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Railroads, Farmers and Senatorial Politics: The Florida Railroad Commission in the 1890s

by TRACY E. DANESE

THE 1887 Florida Legislature created the state's first Railroad Commission to curb monopoly abuses by railroad companies.¹ The legislation, which vested regulatory jurisdiction in a three-person commission appointed by the governor, was popular and suited to the reform tenor of the times. It had passed unanimously in the house and with only three dissenting votes in the senate.² Yet, in a peculiar twist of Florida political history, the commission's statutory basis was abruptly repealed only four years later. Florida's intrastate rail service was left once again unfettered by regulatory constraints.³ Then, six years later, the legislature reestablished the commission in almost its original form.⁴ Such quick reversals of political direction strongly infer that collateral issues dominated the outcome on the main question of railroad regulation. The episode prompts a two-fold question: Why the repeal in the first place, and why reenactment six years later? This article explores the interrelated dynamics of senatorial elections prior to enactment of the 17th Amendment, the agrarian reform movement and railroad politics in the context of those questions.

Writing about "the Principles of Populism" in 1938, Kathryn T. Abbey touched incidentally on the issue of the repeal.⁵ She suggested two possible explanations. Early in the 1891 legislative session, reports circulated that Governor Francis P. Fleming was considering appointing E. J. Triay, a pro-railroad man, to the commission. Public opposition had prevented Triay's appointment to an earlier vacancy. According to Abbey, shipping and agricultural interests, acting chiefly through the Farmers Alliance, attempted to thwart the revived appointment by making the commission an

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1. Chapter 3746, *Laws of Florida* (1887), 118-26.
2. Edward C. Williamson, *Florida Politics in the Gilded Age: 1877-1893* (Gainesville, 1976), 151.
3. Chapter 4068, *Laws of Florida* (1891), 110.
4. Chapter 4549, *Laws of Florida* (1897), 82-94.
5. Kathryn T. Abbey, "Florida Versus the Principles of Populism: 1896-1911," *Journal of Southern History* 4 (October 1938): 462.

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elected body. Failing that, they mustered the votes to abolish it rather than risk railroad control. Abbey also speculated that the railroads had managed the whole affair to rid themselves of the burdens of regulation. Still, she found the Triay explanation more plausible.⁶

Almost 30 years later, Durwood Long published his two-part article on the first railroad commission. Long took issue with Abbey's theory that the threat of Triay's appointment was central to repeal.⁷ Instead, it resulted from "a mixture of motives, desire for political retaliation by the [Wilkinson] Call supporters, antagonism of the railroad companies and an economy drive by Alliance men."⁸ Long's reasoning was closer to the mark, but his combination of causes is too broad to dispose of the question satisfactorily. While the elements of Long's mixture were present in the prevailing political atmosphere, they could not have produced the final result without a catalytic driving force. Railroad executive and lobbyist William D. Chipley was that force. According to Long:

Chipley had convinced many Alliance supporters that he was their friend and that Call's supporters were powerful railroad interests who wanted to use the Commission for their own benefit. Chipley's strategy worked, at least to the degree that it got rid of the Railroad Commission.⁹

Without Chipley's influence the other elements referred to by Long would have remained no more than disjointed expressions of political sentiment.

Chipley's support and involvement in the Triay appointment was no secret at the time. It had been reported in the Jacksonville *Florida Times-Union*, a pro-commission paper, during the 1891 legislative session.¹⁰ Still, Triay was not recognized as the moving cause of repeal until comments to that effect were made almost three years after the event by the measure's house sponsor, Representa-

6. *Ibid.*, 467.

7. Durwood Long, "Florida's First Railroad Commission, Part II," *Florida Historical Quarterly* 42 (January 1964): 248.

8. *Ibid.*, 255.

9. *Ibid.*

10. *Ibid.*, 253.

tive Frank Clark of Polk County.¹¹ Those remarks came during a period of increasing agitation for reestablishing the commission. Clark, campaigning in a reform atmosphere, sought to portray his 1891 actions as a drastic but necessary response to the realization that railroad interests were seeking control of the commission by the Triay appointment.

The Triay theory has obvious evidentiary appeal in the context of agrarian reformers destroying the commission to save it from railroad domination. Long noted that it was accepted as early as 1916 by Maxwell Ferguson in his *State Regulation of Railroads in the South*.¹² It was repeated more recently by Thomas Muir, Jr., in an article on William A. Blount, a prominent West Florida politician and railroad lawyer of the era.¹³ Nevertheless, the Triay hypothesis does not take into account the role of W. D. Chipley and his long-standing conflict with Wilkinson Call. Long based his disagreement with Triay on the correctness of his own "mixture" theory. While Triay was certainly a factor, to view him as the principal agent in repeal is to ignore the dynamic role of Chipley throughout the episode.

