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Why Was Antebellum Florida Murderous? A Quantitative Analysis of Homicide in Florida, 1821-1861

By James M. Denham and Randolph Roth

Before the Civil War, Florida was one of the most murderous places in the United States. Its homicide rate was rivaled only by Texas and California.¹ When it came to murders of or by blacks, Florida was typical for a slave state. But its white citizens killed each other at an extraordinary rate—usually three or four times the rate in most other slave states and eight to ten times the prevailing rate during the Second Seminole War, 1835-42, and the secession crisis, 1858-61.

Why were whites so likely to kill each other in antebellum Florida? The homicide rate rose among whites in every slave state in the early nineteenth century, as revolutionary ideals and aspirations disrupted the class-bound social hierarchy of the plantation South. Poor and middle-class whites grew impatient with their standing in society and prominent whites resented challenges to their authority, which led to deadly confronta-

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1. James M. Denham, *A Rogue's Paradise: Crime and Punishment in Antebellum Florida, 1821-1861* (Tuscaloosa: University of Alabama Press, 1997), ix.

tions. But the homicide rate rose much higher among whites in Florida because of the state's troubled political history. Only Texas and California experienced political instability on the scale that Florida did during the Patriot War, the Seminole Wars, and the secession crisis. The lawlessness and political violence of those years left a lasting legacy. And no state had more trouble establishing a strong government that was legitimate in the eyes of its citizens, thanks to a quarter century of rule by a territorial government that was perceived by most citizens as corrupt and ineffectual.

Florida's territorial government spent too little on law enforcement to secure the state's borders, suppress criminal gangs, or catch and convict murderers. Its jails were too flimsy to hold the suspects it did catch. Citizens therefore took the law into their own hands, and vigilantism started a cycle of killings and revenge killings. More important, many settlers perceived Florida's territorial government as corrupt, because most of its officials served at the pleasure of politicians in Washington, not Florida's voters. That undermined confidence in public officials and left Florida's white citizens feeling unrepresented and powerless. If they felt they could not get a fair hearing in court on a property dispute, they killed their opponents. If they believed their political opponents were unethical or unaccountable, they challenged them to duels, ambushed them, or lynched them. Whenever they felt their lives or property to be at risk they were quick to use violence, since they believed no one else would protect them. Political instability, poor law enforcement, and political alienation thus made Florida an extraordinarily homicidal place.

Determining Florida's homicide rate offers special challenges. It is harder to study homicide in Florida than in any other southern state. Most court minutes books and nearly all case files and coroner's inquests have been lost; and Florida newspapers did a poor job covering homicides due to poor communications and a lack of local correspondents. Florida newspapers rarely mentioned homicides, and when they did, they usually failed to discuss the motives or circumstances of those crimes. The state's financial records, which list payments for the arrest, confinement, and trial of many homicide suspects, fill the gap to some degree, as do the state proclamations that called upon citizens and local authorities to apprehend fugitive murder suspects. But these records seldom

identify the murder victim, and they say little or nothing about the particulars of the murders themselves.²

Florida's records are thus terribly incomplete, and we must make strong assumptions to fill the gaps mathematically. Nevertheless, the raw count of homicides in Florida's surviving records is much higher in proportion to the population than the counts that have been made in Virginia, North Carolina, South Carolina, and Georgia, which are based on more complete records. And when we use simple mathematics to estimate the number of homicides that probably occurred, the difference between Florida and other slave states is stunning.

Surviving records contain evidence of 401 homicides in Florida, 1821-1861, which include at least 10 homicides committed by Native Americans and 51 homicides committed by African Americans. The extant evidence says nothing about the identity of the victim in 30 percent of these cases and offers no information as to motive or circumstance in 61 percent (Table 1). We can improve upon the first percentage because Florida's judicial system had a clear policy toward African Americans found guilty of homicide. Every convicted black who was known to have killed a white person was found guilty of murder and sentenced to death. Every convicted black who was known to have killed a black person was found guilty of manslaughter and whipped. We can therefore with some certainty classify unknown victims of black "manslaughterers" as black and unknown victims of black "murderers" as white. There was no clear pattern, however, in the convictions of white homicide suspects, so we cannot predict the race of their unidentified victims. But we can extrapolate the race of the remaining unknown victims from the race of the known victims of black and white murderers. We have inferred the race of 112 known victims—28 percent—by extrapolation. We made separate extrapolations for 1821-45 and 1846-61 to take into account improvements in crime reporting and record keeping after Florida became a state.

The next task is to account for gaps in the evidence caused by the loss of records, the failure of newspapers to report murders systematically, and the failure of the authorities to investigate all of

2. The research for this essay was completed by James M. Denham. The primary sources he examined are listed in Denham, *Rogue's Paradise*, 341-50. The data are available through the Historical Violence Database at the Criminal Justice Research Center at Ohio State University (www.sociology.ohio-state.edu/cjrc/hvd).

HOMICIDE IN FLORIDA

219

Table 1

Florida Homicides, 1821-1861: Estimates, Inferences, and Extrapolations

	Known Homicides	Estimated Homicides
Total	401	607
Unknown motive	243 (.61)	449 (.74)
Race of victim not inferred ¹	120 (.30)	326 (.54)
Race of victim not inferred ²	112 (.28)	318 (.52)

¹ Only 1 percent of Florida's inhabitants were free blacks, so victims and suspects who had surnames and were not identified as free blacks were assumed to be whites.

² All indicted black suspects who were found guilty of killing whites were found guilty of murder (16 cases). All indicted black suspects who were found guilty of killing blacks were found guilty of manslaughter (8 cases). Thus, in cases where the race of the alleged victim of a black homicide suspect is unknown, the race of the victim was assumed to be white if the suspect was found guilty of murder (3 cases) and black if the suspect was found guilty of manslaughter (5 cases).

the suspected homicides that came to their attention. There is no way to estimate the actual number of homicides that occurred without the help of forensic evidence, but we can estimate, using "matching list" mathematics, the number of suspected homicides that came to the attention of the public at the time, even if contemporaries failed to write about those homicides or if their writings have been lost.³ As long as a homicide had a statistical chance of turning up in a court record, inquest, newspaper, or diary—that is, as long as someone other than the murderer and victim suspected homicide and spoke about it with someone else—we can "recover" that homicide mathematically. The same technique is used by epidemiologists and demographers to estimate the number of people who have AIDS, for example, or the number of people in a particular census category, such as the homeless.

