891.

26. Michael Grossberg, “Institutionalizing Masculinity: The Law as a Masculine Profession,” in *Meanings for Manhood: Constructions of Masculinity in Victorian America*, ed. Mark C. Carnes and Clyde Griffen (Chicago, 1990), 135-151; Rotundo, *American Manhood*, 212-213.

27. Antoinette Brown Blackwell, as quoted in Rotundo, *American Manhood*, 212.

28. Grossberg, “Institutionalizing Masculinity,” 141.

High Court judges in 1843 and adopted in the United States in the second half of the century. It placed emphasis on reason, on knowing an act was wrong. Quite simply, if a defendant was insane, he could not know right from wrong and could not be responsible for committing a crime. Some states supplemented McNaughten by adding the concept of "irresistible impulse," premised on the theory that "certain conditions had the power to affect human emotions without necessarily destroying cognitive functions."²⁹ A defendant was insane therefore if he was unable to keep his passions in check "either because of some lesion in the brain or some deep-seated flaw in the neurons."³⁰

Southern medical authorities perceived mental illness as a physical disease "rooted in physiological dysfunction or in anatomical (or structural) disorder of the brain or nervous system."³¹ Nineteenth-century definitions of mental illness in the South were premised on race, Social Darwinism, and biological determinism—because men and women or blacks and whites were biological opposites, each carried "separate burdens of sanity." With regard to the causes of insanity, experts distinguished between "predisposing" or hereditary causes and "exciting" or environmental and social factors which were heavily gendered. Male "exciting" causes stemmed from "normal" masculine activities of industry, study, or business; female "exciting" causes emanated from women's domestic duties and menstrual cycles. As John Hughes found in his study of late-nineteenth- and early-twentieth-century committals to the Alabama Insane Asylum, the sources given in patient records for men's madness "suggest a more value-laden description of men, who by their own uncontrolled or excessive actions brought on their own insanity," while female madness was deemed unavoidable.³²

While Florida courts did not recognize the "irresistible impulse," they did accept "temporary insanity," a condition whereby but for a passing moment a person was normal and emotionally stable. This was the defense that Campbell's lawyers proffered as a proactive strategy to save their client from the gallows. They depicted Camp-

29. Ibid., 144.

30. Friedman, *Crime and Punishment*, 144-146.

31. John S. Hughes, "Labelling and Treating Black Mental Illness in Alabama, 1861-1910," *Journal of Southern History* 58 (August 1993): 438.

32. John Starrett Hughes, "The Madness of Separate Spheres: Insanity and Masculinity in Victorian Alabama," in Carnes and Griffen, eds., *Meanings for Manhood*, 53, 57.

bell's as a *crime passionnel*; the shooting of nineteen-year-old Mamie Joseph was best explained by a family history of nervousness, consumption, epilepsy, and neuralgia revealed in his mother's testimony. Three of Campbell's Baltimore friends testified that he was a young man of good habits, but he displayed an often erratic and melancholy disposition and was "weak-minded"; they referred to him as "Crazy Campbell."³³ Both inside and outside the courtroom, lawyers, judges, and doctors debated how to interpret insanity and the defense's presentation of Campbell's mental state. The artificial line between medical and legal insanity, and the relationship between mental health and criminal responsibility, were open to conflicting interpretations. The retributivist or utilitarian concept of punishment as a means of deterrence and dessert, as advocated by many Florida residents and much of the press, conflicted with the "Progressive" emphasis on environment and scientific evaluation advanced by younger attorneys. In several cases of the era, tensions emerged between the legal meaning of insanity (and its emphasis on awareness of wrongdoing) and the medical questions of mental illness or disease. Judges, jurors, and executive members of the state board of pardons wrestled with these issues with mixed results.

Expert medical witness for the defence was Norman V. Howard, Confederate veteran turned law student then medical graduate who, following completion of his studies at Washington University in St. Louis in 1871, served as Superintendent of the St. Louis Hospital for the Insane. After thirteen years of experience in treating mental illness, he resigned for health reasons and relocated to Orange County, Florida. When the freeze of 1894-1895 destroyed his citrus business, Howard moved to Sanford where he opened a general medical practice and became neurologist and assistant chief surgeon for the hospital department of the Plant Railways. Eventually, Howard became president of the State Board of Medical Examiners.³⁴ By the early twentieth century, he would be one of the most influential medical professionals in Florida, but at the time of Campbell's trial, he was engaged more in his citrus ventures than his medical practice.

