

Andrew Lewis Shifflett. "GOOD ROADS" IN VIRGINIA, 1916-1923. (Under the direction of Henry C. Ferrell, Jr.) Department of History, July 1971.

The purpose of this study is to tell, and in some measure to interpret, the story of the good roads movement in Virginia between 1916 and 1923. The desire for improvement of roads in the state grew out of the Progressive movement which began at the turn of the twentieth century. The first two decades of this century witnessed the creation of a Virginia Good Roads Association, a Virginia State Highway Commission, and the advent of direct state aid to roads in the form of convict labor and small appropriations made available by funds from property taxes. Even more important to the good roads movement during this period was the advent of federal aid in 1916 which began a new era in road building on the "dollar-matching" principle and required Virginia to create a sorely-needed state highway system. New federal aid appropriations were made in 1919, 1921, and 1922.

The heart of the good roads movement in Virginia was a debate over a feasible method of financing the state's highways. Two opposing plans emerged: A state road bond issue and the "pay-as-you-go" plan. Bond issues or deficit financing, used by many counties in the state, were very popular and widely used throughout the nation. The "pay-as-you-go" plan, an old fiscal policy in Virginia, required that state revenue be available before road construction could begin.

The ensuing battle between the two opposing plans developed into one of the most controversial issues in the state's history. It brought to the forefront bitter sectional jealousies and rivalries and determined the future course of many state politicians, notably Harry Flood Byrd, Sr.

In order for the state to issue bonds for highway construction, the constitution required amending by two successive regular sessions of the General Assembly and a vote by the people in a referendum. The legislatures of 1918 and 1920 passed the road bond amendment with little opposition, and a popular referendum on the subject in 1920 gave the bond issue a sizeable victory. The 1922 General Assembly, however, became deadlocked over the issue by special and sectional interests, and no fruitful legislation was passed. Immediately the cry went out for a special session of the legislature to provide sorely-needed road funds. Finally bowing to extreme pressure, Governor E. Lee Trinkle called a special session of the General Assembly for 1923. The special session passed two noteworthy measures: A "pay-as-you-go" 3¢ gasoline tax bill and a proposal submitting the bond issue question to the voters in a referendum. After a bitter campaign between bond advocates and bond opponents, the voters of the Old Dominion gave the anti-bonders an overwhelming victory in November, 1923, thus establishing the "pay-as-you-go" plan as the state's fiscal policy for roads.

"GOOD ROADS"

IN VIRGINIA,

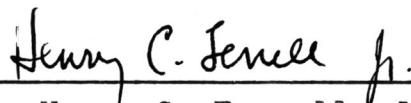
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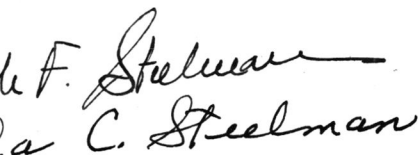
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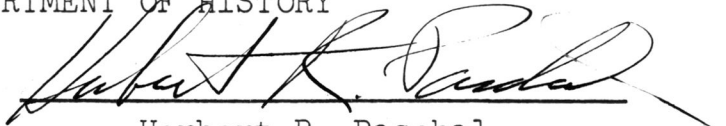
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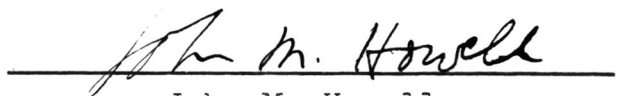

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To the memory of David Michael McCommons

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PREFACE

The good roads movement in Virginia between the years 1916 and 1923 was focused on one critical question: How to finance the state's highways? To understand this controversy required an examination of the special and sectional interests surrounding the road issue. These interests often ran counter to the will of the majority of the state's citizenry. Particular emphasis has been placed on the leaders of the controversy whose political fortunes were in many cases determined by its outcome.

This project was suggested to me by Dr. Henry C. Ferrell, Jr., Associate Professor of History, East Carolina University. Previous writers of Virginia history had virtually ignored the important good roads issue. Noteworthy studies of the period include: Jack Temple Kirby, "Westmoreland Davis: A Virginia Planter, 1859-1942" (unpublished doctoral dissertation, University of Virginia, 1965); Robert Thomas Hawkes, "The Political Apprenticeship and Gubernatorial Term of Harry Flood Byrd" (unpublished masters thesis, University of Virginia, 1967); and Leo Stanley Willis, "E. Lee Trinkle and the Virginia Democracy" (unpublished doctoral dissertation, University of Virginia, 1968). Of these works, only Willis gives the road issue serious attention. However, his study is basically limited to Governor Trinkle's attempt to deal with the road problem. Hawkes reveals the importance of the road issue to Harry Byrd, but he does not go into

sufficient depth on the matter. Kirby barely scratches the surface of the road issue in his study of Governor Davis. Therefore, it is hoped that this study will shed some light on the success or failure of the good roads movement in Virginia.

CHAPTER I

FROM GOGGLES AND DUSTERS TO FEDERAL AID: THE GOOD ROADS MOVEMENT IN VIRGINIA BEFORE 1916.

The good roads movement in Virginia began in 1894 when the first Good Roads Convention in the state's history met in Richmond. The meeting, called by the Young Men's Business League of Roanoke, was sponsored by a number of organizations, including the Richmond and Staunton Chambers of Commerce and the Virginia division of the League of American Wheelmen. Eighty-eight delegates from throughout the state were in attendance as was General Roy Stone of the United States Office of Public Road Inquiry. The convention soundly scored Virginia's "roads," asked for state aid and supervision of road improvement, and formed an active association to encourage support for better roads.¹ The convention created a great deal of excitement but no fruitful results were forthcoming. Enthusiasm died out during the depression years of the 1890's.²

The movement for improvement of roads in Virginia was

¹Roy Stone (ed.), "Proceedings of Virginia Good Roads Convention at Richmond, October 18, 1894," United States Department of Agriculture, Office of Public Road Inquiry, Bulletin 11, 11; Susie Chilton Palmer, "The Development of Virginia Highways" (unpublished masters thesis, University of Virginia, 1930), 12.

