Napoleon Broward and the Great Land Debate

by James Thomas Brooks, Jr.

Land use and development have always been issues of public controversy and concern among the citizens of Florida. One early and very significant example of the continuing debate over land use is the great struggle within the Democratic party that took place in Florida's first statewide gubernatorial primary held in the spring of 1904.

At the time two factions were locked in battle over the control of both the Democratic party and state government. On one side were the more conservative elements of the party, who generally stood for very limited government and unrestricted economic development and investment. This faction enjoyed the support of the state's corporate interests, primarily the railroad companies, and, while often challenged, had controlled the party machinery and state government since the end of Reconstruction. Challenging the entrenched forces in the party was a growing group of reform-minded Democrats who were seeking to liberalize state government through expanded services to citizens, to limit the influence on state government of large corporations, as well as to regulate some of the business activities of these large financial entities. Although strongly supported by farmers throughout the state, this group was led primarily by a growing number of persons in the state's cities who operated small businesses or who were members of professional groups such as lawyers and editors.

The reform Democrats had been steadily growing in strength and had scored their first significant victory with the election four years earlier of Governor William Sherman Jennings. But the 1904 primary proved to be the most significant battle and subsequent victory for the reform faction. Leading the conservative Democrats in the race for governor was a prominent and heavily favored United States congressman, Robert W. Davis. An attorney, Davis had in the past represented Florida's powerful railroad companies, and as a candidate for the gubernatorial party nomination, he enjoyed their support. Representing the reform faction of the party in the primary fight was Napoleon Bonaparte Broward, a state representative, popular local political leader, and businessman from Duval County.

When the hard-fought battle was over, the reform forces had scored an impressive victory with the nomination of Broward for governor. The impact and historical significance of Broward's victory can be seen in the important legislation that came about in his subsequent administration and in the two administrations that followed his term in office. During that period, the Florida legislature passed laws that significantly altered the nature and role of state government in Florida. Democratic government was strengthened, state government developed a greater commitment to provide educational and other needed services for the state's citizens, and significant changes were made that provided for state regulation of large business and corporate activities.

Broward's overall importance in the reform movement was characterized by his biographer as follows: "The role of Napoleon Broward was an all-important one in Florida's liberal movement; he gave it direction, leadership, and a name — The Broward Era."

Not unlike "progressive" movements in other states at the time, Broward's campaign dealt with such issues as the nature and role of democratic government in providing services and representation to all of its citizens, the merits of the primary system for choosing candidates for the general election, the power and influence of large corporations on state government and party politics, and the extent of corruption in government and ways of controlling or eliminating the abuses which led to the
corruption. Related to these issues, but clearly unique to the Florida “progressive” movement was the question of the ownership and possible development of the vast amount of undeveloped wetlands in the southern part of the state. The land question eventually came to dominate the Broward campaign, with the Duval Democrat becoming a leading spokesperson for drainage and development.

The ownership and development of state lands proved to be the most complex issue that Broward dealt with in the campaign. Interest in draining Florida’s overflowed lands was recorded as early as 1848. In 1851 and 1855, the state legislature passed laws that established both the machinery for developing these lands and for sponsoring the building of transportation systems. To administer this program, the lawmakers established the Internal Improvement Fund, governed by a board of trustees consisting of the governor, comptroller, treasurer, attorney general, and registrar of state lands. The legislation also allowed the legislature to grant alternate sections of swamp and overflowed lands, for six miles on either side of the right-of-way, to both railroad and canal companies, providing the projects had the approval of the trustees. The total acres of land from that time until 1904 held by the Internal Improvement Fund amounted to 20,133,837.42 acres.

From 1868 to 1876, the trustees disposed of several millions of acres of lands, but did not grant any lands other than the alternate sections, as the law stipulated. Thereafter, many land grants were made that apparently were in violation of the original charter provisions. Although the original law limited grants to transportation companies to 3,849 acres per mile of rail built, grants to railroad companies often contained 8,000 to 20,000 acres per mile. Moreover, many acres that were given away were not, and never had been, overflowed. These grants were made, not by the board, but by the legislature. However, from Governor William D. Bloxham’s first term in 1881 to the end of his second term in 1900, the board honored the legislative grants and deeded over the lands. During this period, approximately ninety land granting acts were passed, totaling more than three million acres over and above the actual number of acres ever held by the state from the beginning. Obviously, all could not be honored, even had all the contract agreements been fulfilled. During that period, the railroad companies were given over eight million acres, and canal companies were given almost three million acres.