Howard diagnosed Campbell with two forms of epilepsy that, with limited flow of blood in his brain, produced an "insane tem-

33. Statement of Facts, 2.

34. R.H. Rerick, *Memoirs of Florida*, 2 vols. (Atlanta, 1902), 2: 569.

perament." When questioned on whether the diseases mentioned by Campbell's mother were hereditary, the doctor responded,

Undoubtedly so. Epilepsy, catalepsy, neuralgia, paralysis, general derangement and a desire to commit suicide all depend on a degenerated condition of the nervous system of the brain. The nerve centers may be compared to electric batteries connected by wires. The nerve centers send nerve force over to various parts of the body. If a center is affected in a parent another center or the same one is affected in the child. If there are many centers affected in the parent these may be affected in the child.³⁵

Howard concluded his hour-long lecture with the assertion that "[h]e performed the deed in one of those automatic states of doubled or disordered consciousness" from which Campbell suffered periodically.³⁶ Accordingly, this medical condition ensured that Campbell could not know what he was doing at the time of the murder.³⁷ While a history of childhood illness and traumatic episodes were important in establishing the insanity defense, Howard's testimony on the predisposing causes of Campbell's derangement in effect contradicted the defense strategy of "temporary insanity" as a context for the defendant's actions.

The credibility of the "temporary insanity" strategy was undermined further by another expert medical witness called by the defense. Dr. P. W. Strausz of Palatka had treated a number of cases of "mania, epilepsy and melancholia" in Nassau County, and had attended lectures on cases of insanity while studying medicine in New York City. Like Howard, Strausz declared Campbell insane, emphasizing that it was "possible for a man to have insanity for twelve months and, having shown no special symptoms, to have it developed by a shock." Thus, according to Strausz, Campbell suffered not from temporary insanity but from a permanent state of latent insanity brought on by his uncontrollable actions. Strausz stated further that consumption and spasmodic asthma (a nervous disease) accompanied insanity, and their presence in members of

35. Statement of Facts, 4.

36. *Ibid.*, 5.

37. *Times Union*, 21 May 1891.

Campbell's immediate family, plus blows to the head that he had received at five and seven years old, predisposed Campbell to mental illness.³⁸

The prosecution responded with its own expert medical witness, Dr. J. K. Rainey, who declared that Campbell's mind was "excited" at the time of the shooting, but that the opinions of Howard and Strausz were inaccurate. He dismissed their diagnoses that the defendant suffered from different forms of long-term mental illness.³⁹

Ten years after the trial, prominent Florida attorney and Judge of the Duval Court of Criminal Record John L. Doggett expressed his belief that Campbell's conviction "was a miscarriage of justice," and pardon was merited as the jury had failed to acquit Campbell on the basis of his temporary insanity:

I think this conclusion is very readily reached when we bear in mind, what I remember, your actions and demeanor at the time of the homicide, your hereditary taint; your almost successful attempt at self destruction on two occasions before the trial, and the testimony of Dr. Howard, that ablest of all experts who has ever faced a Florida jury upon the subject of insanity.⁴⁰

But Doggett's opinion was not shared by jurors in 1891. Legal historian Lawrence Friedman noted that because of the centrality of the issue of criminal responsibility, an insanity defense worked only if the jury and public accepted it. In the Campbell case, Campbell did not prove a credible witness in his own defense, and his lawyers could not persuade the jury to empathize with the defendant as a mentally fragile and emotionally unsound individual. The defense of "temporary insanity" appeared flawed by the contradictory testimony of expert witnesses, his mother, and friends.

More importantly, throughout the trial, jurors and public alike judged Campbell against complex, carefully constructed notions of manhood in which moderation, discipline, and self-control were central. Powerful class and gender resentments were at play in the

38. Statement of Facts, 5.

39. *Ibid.*, 6.