²Allen W. Moger, Virginia: From Bourbonism to Byrd, 1870-1925 (Charlottesville, 1968), 259, hereinafter cited as Moger, Bourbonism to Byrd; Almon E. Parkins, The South: Its Economic-Geographic Development (New York, 1938), 136, hereinafter cited as Parkins, The South.

stimulated again in 1902 when representatives from the state met to write a new constitution. Coming on the heels of the Populist upheaval, the atmosphere was ripe for change. Long needed social, economic, and administrative reforms were discussed, the constitution was revised along such lines, and many reforms were initiated. Thus, "The assembling of the Virginia Constitutional Convention of 1901-1902 marked the beginning of the Progressive Era in the Old Dominion."³

The year 1902 also marked a change in the Governor's Mansion as James Hoge Tyler was succeeded by Andrew Jackson Montague, the first of the state's "business governors."⁴ Called "the most articulate advocate of progressive causes,"⁵ Montague typified the new spirit in Virginia, one of looking forward to the future instead of trying to continue repairing the ravages of the Civil War.⁶ He had campaigned for the governorship with two distinct goals, good roads and good schools, and he emphasized the relationship between the two. After Montague became governor, his role in attaining these

³Raymond H. Pulley, "Old Virginia Restored: An Interpretation of the Progressive Impulse" (unpublished doctoral dissertation, University of Virginia, 1966), 141, hereinafter cited as Pulley, "Old Virginia Restored."

⁴Robert Camillus Glass and Carter Glass, Jr., Virginia Democracy, A History of the Achievements of the Party and Its Leaders in the Mother of Commonwealths (Springfield, Illinois, 1937), 287, hereinafter cited as Glass and Glass, Virginia Democracy.

⁵Moger, Bourbonism to Byrd, 237.

⁶Glass and Glass, Virginia Democracy, 291.

goals "was one of a promoter, an agitator, a harbinger. In both crusades, he served as the leading spokesman for a new Virginia."⁷ Appealing for rural support, Governor Montague stressed the importance of good roads to the farmer. Roads were vitally necessary for agriculture he noted, and the lack of them caused a definite decline in farming. His slogans, "at least one good road for every county that has none" and "help get Virginia out of the mud" were not only well known to the farmer, but to the businessman and industrialist as well.⁸

Governor Montague faced a tremendous task, for the state's roads in 1902 were no better than they had been before the Civil War. Local authorities, usually county boards of supervisors, had absolute control over the construction and maintenance of roads.⁹ Money for roads came from an 1869 state law that placed a property road tax of 10¢ on the \$100, the rate to be determined by individual county boards of supervisors. The main drawback to this source of revenue was that the tax could be paid in either money or labor.¹⁰

⁷William Edward Larsen, Montague of Virginia: The Making of a Southern Progressive (Baton Rouge, 1965), 170, hereinafter cited as Larsen, Montague of Virginia. For a full account of Montague's role in the good roads movement see 170-181 of the preceding book.

⁸Glass and Glass, Virginia Democracy, 291.

⁹Larsen, Montague of Virginia, 172; Moger, Bourbonism to Byrd, 259.

¹⁰Larsen, Montague of Virginia, 172; Moger, Bourbonism to Byrd, 259; Palmer, "The Development of Virginia Highways," 10.

This usually amounted to a farcical attempt at road repair, an effort entirely disorganized and supervised lackadaisically.

In 1902 the Virginia good roads movement received a helpful boost from an unexpected source; many railroads sent out "good roads trains" to promote road building. These railroads envisioned a system of feeder roads that would serve the rail lines, thus increasing rail transportation. The Southern Railway was the most prominent line in this movement; it sponsored eighteen conventions throughout the South in 1902. The conventions were held in cooperation with the National Good Roads Association and the Federal Office of Public Road Inquiry.¹¹ The conventions were attended by important railroad executives, United States senators and congressmen, state governors and legislators, college presidents, businessmen, and farmers.¹²

The Southern "good roads train" fostered four conventions in Virginia that were held in Richmond, Danville, Lynchburg, and Charlottesville.¹³ The trains carried exhibits of good roads, road building equipment, and laborers to demonstrate road building. In this way, many sample

¹¹Val Hart, The Story of American Roads (New York, 1950), 177-178, hereinafter cited as Hart, American Roads; William Couper, History of the Shenandoah Valley, 3 volumes (New York, 1952), II, 1292, hereinafter cited as Couper, Shenandoah Valley.

¹²Hart, American Roads, 177-178.

¹³Larsen, Montague of Virginia, 175-176.

roads were built.¹⁴ Governor Montague addressed several of these conventions and outlined many of his proposals for improving roads. As a result of these and other efforts, Montague became known throughout the nation as a good roads advocate and was often asked to speak outside Virginia on this subject. He was also selected as a member of the advisory commission of the National Good Roads Association.¹⁵

An important by-product of the 1902 Richmond Good Roads Convention, sponsored by the Southern Railway, was the formation of the Virginia Good Roads Association. This fostered local good roads clubs throughout the state, most of which later became affiliated with the Virginia organization. The Virginia Good Roads Association languished for a period and finally expired, but a new and permanent organization of the same name was formed in 1905.¹⁶

Good roads advocates made several attempts to obtain road legislation from the General Assembly in 1902, 1903, and 1904. Among other proposals, Governor Montague continually recommended the establishment of a state highway commission headed by a highway commissioner and the use of convict labor

¹⁴Larsen, Montague of Virginia, 175-176; Couper, Shenandoah Valley, II, 1292; Hart, American Roads, 177-178.

¹⁵Moger, Bourbonism to Byrd, 259. This organization was an outgrowth of the good roads movement of the 1890's and was formed at the turn of the century to promote better roads. It was never as effective as the state or local good roads organizations. It is not to be confused with the United States Good Roads Association formed in 1913.

¹⁶Larsen, Montague of Virginia, 178-179.

on roads. Many bills were introduced to this effect, but all were defeated.¹⁷ The 1904 General Assembly passed some road legislation; taxation was increased, county bond issues were provided, and the position of county road superintendent was created.¹⁸ Still, neither state aid for roads nor a centralized system of road supervision was provided.