3. This is the methodology used in Randolph Roth, "Child Murder in New England." *Social Science History* 25 (Spring 2001): 101-47.

We divided the records of homicides into two lists. One list contains cases found in legal records (minute books, case files, inquests, proclamations, vouchers, pardons, etc.) and the other contains cases found in other records (newspapers, memoirs, diaries, letters). These two lists are not completely independent, statistically speaking. Homicides that enter the legal process are more likely to leave traces in non-legal records than vice versa, because they are likely to be discussed widely and repeatedly. Because the two lists are not completely independent, our estimate of homicides in Florida will be low, probably by about 10 to 15 percent. But the lists are to a great degree independent, and the downward bias in the estimates they yield should be steady from year to year.

The matching list method looks at the degree to which the two lists of homicides overlap.⁴ If a large proportion of homicides appears on both lists, we can predict that most cases appear in the surviving records, and we can estimate the number of homicides that came to the attention of the public with a great deal of confidence. The “standard errors” of our estimates are small relative to the estimated number of homicides. If a small proportion of homicides appears on both lists, we can predict that most cases do not appear in the surviving records, and we can estimate the number of homicides that came to the attention of the public with less confidence. The “standard errors” of our estimates for Florida are large relative to the estimated number of homicides, because we don’t know if the surviving records are missing “a lot” of homicides, “an awful lot” of homicides, or “a tremendous number” of homicides.

How many homicides do we estimate occurred in Florida? The degree of under-enumeration varies by period and by the race of the assailant (Tables 2 and 3). If we split our matching-list analysis in 1845/6, we estimate that 607 homicides came to the attention of the public in antebellum Florida—51 percent more than appear in the surviving records. Given the large number of known white assailants, we can refine the analysis further and estimate the number of white murderers in discrete historical periods, such as

4. Ibid. The formula for estimating the number of homicides that do not appear in the surviving records is simple: multiply the number of homicides found only in legal records by the number of homicides found only in other records, and divide that product by the number of homicides found in both legal and other records.

HOMICIDE IN FLORIDA

221

Table 2

Estimates from Matched Lists of the Number of Adult Homicide Victims in Florida, 1821-1845

Homicides committed by:

	Blacks	Indians	Whites	All Assailants
Percentage of estimated homicides found	.79	.75	.73	.73
Located only in legal records	6	1	54	61
Located only in other sources	8	1	31	40
Located in legal records and in other sources	8	1	37	46
Number of homicides found	22	3	122	147
Estimated number of homicides	28.0	4.0	167.2	200.0
Standard error of estimated homicides	4.6	2.0	14.3	15.2

the Second or Third Seminole Wars (Table 4). The results of the two analyses are similar enough to build confidence in the quality of the estimates. But the gaps in our knowledge about the motives, circumstances, and victims in Florida homicides are greater than we first thought. We do not know the race of the victim in 52 percent of the homicides that we believe occurred or the motive or circumstance in 74 percent (Table 1). It is impossible, therefore, to estimate the rate of rare homicides, such as spousal murders, and it requires considerable extrapolation to estimate interracial and intraracial homicide rates for blacks and whites.

Table 3**Estimates from Matched Lists of the Number of Adult Homicide Victims in Florida, 1846-1861**

Homicides committed by:

	Blacks	Indians	Whites	All Assailants
Percentage of estimated homicides found	.74	1.00	.59	.62
Located only in legal records	16	0	118	134
Located only in other sources	5	3	56	64
Located in legal records and in other sources	8	4	44	56
Number of homicides found	29	7	218	254
Estimated number of homicides	39.0	7.0	368.2	407.4
Standard error of estimated homicides	7.0	0.0	35.4	33.4

To calculate homicide rates, we divided the number of homicides by the population at risk and multiplied by 100,000, as the Federal Bureau of Investigation does:

$$\text{Homicide rate} = (\text{number of homicides} / \text{population at risk}) * 100,000$$

A common objection to historical homicide estimates is that it is impossible to produce reliable rates for places that have small populations or few homicides. It would certainly be a mistake to make too much of Florida's homicide rate in a particular year, given that its population as late as 1830 was only 35,000. Its homi-

HOMICIDE IN FLORIDA

223

Table 4

Estimates from Matched Lists of the Number of Adult Homicide Victims in Florida, 1821-1861

Homicides committed by whites:

	Percentage of estimated homicides found	Estimated number of homicides	Standard error of estimated homicides
1821-1827	.84	8.3	1.9
1828-1834	.91	32.9	2.5
1835-1842	.62	102.7	16.3
1843-1845	.56	36.0	11.6
1846-1854	.73	115.0	13.0
1855-1857	.65	73.7	16.5
1858-1861	.53	162.0	27.7

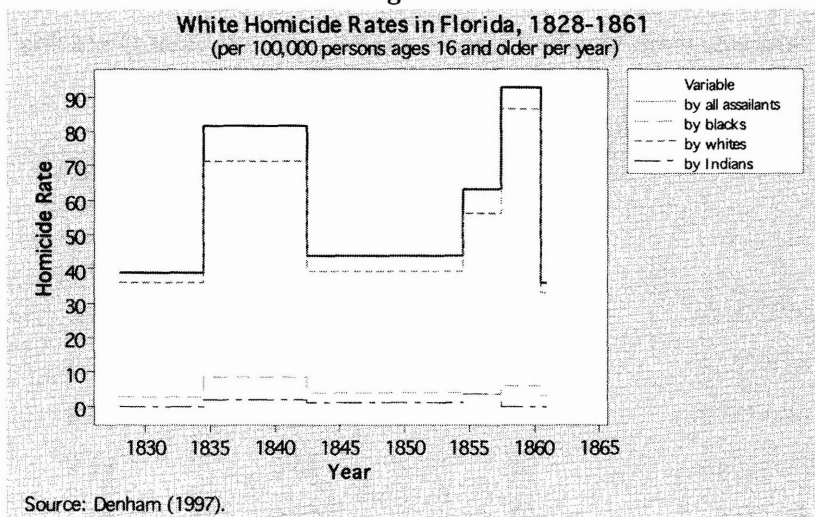
cide rate “per 100,000 persons per year” could be high if three dozen homicides occurred in a given year, while the following year it might drop to a moderate level if only a dozen occurred.⁵ But it is possible to produce reliable homicide rates for longer stretches of time, because the cumulative number of people at risk of being murdered for a year becomes large very quickly. That is why the homicide rates here are calculated for time periods, rather than single years.⁶

Our initial estimates of the homicide rates for whites and blacks (using the estimates of the number of homicides by black and Indian assailants in Tables 2 and 3, and by white assailants in Table 4) appear in Figures 1 and 2. The census figures for Florida’s population were also adjusted for underenumeration, to ensure that Florida’s homicide rates would not be biased

5. See, for example, Robert R. Dykstra, “Overdosing on Dodge City,” *Western Historical Quarterly* 27 (1996), 505-14; and “Body Counts and Murder Rates: The Contested Statistics of Western Violence,” *Reviews in American History* 31 (2003), 554-63.