40. Jas. L. Doggett to Alexander Campbell, 7 February 1901, *Application Case Files*, 174/788.

jurors' interpretation of the evidence and Campbell's actions. These actions were weighed in terms of how far they contravened gendered norms of southern masculinity, central to which was the belief that white men, advantaged by their social superiority, had a duty to *protect* weak and virtuous women. For the jurors, mental illness did not provide a convincing excuse for Campbell's failure to live up to the model of chivalrous gentleman.

Campbell's actions at the flowerbed proved crucial to an evaluation of his sanity and the degree of malice or premeditation which accompanied his actions. After he had fired into Mamie Joseph's chest, Campbell attempted to fire two more shots, but the pistol's firing mechanism jammed. For the defense, Campbell's next action of raising the pistol to his face was telling; defense attorney Davis "artfully led the jury and everybody else to believe that Campbell put the pistol to his face for self-destruction." Yet, State Attorney Thaddeus A. MacDonnell argued that in reality Campbell was inspecting the pistol after it failed to fire. MacDonnell and his fellow prosecuting attorneys, A. J. Corbett and Augustus G. Hartridge, quickly refuted the insanity plea. MacDonnell argued that the events leading up to the murder and Campbell's inspection of the pistol demonstrated reason. Major Argrett, the African American police officer who had taken charge of Campbell and the crime scene, testified that while they were in the wagon en route to the county jail, Campbell confessed, "I went there to kill Mamie Joseph; I did it, I am glad of it and I hope they'll hang me for it."⁴¹ First-degree murder was a crime of "malice" which implied intent, planning, or premeditated design. The defense attempted to portray Mamie's Joseph's death as an impulsive heat-of-passion killing that did not qualify as an act of murder with "malice aforethought." Thus, Argrett's testimony proved crucial because it provided the prosecution with evidence of premeditation that was persuasive enough to impel the jury to convict.

What emerges in a study of the Campbell case are plots and themes similar to other *crimes passionels* of the era. Ruth Harris's study of crimes of passion and evaluation of the insanity defense in turn-of-the-century France provides a useful frame of reference. Because strict notions of what constituted an excusable crime of passion existed, offenders who perceived themselves as *crimineles*

41. *Times Union*, 21 May 1891.

passionels adopted certain styles of execution to establish the “purity” of their motive. For example, both male and female *crimineles passionels* made initial statements of grievance, committed their acts of violence in public, and surrendered themselves to the police afterwards. Men were more likely than women to attempt suicide in such cases. The public and courts viewed a convincing attempt at suicide as proof of temporary insanity; “men who followed this course represented themselves as despairing lovers who longed for romantic union in death.” In contrast, a feigned suicide attempt indicated a dangerous and depraved criminal motive. Harris found also that it was not uncommon for the accused to play the role of “romantic hero in love,” employing tears to indicate a romantic temperament and sign of heartbreak for a public audience.⁴² At the time of his arrest in St. Augustine, Campbell spent his first night in jail in tears, declaring he was heartbroken, and praying for death to atone for his actions.⁴³ Shortly after the trial, however, “[the] stoicism of the murderer Campbell remains unchanged. He rests well, eats with a fair appetite, but is firm in the belief that he will not live long. This he has told a number of people.”⁴⁴ Harris claimed that it was not unusual for men to demonstrate “confusion, mental anguish, and remorse, before, during, and after a crime of passion,” and certainly Campbell seemed initially to conform to this profile.⁴⁵ Yet, by the time of the trial, expressions of remorse were not key elements of his defense.

According to the “Statement of Facts” based on evidence taken during the trial and later compiled for presentation to the pardon board, Campbell told the court that

[Mamie] sent me a note breaking the engagement. Before the note came there was always love and affection between us. The whole thing seems like a dream—a nightmare—I don’t remember those things which the witnesses speak of. Good God, I’ve got a heart! I can go before my God innocent. I’ve got a heart! I would rather have fallen in the grave and placed my body by her own, if I could.⁴⁶

42. Ruth Harris, *Murders and Madness: Medicine, Law, and Society in the Fin de Siecle* (Oxford, Eng., 1989), 292-294, 308-309.

43. *Times Union*, 2 October 1890.

44. *Ibid.*, 29 May 1891.