Triay was a Jacksonville political figure well connected with Bourbon Democratic circles and railroad executives. His interest in a commission appointment had been long-standing. There had been newspaper reports four years earlier that Francis P. Fleming was then urging Governor E. A. Perry to appoint Triay to the original commission.¹⁴ Fleming was a prominent Bourbon with close ties to Perry. He had served in Perry's brigade during the Civil War, and was a staunch supporter of the governor.¹⁵ Triay and Fleming served together as elected officials in the city government of Jacksonville.¹⁶ After his election as governor in 1890, Fleming made Triay his private secretary, a position equivalent to a modern day chief-of-staff. Triay's continuing interest in a commission appoint-

11. Edward C. Williamson, "William D. Chipley, West Florida's Mr. Railroad", *Florida Historical Quarterly* 25 (1947): 345.

12. *Ibid.*, fn. 19.

13. Thomas Muir, Jr., "William Alexander Blount: Defender of the Old South and Advocate of the New South," *Florida Historical Quarterly* 67 (April 1989): 458.

14. Jacksonville *Florida Times-Union*, June 14, 1887.

15. See letters from J. J. Daniel to Gov. E. A. Perry, Oct. 1885-Apr. 1886. Florida State Archives, RG 101, Series 577. See also Williamson, *Florida Politics in the Gilded Age*, 107.

16. Jacksonville *Florida Times-Union*, June 8, 22, 1887.

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ment was well known. When the abbreviated term of one of the original commissioners expired, lengthy petitions supporting Triay were circulated throughout the state.¹⁷ Such activities, by their very nature, were well known, especially to experienced politicians such as Clark.

Introduction of the repeal legislation (House Bill No. 5) on the session's second day is not consistent with a theory of action by commission supporters to save it from a threat suddenly perceived later in the session. Commission supporters fought Clark's repeal measure in the House Committee on Railroads which returned it to the floor without recommendation.¹⁸ When the bill was heard by the full house in May, pro-commission legislators again opposed it. Representative A. W. Hocker of Lake County, formerly a commission opponent, used "a voluminous array of statistics" provided by the commission in support of its continued existence.¹⁹ Clark's house action was distinctly at odds with commission supporters in that chamber. If he had been interested in saving the commission from railroad control, his obvious course would have been to pursue making it an elective body. There was support for that approach in the senate, and there was little or no expectation at the time of the house action that the repeal measure would pass in the upper chamber.²⁰

An additional line of reasoning argues against the Triay theory. The 1891 legislature was under the influence of a strong working majority of Farmers' Alliance men.²¹ That organization, affiliated with the National Farmers' Alliance, had an agrarian reform agenda and was the most powerful agricultural organization in Florida. Affordable transportation of agricultural products was one of the Alliance's main objectives. Although the Florida Alliance had initially disavowed political activism, by 1891 it had become a major force in state politics. Nationally, Alliance men were in the vanguard of the reform movement which spawned the concept of

17. Florida State Archives, Record Group 101, Series 580, Boxes 14 & 15, numerous letters and petitions of support.

18. *Florida House Journal* (1891), 450.

19. Jacksonville *Florida Times-Union*, May 16, 1891.

20. *Ibid.*, May 19, 1891.

21. Tallahassee *Weekly Floridian*, Feb. 18, 1891; Tallahassee *Daily Floridian*, April 2, 1891; *Florida Agriculturist*, April 15, 1891.

regulatory commissions to counter the monopoly power of the railroad corporations.

In Florida, Alliance men were political realists. They knew that in the state's uncertain political climate neither the shippers nor the companies were likely to achieve complete dominance. A balance between their competing interests was the most sustainable political position. The pro-commission *Times-Union* of Jacksonville had called for such a balance.²² The commission had not been perfect from an Alliance perspective and there was some dissatisfaction with its limited jurisdiction.²³ The Alachua County Alliance had adopted a resolution calling for either strengthening the commission law or repealing it.²⁴ Still, it embodied a principal objective of the agrarian reform movement. It was unlikely that the Alliance men would respond to the perceived threat of a Triay appointment with such radical action as repeal. The continuing opposition of the railroads to the commission demonstrated that it was not controlled by the "roads" and the two commissioners who would continue in office were not viewed as dominated by the corporations. Railroad representation on the commission was not so destructive to Alliance purposes as to warrant a political "mercy killing" of their own creation. The Alliance's official organ informed its readers that the railroads were working to abolish the commission "by sowing seeds of discontent" among its supporters.²⁵ It gave a strong warning against destroying the commission. The Florida Fruit Exchange sent the legislature a resolution expressing its membership's desire to retain the commission.²⁶ It is difficult to see how the threat of one pro-railroad appointee, standing alone, could prompt the destruction of the commission by a legislature dominated by its supporters.

