Politics, Greed, Regulator Violence, and Race in Tampa, 1858-1859

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In the past few decades, the causes and implications of violence in our society increasingly have drawn the attention of scholars. Eminent historian John Hope Franklin, for one, has pointed to the institution of slavery as central to any understanding of Southern tendencies to violent behavior.\(^1\) The University of Florida's Bertram Wyatt-Brown, somewhat to the contrary, has argued that Southern behavior was founded upon concepts of honor which, in his words, "established signposts of appropriate conduct."\(^2\) As to more specific causation of Southern group violence, two schools of thought have emerged. One insists upon the importance of "social disintegration and the breakdown of social control that accompanies massive structural changes, such as industrialization and Urbanization," while the other focuses upon group violence as representing an "organized response to the competition over power that occurs throughout society."\(^3\)

Several respected Florida historians have engaged in this debate and considered Florida history in light of it. Two individuals particularly have inquired into nineteenth-century violence, James N. Denharn's "'A Rogue's Paradise': Violent Crime in Antebellum Florida," interwove, Franklin's and Wyatt-Brown's approaches to provide an excellent, comprehensive examination of Florida's experience.\(^4\) Robert P. Ingalls concentrated on the city of Tampa which he found, by the 1930's, to be "so infamous for extralegal group violence that the American Civil Liberties Union branded it as one of the worst 'centers of repression' in the United States.\(^5\) Ingalls discovered, as far as Tampa's nineteenth-century experience was concerned, that collective violence was predicated upon a "belief in the ultimate right of local citizens to enforce order," which, in turn, "reflected a commitment to Southern republican ideology." Lynching, he noted, "has been commonly used as a deadly means of perpetuating the ascendancy of an entrenched group."\(^6\)

This paper will argue, with respect to Tampa's experience during 1858 and 1859, that, while all of these approaches provide partial explanations of causation, none of them suffices in itself. Rather, a fear of the breakdown of law and order in the wake of Indian war and the subsequent actions of a vigilante-type Regulator organization were manipulated to the economic and political advantage of a small group of individuals. These men, though prominent, were not a part of the area's entrenched political establishment. The escalating needs of this economic and political offensive continued to exacerbate local tensions. Widespread violence and what can only he described as bizarre behavior resulted, a community situation which was compounded by extended natural catastrophe and economic frustration. Within this context human life came to count for far less and recourse to violence became far-more-easily accepted than had been the case even a few months before. Until the final act was played out in
December 1859, race played no part in the drama, nor was honor to be found in the actions of most of the principal players. Only when race entered the picture, though, was the community -- or, at least, its elite -- brought to its senses, and community efforts at atonement and adjustment undertaken.

Tampa's two-year flirtation with violence and tragedy began positively enough when, on March 27, 1858, Billy Bowlegs and many of his followers agreed to emigrate, thus effectively ending the Third Seminole War. At the time, Tampans faced stark economic uncertainty. "The village …," a visitor had written two years previously, "has about eight hundred Inhabitants Lind contains a court house, a ten pin alley, two churches, two hotels, and any quantity of oyster houses and groceries. There is neither agriculture or manufactures to support the place and all the in inhabitants derive their living either directly or indirectly from gov-
ernment appropriations."7

The main source of government Support for Tampa was Fort Brooke, located immediately to the of town and facing both the Hillsborough River and Tampa Bay. During 1856-1858, Tampa, as one military man, put it, "was the center to which all the officers . . . in Florida came."8 With the Indian problem settled in 1858, though, the thousands of soldiers were to be withdraws, and the post closed.