6. See Randolph Roth, “Guns, Murder, and Probability: How Can We Decide Which Figures to Trust?” *Reviews in American History* 35 (2007): 168-73.

Figure 1



Note: The numbers of homicides committed by black and Indian assailants were estimated separately for 1821-45 and 1846-61. The numbers of homicides committed by white assailants were estimated separately for 1821-7, 1828-34, 1835-42, 1843-5, 1846-54, 1855-7, and 1858-61.

upward by a failure to correct both terms in the equation for homicide rates.⁷

What do they show? Florida was very homicidal, even for a southern state. The homicide rate for black adults was not unusual before the late 1850s—10 to 14 per 100,000 persons per year, a bit higher than the 8 per 100,000 in the four counties that have been studied in Virginia, but the same as in Horry and Edgefield counties in South Carolina and in Franklin, Jasper, and Wilkes counties in Georgia.⁸ The rate at which whites were murdered by blacks was

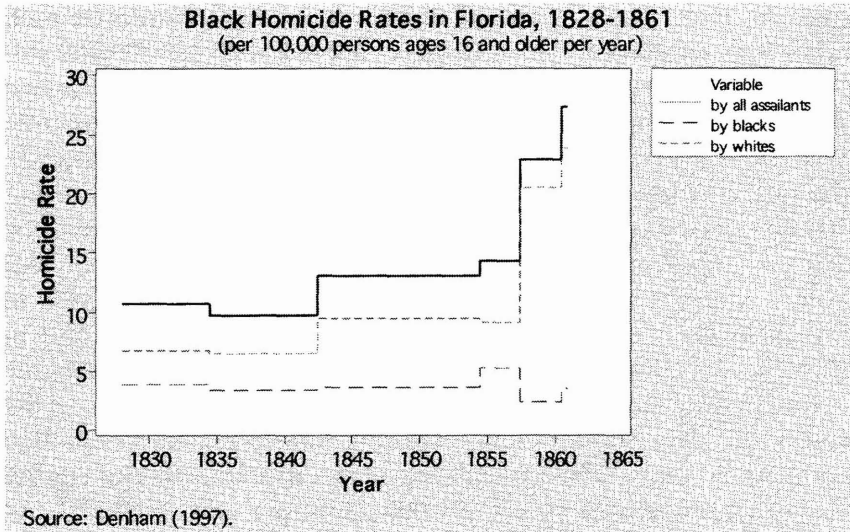
7. The population figures from the federal censuses of Florida were also corrected for underenumeration, using the method outlined in Randolph Roth, "Child Murder in New England," *Social Science History* 25 (2001): 129-35. The underenumeration figures for whites were from James D. Hacker, "The Human Cost of War: White Population in the United States, 1850-1880" (Ph. D. dissertation: University of Minnesota, 1999) and for blacks from A. J. Coale and N. W. Rives, "A Statistical Reconstruction of the Black Population of the United States, 1880-1970," *Population Index* 39 (1973): 3-36. An additional 1 percent was added to the population to account for the probably higher level of underenumeration in Florida, and an additional 5 percent on top of that to the population of free blacks to account for the probably higher level of underenumeration nationwide.

8. The data from Virginia, South Carolina, and Georgia are from Randolph Roth's forthcoming study of American homicide. The data for the Virginia counties are from Amelia, Lancaster, Rockbridge, and Surry, 1800-63. The

HOMICIDE IN FLORIDA

225

Figure 2



Note: The numbers of homicides committed by black were estimated separately for 1821-45 and 1846-61. The numbers of homicides committed by white assailants were estimated separately for 1821-7, 1828-34, 1835-42, 1843-5, 1846-54, 1855-7, and 1858-61.

homicide rates for Rockbridge County and for the counties in Georgia, 1815-1863, are matching-list estimates from newspapers, local histories, and newspapers. The rates for Amelia, Lancaster, and Surry are from court records, case files, coroner's inquests, and local histories, because Virginia newspapers failed to report on crime in those counties. The rates for Edgefield County, 1844-1863, and Horry County, 1849-63, are from typescripts of their coroner's records, available at the University of South Carolina Library.

The legal records for the counties studied in Georgia and Virginia are available at their respective county courthouses, the Library of Virginia, or the Georgia Department of History and Archives. The estimate for Rockbridge County relies on a systematic reading of the surviving issues of newspapers published in Fincastle, Lexington, and Staunton, Virginia, 1790-1821 (available at the Library of Virginia in the Valley of Virginia newspaper collection) and of the following newspapers: *Lexington Gazette*, 1835-63; *Republican Farmer* (Staunton), 1822-3; *Rockbridge Intelligencer* (Lexington), 1823-32; and *Union* (Lexington), 1832-5. The estimates for the Georgia counties rely on Tad Evans's superb indexes of the Baldwin County, Georgia newspapers: Tad Evans, *Baldwin County, Georgia, Newspaper Clippings (Union Recorder)*, 1830-1887, 12 v. (Savannah: T. Evans, 1994-7); Tad Evans, *Milledgeville, Georgia, Newspaper Clippings (Southern Recorder)*, 1820-1872, 12 v. Savannah: T. Evans (1995-7); and Fred R. Hartz, Emily K. Hartz, and Tad Evans, *Genealogical Abstracts of the Georgia Journal (Milledgeville) Newspapers, 1809-1840*, 5 v. (Vidalia and Savannah: T. Evans, 1990-5). Other Georgia newspapers consulted include: *Augusta Chronicle*, 1785-1815; *Friend and Monitor*, (Washington), 1814-15; *Monitor and Impartial Observer* (Washington), 1802-9; and *Washington News*, 1816-40. The research on the Virginia and Georgia counties was completed in collaboration with James Watkinson of the Library of Virginia and Kenneth Wheeler of Reinhardt College. The research was supported by grants from the National Science Foundation and the National Endowment for the Humanities.