In politics however, things seldom stand alone. The currents of political battle flow from one issue to another, linking them in complex patterns of cause and effect. The contested reelection of incumbent United States Senator Wilkinson Call and the commission repeal were linked in such a pattern.

22. Jacksonville *Florida Times-Union*, June 1, 1887.

23. Jasper *News*, July 18, 1890.

24. Gainesville *Daily Sun*, March 22, 1891.

25. Jacksonville *Florida Dispatch, Farmer and Fruit Grower*, May 14, 1891.

26. Tallahassee *Weekly Floridian*, May 14, 1891.

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In 1891, Wilkinson Call had served two controversial senate terms. His canvass in that year for a third term produced one of the era's hardest fought political battles. The circumstances of that election are essential to understanding the repeal of the commission law. Call was considered a strong anti-corporation man, especially regarding railroads. He was particularly antagonistic to William D. Chipley of Pensacola and the west Florida railroad interests which he represented.²⁷ Their mutual hostility was grounded in the controversial practice of granting state lands to companies as inducement to build railroads. Call made a practice of routinely, and rather convincingly, condemning grants made to Chipley's railroad. The Pensacola railroad executive could not stand by idly while such an important element of railroad profits was threatened. He determined to unseat Call, a determination that ultimately ripened into his own candidacy for the senate seat.

Chipley was a highly competent railroad executive as well as an astute politician and major force in the Florida Democratic Party. He personified the Bourbon class of New South political leaders and was more than willing to do battle with Call to protect his interests. Although not an elected member of the legislature, Chipley used his business and political influence to forge a coalition with the leadership of the Farmers' Alliance to defeat Call. When the National Farmers Alliance convention was held in Ocala in 1890, Chipley extended pass privileges on the extensive Louisville & Nashville rail system to all Alliance men traveling to the convention. In announcing the corporation's largesse, he used the moment to elaborate on the mutually advantageous relationship of railroads and farmers.²⁸ Still, many Alliance men were Call supporters and Chipley's efforts caused a split in their legislative ranks. A man of Chipley's political intellect may well have reasoned that such a coalition could have more purpose than just defeating Call. It was well worth the attempt of driving a wedge into Alliance solidarity.

Before the 17th Amendment (1912), U.S. senators were chosen by state legislatures. The states were free to determine their own procedure so long as it complied with broad parameters set by

27. Williamson, "William D. Chipley," 341-46.

28. Tallahassee *Weekly Floridian*, November 12, 1890.



Wilkinson Call was first elected to the U.S. Senate in 1865 but was not seated because of Radical Republican resistance to President Andrew Johnson's Reconstruction program. Subsequently elected— and seated— in 1879, he served three full terms before withdrawing from consideration for a fourth term because of opposition arising from his feud with William D. Chipley. *Photograph courtesy of Florida State Archives.*

federal law. The political parties nominated their respective candidates in a caucus and formal voting was on strict party lines. With only one Republican member in the Florida legislature, there was



William Dudley Chipley, an early promoter of the city of Pensacola, was the most powerful representative of railroad interests in Florida at a time when railroad companies were at the apex of their influence in the state. His feud with Wilkinson Call was both personal and economic and affected state politics throughout the 1890s. *Photograph courtesy of Florida State Archives.*

no threat to the Democratic nominee— that is, if the party could settle on one.²⁹ In the opening stage of the 1891 caucus, the Demo-

29. Jacksonville *Florida Times-Union*, April 7, 1891.

cratic legislators voted to require a two-thirds majority for nomination.³⁰ Although Call commanded a clear majority of Democratic legislators, he could not muster the additional votes required for nomination. The anti-Call forces resorted to several different candidates in a series of unsuccessful efforts to break his solid block of support. While the caucus stalemate continued, the house and senate convened briefly in joint session each day to take a formal vote. In the absence of a Democratic caucus nominee, such sessions were meaningless. It became clear in late May, after 88 ballots, that Call could not mount the necessary vote under caucus rules. At that, the presiding legislative officers, both of whom were Call supporters and supportive of Alliance purposes, decided to dispense with the caucus nomination and proceed directly to balloting under the rules for a joint session. Nine days before the session's scheduled adjournment, and with most of the major legislative work incomplete, a joint session was once again convened. The leadership determined that a simple majority of all legislators would be sufficient for a valid election.

Seventeen anti-Call senators refused to attend in an effort to deny a senate quorum, thus preventing a valid vote of the entire legislature. When only 15 senators answered the roll, the clerk announced the absence of a quorum, but was promptly overruled by the senate president, Jefferson B. Browne of Key West. An undetermined number of house members who were present refused to answer the roll. The 17 missing senators had been seen shortly before the joint session at the local livery stable preparing to leave Tallahassee. The *Times-Union* reported that they had gone to Georgia to be beyond the reach of the senate's power to compel attendance. They told some observers that they were going to enjoy a day of fishing at Lake Jackson, north of Tallahassee. The president dispatched the sergeant-at-arms to compel their attendance, peacefully if possible, but with force if necessary. When that officer reported that he could not find them, the truant legislators became known as the "Babes in the Woods."³¹

In the joint session, the senate President ruled that even though a quorum of the upper chamber was not present, a quorum of the entire legislature was, and the vote proceeded.³² Anti-Call

30. *Ibid.*, April 18, 1891.