45. Harris, *Murders and Madness*, 290.

46. Statement of Facts, 3.

Fifteen years later, Campbell reiterated these themes of disbelief, disgrace, and thwarted romance in a clemency appeal. In a four-page letter, he informed members of the state pardon board,

I cannot give you reasons for the crime that hangs over me, I can tell you only of the love of a boy for a girl, their betrothal [sic], its sudden and unexpected breaking, the girl was pure and lovable [sic], the boy worshipped her, he does yet; God have mercy on that kind of boys and keep their love affairs straight at that age. I can hardly realize myself as the principal in the crime that followed, a crime somehow committed by me in broad day light, but never, a thousand times never, committed with premeditation, or cowardly motives of revenge.⁴⁷

In theory the definition of a "crime of passion" as "violence generated by thwarted love, jealousy, [and] hatred that rises to the level of obsession" was not gender-specific, but the notion that a man could be driven mad by a broken engagement was unacceptable to a late-nineteenth-century Florida court.⁴⁸

In cases of women who killed their former lovers to avenge sexual dishonor, it was asserted not infrequently "that a broken engagement . . . could easily produce female insanity [which] compounded the image of the average woman as mentally fragile, semi-hysterical, and emotionally unsound."⁴⁹ For example, during the 1865 trial of Mary Harris, one of her lawyers contended that the nation's insane asylums were full of women driven mad by broken engagements. Another of her lawyers, Daniel Voorhees, theorized that because marriage meant so much to women, a broken promise inevitably brought despair;

It is not so with man. His theatre is broader. No single passion can so powerfully absorb him. A variety of interests appeal to him at every step. If disappointment overtakes him, a wide and open horizon invites him to new enterprises,

47. Alex Campbell to Hon. Board of Pardons, April 1905, *Application Case Files*, 174/788.

48. Friedman, *Crime and Punishment*, 8.

49. Robert M. Ireland, "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth-Century United States," *Journal of Women's History* 3 (winter 1992): 105.

which will relieve him of that still, deep, brooding intensity which is the pregnant woe, insanity, and the death to woman.⁵⁰

Even in the Campbell family, a similar tragedy befell Mamie Joseph's oldest sister who "was badly treated a year ago, being disappointed in a love affair, and became insane."⁵¹ But such excuses were extended only to women. Jurors regarded Campbell as a feckless and dishonorable young man who had abused the privileges of education and familial affection that he had enjoyed, who had lied to the court and acted in a cowardly manner, and whose main motive was revenge.⁵²

On May 23, Alexander Campbell was convicted of murder in the first degree, but the jury recommended mercy, meaning a sentence of life imprisonment. The *Times Union* reported that, although the jury decision was unanimous, it had taken the twelve members several hours to reach a verdict: six jurors initially sought a verdict of guilty without any recommendation, while the other six wanted to acquit. Thus the verdict they agreed upon was the product of much bargaining and compromise. In an editorial, Campbell was cautioned by the *Times Union* to accept the sentence of life imprisonment; to challenge the verdict and demand a new trial would be to court disaster as he had so narrowly escaped a sentence of death in the original trial, and jurors in a second trial might not be inclined to recommend mercy. There were subsequent appeals by the defense team, but these did not result in changes to the conviction or sentence of life imprisonment. The plea of "temporary insanity" never gained credibility, and public opinion remained weighted in favor of the death penalty for Campbell. In St. Augustine, several prominent male citizens called on the state legislature to amend Florida's criminal statutes so that recommendations of mercy would rest with the judiciary and the executive; obviously in their eyes, the men who undertook jury service could not be trusted with this privilege.⁵³

In August 1891, Campbell was removed from the Duval County jail to the convict lease system where he would spend the next sev-

50. Daniel Voorhees, as quoted in Ireland, "Frenzied and Fallen Females," 106.

51. Statement of Facts, 3.

52. Harris, *Murders and Madness*, 299.

53. *Times Union*, 24 May 1891.