The end of the Billy Bowlegs War was significant for other reasons, as well. Foremost among them, the peace opened tip the vast prairies between the Peace and Kissimmee rivers for cattle grazing. The army had cleared roads and built bridges that afforded access to the new ranges, and cattlemen quickly moved to take advantage of the opportunity. The opening of these new lands posed a problem, however, as to how the increasing numbers of South Florida cattle could be marketed, the one hope of economic salvation for Tampa and the rest of southwest Florida. The nearest railhead affording access to urban markets was about 200 miles away, to the northeast of Gainesville. Driving cattle over such a distance was difficult Linder the best of circumstances and resulted in substantial weight losses for the beeves. Bringing rail transportation nearer to the new ranges thus became an urgent need and sparked renewed efforts to build a road to Tampa.9

As efforts to build a railroad waxed and waned, one man, Tampa’s James McKay, offered a solution to the cattlemen's problem. McKay's action also was prompted by the conclusion of the Indian war, specifically the withdrawal of army forces from Fort X4yers. Abandonment of the fort meant the cancellation of sutler McKay's contract, leaving him temporarily unemployed. "[My] only alternative in business left to me after the troops leaving Florida...," he later explained, "was the transportation of cattle to Havana."10 Consequently, McKay leased a steamer and, in cooperation with prominent cattlemen such as Jacob Summerlin, Francis Asbury Hendry, and William Brinton Hooker began shipping beef from Tampa to Cuba.11

One problem faced by McKay and his partners was what to do with their empty boat on the run back from Havana to Tampa. If they could invest some of their cattle profits in needed commodities, including rum and sugar, they stood to increase their gain substantially by importing the goods into Florida. They could make even more if they could avoid paying import duties charged on the goods by national tariff laws. At the time, James T. Magbee, a lawyer with no particular involvement in the cattle business, served as the federal collector of
revenues for the port of Tampa and was known to be serious about enforcement of the law. McKay and his friends thus needed to find a way to remove Magbee and substitute in his place a more amenable collector. The opportunity quickly arose, again as a consequence of the conclusion of the war.

Military operations during the Third Seminole War had required the services of volunteer units raised all over the state. When peace appeared imminent, army officials began discharging these companies before their men were paid. The Mustering out often occurred at army headquarters in Tampa, leaving many armed men without financial resources and nothing to do but roam the streets. Some of them quickly turned to crime. "The close of the Indian war . . . " explained a settler, "liberated from military servitude a horde of toughs that no country would want, who were servants of the devil and put in a great deal of dirty work."12

These "servants of the devil" plagued Tampa for several months in the spring of 1858. Observed the town's newspaper, the Florida Peninsular: "The robbing of Fabian Barnet's jewelry shop; next night the Post Office broken open and nearly all the letters carried off, next, Capt. Cooley’s store robbed; next C. L. Friebele’s store broken open and robbed; then an attempt to force the store of Mr. Covacevich; again, the Post Office robbed a second time. All these burglaries and robberies, following each other in rapid succession, without the interval of a night, caused our citizens to stand aghast. Vice was triumphant, riotous villainy was rampant -- aye, stalked forth boldly in broad-day."13 Reported a visitor, "The merchants of Tampa had a regular panic."14

Absent effective law enforcement, the "better class" of people formed a vigilante organization—they were called Regulators—to make, as an onlooker remembered, "short work in ridding this country of that unwelcome element so ruinous to our peace and morals."15 At Tampa, its leaders included Mayor Madison Post, law student John A. Henderson, the Florida's Peninsular’s temporary editor Henry A. Crane, and Dr. Franklin Branch. By April 12, a Fort Brooke officer could record, "Tampa has become a 'fast' place—Has a vigilante committee & they have sent away some men & lewd women I understand & could hardly be persuaded not to hang some of them."16 The temptation to lynch was not restrained for long. "Whipping with a rawhide was an everyday occurrence," recalled one man, "and there was no hesitancy in stringing up those caught red handed in robbery or ruffianism to the most convenient tree." He added, "I passed close by the bodies of three men swinging stark by their necks near the roadside."17