31. Jacksonville *Florida Times-Union*, May 27, 1891.

32. *Ibid.*

forces attempting to dispute the ruling were ruled out of order in heated debate, and Call was proclaimed the winner.³³ Call's victory was heralded by the *Times-Union* as a ringing defeat for Chipley by headlines saying: "Chipley Lies Cold in the Political Grave that he Dug for himself in the Spring of 1889."³⁴ Nevertheless, the battle was not yet over. Governor Fleming, a Chipley ally, refused to certify Call's election. The U.S. Senate, however, asserting its Constitutional prerogative to be the sole judge of the qualifications of its members, seated Call for his third term.

The long ordeal had been complete with shootings, fistfights, allegations of bribery and intense lobbying.³⁵ Each side accused the other of promiscuous use of free railway passes, whiskey, and loose women to influence individual members. The *Weekly Floridian*, an anti-Call paper in Tallahassee, reported:

One of the saddest sights in Tallahassee now is the lately acquired ease and grace with which the erstwhile Sunday school 'general' of the Callites takes his followers to the Palace Bar and 'what will you take boys.'³⁶

Commission historian Durwood Long explored the Call election battle and correctly noted that it "affected the destiny of the Commission."³⁷ In describing his "mixture" of motives, he referred to a "desire for political retaliation by the Call supporters" but offered no explanation for what or against whom retaliation was intended.³⁸ There is little more than conjecture to tie the house action on repeal of the commission to retaliation for the Call defeat. A contrary picture emerges when the sequence of legislative actions after the senate election is scrutinized. At the time of final senate passage of the repeal, the Call supporters had apparently achieved victory. There were some questions about the validity of the election due to the absence of the 17 "Babes" and the governor's refusal to certify the results. Even so, that phase of the saga relating to the governor's refusal to certify Call as the victor had yet to

33. Tallahassee *Weekly Floridian*, May 27, 1891.

34. Jacksonville *Florida Times-Union*, May 27, 1891.

35. *Ibid.*, April 4, May 5, 1891.

36. Tallahassee *Weekly Floridian*, May 6, 1891.

37. Long, "Florida's First Railroad Commission, Pt. II," 253.

38. *Ibid.*, 255

unfold. It could not have figured as a motive for retaliation at the time of the senate action on the commission legislation.

The earlier house vote (May 15) on the crucial motion to postpone the repeal bill indefinitely saw 17 Call supporters vote against the motion and, by implication, for repeal of the commission.³⁹ Still, Call supporters were on the opposite side in approximately the same proportions. No common alignment of house votes can be discerned as between the commission issue and the continuing battle over the Call nomination in the caucus. Eleven more days were to elapse after the house vote before the Call victory. Since the caucus was then in session with each faction attempting to sway members to its position, retaliation associated with the Call battle was certainly premature. It was illogical from the perspective of gaining adherents from the other side. If Call supporters in the house were seeking retaliation, it hardly seems probable that they would have found it in voting against their own interest. Self-inflicted pain does not provide the satisfaction normally associated with deliberately administered political retribution. The early introduction of the bill and its passage in the house 11 days before the outcome of the Call affair strongly implied that house sentiment in the matter was not tied to the senatorial election.

The aftermath of the Call campaign and the resumption of regular business in the senate in the session's waning days are relevant to ascertaining the motive forces in that chamber's final action on the repeal. House Bill No. 5, the repealer legislation, had duly arrived in the senate via house messages on May 19, while the Call issue remained stalemated in the Democratic caucus. It was referred to the Committee on Railroads.⁴⁰ With no apparent sense of urgency by its supporters, the bill reposed in committee until June 1, when it was reported unfavorably.⁴¹ Normally, an adverse committee report during the rush to adjournment boded ill for pending legislation. However, this was soon after the return of the "Babes in the Woods" from their somewhat extended absence. Strange things were on the verge of happening to the commission legislation.⁴²

39. Florida *House Journal* (1891), 641,817.

40. Florida *Senate Journal* (1891), 492.

41. *Ibid.*, 665.