enteen years. He worked in blacksmith shops attached to phosphate mining camps operated by General Edward B. Bailey of Monticello, a Jefferson County cotton planter and entrepreneur.⁵⁴ Recommendations presented to the state pardon board reveal that over the course of his incarceration, Campbell was employed in various positions of trust as prison clerk, bookkeeper, agent, and operator in successive prison camps, and even assistant hospital steward in a Leon County convict camp.⁵⁵ Successive reports of Florida's Commissioner of Agriculture declared confidently that leasees treated convicts properly and humanely.⁵⁶ But convict labor, whether in turpentine extraction or phosphate mining, took a heavy toll on the physical and mental health of most convict laborers, black and white, and instances of abuse and degradation frequently came to light. The system seemingly took its toll on Campbell; newspaper reports in December 1891 and June 1894 described him as "hardly more than a skeleton" and "still delicate and unable to stand much hard work." In November 1896, however, Campbell and a friend received a medal for inventing a rotary steam engine while under Bailey's employ.⁵⁷ It is perhaps ironic, therefore, that the phosphate camps designed to discipline and "reform" principally African American and lower-class white convicts through hard labor and corporal punishment effected the survival and "reformation" of Alexander Campbell as an amateur inventor.

Three concerted attempts to secure clemency for Alexander Campbell from the state pardon board were made in 1901, 1905, and 1907-08. Successive pardon applications centered on Campbell's deteriorating health, his sterling prison record, and his worthiness of consideration for pardon on the strength of his character. But successful pardons required financial resources. In 1892, Baltimore grocer Samuel T. Williams died, leaving an estate valued at \$30,000 to his widow (Alexander Campbell's mother) with instructions to use it to secure a pardon for her son. When she

54. See Miller Handley Karnes, "Florida's Convict Lease System, 1865-1923" (M.A. thesis, Florida State University, 1993), 42-47.

55. C. A. Neel to Hon. Board of Pardons, 15 January 1900; George McCormick to Hon. Board of Pardons, 18 January 1901; W.B. Taylor to Hon. H.H. McCreary, 11 November 1905; Dr. M.H. DePass to Hon. Board of Pardons, 25 January 1901, all in *Application Case Files*, 174/788.

56. Report of the Commissioner of Agriculture, 1891-1892, 139, Florida State Library, Tallahassee.

57. *Times Union*, 19 December 1891, 14 June 1894, 11 November 1896.

died the following year, Samuel's stepbrother, Thomas W. Williams, contested the settlement. In his view, his father was of unsound mind when he wrote the will and had been unduly influenced by his wife. In a revised settlement, two-thirds of the original estate went to Thomas and an unnamed sister, while Alexander Campbell received between \$3,000 and \$4,000.

In addition to financial resources, to ensure success, pardon applicants usually required access to a network of information and support that went beyond humble and suppliant appeals from family members and friends. Letters and petitions from influential persons carried weight with the board, especially those from former employers, local businesses, church ministers, local landowners, and politicians. Pardon applications, therefore, provide a rich source of narrative on persons incarcerated in Florida's state prison system and the personal and institutional networks of support available to them.

As a literate white convict, Campbell enjoyed certain lines of support and access to influential persons unavailable to illiterate black or lower-class white convicts. Over the years, he secured endorsements and support for his applications for clemency from influential county officials and prison personnel, including Convict Supervisor R. F. Rogers and State Prison Physician Simeon H. Blich. All recommended pardon for Campbell whom they considered a "worthy applicant." B. B. King informed pardon board members that prison clerk Campbell had "conscientiously and honestly performed his duty, and his exceptionally good prison record makes him one whom I can most earnestly recommend to you for pardon, knowing that such action on your part would be judiciously placed and appreciated by the recipient."⁵⁸ Representatives of the Camp Phosphate Company described Campbell as "always been gentlemanly and honest in all of his acts and we recommend him to your mercy . . . we are sure he is no criminal at heart and if [pardon is] granted his liberty he will make an honest and upright citizen."⁵⁹ To Charles Gilchrist (who had observed Campbell daily for three years as the convict camp was located on Gilchrist's land), Campbell's "strict honesty, truthfulness, and dignified gentlemanly

58. B. B. King to Hon. Board of Pardons, 15 February 1901, *Application Case Files*, 174/788.

59. Clarence Camp to the Board of Pardon [sic], n.d., *Application Case Files*, 174/788.

conduct" meant it seemed "utterly impossible that such a man would ever maliciously injure anyone and it seems utterly impossible that such a man would while in his right mind would have injured the young lady he so dearly loved."⁶⁰