With the close of Bloxham’s final administration, several conclusions could be drawn. Much, if not all, of the state lands once held by the Internal Improvement Fund had been given away or promised by grants and contracts; great progress had been made in the building of much needed transportation systems; and little had been done actually to drain overflowed lands. Governor William S. Jennings sparked a new interest in drainage. When a number of railroad companies, led by the powerful Louisville and Nashville Company, brought suits against the state for much of those lands not yet deeded away, Jennings and the other members of the board of trustees of the Fund decided not to honor the legislature grants and to go back to the provisions of the 1855 charter. Jennings wanted to retain the lands for the benefit of the state and to begin serious state efforts to develop them. The railroad companies took their cases to court, where the issue was tied up as the Jennings administration ended. For his part, Jennings had commissioned studies of the engineering problems involved in drainage and had collected a large amount of data. Armed with Jennings’s data that was favorable to drainage, Broward took up the cause and became, in his gubernatorial campaign, the state’s foremost champion of drainage and development. How and why Broward became the leading exponent of drainage is not completely clear. No evidence was found that indicated he even considered the drainage aspect of the land issue in his initial campaign planning. In the way he chose to characterize the nature of the campaign and his general antagonism toward the railroad interests, it was natural for him to oppose the land suits brought by the carriers. Moreover, in that Jennings, as a Broward-supported liberal, had taken a stand against the corporation claims in favor of public retention, Broward would have been expected to take the same position. And, indeed, in the late fall of 1903, Broward made his position clear that he opposed deeding away the remaining lands to the railroad developers. Yet, in those early weeks, no references to drainage were found in his speeches or campaign literature. This remained true of Broward’s campaign throughout the first six weeks of 1904.

By late February, however, Broward began to strongly advocate not only retention of the lands but also state-sponsored drainage and development. He began to incorporate into his speeches enormous amounts of statistics and other data from numerous pamphlets and reports relating to drainage and development. Moreover, he carried with him an easel and map to use as a visual aid in explaining his proposal. He often held audiences well past midnight in his detailed discussions of the plans he had for the marsh lands.

Why did Broward become an advocate of drainage and devote so much of

---

Most Broward Legacy readers are familiar with Governor Napoleon Bonaparte Broward’s Everglades drainage project, and how that project eventually opened much of south Florida to settlement, leading to the creation of the county that bears the governor’s name. In the following article, James Thomas Brooks, Jr., addresses the lesser known and somewhat puzzling questions of how Broward, a Jacksonville tugboat captain and politician, became interested in reclaiming south Florida’s wetlands, and, even less predictably, how this interest helped him to win the governorship at a time when the vast majority of Florida’s voters lived in the northern portion of the state. To answer these questions, Dr. Brooks turns to Broward’s own speeches, which reveal the evolution of his thoughts and strategy during the 1904 gubernatorial campaign.

A native of western North Carolina, Dr. Brooks received his B.S. degree from Appalachian State University, and his M.A. and Ph.D. degrees from the University of Florida. Although his doctoral work was in speech communication, he has maintained an active interest in American history, particularly the history of the South. This particular article is taken from his unpublished doctoral dissertation entitled A Rhetorical Study of the Campaign Speaking of Selected Southern Reform Governors during the Progressive Era. Currently, Dr. Brooks is Professor of Speech Communication and Chairman of the Department of Speech and Theatre at Middle Tennessee State University in Murfreesboro, Tennessee.
his rhetorical appeal to that one issue? His continued devotion to the project during and after his administration suggests that he came to believe it to be a feasible and worthwhile undertaking. But these factors do not adequately explain why Broward, a north Florida Democrat who had never shown any previous interest in drainage, should suddenly, at midpoint in his campaign, elect to give the issue in his speaking so much attention. Broward was not identified with Jennings’s interest in drainage and did not appear initially to have any personal expertise or understanding of the problems inherent in such a proposal. The enormous nature of the undertaking was subject to being ridiculed as a folly of grandiose proportions. Getting a large number of voters living in north Florida’s rural counties to see any personal involvement in the project would be difficult. Finally, on the face of it, the drainage proposal appeared to have little promise of creating interest, much less excitement, among voters. Even with these potential hazards, Broward must have concluded that there was persuasive merit in centering much of the rhetoric of the remainder of the campaign around this issue. The developments in the campaign through mid-winter of 1904 suggest some reasons for Broward’s departure from his initial persuasive strategy for the campaign.

