

Martin Tabert: His Brutal Death and the end of Florida's Convict Lease System



Portrait of Martin Tabert – ca. 1920

Martin Tabert was arrested for riding a train without a ticket and was convicted to labor. His brutal death while under the custody of the Florida Department of Corrections in a Putnam Lumber Company camp in Dixie County ended Florida's practice of leasing County prisoners. The company transported him to the swamps to cut and clear timber. According to a *Panama City Pilot* February 2, 1922 report, Tabert was suffering from malaria when a Putnam Lumber Company employee flogged him about 50 times with a 5-foot leather strap. The employee was tried for first-degree murder, but was acquitted.

The death of Martin Tabert on December 31, 1921 by flogging led to the ban of the cruel punishment of leasing County prisoners.

The brutal side of the convict lease system led to its downfall with a case that brought national attention to Florida. Martin Tabert, a North Dakota resident, is arrested for hopping a freight train and is incarcerated in Leon County for vagrancy. According to an article reprinted in the *Panama City News Herald* in June 2001, this is how Tabert's story unfolds:

Martin Tabert's Brutal Death Leads to End of Convict Lease System

“(Tabert) was ordered to pay \$25 or spend three months at hard labor. Tabert immediately wired his family who sent the \$25 plus an additional \$25 so he could return home. But through mishandling, the Leon County court never received the

money.

Although prisoners sentenced to a year or more of labor were usually sent to the convict camps, a guard whisked Tabert away to the tiny community of Clara in Dixie County, 60 miles south of Tallahassee. He was assigned to the foreign-run Putnam Lumber Co.

At this camp, Tabert labored in the swamps cutting and clearing timber. He soon suffered from fevers, headaches and oozing sores. When he could no longer remain in the woods, Walter Higginbotham, the whipping boss, propped him up on his swollen feet and flogged him about 50 times with a 5-foot leather strap because Tabert failed to do his day's work.

Tabert begged for mercy, but he was so weak he could hardly talk. While he lay in his bunk unconscious, the company doctor examined him and left quinine, for what he diagnosed as "pernicious malaria." But Tabert died a little after 8 p.m. that night.

The Panama City Pilot detailed his story and death on Feb. 2, 1922, headlining the article as "*Florida's disgrace.*"

Tabert's family brought the death of their son to the attention of those in charge in Tallahassee. Newspapers all over the country covered the story. Higginbotham was tried for first-degree murder, but acquitted.

As a result of Tabert's death, Governor Cary Hardee signed bills which forbid the flogging of prisoners and outlawed the convict leasing system in Florida. The leasing system was not completely abolished until 1923

The Courtroom Account of the cause of Martin Tabert's Death

Martin Tabert's fellow prisoners testified before the grand jury, describing the events that led up to his death. They said Tabert, strong and sturdy when he first entered the camp, weighed only 125 pounds at the time of the whipping. They explained that Tabert suffered with frequent headaches and his feet were badly swollen and covered with boils.

Several prisoners reported that they lined up, waiting for the guards to count them, on the night of Martin Tabert's whipping. T. W. Higginbotham, head guard and

“Whipping Boss” of the camp, first called three men out of the line and beat them. When he finished with those men, he called for Martin Tabert. Higginbotham did not hear Tabert's answer and became angry.

Tabert, the prisoners agreed, was weak from his illness. He spoke softly and moved slowly. Higginbotham was so angry that he grabbed him and ripped off his undershirt. Then he began to whip Tabert. Glen Thompson reported that Higginbotham “whipped Martin about thirty-five to fifty licks.” He described the lash Higginbotham used as a “four-inch strap, five feet long, with three-ply leather at the handle, two-ply half way down.” Another prisoner reported he counted eighty lashes in all.

A third prisoner testified that Higginbotham told Tabert to get up when he stopped hitting him, but the man was too weak to stand. This angered Higginbotham further and he said, "haven't you had enough?" and started whipping Tabert again. Several prisoners testified that this second whipping lasted as long as the first and Higginbotham placed one of his feet on Tabert’s neck throughout the beating.

Another prisoner testified that when Higginbotham finished beating Tabert he hit him over the head with the butt end of the whip and continued striking him with the whip until he was back in line. Several prisoners reported that when they got Tabert in the sleeping shack and removed his clothes his “skin was all off his back in one chunk from his shoulders to his knees.” Another witness said the doctor did not come to see Tabert and they “dared not ask for one” although they knew he was dying.