also typical for a Southern state—an average of 4 per 100,000 persons per year. But the rate at which white adults murdered each other truly stands out. That rate never fell below 36 per 100,000 persons per year. During the Second Seminole War, 1835-42, it reached 71 per 100,000. It rose to 56 per 100,000 during the Third Seminole War and to 86 per 100,000 on the eve of the Civil War. In Virginia, the rate at which whites murdered each other was only 5 or 6 per 100,000 persons per year, except in the decade that followed Nat Turner's rebellion, when it fell to near zero. In Franklin, Jasper, and Wilkes counties in Georgia, the rate was 10 to 15 per 100,000; in Edgefield County, South Carolina, it was 13 per 100,000; and in Horry County, South Carolina, it was 27 per 100,000. Thus the rate at which white Floridians killed each other was far higher than in the rest of the slave South. Only California (and probably Texas) had comparable rates. The rate among whites in southern and central California was at least 40 per 100,000 adults per year, 1850-65,⁹ and will probably prove to have been much higher, once matching-list estimates are available.¹⁰ Florida should be linked historically with Texas and California as an extremely violent state.

We can get a more immediate sense of how homicidal Florida was by converting its homicide rate to a "risk." What was the chance that a white adult who lived in Florida would have been murdered by another white? We can turn rates into "risks" by using the following formula:

$$\text{Risk} = 100,000 / (\text{homicide rate} * \text{years of exposure})$$

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9. Claire V. McKanna, Jr., *Race and Homicide in Nineteenth-Century California* (Reno: University of Nevada Press, 2002); Kevin J. Mullen, *Dangerous Strangers: Minority Newcomers and Criminal Violence in the Urban West, 1850-2000* (New York: Palgrave Macmillan, 2005); and Eric H. Monkkonen, "Los Angeles Homicides, 1830-2001 [computer file]." Los Angeles: University of California at Los Angeles, 2005. Together, the counties these authors studied contained 57% of the population of southern and central California. The data are available through the Historical Violence Database at Ohio State University.
10. From newspaper accounts alone, the total homicide rate in California was at least 186 per 100,000 adults per year in 1848, 231 in 1854, and 234 in 1855. See John Boessenecker, *Gold Dust and Gunsmoke: Tales of Gold Rush Outlaws, Gunfighters, Lawmen, and Vigilantes* (New York: John Wiley, 1999), 323-5. San Francisco, studied by Mullen, was probably the least homicidal county in early California; and McKanna estimates the homicide rates for the seven counties in his study from court records and coroner's inquests, not newspapers.

Systematic research has yet to be completed on homicide in antebellum Texas, but given the similarity between the anecdotal evidence available for Texas and that available for California and Florida, its homicide rate was probably extremely high as well.

A person exposed to a homicide rate of 36 per 100,000 for their entire adult life—an average of 43 years in the United States in the mid-nineteenth century for persons who reached the age of 16¹¹—would have stood a 1 in 65 chance of being murdered. And a person exposed to a rate of 86 per 100,000 would have stood a 1 in 27 chance of being murdered.

Why were whites so extraordinarily likely to kill each other in Florida? The homicides for which we know something about motive or circumstance are much like those that occurred throughout the slave South in the antebellum period. Florida whites fought for property, for honor, and, when they were drunk, for the heck of it. They killed when they were snubbed socially, when they were called names, when they were thrown out of bars or boarding houses, when they were refused credit, when they lost at cards, and when neighbors trespassed on their land. The worst thing that could happen to a white man in the slave South was to be humiliated by another man. A good number of men were willing to kill or be killed to prevent that from happening.

In the slave South as a whole, the homicide rate was probably 10 to 15 per 100,000 adults per year in the antebellum period: at least twice what it had been for whites at its low point in the Chesapeake in the late 1750s and 1760s and three times what it had been for blacks in the 1780s and 1790s. The homicide problem in the antebellum South cannot be explained by the presence of slavery or by a traditional code of honor, because the slave South had been only moderately homicidal in the mid- or late-eighteenth century.¹² The explanation lies in revolutionary ideas and aspirations, which wrought havoc with

11. Michael R. Haines, "Estimated Life Tables for the United States, 1850-1910," *Historical Methods* 31 (1998): 156. Life Table for both sexes, 1850, ages 15-19, e(x).

12. See, for example, Randolph Roth, "Twin Evils: The Relationship between Slavery and Homicide in New England, the Chesapeake, and the Shenandoah Valley, 1677-1800," in S. Mintz and J. Stauffer, eds., *The Problem of Evil: Slavery, Freedom, and the Ambiguities of American Reform* (Amherst: University of Massachusetts Press, 2006). The classic works that cite slavery and honor as the fundamental causes of the antebellum South's high rate of violence are Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982), and Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (New York: Oxford University Press, 1984). Wyatt-Brown's recent work, however, emphasizes as this essay does the contribution of the American Revolution to Southern violence. See Bertram Wyatt-Brown, *The Shaping of Southern Culture: Honor, Grace, and War, 1760s-1890s* (Chapel Hill: University of North Carolina Press, 2005), 31-55.

slave society in a number of significant ways. Poor and middle-class whites were increasingly frustrated by their inability to rise in a society that remained class-bound and hierarchical. Prominent whites were subjected to the rough and tumble of democracy and seethed at the way they were treated. Slaves despaired over the failure of the American Revolution to lead to emancipation in the South, and whites were more fearful than ever of black rebellion. As a result, impatience with restraint and sensitivity to insult were more intense in the slave South after the Revolution, and the region had more than its share of deadly quarrels, property disputes, duels, and interracial killings. In areas of the South where there were few slaves, like mountainous western Virginia, north Georgia, or southwest Missouri, homicide rates were as low as those in the rural North by the 1830s and 1840s.¹³ Homicide rates correlated strongly in the antebellum South with the presence or absence of slavery. Because Florida had a large slave population—over 45 percent statewide by the 1830s—it had the same homicide problem that other slave states had.