Once candidate Davis was solidly in the field speaking to the voters, the differences between the two major candidates that Broward attempted to establish began to dwindle. Davis, though clearly representing the conservative forces in the Democratic party, began forthrightly to endorse the primary system and the state’s regulatory commission. As the congressman began presenting himself as an advocate of these “progressive” measures, Broward perhaps saw increasing difficulty in portraying Davis in the minds of the voters as the enemy of the people. While Broward might characterize the campaign as a battle between the people and the railroads, Davis, platform and campaign rhetoric began to undermine this interpretation. Broward needed a more concrete means of depicting this alleged struggle and of separating his candidacy from that of Davis. Throughout most of the campaign, Davis had little to say about the disposition of the land suits brought against the state by the railroads. His silence on the land issue appears to have led Broward to elevate it in terms of strategic campaign significance, and eventually to include drainage and development as the major element in his platform. When Davis did begin to respond to the land question, he equivocated on the legal controversy and ridiculed the drainage proposal. In turn, Broward became increasingly outspoken on the land question. Whatever might be happening with regard to the other issues in the rhetorical exchange, the land question clearly separated the two candidates. And, insofar as Broward from the onset of the campaign had intended to portray the primary election as a struggle between two distinct camps representing two distinct interests, the drainage issue quickly took on greater importance in his campaign rhetoric. Eventually, Broward would define the political forces so as to argue that Davis and his supporters desired to “drain the people,” while he and his supporters wanted to “drain the lands.”

From the beginning of the campaign, Broward’s general indictments of Davis depended more on what he asserted Davis might do in office than on his ability to prove that Davis had previously acted against the interests of the voters. Once Davis began to defend the same measures that Broward defended, Broward’s assertions perhaps began to lose persuasive impact. Davis was constantly challenging his accuser to prove his assertions and to provide one example of where the congressman had acted illegally. With these difficulties facing the Jacksonville Democrat, it is not surprising that he more and more began to turn to the land question as a means of establishing the differences between his candidacy and that of the congressman. But, in allowing the land question to begin to dominate his speaking, Broward was faced with all the rhetorical liabilities surrounding the issue that were discussed earlier.

The first task Broward faced was that of showing that the state could legally maintain the lands. If, indeed, the railroad companies were entitled to the lands and would eventually get them, then the whole question of drainage was moot. To show that the corporations had no legal right to the lands, Broward offered three arguments. First, he argued that the original charter of the Internal Improvement Fund clearly stipulated that grants could only be made for “alternate odd sections of land within six miles of any railroad,” and that the carriers had no legal claim to other sections. Second, Broward argued that the lands in question were originally acquired from the federal government with the stipulation that they be used for the “exclusive purpose of drainage and reclamation.” According to Broward, the lands were not being and would not be
drained, and therefore the transportation companies had no legal claim to them.20 Finally, Broward argued that the Internal Improvement Fund had sole title to the lands by its original charter, which meant that the grants made by the legislature were not legal.21

On their face, Broward’s legal arguments seemed sound. But in the context of the years of complicated dealings by the Internal Improvement Fund, his positions were difficult to evaluate, even by the courts. There were years of precedents where both the Fund and the legislature had operated outside of the original provisions of the Fund charter. Conflicting legislation regarding the use and development of land had been passed and never challenged. Not since the administration of Governor Columbus F. Drew had the trustees of the Fund opposed or objected to any legislative grant, the original charter notwithstanding. The extent of how various development projects and accompanying grants had served, or might eventually serve, reclamation was not clear and was open to debate.