The General Assembly did not meet again until 1906, but impetus was added to the road campaign in 1905 by Governor Montague and other good road advocates. Largely because of Montague's efforts, candidates for the state legislature felt obligated to give their position on the road question. Consequently, the people of the Old Dominion would know exactly how their representatives felt about good roads. Governor Montague, himself, was involved in a political contest in 1905 when he challenged the astute incumbent Thomas Staples Martin in the Democratic primary for the United States Senate.¹⁹ Montague lost his bid, but during the campaign much attention was focused on the road issue. Senator Martin

¹⁷Moger, Bourbonism to Byrd, 260; Larsen, Montague of Virginia, 180.

¹⁸Virginia General Assembly, Acts of Assembly, 1904 (Richmond, 1904), 613.

¹⁹Montague had proclaimed himself an "anti-machine" Democrat in 1901 in an effort to "clean up" Virginia politics and to fight "bossism" by incorporating progressive ideas. Henry C. Ferrell, Jr., "The Role of Virginia Democratic Party Factionalism in the Rise of Harry Flood Byrd, 1917-1923," in East Carolina College Publications in History, II (Greenville, North Carolina, 1965), 147, hereinafter cited as Ferrell, "Democratic Party Factionalism."

endorsed federal aid for roads and attacked Montague's "efforts" to obtain good roads, proclaiming that Virginia's roads were as bad in 1905 as they had been when Montague took office.²⁰ Montague's supporters heartily denounced Senator Martin for his sharp criticism and emphasized that Governor Montague could not be blamed for the failure of the General Assembly to enact road legislation.

Notable success in the good roads movement in Virginia was achieved in 1906. Outgoing Governor Montague and incoming Claude Augustus Swanson of Pittsylvania County recommended similar legislation to the General Assembly. Creation of a state highway commission, use of convict labor on roads, and increased state aid for roads were their major points of agreement.²¹ Swanson also called for federal aid in road construction. The General Assembly acted on these and other proposals and passed several significant bills. A state highway commission and highway commissioner were created, a 1904 act was amended to permit more flexible county bond issues, and the first state aid law for road construction was passed to allow the use of convict labor.²² Thus, Governor Claude

²⁰Moger, Bourbonism to Byrd, 260.

²¹Henry C. Ferrell, Jr., "Claude A. Swanson of Virginia" (unpublished doctoral dissertation, University of Virginia, 1964), 201, hereinafter cited as Ferrell, "Swanson of Virginia"; Larsen, Montague of Virginia, 179.

²²"Senate Bill No. 32," Virginia General Assembly, Senate Journal and Documents, 1906 (Richmond, 1906), 143-144, hereinafter cited as Senate Journal; Acts of Assembly, 1906, 71, 74, 105.

Swanson saw the fruition of his, and to a much greater extent, Andrew Jackson Montague's efforts and recommendations in the field of good roads.²³

The new Virginia State Highway Commission consisted of four members: the highway commissioner and professors of civil engineering of the Virginia Military Institute, the University of Virginia, and the Virginia Agricultural and Mechanical College and Polytechnic Institute (VPI).²⁴ The commissioner was appointed by the governor with confirmation by the General Assembly. He was to serve a six-year term, but there was no limitation on the number of terms of service. The professors of civil engineering were selected by their respective schools to serve six-year terms.

In June, 1906, Governor Swanson appointed Captain P. St. Julien Wilson of Richmond as Virginia State Highway Commissioner. Wilson had a good record as assistant city engineer of Richmond and was highly qualified in road building.²⁵ There was very little opposition to his appointment. Wilson, given an annual salary of \$3,000, was aided by an assistant highway commissioner, George P. Coleman, from the Tidewater

²³According to William Larsen, Montague could be considered Virginia's first "good roads" governor. He was never called this, but it is an appropriate title perhaps. Larsen, Montague of Virginia, 181.

²⁴Senate Journal, 1906, 144.

²⁵Richmond Times-Dispatch, July 2, 3, 1906; Annual Report of the State Highway Commission, 1941-1942 (Richmond, 1942), 38; Moger, Bourbonism to Byrd, 261; Ferrell, "Swanson of Virginia," 200.

county of Gloucester.²⁶

The duties of the state highway commission were varied. It collected and distributed information concerning road construction and maintenance, supervised construction and repair of the state's main traveled roads, and recommended to the governor and local road officials needed road improvements. The commission prepared plans, specifications, and estimates of construction costs when any county requested it to do so. The various counties had to apply to the commission for use of the convict labor force.²⁷

It was hoped that the state highway commission would centralize road building in Virginia and increase state control over localities. To some extent this was true, but the commission still lacked sufficient authority to carry out road work efficiently. Although state standards had to be met before funds were expended in localities, the highway commission actually had little control over roads.²⁸ Local control over roads still persisted. Responsibility was divided among the various county road superintendents who were responsible only to the county boards of supervisors. With

²⁶Richmond Times-Dispatch, July 2, 1906; Moger, Bourbonism to Byrd, 261.

²⁷Acts of Assembly, 1906, 71-73.

²⁸"The State Highway Commission had no control over any road." Richard B. Goode, "The Distribution and Disposition of Highway Funds in Virginia" (unpublished doctoral dissertation, University of Virginia, 1953), 15, hereinafter cited as, "Distribution of Highway Funds in Virginia."

a hundred counties in the state, there existed a confused system of road building even with the assistance of the highway commission. The result in many cases was "piecemeal construction." Main roads were often built of macadam or gravel, but in many cases they were not linked together. Although counties wanted roads to radiate from county seat towns, there was often little cooperation between counties to interconnect their main roads. Some good roads actually stopped at county lines as adjoining counties built their roads in different directions. Other notable defects included no distinction between primary and secondary roads and a lack of adequate state authority to maintain roads once they were built.²⁹

Despite the many obstacles, the good roads movement continued to make notable progress. Schools, newspapers, automobile owners, and progress in business and industry were all partly responsible for the widespread interest in roads. In Virginia and throughout the nation, automobile manufacturers, highway equipment and machinery builders, tire manufacturers, and owners of sand and gravel quarries were also among those creating a groundswell for the good roads movement. "The oil industry foresaw a use of heavy oils as road binders, while cement makers dreamed of concrete roads."³⁰

²⁹Moger, Bourbonism to Byrd, 262.