Regulator violence was effective against Tampa's malefactors. Its use, however, rapidly was turned to political and business ends with unintended consequences for the future. "Like everywhere else where unrestrained and unlimited power is enthroned," one Regulator later observed, "many wrongs were perpetrated and involved many of the best meaning people into unpleasant relations which for years rankled into the hearts."18

One of the persons wronged was James T, Magbee. Post Crane, and many of their allies in the Regulator movement had been Know Nothings until the party had collapsed the previous year. They then had drifted into the Democratic Party, the area's predominant political organization. In County politics the Democrats were
centered around Magbee, former state legislator and now federal official. If Magbee could be ousted from his government position, Post and his friends could assume party leadership. McKay and his associates, Of Course, also were looking for a way to secure a friendly revenue collector. At about the same time, Magbee began criticizing the Regulators.\(^\text{19}\)

In the circumstances, the Regulators turned their furor upon Magbee. They cynically defended their earlier recourse to violence as a necessary response to a breakdown in the criminal justice system which was abetted by defense lawyers such as Magbee. As they began lynching suspected criminals in late April, the port collector was arrested under questionable circumstances and fined by Mayor Post for assault and battery. A smear campaign then commenced to demand his removal from office, based partly upon the city Court conviction and partly upon the lawyer is well-known drinking habits. By June 5, Magbee had decided to lash back and published an expose of the Regulator leadership -- what he called a "Secret Sworn Band" -- placing blame particularly upon Post and Crane. The next week, newspaperman Crane purported to read Magbee out of the Democratic Party. "We have done with Col. Magbee," his editorial cried, "so has the party!!"\(^\text{20}\)

The campaign against Magbee soon swirled into the realm of fantasy. In response to the collector's "Secret Sworn Band" allegations, Crane concocted the discovery of a ritualistic "society of villains," presumably affiliated with Magbee. The charge was preposterous, but, in the climate of affairs at Tampa that summer, it may have seemed plausible to some. Magbee also was again arrested for assault and battery by city, authorities, and fined by Mayor Protem Hooker, the cattleman associate of McKay's.

By then, the campaign had succeeded. Magbee was removed from office, and, on June 19, the Peninsular reported his replacement to be Hamlin V. Snell, another close friend of McKay's.\(^\text{21}\)

The fatal and sometimes bizarre events of early 1858 might have continued and intensified had not nature intervened to stop them. During the summer, nervous Tampans had watched from a distance as yellow fever ravaged New Orleans. Then, on September 30, the "terrible plague" appeared in Hillsborough County. By the middle of October, cases were widespread and deaths were common. Many citizens fled to the countryside for protection, and at month's end the Peninsular reported, "Our city is almost depopulated."\(^\text{22}\)

Some Tampans remained behind to care for the sick, and, among them, the death rate was high. "Every dissipated person who took the fever died in the course of three days," a Baptist minister recalled. "In almost every family were the dead and dying; in one family of four, all died but one; that family consisted of a father, two sons, one about twelve years of age, the other fourteen years old, and the grandmother. I assisted in burying the sons and the grandmother."\(^\text{23}\)

The death toll reached twenty-nine out of 176 cases by November 8, striking mostly women and children. Three weeks later twenty-four more cases had been reported, although authorities announced "the restoration of the usual health of Tampa."\(^\text{24}\) In mid-December the disease reappeared, and on Christmas Day the Peninsular lamented, "The health of Tampa, for the past two weeks, has not been such as we would desire to record."\(^\text{25}\) At least one more death occurred in January 1859, and two individuals still were suffering at month's end. "We care not by what name the disease is called," a survivor lamented, "it has
wrecked the peace and quiet and rendered desolate many happy homes in our city."—26

As disease devastated their town, Tampans received another blow. They had been assured repeatedly that, under a program of state aid to railroads, United States Senator David Levy Yulee would build the desperately needed line to Tampa Bay. News arrived in the fall of 1858, though, that Yulee had decided to build to Cedar Key. Furious at his duplicity, local men burned the senator in effigy on the courthouse square. Attempts were initiated to charter the town's own road, but they bogged down in disputes and political tugs of war between Yulee and his legislative supporters and the Tampa men.27

Through 1859 the town and its surviving inhabitants struggled to overcome the combined legacies of Indian war, Regulator violence, political conflict, avarice, and disease. Just as some sense of relief was beginning to be felt in late summer, another set of circumstances was put into play that once again stirred community passions and exploded latent tensions.