42. Jacksonville *Florida Times-Union*, May 29, 1891.

On the same day the “Babes” returned and the house repealer was unfavorably reported by the senate committee, senate action was taken on a bill providing for an elected commission. The committee had favorably reported the bill on May 12, but it had not been brought to the floor for a full senate vote. Suddenly, it was taken out of order and passed by a 26-to-3 margin.⁴³ The vote was substantial and reached across the Call battle lines in the senate; it was clearly not the action of a legislative body on the brink of destroying the commission to save it from railroad domination. The senate bill was received by the house in senate messages on June 3, and placed on the regular order.⁴⁴ Thus, the senate bill preserving the commission in elective form was in the house, and the house bill abolishing it outright was in the senate with an unfavorable committee report. Legislation so positioned in the final stages of a session, especially one enveloped in the aftermath of the Call election, was not a likely prospect for enactment. In such a checkmate, commission supporters could claim victory. If they were motivated by fear of a Triay appointment as implied by the subsequent comments of Representative Clark, passage of the senate bill would have been their logical course of action. The rejection of the elective measure by the house further proved that Clark’s purpose was not grounded in fear of a Triay appointment.

A joint committee of house and senate members had been appointed to select important bills for final action in both chambers before adjournment.⁴⁵ Appointment of such a prioritizing committee for pending legislation near the end of a session was a normal feature of the legislative process. In the afternoon session on Wednesday, with less than three working days remaining, the repeal bill (House Bill No. 5) and all other commission related bills appeared on the joint committee list.⁴⁶ The senate was being positioned to reverse its previous action to preserve the commission in an elected form. Here was clear evidence that a powerful person, or persons, had a strong interest in passing the commission repeal measure.

During the afternoon session on Thursday, House Bill No. 5 came to the senate floor for consideration notwithstanding its pre-

43. Tallahassee *Weekly Floridian*, May 31, 1891; *Florida Senate Journal* (1891), 685.

44. *Florida House Journal* (1891), 1055.

45. *Florida Senate Journal* (1891), 767.

46. *Ibid.*

vious unfavorable committee report. Commission supporters opposed the measure and Senator J. Emmett Wolfe, chairman of the Railroad Committee and a Call supporter, moved for an indefinite postponement. If successful, this would have ended the matter and the commission would have survived. His motion failed on a 12-to-15 vote.⁴⁷ The bill passed the required second reading in the evening session on Thursday and passed finally by a 20-to-10 margin in the afternoon of the session's last day.⁴⁸ Activity on the bill in the last three days of the session indicated its highly skilled and powerful support. In less than 72 hours, senate sentiment had undergone a dramatic change from a 17-vote margin to retain the commission in an elective form to a 10-vote margin for its complete elimination.

Seventeen senatorial "Babes" had refused to make the quorum call in the ill-fated effort to defeat Call in the joint session. These were the "hard core" anti-Call men, the essence of the senate side of the Chipley-Farmers' Alliance coalition.⁴⁹ The president of the Florida Alliance, R. F. Rogers of Suwannee County, was prominent in the coalition and was one of the "Babes." Although there were two or possibly three other Alliance men in the group, its majority could be characterized as Chipley allies even in the absence of an anti-Call coalition. In the final senate vote, 13 of the "Babes" voted for repeal while three Alliance "Babes" voted in support of the commission.

The Alliance leadership which negotiated the coalition with Chipley stayed with the repeal faction in the senate, while many rank and file Alliance men voted in support of the commission. Rogers had traveled the state with Chipley to raise Alliance support for the anti-Call coalition.⁵⁰ The senatorial candidates promoted by the coalition, with the exception of the short-lived effort on behalf of William Bloxham, were all noteworthy for their Alliance affiliation or strong sympathy with Alliance views. Bloxham was not particularly known for Alliance sentiments, but the seconding speech for his nomination by Rogers indicated his acceptability to the order.⁵¹

47. *Ibid.*, 814.

48. *Ibid.*, 837-38.

49. Jacksonville *Florida Times-Union*, May 27, 1891.

50. Jacksonville *Florida Times-Union*, April 2, 1891; Williamson, *Florida Politics in the Gilded Age*, 173.

51. *Ibid.*, 174.

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The political bonds developed between Chipley and Rogers in the course of forging the anti-Call coalition may well have resulted in an understanding beyond the single issue of defeating Call. The senate side of the coalition played a major role in reversing that chamber's sentiment to preserve the commission in an elective form. That an understanding existed, at least on the senate side, to utilize the anti-Call coalition to repeal the commission law is consistent with the available evidence. Under such a scenario, Chipley would have gotten conservative Alliance votes for repeal and the Alliance would have been permitted to name the coalition's senatorial candidate to defeat Call. Chipley would have been satisfied on both counts. His political acumen, strong leadership capabilities and the opportunity presented by Clark's house bill all coalesced to support such a conclusion. The evidence discussed here does not directly or inferentially explain Clark's motivation or the house action on the bill. The best evidence of Clark's motivation is his bill itself. He simply wanted to eliminate the railroad commission, and was straightforward in that purpose. The timing of the house action discounts his subsequent suggestion of the Triay appointment as well as Alliance retaliation arising out of the Call battle as underlying reasons.