³⁰Frederick L. Paxson, "The Highway Movement, 1916-1935," American Historical Review, LI (October, 1945), 239, hereinafter cited as Paxson, "Highway Movement."

Railroads continued to lend their support to the good roads movement in Virginia which added to the growing interest.³¹ In 1907 the Southern Railway, the Chesapeake and Ohio, the Norfolk and Western, the Atlantic Coast Line, and the Richmond, Fredericksburg, and Potomac all agreed to transport road building equipment and the state convict road force free of charge. Road construction materials were also transported at reduced costs to the state. These railroads continued this practice until car shortages and government priority orders during World War I forced them to stop.³² However, a great service had already been rendered.

With the widespread support being generated for good roads, the Virginia General Assembly passed another important measure in 1908. A state money aid bill appropriated a sum of \$250,000 annually and apportioned it to counties not using

³¹Some railroads were fearful of improved roads, but it is difficult to determine exactly when railroads realized the potential competition of motor vehicles. By 1910 many railroads in the nation had launched a campaign for "farm-to-market" roads to counter the automobile interests' demand for through highways. By 1916 many railroads had begun to regard seriously motor vehicles as competitors. Charles L. Dearing, American Highway Policy (Washington, 1941), 228. Many railroads continued the belief that motor transportation would feed railroads rather than compete with them. There did exist a need in all railroad officials' minds for a coordinated effort on the part of motor vehicles and railroads since both could benefit greatly, and many proposals were made to this effect. Stuart B. Moore, "Coordinating Motor Trucks with Railroads," Railway Age, LXX (January, 1921), 1457-1458.

³²Frank McKey Winston, "The Highway Policy of the State of Virginia" (unpublished masters thesis, University of Virginia, 1943), 55-56, hereinafter cited as Winston, "Highway Policy of Virginia."

convict labor.³³ Counties received this aid on the basis of the amount of taxes paid into the state treasury and were required to match the amount of state funds apportioned to them. Many county road supervisors expressed their lack of knowledge of road laws as they applied for both convict labor and funds from the state money aid. The act categorically stated that no county could receive both forms of state aid in the same fiscal year and that convict labor could not be charged against the state money aid.³⁴ The act was passed primarily because few counties were taking advantage of convict labor and because many could not afford bond issues for road improvement. In clarifying this matter, Highway Commissioner Wilson, given the responsibility of supervising the expenditure of the state money aid, added more power and centralization to his office.

Governor Claude Swanson had been instrumental in establishing the state money aid, the first state aid in the form of actual dollars. "He forced the issue, noting that over one million dollars in taxes washed away every year on the dirt roads of Virginia."³⁵ Swanson also promoted a state

³³Acts of Assembly, 1908, 90; Moger, Bourbonism to Byrd, 261; Ferrell, "Swanson of Virginia," 201; Larsen, Montague of Virginia, 181. Larsen contends that this was one of Montague's proposals years before.

³⁴P. St. Julien Wilson to J. R. Horsely, April 15, 1908, Henry D. Flood Papers, Library of Congress, hereinafter cited as Flood Papers.

³⁵Ferrell, "Swanson of Virginia," 201.

good roads convention for the next year.³⁶ The Virginia Good Roads Association held the convention in Richmond in December, 1909. Many influential representatives from all parts of the state, including Governor Swanson and Governor-elect William Hodges Mann, were in attendance. The state's road progress was discussed, and many proposals for the future were made. Upon the suggestion of Charles T. Lassiter of Petersburg, who was elected President of the Virginia Good Roads Association, the convention voted to reconvene in 1910 when the General Assembly would be in session.³⁷

By the end of the first decade of the twentieth century, Virginia's road picture certainly looked brighter. All but ten counties were then utilizing either the state money aid or the convict road force.³⁸ The state highway commission was making notable progress despite lack of adequate powers. Commissioner Wilson operated the highway department very efficiently and imposed uniform requirements for the construction and maintenance of the state's roads. These requirements were extended to county highways and feeder roads, increasing the power of the highway commission.³⁹ Even if much road construction was piecemeal, those that were built

³⁶Ferrell, "Swanson of Virginia," 200.

³⁷Richmond Times-Dispatch, December 10, 1910; Norfolk Virginian-Pilot, December 10, 1910.

³⁸Moger, Bourbonism to Byrd, 261.

³⁹Ferrell, "Swanson of Virginia," 200.

would be of macadam or gravel and not haphazardly thrown together.

Although road construction had greatly progressed by 1910, numerous problems remained. Undoubtedly the major problem was that of maintenance. County boards of supervisors made no provision for maintenance, and the state had no authority since the state highway commission still had no real control over local roads.⁴⁰ Commissioner Wilson strongly urged state maintenance in his annual recommendations to the governor. Another problem involved county road bond issues. Many counties experienced difficulty in their attempts at deficit financing as often money raised by bonds was not enough to complete construction of projects, causing work to be halted before the roads were finished. Furthermore, without maintenance many of the roads became worn out before the cost of construction had been paid.⁴¹

Despite the problems, good roads were firmly established as the "third God in the Trinity of Southern Progress."⁴² There could be no turning back. Henry Ford's Model T. was selling like "pancakes," and motor vehicle registration in

⁴⁰Moger, Bourbonism to Byrd, 262.

⁴¹Palmer, "The Development of Virginia Highways," 23.

⁴²Francis B. Simkins, The South Old and New, A History, 1820-1947 (New York, 1948), 373-374, hereinafter cited as Simkins, The South Old and New. The others in the "Trinity" were education and industry. George B. Tindall, "Business Progressivism: Southern Politics in the Twenties," South Atlantic Quarterly, LXII (Winter, 1963), 104, hereinafter cited as Tindall, "Business Progressivism."