Coming out on top in contests with peers was important to white men in antebellum Florida—they refused to be “mastered” by other men. Farmers Jim Munden and Elijah Locklear of Lafayette County shot each other dead when their “daughter swap” went bad. They had hired their daughters out to each other to work as domestic servants, but Locklear’s daughter ran back home after two days. Munden told Locklear that he’d kill him if his daughter didn’t return, but Locklear refused to send her back, saying it was her decision. Munden and several friends went gunning for Locklear that Saturday night, but Locklear was ready, and he wounded Munden fatally before he himself was shot.¹⁴ Augustus Noyes of Columbia County took offense

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13. Again, these data are from Randolph Roth’s forthcoming study of American homicide. They include data from Cabell and Greenbrier counties in Virginia, and Gilmer and Rabun counties in Georgia. See also the data from four counties on the Kentucky-Tennessee border in William Montell, *Killings: Folk Justice in the Upper South* (Lexington: University of Kentucky Press, 1986) and from Taney County, Missouri, in F. McConkey, *The Bald Knobbers or Citizens’ Committee of Taney and Christian Counties, Missouri* (Forsyth: Groom and McConkey, 1887), 38.
14. James M. Denham and Canter Brown, eds. *Cracker Times and Pioneer Lives: The Florida Reminiscences of George Gillett Keen and Sarah Pamela Williams* (Columbia: University of South Carolina Press, 2000), 80-86. Capt. Frank Sams, another pioneer, offers a slight variation of Keen’s version of this embellished yet historically accurate story to a New York newspaper reporter. The effect is the same. See Jerald T. Milanich, *Frolicking Bears, Wet Vultures, and Other Oddities: A New York City Journalist in Nineteenth-Century Florida* (Gainesville: University Press of Florida, 2006), 182-85.

when Dr. John Clyde whipped a slave he had sent on an errand, and he demanded an apology. Dr. Clyde, unwilling to be called on the carpet for manhandling a slave he felt had been insolent, replied: "God d—n you, if you say anything, I will serve you the same way." Noyes slapped Clyde in the face, "knocked him down and there left him"; so Clyde tracked Noyes down and shot him dead.¹⁵

Anxiety over status was considerable among Florida whites. George Gillett Keen, a pioneer settler in East Florida, recalled how much he had wished as a young man that he could have taken part in the "overseer talk" of the local men he escorted on hunting trips. "All of them were rich men. I was poor, but a natural born pioneer with a thorough knowledge of the woods, and was a crack shot, together with a pack of hounds as good as ever give tongue on a deer trail." But he couldn't compete with his neighbors when the talk turned to farming.

One would say, Iv'e [*sic*] got the best overseer I ever had; another would say, my overseer is a worthless fellow, a third would say I am pretty well satisfied with my overseer, and so on. I would sit there like a bump on a log. You bet I never wanted anything worse in my life than I wanted a plantation of niggers so I could talk about my overseer. I had some niggers, but not enough to have an overseer; that's what worried me. When hunting time come round I was in but when overseer talk was the topic of the day I was ten feet above high water mark on dry land.¹⁶

Ironically, it was mastery of white men—not slaves—that was the key to success in the antebellum slave South. And members of the elite could be ruthless in their judgments of lesser men. For example, Corinna Aldrich, the wife of an officer in the U. S. Army, referred sneeringly to the white men her aunt employed on her plantation as "understrappers."¹⁷

15. Jacksonville *News*, 25 December 1846 and 8 January 1847. For other homicides caused by conflicts over the whipping of blacks, see the murders of John Wilson by William Davis in Santa Rosa County in 1852, *Pensacola Gazette*, 17 January 1852, and of Rafael Gonzales by Florentino Commyns, Inquest on the body of Rafael Gonzales, 31 January 1837, in *Territory vs Florentino Commyns*, 1837, Escambia County Case Files.

16. Denham and Brown, *Cracker Times and Pioneer Lives*, 46.

17. James M. Denham and Keith L. Huneycutt, *Echoes from a Distant Frontier: The Correspondence of the Brown Sisters from Antebellum Florida* (Columbia: University of South Carolina Press, 2004), 126.

Such inequality had been less painful for men in the slave South in the mid-eighteenth century, when it seemed natural that some men, like English aristocrats, would have mastery over others. But after the Revolution that idea was painful to many Southern men, and it raised the stakes in any confrontation that threatened a man's standing in his own eyes or that of his peers. Too often, such confrontations turned deadly in the slave South after the Revolution, and Florida was no exception.

But why was the homicide problem among whites so much worse in Florida than in the rest of the slave South? Historian Edward Baptist believes that the "agendas" white migrants brought to Florida frontier compounded their anxiety over status. "Desire for mastery and antipathy toward submission dominated the individual consciousness and collective unconscious of white men who moved to Florida."¹⁸ Baptist, in his study of Jackson and Leon counties in Middle Florida, notes that many planters, like John Parkhill of Virginia, came to Florida because they had lost badly in the financial panics of 1819 and 1837, or because the cold weather of the 1820s and 1830s had ruined their cotton crops in the Carolinas, or because the soil on their farms had played out. Such men worried about their declining fortunes and were willing to defend what status they had ruthlessly, in business, politics, and day-to-day relations with peers. The same held true, in Baptist's opinion, for poor "countrymen" like Isaac Hay of North Carolina, a laborer and sharecropper. Hay had fought in the Continental Army during the Revolution, survived Valley Forge, and endured a year in a British prison ship after the fall of Charleston, only to find himself mired in poverty and disfranchised by North Carolina's electoral laws, which allowed only property owners to vote. Hay moved to Washington County, Georgia for a fresh start, but he had to abandon his eighty-acre farm because it was too sandy. He came to Florida as impatient with his standing as planters like John Parkhill and just as willing to fight, if necessary, to make it clear that he would subordinate himself to no man.¹⁹ Baptist's evidence for the connection between the disappointments of Florida migrants and their readiness to use violence is anecdotal, based on letters, diaries, and family histories; but it is powerful.

18. Edward E. Baptist, *Creating an Old South: Middle Florida's Plantation Frontier before the Civil War* (Chapel Hill: University of North Carolina Press, 2002), 102.