In general, the legal merits of Broward’s arguments are difficult to evaluate, other than to say that they seemed to oversimplify a complex legal entanglement.22

Nevertheless, for Broward’s persuasive purposes, the positions he argued presented what appeared to be a reasonable justification for withholding the lands from the corporations, especially to audiences that were not inclined to appreciate the complexities involved in the legal battle. The fact that some of the lands were already being contested before the courts did not deter Broward from promising to save them, although his ability even as governor to determine the outcome of questions before the courts was questionable, to say the least. On stronger ground, he promised to work vigorously to protect those lands not yet being contested.23

Once having argued that the lands could be legally withheld from the demands of the railroads and having promised to do so, Broward turned to Congressman Davis. Here he would contrast his position with what he again predicted Davis would do, if elected. Davis, asserted Broward, would not make his position clear on the development of overflowed lands; this silence, together with the congressman’s record of having represented railroad companies in land suits and his having the support of railroad corporations, was used by Broward to conclude that Davis was put up by the corporations to secure from the people the remaining state-held lands. In contrast, Broward pledged:

I most emphatically will not grant those lands, or any part of them, nor turn over this money, or any part of it to the railroads of the State, or others, but save both to the people of Florida.25

Finally, Broward attempted to deal with the difficulties of making drainage appear important to the rural voters located primarily in north Florida. On its face, the proposal of draining the overflowed lands of south Florida seemed like a project that was remote from the interests of the majority of voters. Yet, Broward saw in the proposal a means of making it appealing. And this appeal perhaps further accounts for Broward’s decision midway through the campaign to turn to drainage and development as the major thrust of his campaign rhetoric. Ultimately, Broward would present his proposal as a means of opening up vast, rich, new lands to the rural farmers. In developing this promise, Broward first attempted to establish the feasibility of drainage. He armed himself with engineering reports and other drainage data and would go into long and technical analyses of the methods for reducing the water levels in the overflowed lands. Second, to show the value of the land to the voters, Broward would present additional data that showed that these lands potentially were the most valuable in the state, that they could yield much mineral wealth, that they could be developed for settlement and cultivation, and that they could bring in much needed revenue to provide growth for the entire state. In the final analysis, however, Broward, despite all of his data, ended up oversimplifying both points. The technical questions regarding feasibility would be summed up by noting that water runs downhill. All that was needed were a few canals that could be dug cheaply, he argued. Water would then easily flow to the sea, leaving the lands free for development. To impress upon his listeners the worth of the land to them, he would claim that, were the land drained, every family in the state would be entitled to eighty acres of land.26

There initially was much enthusiasm for the drainage project during Broward’s administration.27 This suggests that he was successful in creating support for the proposal in his campaign rhetoric. The arguments, however, that he presented regarding the entire land controversy had many weaknesses. His legal arguments were probably questionable positions before the courts, although they probably gave his listeners reason to believe that a governor devoted to retaining the lands could be successful. His promise to keep the lands already under contest was one he could not guarantee. As was often the case, his accusations against and predictions about Davis were not well founded, although Davis’s own failure to take a firm position on the land question reinforced Broward’s attacks. In discussing drainage, he apparently made an effort to give in-depth analysis to the feasibility of the project and the resulting wealth. Yet, it is doubtful if he knew much about the problems inherent in draining overflowed lands. And he finally relied on oversimplified generalizations to sustain both points. The gravitational fall of water hardly dealt with the complex problems of drainage. His promise of wealth to the voters depended on the tenuous assumption of uniform distribution.

Regardless of these shortcomings of Broward’s public discussions of drainage and development, the land question in his campaign speechmaking had strong persuasive impact in two ways. First of all, there was the promise, however theoretical, to the voters of rich, new lands. Second, Broward was able to fit the entire land question into the overall rhetorical theme on which the campaign was based. The legal, engineering, and wealth questions to the side, the land question, in Broward’s rhetoric, would finally be understood by his audiences in the context of the alleged battle between their interests and the interests of the railroads. Whatever the problems might be with drainage, the “evil” corporations should not be given assets that more properly belonged to the people at large. If, indeed, the lands could be drained and made productive, then this should be done for the benefit of the entire population. Broward thus presented the drainage issue as another facet of his devotion to the welfare of the voters. As Broward, in one summarizing generalization, would tell his audiences, the final question was what would be drained — the lands by the state, or the people by the corporations.