1910 alone was almost half of what it had been in the past four years altogether.⁴³ Owing to this great increase, the Virginia General Assembly in 1910 provided for the annual registration of motor vehicles, including motorcycles. Registration of motor vehicles had begun in 1906, but the license fee of \$2 was perpetual, and funds from this source were not devoted to roads. In 1910 the license tax was placed between \$5 and \$10, depending on horsepower, and the license fund was turned over to the state highway commission.⁴⁴ The commission determined where these funds were to be spent, thus increasing its power. Motor vehicle registration in 1910 placed \$21,650 in Commissioner Wilson's hands for road use. Owing to this new source of funds, however, the annual state money aid appropriation for fiscal year 1911 was reduced to \$150,000.⁴⁵

Road advocates were pleased with the legislation of 1910, but many were a little skeptical of the attitude of the new Governor William Hodges Mann. He was much older than his immediate predecessors, Andrew Jackson Montague and

386. ⁴³Goode, "Distribution of Highway Funds in Virginia,"

⁴⁴Acts of Assembly, 1910, 503; Moger, Bourbonism to Byrd, 261; Goode, "Distribution of Highway Funds in Virginia," 21. The General Assembly also fixed speed limits for the first time. In the open countryside, the maximum was twenty miles per hour, while in cities, towns, and on curves, it was eight miles per hour. Annual Report of the State Highway Commission, 1941-1942, 38.

⁴⁵Goode, "Distribution of Highway Funds in Virginia," 21, 388.

Claude Swanson. Mann did not appear to possess the same "progressive air" as did Montague and Swanson, although he had shown interest in schools, roads, and election laws in his gubernatorial campaign. However, Mann was surrounded by young advisors and supporters, and he wisely drew many ideas from them. He considered roads to be one of the most vital problems facing Virginia and favored permanent state aid to counties for road improvement.⁴⁶ He also recommended greater use of convict labor and consented that it was more profitable to the state for convicts to work on public roads. Accordingly, the 1912 General Assembly provided for more convict labor to be used on roads.⁴⁷

A major problem facing Mann as well as previous governors of the state was the question of tax equalization, and from 1910 to 1914 this issue came to the front. Personally, Mann strongly favored equalization in the assessment of taxes.⁴⁸ This issue was important to the good roads movement in Virginia because, owing to a great disparity between the assessed valuation of property, citizens of one county were quite often paying more taxes than those of another county in support of such state improvements as

⁴⁶Glass and Glass, Virginia Democracy, 305; William A. Rhodes, "The Administration of William Hodges Mann, Governor of Virginia, 1910-1914" (unpublished masters thesis, University of Virginia, 1968), 40, hereinafter cited as Rhodes, "William Hodges Mann."

⁴⁷Rhodes, "William Hodges Mann," 40-41.

⁴⁸Glass and Glass, Virginia Democracy, 305.

roads.⁴⁹

Much public discussion centered around the tax equalization issue, and several studies were made by the state. In a 1914 study the ratio of assessment of real estate to true value in the counties and cities was found to be very unequal.⁵⁰ A legislative report of this study stressed that "the gravest result of these sectional inequalities is not so much the weight of burden unjustly imposed on a part of the people, but rather the encouragement they give to sectional jealousies and suspicions."⁵¹ Movements such as that of good roads would never fully materialize if this sectionalism persisted.

Because of all the inequalities in tax assessment, there

⁴⁹As an example, the 1906 average assessed value of horses in Halifax County was \$42 per head, while in neighboring Pittsylvania County the valuation was \$21 per head. The highest valuation on horses in 1906 was in Henrico County (\$91 per head), and the lowest was in Floyd County (\$17 per head). In 1910 the state average valuation for horses was \$60.20 per head. In the city of Richmond, the assessed valuation was \$101.38 per head; Loudon County, \$84.99; and Grayson County, \$19.71. Frank Abbott Magruder, Recent Administration in Virginia, Johns Hopkins University Studies in Historical and Political Science, Series XXX, no. 1, (Baltimore, 1912), 169-170.

⁵⁰Generally, the cities and heavily populated counties had the highest assessments. The average for cities was 53.1%, while the average for counties was 33.5%. Alexandria County (now Arlington) was 31.5%; Chesterfield, 36.2%; Rockingham, 39.7%; and Norfolk County, 42.3%. The less densely populated counties of Carroll, Craig, and Russell showed respective ratios of 12.5%, 16.5%, and 17.2%. Commonwealth of Virginia, Report of the Joint Committee on Tax Revision, 1914, 11-13.

⁵¹Report of the Joint Committee on Tax Revision, 1914, 11-13.

was great need of a state tax commission and equalization board. In 1915 a state tax board was created and partial segregation of taxes begun.⁵² Governor Mann's successor, Henry Carter Stuart, also worked for tax equalization, favoring segregation of taxable subjects by devoting intangible personal property and rolling stock to the state and releasing real estate taxes to localities.⁵³ Under Governor Stuart, in 1916, the tax of 10¢ on the \$100 of assessed value was continued, but steps toward further equalization and segregation were taken. Segregation of real and tangible personal property taxes to cities and counties helped do away with the inequality between political subdivisions, and segregation of intangible personal property to the state sought to do away with inequality between individuals.⁵⁴ World War I interrupted the movement toward tax equalization and segregation, and for a while it appeared all but abandoned. Not until the administration of Harry Flood Byrd, 1926-1930, were segregation and equalization measures enacted.

Another important adjunct to the good roads movement in Virginia and the nation was the effort to secure federal aid. As early as 1893, the federal government had expressed concern for good roads with the formation of the Office of Public Road Inquiry within the Department of Agriculture.

⁵²Norfolk Virginian-Pilot, March 13, April 3, 1916.

⁵³Glass and Glass, Virginia Democracy, 310.

⁵⁴Norfolk Virginian-Pilot, March 13, April 3, 1916.

In the same year Congress appropriated \$10,000 to be used by the Secretary of Agriculture to investigate the highway situation.⁵⁵ In 1897 a small appropriation by the federal government allowed the Office of Public Road Inquiry to construct "object lesson roads" to serve for demonstration purposes. The first "object lesson road" in Virginia was a short stretch built in 1897 near Hot Springs in Bath County.⁵⁶

At the turn of the century many organizations sprang up and actively campaigned for federal aid for roads. The National Good Roads Association and state and local good roads organizations were foremost in the attempt to secure federal aid. The American Automobile Association, organized in 1902 when there was a total of only 143 miles of paved roads in the United States, and its local affiliated clubs formed a strong lobbying group in Washington, D.C.⁵⁷ The American Road Congress was another influential organization, holding its first annual convention in Richmond, Virginia, in 1911. The next year, the organization held another convention in Atlantic City, New Jersey, and was addressed by Governor Woodrow Wilson who emphasized the need for federal aid.⁵⁸

⁵⁵Parkins, The South, 136; Paxson, "Highway Movement," 240.