19. Baptist, *Creating an Old South*, 16-87, especially 16-18 and 37-8.

HOMICIDE IN FLORIDA

231

The most important causes, however, of the high homicide rate among whites in Florida were political. The turning points in the history of homicide among whites in Florida coincided with political events: the homicide rate dropped in the early 1820s at the end of the Patriot War and the American conquest, and it rose during the Second Seminole War, 1835-42, the Third Seminole War, 1855-7, and the secession crisis, 1858-61 (Figure 1). Florida would not have been more homicidal than the rest of the slave South had it not experienced political instability, factionalism among elites, lawlessness, and warfare on an unprecedented scale, and had its citizens not chafed at being the “step-children” of an uncaring federal and territorial government. Disillusionment with state government came later.

It appears that there are four basic requirements for creating societies that are relatively non-homicidal. If these requirements are met, societies can attain homicide rates of less than 2 per 100,000 adults per year. If none of these requirements are met, societies can have homicide rates of hundreds or thousands per 100,000 adults per year. The first three requirements have to do with politics. They are closely related; failure to meet one usually means at least a partial failure to meet the other. The first is a stable government that can impose law and order. The second is a government that is recognized by the vast majority of its constituents as legitimate. The third is solidarity among members of a society, a sense of patriotism or fellow-feeling that extends beyond the bounds of family and neighborhood. The fourth requirement, which operates somewhat independently of the other three, is a legitimate social hierarchy. As we have seen, the slave South as a whole failed to meet the fourth requirement, because the Revolution had so profoundly disrupted and de-legitimized its social hierarchy, although the disruption was somewhat worse in Florida because of the discontents of its migrant population. But before the collapse of the Confederacy in 1863-4, only Florida and Texas failed to meet the first three requirements. That is why their homicide rates hit postbellum levels in the antebellum period.

When governments are unstable, elites are at odds with each other, and laws cannot be enforced, as is common on contested frontiers and during revolutions, civil wars, and military occupations, competition among groups and individuals can spin out of control and lead to catastrophic homicide rates. Homicides of all kinds—political, racial, predatory (including rape and robbery

killings), vigilante, and revenge—can run rampant, and there may be lasting damage to society, because habits learned during sustained periods of political instability are hard to break and can be passed down for generations. Such homicides were evident as early as the Patriot War, 1812-14. Families who lost relatives in the fighting between the American insurgents and Loyalists of Spain, such as the Dells and the Entralgos, became bitter partisans. They took revenge whenever they could, burning out their enemies or killing them. After the war, defeated Patriots like William Williams, disaffected and inured to the violence, formed criminal gangs and robbed, murdered, and stole slaves along the Georgia-Florida border. They made no bones about their contempt for government. Williams wrote a defiant letter to Don Tomás Llorente, the commander of Fort San Nicolás who was charged with his capture. “In six hours I can be over the river laying behind an old pine log within one hundred yard[s] of your garrison and let me tell you Old Mr. Comidant, don’t you go so far from your garrison to shit, for it lay in my power to shoot you in what part I chose.”²⁰

Also well documented are the repeated breakdowns in law and order that occurred during the Seminole Wars and the inability of Florida’s governments to provide adequate law enforcement or jails.²¹ The homicide rate among whites was unusually high during the Second Seminole War, 1835-42, and the Third Seminole War, 1855-7 (Figure 1), not only in the vicinity of the fighting, but throughout Florida. Criminal gangs seized control of swamps and woodlands, and ran back and forth across the Georgia and Alabama borders and Caribbean sea lanes, preying on Floridians. Vigilantism increased, as citizens took the law into their own hands to make up for the failures of the territorial, state, and federal governments, or sought revenge against their political or personal enemies. Surviving records show that one in every twenty-five murder victims in

20. James G. Cusick, *The Other War of 1812: the Patriot War and the American Invasion of Spanish East Florida* (Gainesville: University Press of Florida, 2003), 174-7, 303-4.

21. See Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999); Larry E. Rivers, *Slavery in Florida: Territorial Days through Emancipation* (Gainesville: University Press of Florida, 2000); Canter Brown, Jr., *Florida’s Peace River Frontier* (Orlando: University of Central Florida Press, 1991); John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville: University Press of Florida, 1967); John and Mary Lou Missall, *The Seminole*

HOMICIDE IN FLORIDA

233

Table 5

**Weapons Used by Race of Assailant in Homicides in Florida,
1821-1861**

Race of Assailant ¹	Black	White 1821-45	White 1846-57	White 1858-61
Known assailants	51	122	132	86
Known weapon	24	58	54	55
Percent Known weapon	.47	.48	.41	.64
Percent Victims hanged ²	.00	.04	.04	.24
Percent Victims not hanged who were shot ³	.33	.58	.51	.53
Percent Victims not hanged who were stabbed or cut ²	.38	.17	.24	.32

1 The table does not include the ten known Native American assailants who murdered whites or blacks.

2 The number of known victims of hangings was divided by the number of known assailants. It is doubtful that any known assailants who used unknown weapons hanged their victims.

3 Divided by the number of assailants who used known weapons and who did not hang their victims.

Florida before 1858 was hanged by white vigilantes, who believed they were suppressing outlawry and dispensing justice (Table 5).²²

Wars: America's Longest Indian Conflict (Gainesville: University Press of Florida, 2004); James M. Denham, "Some Prefer the Seminoles': Violence and Disorder Among Soldiers and Settlers in the Second Seminole War, 1835-1842," *Florida Historical Quarterly* 70 (July 1991): 38-54.

22. There were ten known victims of vigilantes before 1858: 8 whites and 2 blacks. All were killed in the Western Judicial District or the Middle Judicial District, but that pattern may not be significant, since those districts had larger populations, better newspapers, and fewer lost court records. The victims included a convicted arsonist, a convicted rapist, a suspected murderer, and 6 suspected members of criminal gangs.