The senate's strong vote to maintain an elected commission minimizes the possibility of its final action being based on a desire to economize by reducing the size of government. Thirteen of the "Babes" played crucial roles in the final senate vote. Ten of them had changed from favoring retention of an elective commission to complete repeal in less than three days. Without doubt, Chipley wielded great influence with the anti-Call senators and he had reason to want the commission abolished. Still, the evidence does not establish with certainty that Chipley was the driving force behind the repeal. Men such as Chipley did not leave well defined trails regarding their political maneuvering. When the Triay appointment and Alliance retaliation theories are discounted, the role of Chipley in the reversal of senate positions in the closing days of the 1891 Legislature becomes quite plausible. Clearly, something dramatic had happened to change senate sentiment on the commission, and Chipley was the kind of man who made dramatic things happen.

Public response to repeal was notable for its lack of intensity. Long described it appropriately: "Reaction to the legislature's action caused curiosity, amazement, relief and disappointment. It is surprising, in view of the positive work of the commission, that

there were so few objections.⁵² The most frequently cited reaction is that of the Tallahassee *Daily Floridian* which simply posed the question: "Why?"⁵³

The public's apparent indifference to repeal of the commission law did not last long. Spurred on by a growing threat of a third party movement, the reform agenda broadly reasserted itself in both national and state politics. In Florida, increasing pressure for the reimposition of regulatory controls on the railroads was part of that agenda. The Florida Democratic Party, facing the threat of "independentism" and fusion politics fueled by the reform movement, included a railroad commission plank in its 1892 platform.⁵⁴ Even so, the commitment was not fulfilled in the 1893 Legislature despite its usual Democratic dominance. Although bills were introduced in both chambers, they failed to get beyond committee consideration.

The pressure for regulatory controls on the railroads continued to build and by early 1894 a war of words was taking place in Jacksonville between the reform oriented *Times-Union* and the pro-railroad *Daily Florida Citizen*. A letter in the *Times-Union* addressed to "The Democracy" from a committee of prominent Democrats urged action to re-create the commission at the next state Democratic convention. Ironically, Frank Clark of Polk County, sponsor of the repeal legislation in 1891 and James E. Broome, who had voted for repeal in the senate, were both on the committee which drafted the letter.⁵⁶ It was in this period that Clark made the comments implying that his 1891 actions were those of a commission supporter trying to save it from railroad domination. The letter contained the usual litany of alleged railroad abuses. Florida's northeastern area, for example, complained of the diversion of traffic from Jacksonville and Fernandina to Savannah by discriminatory rate structures designed to benefit Henry Plant's enterprises to the detriment of other north Florida shippers.⁵⁷

52. Long, "Florida's First Railroad Commission, Pt. II," 255.

53. *Ibid.*, 256.

54. Gainesville *Daily Sun*, June 4, 1892.

55. Florida *House Journal* (1893), 548-52; Florida *Senate Journal* (1893), 342.

56. Jacksonville *Florida Times-Union*, March 3, 1894.

57. *Ibid.*, April 5, 1894.

The Railway Employees Protective Association, an organization fostered by the railroads, held a rally to muster opposition to reestablishment of controls. Speakers explained how regulation would be detrimental to the 15,000 railway employees and the 75,000 persons indirectly dependent on the lines, a number approximating one quarter of the state's population.⁵⁸ The newsprint war achieved a new dimension when the *Times-Union* injected race into the issue. In an article captioned "Negroes to the Rescue," efforts of the Association to form a black affiliate organization were excoriated by the pro-commission newspaper. Abandoning even a semblance of logic, it was said of the railroads: "They put down the Negro with the Cracker vote and now they propose to put down the Cracker with Negro votes."⁵⁹ The Jacksonville *Daily Florida Citizen* responded on June 8 with: "The truth is that the reformers are making a desperate struggle for power on the supposed prejudice of the people. They believe that war on the railroads would be a popular slogan, and they adopted that battlecry."⁶⁰ Despite the intensity of the *Times-Union's* attacks, the regular Democratic convention held in Jacksonville did not adopt a commission plank. The crusading paper had to content itself with allegations of "railroad domination" and use of free passes to explain the failure of the convention to heed its cry for controls.⁶¹

While the war of words raged in Jacksonville, and elsewhere, W. D. Chipley was preparing for a more direct role in politics. The delegates to the 1894 Escambia County Democratic Convention overwhelmingly nominated him for the Florida Senate. Democratic nomination was tantamount to election. He carried every precinct at the county convention except one, and lost that by only one vote.⁶² Chipley entered the 1895 Legislature with influence seldom experienced by a freshman member. He was appointed chairman of the powerful Finance and Tax Committee which guided all tax and revenue legislation in the senate.⁶³ His solid standing with his peers was further evidenced by his appointment to chair a politi-

58. Jacksonville *Daily Florida Citizen*, June 6, 1894.

59. *Ibid.*, June 21, 1894.