⁵⁶Couper, Shenandoah Valley, II, 1292.

⁵⁷Paxson, "Highway Movement," 239; Couper, Shenandoah Valley, II, 1294.

⁵⁸Paxson, "Highway Movement," 241.

The American Association of State Highway Officials became very influential in the drive for federal aid after 1910. Their goal was the familiar slogan, "To lift the United States out of the mud."⁵⁹ George P. Coleman, Assistant Virginia State Highway Commissioner, served as the second president of this organization and headed the committee which drafted resolutions for the first federal aid measure.⁶⁰ Other strong lobby groups for federal aid for roads included the American Road Builders Association, active since its first national convention in 1903, and the Lincoln Highway Association, promoting a hard-surfaced, all-weather road from the Atlantic to the Pacific Ocean with state and federal aid.⁶¹

With heavy pressure being exerted by various organizations and interest groups on behalf of federal aid for roads, Congress began to take action. No state could claim more accomplishments than Virginia, as senators and congressmen from the Old Dominion helped form the nucleus of the movement for federal aid in Congress. Legislators from Virginia worked long and hard, introducing bill after bill, until success was finally achieved in 1916. One of the first federal aid road bills was introduced in Congress by Henry

⁵⁹Paxson, "Highway Movement," 241.

⁶⁰Goode, "Distribution of Highway Funds in Virginia," 52.

⁶¹Paxson, "Highway Movement," 239-240.

D. "Hal" Flood from Virginia's tenth congressional district. In 1907 Flood proposed that the federal government distribute any surplus in the United States Treasury to the states for the improvement of roads.⁶² The bill failed to pass Congress, but Flood continued to champion federal aid for roads.

Another Virginian to take up the fight for federal aid was C. Bascom Slemph from the "Fighting Ninth" congressional district in Southwest Virginia, the only Republican stronghold in the state.⁶³ The area represented by Slemph was mountainous, one where roads were difficult and expensive to build. Sentiment for federal aid was much stronger here than in areas where roads were more easily built. Slemph, called by many, a "good roads pioneer," began speaking out strongly for better roads and federal aid shortly after he entered Congress in 1907. In 1911 and 1912 he introduced the first resolutions in Congress proposing the creation of a standing committee to which all matters regarding roads be referred.⁶⁴

⁶²Congressional Record, Fifty-ninth Congress, Second Session, XLI, pt. 3 (February 6, 1907), 2393.

⁶³Slemph replaced his father, Colonel Campbell Slemph, upon his death in 1907, and was "Mr. Republican" in Virginia until he retired in 1922. Being Virginia's only Republican congressman gave Slemph considerable power in his party. For a background of Slemph, see Guy B. Hathorn, "The Political Career of C. Bascom Slemph" (unpublished doctoral dissertation, Duke University, 1950).

⁶⁴J. Frederick Essary (comp. and ed.), Selected Addresses of C. Bascom Slemph (Washington, 1938), 78, hereinafter cited as Essary, Addresses of C. Bascom Slemph. Slemph's resolution had the support of the American Automobile Association, the Travelers' Protective Association, the National Grange, and many other organizations.

Since the House Post Office and Post Roads Committee was mostly concerned with postal service, most good roads bills were referred to the Committee on Agriculture. Slemp saw the need of a separate committee with sole jurisdiction to deal with construction and maintenance of post roads. He proposed creating committees from the existing one: a Committee on the Post Office and a Committee on the Post Roads. Slemp declared, "You give us a Post Roads Committee, then we will have a bill in the House, and you see how quickly it passes provided it is legitimate."⁶⁵

In 1912 some progress was made in the movement for federal aid when the Office of Public Road Inquiry became the Federal Office of Public Roads, still a bureau of the Department of Agriculture. It was now recognized by most congressmen that old road laws had to be changed and new ones created:

It was the government, budget bound, which required forcing, yielding only when it must. The watchdogs of the Treasury were apprehensive of the outlay, but the states have generally been ready for enterprise whose costs could be shared with Washington while counties have always welcomed improvements paid for outside their little budgets.⁶⁶

It was finally agreed that responsibility for building better roads in the United States should be shared by federal, state, and local governments.

In 1912 Congress created a joint committee in Washington to study the road problem. The next year Congressman Bascom

⁶⁵Essary, Addresses of C. Bascom Slemp, 89.

⁶⁶Paxson, "Highway Movement," 239.

Slemp's efforts were rewarded with the creation of the House Committee on Roads. Dorsey W. Shackelford of Missouri became chairman of the committee, and Slemp became ranking minority member.⁶⁷ Another member appointed to the committee was Edward W. Saunders of Virginia, patron of some of the earliest federal aid bills in the House. Saunders played a large role in the good roads movement and was surpassed by no one in the House when it came to supporting good roads.⁶⁸

In the Senate the leading spokesmen for federal aid for roads were John H. Bankhead of Alabama, Claude A. Swanson of Virginia, Kenneth McKellar of Tennessee, and Charles E. Townsend of Michigan.⁶⁹ Entering the Senate in 1910, Claude Swanson made one of his first speeches on behalf of federal aid for roads.⁷⁰ He also introduced some of the earliest federal aid bills in Congress, the first of which occurred in 1911.⁷¹ Owing to his great interest in roads, Swanson

⁶⁷George Brown Tindall, The Emergence of the New South, 1913-1945 (Baton Rouge, 1967), 15, hereinafter cited as Tindall, Emergence of the New South.

⁶⁸Saunders represented the fifth congressional district, a mountainous area where roads were difficult to build.

⁶⁹Bankhead, Swanson, and McKellar represented states where roads were generally difficult to build. Townsend represented the "Motor State" and had automobile manufacturing interests in mind.

⁷⁰Glass and Glass, Virginia Democracy, 299.

⁷¹Congressional Record, Sixty-second Congress, First Session, XLVII, pt. 1 (April 20, May 1, 1911), 437, 790.

became a member of the Senate Post Office and Post Roads Committee and used this position to continue the fight for federal aid.