Political instability and persistent lawlessness had a corrosive effect on everyday life. They made Floridians fatalistic about crime and violence, so they refused to pay for the jails and law enforcement officers they needed. At least a quarter of all homicide suspects jumped bail, escaped from jail, or were never caught; and because there was no state prison, judges and jurors could not sentence murderers to long prison terms. Three of every hundred white murderers were hanged, but the rest suffered no more than 39 lashes, a year in jail, and a \$1000 fine (which was routinely rescinded for those who could not pay). That was not enough to deter homicide in a society in which outlaws had lost their fear of the law and law-abiding citizens had lost their faith in it. Outlaws thought little of murdering potential witnesses.²³ Vigilantes attacked anti-regulators who tried to put an end to lynching.²⁴ Citizens who had their property attached killed the justices of the peace who issued writs and the deputies who served them.²⁵ Neighbors killed neighbors over the placement of a fence, crop damage, the ownership of a canoe, or a contract to supply shingles to the government, usually without seeking legal redress first.²⁶ Floridians did not believe the government would protect them, so they protected themselves. That is why such killings were far more

23. See the murder of William Raffensburgh by Charles Passmore and others in Calhoun County in 1839, *St. Joseph Times*, 21 April 1840; and the murder of James Fish by Samuel Holloman and others in Gadsden County in 1846, Jacksonville *Florida News*, 3-23 October 1846, and Tallahassee *Florida Sentinel*, 11 and 18 August 1846.
24. See the killing of a man named Dowling by William Hollingsworth and his son in New River County in 1860, Fernandina *East Floridian*, 2 and 9 August 1860; and the murder of Samuel Wester by Regulators in Columbia County in 1861, Washington Ives Journal, State Library of Florida, pp. 15, 19, 50-2, 58, 68, 73, 76.
25. See the murder of Peter Alba by Robert Breen in Escambia County, 1833: Affidavit and Trial Testimony, *Territory v. Robert Breen*, Sept. 1833, correspondence of Governor Duval, RG 101, Ser. 177, Box 1, Folders 2 and 5, Florida State Archives; St. Augustine *Florida Herald*, 31 October 1833; and Tallahassee *Floridian*, 25 January 1834.
26. See, for example, the murder of Wildman Hines by Hugh Duncan in Jefferson County in *Territory v. Duncan* 1838, Jefferson County Case File; the murder of James Mallett by Robert Mellon in Walton County in 1841, Pensacola *Gazette*, 29 May 1841; and the "Murder of Felix Livingston by Flavious Peacock in Madison County in 1855," Jacksonville *Florida News*, 14 April 1855; Tallahassee *Floridian and Journal*, 14 April, 1855; The Testimony, Proceedings, &c., &c., in the case of the State of Florida vs. Flavius M. Peacock for the murder of Felix Glenn Livingston, held at the Fall term of the Madison Circuit Court, held 21st, 22^d, 23^d, and 24th of November, 1855, J. Wayles Baker, presiding Judge (Madison Court House, Florida: The Madison *Messenger*, 1855).

common in Texas and Florida than they were in the rest of the slave South.²⁷

Another consequence of the lack of political stability and the breakdown in law and order was that many citizens carried guns, either to defend themselves or to get a jump on their enemies. Fifty-five percent of the victims of white assailants in Florida (excluding those who were lynched) were shot (Table 5), in comparison to 38 percent in antebellum Georgia and South Carolina and 28 percent in Virginia. Having to be prepared to fight took a heavy toll.

Florida's divisive political history also played a role in instigating homicides. Although we cannot yet put a number on it, the homicide rate probably declined in the early 1820s, when Florida became a territory of the United States and the chaos caused by the Patriot War, the First Seminole War, and campaigns against fugitive slave communities (like the "Negro Fort" on the Apalachicola River) came to an end. But the new territorial government lacked legitimacy in the eyes of many citizens, so the homicide rate remained high among whites. Control of the government remained in the hands of small cadres of federal appointees, such as the "Nucleus," a faction associated with Andrew Jackson. These factions, unresponsive and unaccountable to the territory's voters, enriched themselves at public expense. They chartered banks, such as the Union Bank of Florida, that issued hundreds of thousands of dollars in ill-secured loans to faction leaders and their political cronies, then held Florida taxpayers responsible for paying off the bonds that secured the loans if the banks defaulted.²⁸

Faction leaders also got rich by controlling the survey and sale of land. Under federal law, people who had settled in Florida by 1825 could register and purchase between 80 and 160 acres of the land they occupied for \$1.25 an acre before it came up for public auction. It was difficult enough for the poor to come up with the cash they needed. The faction leaders who controlled land offices

27. Homicide rates were relatively high in Ohio and Georgia in the early national period, but when law and order were established at the end of the War of 1812, the homicide rate plummeted in those states to the same level it had reached in Virginia.

28. Baptist, *Creating an Old South*, 111-19, 159-65; and Herbert J. Doherty, "Political Factions in Territorial Florida," *Florida Historical Quarterly* 28 (October 1949): 131-42.

made the registration process next to impossible. They dismissed squatters' claims on technicalities, demanded "proof" of occupancy that illiterate farmers found hard to come by, and closed land offices illegally in the weeks before public auctions so squatters had no place to register their claims. The consequences were stark in Middle Florida, where land was most valuable: by 1829, only 19 percent of non-planters owned land in Leon County and 13 percent in Jackson County.²⁹ Sectional rivalries between East and West Florida compounded the difficulty of creating a responsive, accountable government, and politics became personal—a matter of currying favor with the federal government and defaming opponents, which led to whippings, duels, and assassinations among political leaders.³⁰ Florida's not-quite-democracy was failing miserably.

The homicide rate among whites climbed to 71 per 100,000 adults per year during the Second Seminole War, 1835-42, and the depression of 1839-43, when faith in both the territorial and federal government reached a new low (Figure 1). Floridians questioned the federal government's commitment to removing the Seminoles. President Andrew Jackson, angry at criticism of his administration, added fuel to the fire in 1837 by blaming Floridians themselves: "Let the damned cowards defend their country. . . . They ought to have crushed [the Seminoles] at once if they had been men of spirit and character."³¹ The Panic of 1837, which led to the depression of 1839-43, made matters worse. As banks failed and poor farmers faced foreclosure, Floridians decided they had had enough: they repudiated the political establishment, and dissidents promising bank regulation and an end to Land Office corruption won control of the government.³²

The political crisis finally passed in the early 1840s, and the homicide rate among whites fell once again to 39 per 100,000

29. Baptist, *Creating an Old South*, 46-7, 53-8, 91-6. These political practices and their economic consequences were not uncommon on the post-revolutionary frontier. See, for example, Thomas P. Abernethy, *From Frontier to Plantation in Tennessee: A Study in Frontier Democracy* (Chapel Hill: University of North Carolina Press, 1932).

30. Herbert J. Doherty, *Richard Keith Call: Southern Unionist* (Gainesville: University of Florida Press, 1961), 16-92; and Baptist, *Creating an Old South*, 120-5, 151-3.