60. Jacksonville *Daily Florida Citizen*, June 8, 1894.

61. Jacksonville *Florida Times-Union*, August 2, 1894.

62. Jacksonville *Daily Florida Citizen*, June 24, 1894.

63. *Florida Senate Journal* (1895) I, 1134.

tally sensitive investigation of an assault on a fellow senator by a state cabinet member, the Superintendent of Public Instruction. Chipley reported that the cabinet officer had attacked the senator, but diplomatically concluded that the two had reconciled their differences and no further action was deemed necessary.⁶⁴

The continuing public outcry at real and perceived abuses of the railroads produced increasing pressure for governmental control. In 1895, three separate bills were introduced to re-establish a railroad commission.⁶⁵ The house passed a commission bill early in the session by more than a 2-to-1 majority.⁶⁶ Senator Chipley was literally awaiting the bill's arrival in the upper chamber. As if to signal his leadership of the opposition, he was on the floor to make the routine motion to refer it to committee when it appeared in house messages.⁶⁷ The initial fight was in the Senate Railroad Committee where Chipley succeeded in substituting a version less onerous to the companies for the house bill. The first crucial floor vote came in an effort by commission proponents to replace the senate substitute with the house version. The re-substitution effort failed on a tie vote. Similar moves followed, but in each instance, Chipley's tactics successfully maintained his narrow margin of votes to defeat the bill.⁶⁸

From the time the bill first appeared on the senate floor on May 14, there was a continual series of parliamentary moves and countermoves, all resulting in extremely close votes.⁶⁹ The issue was finally resolved after nine days of astute political maneuvering by a 13-to-12 vote to defeat the bill. During the course of the battle, Chipley, in his role as Chairman of the Finance and Tax Committee, had also managed the annual revenue bill.⁷⁰ Undoubtedly, he used this powerful position to leverage support for his anti-commission position. His reputation for political leadership and skill were further enhanced by such performances in his first session.

The inexorable movement toward the reestablishment of a railroad commission was slowed but not stopped by Chipley's nar-

64. *Ibid.*, 785.

65. *Florida House Journal*, (1895) I, 73, 79, 80.

66. *Ibid.*, 449.

67. *Florida Senate Journal* (1895) I, 476.

68. *Florida Senate Journal* (1895) I, 873-74.

69. *Florida Senate Journal* (1895) I, 693, 776, 858, 873, 875, 907, 919, 921, 1078, 1183, 1186.

70. *Florida Senate Journal* (1895), 1134.

row 1895 victory. Populism was reaching its crest nationally, and its effects were increasingly felt in Florida politics. The Alliance newspaper called for a commission in early 1896, observing that unless the railroads took less in transportation costs, the farmers could not remain in business.⁷¹

Public sentiment was stirred by reports of business collusion and price manipulation to the detriment of consumers in general and agricultural interests in particular. An article on the Nail Association of Pittsburgh provided a good example of the conditions stirring public discontent. A keg of ten-penny nails, the type commonly used by farmers, sold for 85 cents in July, 1895; the same keg was \$2.55 one year later. In Jacksonville, the price was \$3.25 per keg while an identical keg of Pittsburgh nails was reported to sell for \$1.75 in Holland.⁷² That flagrant example illustrated three of the principal targets of the reform movement: the price-fixing of the trusts, the inflationary consequences of unchecked transportation monopolies, and the pernicious effects of protective tariff policies. The commission movement in Florida was symbolic of the continuing reaction against the excesses of "big business" and the increasing concentration of wealth in large corporations. The reform mood found national expression in the Populist movement, the rise of William Jennings Bryan in the Democratic party, and the "free silver" debate. Such was the political climate in which Wilkinson Call returned to Tallahassee in 1897 to seek his fourth term in the U.S. Senate. Chipley, completing the transition from "back-room" power to the forefront of political visibility, announced his own candidacy in opposition to his old adversary.⁷³

As in 1891, the fate of railroad commission legislation in 1897 appeared closely linked with the politics of a transcendent issue: the resumption of the Call-Chipley feud. Yet, the commission issue had gained sufficient momentum from the reform movement to warrant resolution on its own merits. Instead of commission legislation being dominated by senatorial election politics, it almost appeared that the converse was true. In reporting the introduction of two commission bills early in the session, the *Times-Union* noted efforts to hasten a vote in the senate. It questioned, with clear allusion to Chipley and his senatorial candidacy, if there was a hidden

71. Jacksonville *Florida Dispatch, Farmer & Fruit Grower*, February 8, 1896.

72. *Ibid.*, July 4, 1896.