With the combined efforts of "good roads" senators and representatives, Congress passed the first federal aid appropriation for public roads in 1912. The first trickle of federal aid began to be used on post roads the next year. Virginia's share of this appropriation was approximately \$10,000, and any locality receiving aid was required to raise double this amount and complete the road work by August, 1913. Congressman Henry D. Flood tried to secure the appropriation for his home county of Appomattox, but the money was spent on the road running from Richmond to Washington, D.C. Richmond had subscribed \$65,000 for the project, and counties along the route had raised large sums to aid in the construction.⁷²

Virginia's delegation to Congress continued the pursuit for federal aid for roads in the years following the first appropriation in 1912. In 1913 Henry D. Flood introduced a measure in the House providing for federal aid in road construction, but it failed to pass.⁷³ In 1914 and 1915 Edward Saunders, C. Bascom Slemp, and Claude Swanson all introduced

⁷²Governor William Hodges Mann reported to Flood that he did not think Appomattox County could have met the conditions and that he was "very sorry." S.L. Ferguson to Henry D. Flood, February 15, 1913, and Mann to Flood, February 19, 1913, Flood Papers.

⁷³House Resolution 4987, May 10, 1913, Flood Papers.

several measures calling for joint federal and state construction of roads, but these too were defeated.⁷⁴ Finally, in 1916, "Driven by the movement, rather than leading it, the government of necessity took charge..." with the passage of the Federal Highways Act.⁷⁵ This measure resulted from a merger of bills passed in the Senate (Bankhead Bill) and the House (Shackelford Bill). Claude Swanson, second ranking member of the subcommittee of the Senate Committee on Post Offices and Post Roads, was active in framing the Bankhead Bill, while in the House, congressmen Slemple and Saunders were likewise instrumental in formulating the Shackelford Bill.⁷⁶

On July 11, 1916, President Woodrow Wilson signed the Federal Highways Act,⁷⁷ the first major law providing for cooperation between the states and the federal government in building better roads, thus marking a milestone in the good roads movement. Furthermore, "This Federal Aid Act was the opening wedge"⁷⁸ of what was to come in the future. The measure provided an appropriation of \$75,000,000 to be spent

⁷⁴Congressional Record, Sixty-third Congress, Second Session, LI, pt. 1 (December 15, 1913), 868, 938; Sixty-fourth Congress, First Session, LIII, pt. 1 (December 16, 1915, January 5, 7, 11, 1916), 310, 491, 698, 931.

⁷⁵Paxson, "Highway Movement," 228.

⁷⁶Norfolk Virginian-Pilot, March 1, 1916.

⁷⁷The 1916 Act was also commonly known as the Bankhead-Shackelford Highways Act, Federal Aid Act, Federal Road Act, and the Good Roads Bill. This served to cause some confusion to people as many thought these were different measures.

⁷⁸Paxson, "Highway Movement," 243.

on roads over the next five years.⁷⁹ This sum of money was to be matched by the states in order for them to receive any of the aid--which actually meant that at least \$150,000,000 would be expended on roads in the forty-eight states during the five year period. There were other requirements besides dollar-matching that the states had to meet in order to receive federal aid, and these were formulated by the Secretary of Agriculture with congressional approval.⁸⁰ The most important of these requirements included: establishment of state highway departments, expending of funds on main roads selected by the respective state highway commissions subject to approval of the Secretary of Agriculture, and strict provisions for maintenance once the roads were constructed.

By 1916 the good roads movement in Virginia had made great strides since its birth in 1894. This brief period had witnessed the creation of a Virginia Good Roads Association, formation of a Virginia State Highway Commission, passage of the first direct state aid for roads in the form of state money aid and convict labor, and the advent of federal aid for roads which came about largely through the efforts of Virginia's delegation to Congress. Historians have seen the good roads movement in Virginia and the nation as

⁷⁹New York Times, July 9, 12, 1916; Tindall, Emergence of the New South, 16; Paxson, "Highway Movement," 242.

⁸⁰The Federal Office of Public Roads was still a bureau of the Department of Agriculture. For a concise summary of the requirements for federal aid to the states refer to Appendix A.

part of the Progressive movement dating back to the early 1900's. The 1916 Federal Highways Act, a manifestation of Wilsonian progressivism, was a culmination of the aspirations of many progressive minds. The stimulus to build roads had been provided in 1916, then, and "all" that remained now was for progressives in the states to appropriate funds to match the federal aid. The fight in many states had just begun.

CHAPTER II

BYRD, THE VALLEY TURNPIKE, AND THE STATE HIGHWAY SYSTEM, 1916-1918.

With the passage of the Federal Highways Act of 1916, Virginians looked forward to a new era of road building in the state. Good roads advocates, noting that Virginia's road legislation had only begun in 1906, praised the progress the state had made in the previous ten years. By 1916 every county was receiving some form of state aid for roads, either convict labor or state money aid.¹ The total mileage of new roads built with this aid under the supervision of the state highway commission between 1906 and 1916 was approximately 4,500 miles,² attesting to the fact that Virginia was making progress despite many obstacles. On the local level, over one-third of the state's counties continued to issue bonds for road construction totaling around \$8,500,000 by 1916.³

The 1916 General Assembly continued the progress in the state good roads movement by passing the first state law

¹Thirty-three counties were using convict labor totaling more than two-thousand prisoners, giving Virginia more road mileage constructed by convicts than any state in the nation. Moger, Bourbonism to Byrd, 261; Palmer, "The Development of Virginia Highways," 25.

²Acts of Assembly, 1916, 149.

³Acts of Assembly, 1916, 149; Annual Report of the State Highway Commission, 1916-1917, 10. Most of these counties were located in the North Central, far Southwest, Southside (Southern Piedmont), and Great Valley sections of the state.

providing for maintenance. Highway Commissioner St. Julien Wilson had strongly urged state maintenance of roads until he resigned in 1913 to accept the position of Chief Engineer of the United States Bureau of Public Roads.⁴ His successor, Assistant Highway Commissioner George P. Coleman, continued the plea for maintenance, noting that neglect of this important principle by the counties was one of the major drawbacks of road construction in Virginia. The 1916 measure created a maintenance fund from automobile license fees. Rates and coverages of automobile licenses were increased, and their supervision remained under the state highway commissioner. The fund was to be used only for maintenance of roads and bridges constructed with state aid or county bond issues, and counties that received these funds were required to match their apportionments.⁵

While Congress was debating federal aid for roads in 1916, the Virginia General Assembly was busy anticipating the use of such aid. After drafting a resolution calling for the state's congressional delegation to support the federal aid bill, the General Assembly formed a joint committee to lay out a system of state roads which would be necessary to receive federal aid.⁶ This committee was also instructed

⁴Annual Report of the State Highway Commission, 1912-1913, 5.