The events began on September 8 with the discovery of the body of Luke Moore at his home four miles east of Tampa. Moore had been, according to report, "killed by a blow with the butt of a hatchet" that "took effect in the upper part of the forehead, literally mashing the skull, and penetrating the brain." A coroner's jury found no evidence of the Culprit, but, a contemporary account asserted, "[c]ircumstances ... were afterwards brought to light which caused the arrest of a Negro man named Adam."28 The mulatto slave, as was not unusual in south Florida, had hired himself out to Moore, paying a portion of his earnings to his owner, J. C. Green. Adam was arraigned and bound over for trial at the fall term of court. His culpability, however, was far from clear. "The evidence elicited on the examination was all circumstantial," admitted the *Peninsular*, "but of such a nature as to leave but little room to doubt the guilt of the accused."—29

Tampa lawyer Ossian Hart, a future founder of the state Republican Party and Reconstruction-era governor, and Joseph M. Taylor of Brooksville represented the defendant. Another future governor, recently-elected circuit Solicitor Henry L. Mitchell, prosecuted. Adam was arraigned on October 20. The trial then began immediately and lasted for four days. A witness described it as "long and acrimonious."—30 Hart and Taylor, an onlooker reported, were "untiring and zealous" on Adam's behalf.31 Hart especially pressed his client's defense. "[W]e think," observed a spectator, "that, in the defense of Adam, [Col. O. B. Hart] exhibited an industry in bringing forward testimony, a tact in the examination of the witnesses, and a zeal in his eloquent and pathetic appeal to the jury, that, had it not been for 'damning proof, strong as holy writ,' must have procured an acquittal."—32

Hart's exertions notwithstanding, Adam was convicted of murder and sentenced to be hanged along with another convicted murderer -- a white man, George M. Buckley -- on Friday, December 16. Whether because Mitchell's "damning proof" was not so Substantial or because of a prejudicial environment for the trial, Hart sought and was granted a writ of error by the state supreme Court, and a new trial was ordered for the slave.33

While Hart was securing his writ, news arrived at Tampa of the October 16 attack by abolitionist John Brown upon the United States arsenal at Harper's Ferry, Virginia.
Brown’s action stirred angry fires of passion throughout the South, including at Tampa, that were far from quenched by his execution on December 2. Perhaps not surprisingly then, when Buckley was taken from jail on December 16 and hanged, members of the crowd determined to mete out the same punishment for Adam. He was "violently taken" from the sheriff's Custody, dragged to the "Scrub" section of town, and lynched beside Buckley, whose body still was hanging from its noose.34

Adam’s death was tragic, but what makes it even more interesting is community reaction to it. Many Tampans were surprised and shocked by the lynching. Numerous of them, most particularly including defense attorney Hart, were profoundly affected by it. The question arises, why? Lynchings had become somewhat commonplace at the town during the previous eighteen months, and was not race a foundation upon which Southern violence was predicated? To find an answer, let us take a quick look at the nature of local race relations.