Several supporters urged W. B. Taylor of Gainesville to "use any friends you have that have influence and also try to interest your Senator [H. H. McCreary] to speak a good word for Alex while the Senator is in the Capitol." Employees at the Buttgenbach camp wrote to Taylor: "Our reasons for asking for his pardon is that we like him from our personal acquaintance with him, we know that he has tried in every way to do what is right in prison, we think that he has had his share of this life and that he is entitled to consideration."⁶¹ In his own communication to H. H. McCreary, Taylor informed the senator that he had been personally acquainted with Campbell "long before the difficulty for which he is being punished" and had seen him frequently in the convict camps. "My dealings with him in this time convinces me that he has been punished enough," Taylor explained, "and I confidently believe that the ends of Justice will be served in any effort you can make looking to his pardon."⁶² In addition, petitions with over 200 signatures of citizens of St. Augustine and St. Johns County were presented in support of the pardon application, as were letters from local dry goods merchants and alcohol wholesalers, and a petition from 170 Duval County citizens.⁶³

Letters of recommendation and petitions provided important routes for influential people to intervene in and question various aspects of the criminal justice system. Trust was placed in the judgments of the presiding justice and the prosecuting attorney, as well as the jurors and other court personnel. As of 1897, applicants seeking pardon had to provide recommendations from both the prosecuting attorney and sentencing judge. When pardon applications were passed over for further consideration, it was usually because the circuit judge and state attorney were still to be consulted on whether the applicant was a suitable candidate for clemency. One of the problems faced by life-term and long-term prisoners was that

60. Chas. A. Gilchrist to the Board of Pardons, January 1901, *Application Case Files*, 174/788.

61. Geo. F. Dittmer, C. H. Lloyd, D. Handley to W. B. Taylor, 11 April 1905, *Application Case Files*, 174/788.

62. W. B. Taylor to Hon. H. H. McCreary, 11 November 1905, *Application Case Files*, 174/788.

63. Petition to Hon. Board of Pardons, 9 June 1905, *Application Case Files*, 174/788.

of securing these endorsements as sentencing judges and prosecuting attorneys invariably retired, died, or moved away, or simply could not recollect the details of a particular case. Such recommendations are absent from Campbell's pardon file, and, by 1905, friends were beginning to despair of securing his release. Frank Clarkson wrote, "Dear Alex:—I have done all I can for you. I have spent the last four days in hunting and tracing the jurors in your case. This was the hardest job I ever tackled in my life, as it has been so long ago that a number of them are dead."⁶⁴ Five of the jurors from the original trial were dead, and one could not be located.

Successful candidates for clemency used the language of humility and subjection to appeal to the board members' sense of *noblesse oblige* and chivalry as southern gentlemen. In the same letter in which he readily admitted his guilt, Campbell expressed remorse for his actions: "I have deeply felt the irreparable [sic] loss and sorrow I have inflicted upon others, and my fourteen years of imprisonment is a penance humbly given for the law's satisfaction." He hoped that board members would "find just cause for clemency" and release him from physical incarceration. "To be free again, is ever the ambition of all condemned men," Campbell pleaded, "I pray that such will be your response to my appeal, by my future life I can show the gratitude such action would give birth to."⁶⁵ Campbell's application for conditional pardon was presented to the board on May 22nd and passed over for further consideration.

After ten years in the state prison system, Campbell's mental and physical health deteriorated, particularly during his confinement at the Buttgenbach camp in Marion County. He had suffered "acute gastritis" and several "malarial attacks" from which, in the opinion of the attending physician, he had never fully recovered. There followed the likelihood of ulcers and further attacks of gastritis, all of which could prove fatal.⁶⁶ Conventional wisdom held that disease, chronic fatigue, medical conditions like muscular or respiratory ailments, and bone deformities or mental illness occurring during incarceration could have the result of increasing the retributive or deterrent effect of the original penalty by exacerbat-

64. Frank Clarkson to Alex Campbell, 2 May 1905, *Application Case Files*, 174/788.

65. Alex Campbell to Hon. Board of Pardons, April 1905, *Application Case Files*, 174/788.

66. A. McBride, "To Whom It May Concern," 2 August, 9 September 1902; Dr. M. H. DePass to the Hon. Board of Pardons, 18 September 1902, both in *Application Case Files*, 174/788.