31. Quoted in Baptist, *Creating an Old South*, 158. Jackson added that the men of Florida "had better run off or let the Indians shoot them, that the women might get husbands of courage, and breed up men who would defend the country." See also Mahon, *History of the Second Seminole War*.

32. *Richard Keith Call*, 93-117; and Baptist, *Creating an Old South*, 154-90.

adults per year. The end of the Second Seminole War, the arrival of statehood in 1845, and the creation of a more responsive two-party system allayed public anger, and Florida leaders began to behave, at least publicly, as if they were working for the good of the people.³³ But cynicism toward the government endured for generations.

That cynicism bore murderous fruit in the mid-1850s, when the homicide rate jumped to its highest level since the Patriot War. The homicide problem was worst in eastern Florida,³⁴ where the Third Seminole War, 1855-7, reduced the region to lawlessness once again, and a crime wave instigated by demobilized soldiers in 1858 prompted vigilantes in Tampa and other communities to form "Regulator" societies that fought crime by lynching suspects or gunning them down. But vigilante violence appeared again throughout the state. Militant defenders of Southern rights, disillusioned with the Union, fearful for the future of slave society, and alarmed at threats to public order, killed Know Nothings and suspected abolitionists, slave rebels, and criminals white and black.³⁵ Statewide, the rate at which whites murdered blacks doubled in 1858-60 from 9 to 20 per 100,000 adults per year, and the rate at

33. Herbert J. Doherty, *The Whigs of Florida, 1845-54*, University of Florida Monographs Social Sciences, No. 1 (Gainesville: University of Florida Press, 1959); and Arthur William Thompson, *Jacksonian Democracy on the Florida Frontier*, University of Florida Monographs Social Sciences, No. 9 (Gainesville: University of Florida Press, 1961).

34. The data are not complete enough to allow precise regional estimates of homicide rates. Using regional-level matching list estimates of the number of homicides, the rate at which whites murdered blacks may have reached 65 per 100,000 adults per year in the Southern and Eastern Judicial Circuits, 1855-61, and the rate at which whites murdered whites 110 per 100,000. See Denham, *Rogue's Paradise*, 37-58, on the boundaries of Florida's antebellum judicial circuits. These homicide estimates are statistically less reliable than the state-level estimates, because they rest on fewer cases, and they appear to be too high for the Southern and Eastern Circuits and too low for the Western and Middle Circuits to square with the state-level estimates. Several methods were used, however, to detect regional differences in homicide rates, and each one indicated that whites committed homicide at substantially higher rates in the Southern and Eastern Circuits.

35. Canter Brown explores the violence of 1858-61 at length in the following works, *Peace River Frontier*, idem, *Tampa in the Civil War and Reconstruction* (Tampa: University of Tampa Press, 2000); and *Ossian Bingley Hart: Florida's Loyalist, Reconstruction Governor* (Baton Rouge: Louisiana State University Press, 1997), 81-120. The violence is also covered in Denham, *Rogue's Paradise*, 185-204; Baptist, *Creating an Old South*, 265-75; and David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (New York: Oxford University Press, 1998), 118-26, 173-8.

which whites murdered whites more than doubled to 86 per 100,000 adults per year (Figures 1 and 2). A quarter of all victims of white murderers were lynched (Table 5).³⁶

The political crisis over slavery and the loss of faith in the federal government led to non-political murders as well by creating an angry, hostile, and defensive mood among white men. Many believed that they had been betrayed by their government, that they had no say in it, and that they would have to fight for what was rightfully theirs. Many Floridians would proudly proclaim that they were ready to kill Yankee sympathizers and troublesome blacks, but they were also willing to kill any fellow Floridian who crossed them, whether they were strangers, friends, or casual acquaintances. The immediate causes of these murders may appear trivial, but the ultimate cause was not. Floridians felt humiliated. The rest of the nation despised them. They were back where they started, saddled with a government that did not represent them and would not look out for their interests.

36. Twenty known lynchings and 4 probable lynchings occurred in 1858-61. Eleven of the victims were slaves and thirteen were whites. The white victims included 4 Know Nothings, 3 train robbers, 2 thieves, and 1 murderer. The slave victims included 3 murderers and 3 slaves who had allegedly plotted the murder of their master. The reasons that the other victims were targeted are unknown.

All of the known lynchings of blacks occurred in the Eastern Judicial District or on the northern edge of the Southern Judicial District, so vigilantism against blacks appears to have been confined to counties in or near the theatre of the Third Seminole War. Known lynchings of whites, however, occurred in every judicial district, and they were not confined to counties of a particular type—e.g., cotton-growing counties, counties where secessionist Democrats were in the minority or a bare majority, etc. None of these patterns is certain, however, given that there is no surviving record of an estimated 47% of homicides committed by whites, 1858-61 (Table 4). Lynching in antebellum Florida is covered in Denham, *Rogue's Paradise*, 185-204, 209-11.

While viewed primarily as a post-emancipation phenomena, lynching did exist in Antebellum Florida and the South. By the 1880s Florida led the nation in lynchings proportional to population and this dubious distinction certainly owed much to the pre-war state's grisly heritage for homicidal violence. Studies of lynching are numerous and ever-growing. See for example Steward E. Tolney and E. M. Beck, *Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana: University of Illinois Press, 1995); Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of Illinois Press, 1993); Christopher Waldrep, *The Many Faces of Judge Lynch: Extra Legal Violence and Punishment in America* (New York: Palgrave MacMillan, 2002); Margaret Vandiver, *Lethal Punishment: Lynching and Legal Executions in the South* (New Brunswick, NJ: Rutgers University Press, 2006); William W. Rogers and James M. Denham, *Florida Sheriffs: A History, 1821-1945* (Tallahassee: Sentry Press, 2001), 160-77.

HOMICIDE IN FLORIDA

239

The pattern of homicides in Florida was thus typical of patterns that have prevailed throughout American history. Homicide rates among unrelated men rise during periods of political instability and conflict, and decline during periods of political harmony. They rise when the bonds of race or nationality or community are weak, and fall when those bonds are strong. Like Texas and California, Florida never enjoyed the degree of political harmony that other states did in the antebellum period. Floridians experienced divisive political battles, corrupt territorial government, and persistent struggles for control among Anglos, Hispanics, and Native Americans. They were on the “wrong” side of the crisis over slavery and were scorned by the federal government. Their homicide rates reflected their political history.