73. Williamson, "William D. Chipley," 346.

purpose to “put some people on record” regarding the issue.⁷⁴ Although the Jacksonville paper had virtually abandoned Call, it could not bring itself to endorse Chipley. The newspaper, under new ownership, took the somewhat unusual moralistic position that so long as the man chosen was a good person, it mattered “not who he may be.”⁷⁵ Likewise, the paper had also lost its fervor for a strong commission.⁷⁶

When William Jennings Bryan, defeated for the presidency in 1896 but still leader of the national Democratic Party, visited Tallahassee during the first week of the session, Chipley was prominent as chairman of the welcoming committee. In tune with the political climate, Chipley effusively pronounced his esteem for Bryan, the embodiment of the national reform movement.⁷⁷ Less than two weeks later, in a joint appearance with other candidates in the house chamber, he completed his conversion to the prevailing political mood of the Democrats. He endorsed the graduated income tax and repeal of the tariff on necessities, but favored its continued imposition on luxuries. With due regard for protecting Florida agricultural interests, he included oranges and tobacco in the luxury category. When asked about his position on the state commission bill, he responded simply: “As a state senator, I will vote for a railroad commission.” Applause greeted his response.⁷⁸ William D. Chipley had completed his political transition. The business promoter, railroad executive and lobbyist, and heir to the Bourbon political traditions of the New South had been recast in the Democratic mold of William Jennings Bryan and Populism.

Chipley’s political metamorphosis removed any lingering doubts about the re-creation of a railroad commission. His hometown newspaper, the Pensacola *Daily News*, always pro-railroad in sentiment, had reconciled itself to the passage of a commission bill and urged only that it be fair.⁷⁹ The senate, seizing the initiative from the house, passed a commission bill with only two dissenting votes.

The overwhelming passage in the senate freed Chipley of any impediments on that score in his battle with Call. When the tenth

74. Jacksonville *Florida Times-Union*, April 14, 1897.

75. *Ibid.*, April 21, 1897.

76. *Ibid.*, May 8, 1897.

77. Pensacola *Daily News*, April 10, 1897.

78. *Ibid.*, April 21 1897.

79. *Ibid.*, April 22, 1897.

caucus ballot was reached on April 29, Call narrowly led Chipley by a three vote margin. The next day the house passed the senate commission bill with only three dissenting votes.⁸⁰ The *Times-Union*, displaying a newly discovered concern for railroad investors, found the bill too drastic in scope and urged the governor to veto it.⁸¹ Governor William D. Bloxham, showing the same ability to read the political temper as Chipley, allowed the bill to become law without his signature.

Wilkinson Call did not win a fourth term. At the end of the first week in May, his support had eroded under the continuing controversy and stalemate which enveloped his reelection effort. His supporters went over to one of his allies, J. N. C. Stockton of Jacksonville.⁸² Despite his embrace of the popular reform agenda of the time, Chipley could not muster sufficient votes to become U.S. Senator. It became clear that neither he nor Stockton would receive the required vote. The memory of the 1891 spectacle haunted the caucus from the beginning and belatedly nurtured a somewhat greater willingness to compromise. The name of Stephen R. Mallory, another Pensacola man and an old political adversary of Chipley, was placed in nomination. By the second week of May, Mallory, the son and namesake of the Confederate Secretary of the Navy, had collected enough support to defeat Chipley and become the new U.S. Senator from Florida.⁸³

In an ironic footnote to the whole episode, E. J. Triay once again became embroiled in the politics of the moment. Stockton, after the election and when there was nothing to be gained, made public a letter from Triay to Chipley containing inferences of possible bribery in connection with the latter's campaign.⁸⁴ His actions provoked a furor in both chambers but served no purpose other than to show the depths of acrimony engendered by the politics of the senate election.

The enactment of the commission legislation in 1897 established the principle in Florida of regulation of businesses essential to the public welfare. That principle has a permanency that endures to the present. The answer to the question of why the com-

80. *Florida House Journal* (1897), 355.

81. *Ibid.*, May 8, 1897.

82. Jacksonville *Florida Times-Union*, May 11, 1897.

83. Williamson, "William D. Chipley," 351.

84. *Florida House Journal* (1897), 955-57.

mission law was repealed in the first place remains just beyond that pale of certainty so dear to the historian. By examining flaws in the Triay appointment and the Call election retaliation theories, the range of possibilities has been narrowed and clarified.

In a larger, and more important context, the circumstances surrounding the rise, fall, and resurrection of the Florida Railroad Commission are part of the intriguing mosaic of late-19th-century Florida politics. It demonstrates that the driving energy of politics is always the friction of competing interests from which emerges some temporary consensus of a broader public interest. That notion of the public interest lasts until some different arrangement of competing interests forges a new vision and new consensus. The politics of the first ten years of the Florida Railroad Commission is a clear illustration of that continuing dimension of the political process.