ing the physical hardships of incarceration. Convicts therefore appealed for early release to relieve them of their suffering. One sociologist observed: "There is a sort of prevailing notion among the people, or some classes of them, that any prisoner ought not to die in prison, but that he should be released whenever his illness is believed to be fatal."⁶⁷ Several letters of 1907 and 1908 highlight the gravity of Campbell's mental and physical condition and the desire of his family to care for him personally during his last months of life. In October 1907, for example, Campbell's sister, Leonora, informed Governor Broward that her brother was in a "pitiable [sic]" condition and had recently been confined at the state insane asylum at Chattahoochee. The family had "exhausted their means for attorney fees" and wanted Alex to die surrounded by his family rather than in a distant convict camp.⁶⁸ Jacksonville priest, Father Kenny, wrote to the governor that Campbell was dying and his mental faculties were failing "so that the end of the law has been fulfilled in his case—his life has been given in atonement for his crime. His brother and sister ask that he be allowed to die with them."⁶⁹ John T. Campbell and Martha Campbell Bunting offered to provide financial support for Campbell (who by that time was confined at the state prison hospital at Quincy). If pardoned, Campbell would be removed "from the State of Florida and thereby further relieve the State of further care on his account."⁷⁰ In December 1908, Dr. Simeon H. Blitch urged the pardon board to grant clemency to Campbell at its next meeting: "No doubt exists as to his demented state. He has relatives who will care for him if either [a parole or conditional pardon] is granted. I would be grateful if you will favor the applicant."⁷¹

It was not until the pardon board meeting of January 1909 that Alexander Campbell, now forty-one years old, received a conditional pardon. Campbell was not one of the "forgotten" prisoners buried in Florida's convict labor camps without friends or commu-

67. James D. Barnett, "The Grounds of Pardon," *Journal of Criminal Law, Criminology and Political Science* 17 (1926): 518.

68. Leonora Campbell to Hon. N.B. Broward, 10 October 1907, *Application Case Files*, 174/788.

69. William J. Kenny to Hon. N.B. Broward, 8 November 1907, *Application Case Files*, 174/788.

70. Affidavit of John T. Campbell, 19 October 1908; Affidavit of Martha Campbell Bunting, 19 October 1908, both in *Application Case Files*, 174/788.

71. S. H. Blitch to Hon. State Pardoning Board, 21 December 1908, *Application Case Files*, 174/788.

nity support to actively assist in securing his release. Nevertheless, a steady correspondence between Campbell, members of his family, his supporters, and prison officials was not strong enough to persuade the pardon board to act in Campbell's favor before 1909. The reasons for this are not entirely clear since no pardon board deliberations were recorded before that year. Any campaign promoting clemency for Campbell, however, was hindered by the death of his mother in 1893 and the lengthy legal dispute over the inheritance. Moreover, it took Campbell fifteen years to readily accept his guilt and express publicly his remorse for the killing of Mamie Joseph.

Campbell was a problematic prisoner in that he did not fit the popular stereotype of the homicidal perpetrator. He was white, middle-class, employed in a white-collar occupation, had no previous record of criminal violence, and was literate and respectable. As jurors and judges meted out retributive and deterrent punishment to ensure the fair and proper administration of criminal justice, they saw it as their duty to impose conviction and sentence on white middle-class defendants whose actions had brought dishonor and shame to themselves and their class. Moral and legal responsibility increased according to one's education and social position, thus a crime of passion by a socially-advantaged defendant was regarded by the courts and the pardon board members as more heinous than one committed by a man or woman of inferior mental capacity and insignificant economic worth. Furthermore, since Mamie Joseph represented in the popular imagination a true embodiment of virtuous southern womanhood whose fidelity, reputation, and honor were without blemish, there could be no exculpatory grounds for Campbell's actions of September 1890.

The Campbell case illustrates how culture and prejudices of late-nineteenth-century Florida society shaped judicial attitudes not only up to and during the trial, but long after conviction. Jury members and later pardon board officials had little doubt that Campbell's actions extended beyond acceptable boundaries of manliness. His conviction, punishment, and the sentence and length of time served reflected these considerations.