Despite Broward’s emphasis on the land issue in the lively gubernatorial primary campaign of 1904 and the importance of that issue in the victory for reform forces, his dreams of draining and developing the swamps in south Florida were never realized. The project, in various forms, continued for decades after Broward’s untimely death in 1910, but it was plagued from the beginning by financial and complex technical problems. Little land was ever reclaimed under state-direct ed programs, and the ecological problems only mounted with the continuing efforts.28
Dredge at work on the New River Canal, near Davie, 1908. This is one of a series of photos of dredging operations taken for Governor Broward and donated to the Historical Commission by his son, Napoleon Bonaparte Broward, III.

Footnotes

2. Ibid., 159-205.
3. Ibid., 325-60.
4. Ibid., 180.
6. Junius Elmore Dowell, A History of the Everglades of Florida (Ph.D. dissertation, University of North Carolina, 1947), 101-11. This work contains a full discussion of the background leading to the public land controversy. In legislation passed in 1851 and 1856, Florida's legislature established the Internal Improvement Fund, a state agency charged both with sponsoring the development and drainage of state lands, and with sponsoring the development of transportation systems. The Internal Improvement Fund was administered by a board of trustees made up of the governor, comptroller, treasurer, attorney general, and registrar of state lands. From 1879 to 1899, the legislature passed ninety-two acts granting land to corporations that were either supposed to drain overflowed lands, or build transportation systems. Although many of the acts were apparently in violation of the original provisions that established the Internal Improvement Fund, the board of trustees went along with the legislature and deeded over to the development companies millions of acres of land. By the time of Broward's campaign, the legislature had given away twelve million acres of land. Those lands not yet deeded away by the Internal Improvement Fund were being claimed by several railroad corporations that argued that previous legislative acts entitled them to additional acres. Incumbent Governor William S. Jennings resisted the railroad corporation claims and sought to retain the lands for state-sponsored drainage. In his campaign, Broward also argued for state retention, and eventually proposed an extensive program of state-sponsored drainage (pp. 1-209).
7. Ibid., 101-11.
8. Ibid., 101-02; Proctor, Napoleon Bonaparte Broward, 218.
10. Ibid., 112-38.
11. Ibid., 176-78.
12. Ibid., 178-209; Proctor, Napoleon Bonaparte Broward, 190-91.
13. Evening Metropolis (Jacksonville), October 17, 20, 21, 23, 24, 29, November 13, 14, 21, 25, December 24, 29, 1903, February 1, 5, 1904; Morning Tribune (Tampa), October 18, November 15, 17, 1903; St. Petersbarg Times, October 24, November 21, 1903; Florida Times-Union (Jacksonville), October 24, 25, 29, November 11, 18, 19, 21, 25, 26, 28, 29, 1903; January 8, 12, 14, 17, 23, 1904; Florida Index (Lake City), October 23, 1903; St. Augustine Weekly Record, October 30, 1903; Bartow Courier-Informant, November 18, 1903; Gainesville Star, November 6, 13, 27, December 1, 1903; Napoleon B. Broward, Napoleon B. Broward, Candidate for Governor of Florida, Autobiography, Platform, and Short Story of the Steamer "Three Friends," and a Filibustering Trip to Cuba, undated, Napoleon B. Broward Papers, P. K. Yonge Library of Florida History, University of Florida Library, Gainesville, Florida.
14. Florida Times-Union, February 27, April 8, 20, 26, 1904.
15. Ibid.
16. Ibid., February 27, April 8, 17, May 6, 9, June 5, 1904; Morning Tribune, February 26, 1904.
17. Napoleon B. Broward, "Vote for Napoleon B. Broward for Governor of the State of Florida and thereby save to the people of the State 8,000,000 acres of land and $400,000," pamphlet, Napoleon B. Broward Papers, P. K. Yonge Library of Florida History, University of Florida Library, Gainesville, Florida.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. Dowell, History of the Everglades, 177-209.
23. Broward, "Vote for Napoleon B. Broward," Broward Papers, Morning Tribune, February 26, 1904; Florida Times-Union, February 27, April 8, 17, May 6, 9, June 5, 1904; Ocala Banner, June 3, 1904.
24. The money referred to was approximately $400,000 held by the Internal Improvement Fund and generated by the Fund's having sold some of the lands that were presently being contested by the railroad corporations.
26. Florida Times-Union, April 8, 1904.
27. Proctor, Napoleon Bonaparte Broward, 222-23.