Although slavery was a part of mid-nineteenth-century South Florida life, it was slavery with a difference. Most area residents had been raised or lived for a considerable time in an East Florida environment in which rules of racial prejudice were not so firmly drawn and in which slavery -- while terrible in and of itself--was of a variety less harsh than existed in much of the Cotton South, particularly after the 1840’s. Future Freedmen’s Bureau director Oliver 0. Howard had discovered that fact when stationed at Tampa in 1857. "Slavery here is a very mild form," he concluded. "You wouldn’t know the negroes were slaves unless you were told."35

The validity of Howard’s observations was reflected in the day-to-day lives of area residents. Many blacks, including Adam, were free to hire out their own time, and even whites who opposed the institution thought nothing of employing bondsmen. "My father did not believe in slavery, “recalled Maria Louisa Archer, "but always kept a Negro hired by the year.”36 Whites and blacks often worked side by side and, at times, worshipped together. Prominent white men also were involved with black women. While the Sexual exploitation of unprotected female slaves cannot be excused, sonic, relationships involved mutual feelings of affection. Cattleman John Parker, for example, raised a second family with slave Rachel Davis. At the same time Tampa city clerk William Ashley lived openly with a black woman. When they died in the 1870's, they were buried together beneath a tombstone that read: "Here Lie William Ashley and Nancy Ashley, Master and Servant; faithful to each other in that relationship in life, in death they are not separated. Strangers, consider and be wise -- in the grave all human distinctions of race or color mingle together in one common dust."37

William and Nancy Ashley's miscegenous relationship was not a typical one at Tampa, but it was tolerated by their fellow residents. Within the same Community, racial violence rarely occurred. The Regulator actions of 1858, for example, convinced no racial overtones. When criminal punishment of blacks was called for prior to Adam's lynching, the processes of law were respected. The principle incident that did occur happened in 1857, when a slave named George stabbed and killed another black man. George subsequently was indicted for Murder, tried by a white jury, and found guilty of manslaughter. The punishment was "fifty lashes on [his] bare back."38
Given this history of relatively peaceful relations between area whites and black slaves, Hart and other community leaders failed to understand how profoundly the Regulator violence and other events of the previous year and a half, coupled with news of John Brown's Harper's Ferry raid, had affected some of their fellow Tampans. Rather, they assumed that the law in Adam's case would proceed on its course. Hart's vigorous defense of the slave, for example, was lauded even by those who defended the sent lynching, and the lawyer seems to have felt no reluctance to approach the Supreme Court to overturn the verdict. When the writ of error was issued, the lynching occurred not in the passion of the moment of its local receipt, but rather days later when the hanging of a white man heightened tender emotions. The fact that many of the town's leading citizens spent their free time during the week of the tragedy forming a literary society supports the argument. Incidentally, they elected Hart as its president.39

Hart reacted to the death of his client by gathering his family and temporarily leaving Tampa. Passions had cooled several weeks later when he returned, and the treatment he received from the town's leading citizens illustrates that, once the immediate shock had passed, they were determined to put matters back into their proper perspective, in part by viewing the lynching as an aberration. They attempted, for example, to assuage Hart's-and their own feelings. His conduct was praised, and he was elected to the town Council along with prosecutor Henry Mitchell. The town also soon rejected the leadership that had brought its residents to such a past. N4ayor Post already was out of office and his successor, James McKay, lost the position at the time of Hart's election to the Council. Within another year the Peninsular had declared, "Post has been a rank Democrat, and has brought upon the party the well-merited charge of corruption."40 Earlier in 1860 the voters had further rejected the political manipulations of McKay and his cattlemen associates by electing James T. Magbee to the state senate over William Briton Hooker's son-in-law.41

For the most part, though, Tampans preferred to believe that the events of the previous months had not occurred at all. Diversions became the order of the day in 1860 as the nation headed toward civil war. It was in that climate, for instance, that the musical academy and glee club of James Butterfield, a young English musician then living in Tampa, flourished. There he composed "When You and I Were Young, Maggie" and later, with Hart's law partner, "The South Our Country."42

Adam's murder occurred almost exactly on the fourth anniversary of the beginning of the Third Seminole War. During those four years war, crime, greed, violence, disease, and death had combined to shake local values and to undermine respect for law, the government, and its agents. And, the community -- or, at least, some of its citizens--had come to accept Popular violence as a Substitute for justice. The legacy would haunt the town for generations. Try as they might, Tampans would not be able to resist the changes that had been wrought within them and their community, and, within decades, their city would become the "center of repression" about which Bob Ingalls has written so well.

ENDNOTES


2 BertramWyatt-Brown, Honor and Violence in the Old South (New York, 1986), 62.


5 Ingalls, *Urban Vigilantes*, xvii.


7 James W. Covington, *The Billy Bowlegs War 1855-1858: The Final Stand of the Seminoles Against the Whites* (Chuluota, Fl, 1982), 78; George W. Hazzard to John D. Howland, December 21, 1856, George W. Hazzard Papers, United States Military Academy Library, West Point, NY.


12 Ingalls, "Lynching," 615; Bartow *Courier-Informant*, September 21, 1890.

13 *Tampa Florida's Peninsular*, January 21, 1860.

14 *Jacksonville Florida Times Union*, September 28, 1891.

15 Brown, *Florida's Peace River Frontier*, 126-68; Bartow *Courier- informant*, September 21, 1890.

16 Gustavus Loomis to Oliver 0. Howard, April 12, 1858, 0. 0. Howard Papers, Bowdoin College Library, Brunswick, ME.


18 Bartow *Courier- informant*, September 21, 1890.


20 Ibid., 128; *Tampa Florida Peninsular*, June 12, 1858; City Council Minutes (August 21, 1857-May 1882), 16, City of Tampa Archives, Tampa.

21 Brown, *Florida’s Peace River Frontier*, 128-29; *Tampa Florida Peninsular*, June 12, 19, 1858; Tampa City Council Minutes (August 21, 1857MaN, 1882), 21.

22 *Tampa Florida Peninsular*, October 2, 17, 1858; Tallahassee Floridian & Journal, November 6, 27, 1858.


24 *Tampa Florida Peninsular*, November 27, 1858.

25 Ibid., December 25, 1858.


28 *Tampa Florida Peninsular*, September 10, 1859.

29 Ibid., September 17, November 5, 1859.

30 Criminal Docket, Fall Term 1859, State of Florida vs. Adam, a slave, Hillsborough county I. Wound Docket Book ( 18,58-1861 ), Hillsborough County Courthouse, Tampa; *Tampa Florida Peninsular*, October 29, 1859.

31 *Tampa Florida Peninsular*, November 5, 1859.

32 Ibid, January 21, 1860.

33 Ibid, November 5, 1859, January 21, 1860.

35 Oliver O. Howard to [Lizzie Howard], March 29, 1857, O. O. Howard Papers.

36 Maria Louisa Daegenhardt Archer reminiscences, 2, Historical Museum of Southern Florida, Miami.


38 Tampa *Florida Peninsular*; June 13, 20, 1857; *State of Florida vs. Negro man slave George*, Hillsborough County Circuit Court Minutes (1854 – 1866), Fall Term 1857; Laura Lancaster to Thomas M. Vincent Family Papers, Special Collections, Louisiana State University, Baton Rouge.

39 Tampa *Florida Peninsular*, December 17, 1859, January, 21, 1860; Catherine S. Hart to Charlotte Campbell, February 8, 1860, Dena F. Snodgrass Collection, 1) K. Yonge Library, of Florida History, University, of Florida, Gainesville.

40 Tampa *Florida Peninsular*, January, 21, February, 4, December 8, 1860; Hart to Campbell, February, 8, 1860, Snodgrass Collection.

41 Brown, *Florida’s Peace River Frontier*; 132-35.

42 Tampa *Florida Peninsular*, February 4, 25, March 10, 17, 24, April 7, 1860; Hart to Campbell, February 8, 1860; Grismer, *Tampa*, 134, 313; James Austin Butterfield and E.M. Thompson, *The South our Country* (New Orleans, 186-?).

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