⁵Senate Journal, 1916, 719.

⁶Senate Journal, 1916, 879-880; unmarked newspaper article, March 5, 1917, Flood Papers.

to investigate other road problems and recommend changes in the state highway laws to the 1918 session of the General Assembly. Patrons of the bill creating this important committee were state senators Harry Flood Byrd of Winchester and Julien Gunn of Richmond.⁷

The study commission consisted of three senators and four members of the House of Delegates. Representing the Senate were Byrd, C. O'Connor Goolrick of Fredericksburg, and A. Willis Robertson of Lexington, each of whom had become prominent in the state road movement. The House members were Norville L. Henley of Williamsburg, Berkley D. Adams of Charlotte County, Kenneth N. Gilpin of Clarke County, and J. Sinclair Brown of Salem.⁸ Senator Goolrick, who was appointed chairman, used his position to dominate the commission, and thus the group was properly dubbed, "the Goolrick Commission."

Before the Goolrick Commission began work, some confusion and fear had to be cleared from the minds of many citizens of the Old Dominion. After passage of the Federal Highways Act in 1916, Secretary of Agriculture David F. Houston notified Virginia officials that before the state could participate in the federal aid program, a considerable amount of which was already available, Virginia would have

⁷Senate Journal, 1916, 879.

⁸"Report of the State Road Commission," Senate Document no. 5, Senate Journal, 1918, 1-6, hereinafter cited as, "Report of the State Road Commission, 1918."

to submit to the Secretary's policy of a plan of state roads.⁹ Immediately, many good roads advocates became concerned over the situation. State officials pointed out that an immediate state highway system was not required and Virginia would not lose her federal aid apportionments for fiscal years 1917 and 1918. The General Assembly would not meet again until 1918, but, in the absence of the legislature, the governor could give assent to federal aid requirements pending meeting of the next legislature. In 1918 the General Assembly would meet to revise the state's road laws in accordance with the Federal Highways Act requirements or forfeit further aid.

In February, 1917 the Goolrick Commission commenced to hold public hearings throughout the state to listen to "arguments" on which roads to include in the state highway system. The commission tried to be as impartial as possible and considered roads that would be of greatest benefit to the largest number of people. Important connecting points with adjoining states and connections between cities, towns, and county seats were emphasized. The commission not only worked on a primary system of roads, but drew up a plan of secondary roads as well. Owing to the self-interest or "greed" of many citizens, the commission was swamped with pleas to include roads in certain areas, but this did not

⁹David F. Houston to Henry D. Flood, March 4, 1917; unmarked newspaper article, March 5, 1917, Flood Papers.

hinder the overall effectiveness of the commission.¹⁰

In April, 1917 the Goolrick Commission, road construction, and the state and nation as a whole were hampered by events in Europe. The United States had finally been drawn into the "Great War," and most of the nation's attention now turned to meet this threat. Secretary of Agriculture Houston promised that progress of good roads work would be maintained during the war because roads were necessary to win the war and to develop industrial and social progress.¹¹ The war emphasized the motor vehicle as a weapon, and thus the need for roads. The road movement, however, was faced with a shortage of men, materials, and equipment, as well as a government priority order that prohibited railroad freight cars from transporting road materials.¹²

¹⁰Many congressmen and state legislators were petitioned by their constituents to give support for roads in their district. Congressman Henry D. Flood received a host of letters to this effect. Some citizens even thought Flood and other congressmen could get money directly from Congress to give to localities. Flood replied to these uninformed people by sending a copy of the Federal Highways Act and instructed them to apply to the state highway commission in Richmond or make their wishes known to the Goolrick Commission. On several occasions, Flood wrote his nephew Harry F. Byrd or Willis Robertson making the peoples' wishes known. P. H. Gold to Henry D. Flood, November 23, 1916; Flood to Edwin B. Jones, December 29, 1916; Flood to A. Willis Robertson, January 23, 1917; Flood to Harry F. Byrd, January 26, 1917, Flood Papers.

¹¹New York Times, June 16, 1917.

¹²Paxson, "Highway Movement," 243; Westmoreland Davis to J. R. Shirley, February 15, 1918, Westmoreland Davis Papers, Alderman Library, University of Virginia, Charlottesville, hereinafter cited as Davis Papers.

During World War I, Tidewater Virginia was a beehive of military and naval activity and a witness to the "progress" of road construction. Armed forces in the area had used or "overused" the roads with heavy military equipment and a constant stream of movement. This damaged roads here considerably. Despite pleas from Secretary of War Newton D. Baker and Assistant Secretary of Navy Franklin D. Roosevelt, Governor Westmoreland Davis stubbornly declared that it was impossible to keep this section's roads in repair.¹³ However, Davis patriotically noted, "Virginia was not complaining over her ruined highways, but willing to donate her roads to help win the war, but the federal government must do its share."¹⁴ To "compensate" for road damages by the Army, the federal government built a total of fifty miles of concrete highways in Tidewater.¹⁵

The war years also witnessed a change in the occupancy of the Virginia Governor's Mansion which reopened the factional rift in the state Democratic party that had only

¹³"The roads in Virginia were constructed for ordinary purposes of life, commercial and industrial, and not for heavy traffic incident to war." Westmoreland Davis to Franklin D. Roosevelt, May 31, 1918, Governor Westmoreland Davis Executive Papers, Virginia State Library, Richmond, hereinafter cited as Davis Executive Papers.

¹⁴Westmoreland Davis to Newton D. Baker, July 1, 1918, Davis Executive Papers.

¹⁵Jack Temple Kirby, "Westmoreland Davis: A Virginia Planter, 1859-1942" (unpublished doctoral dissertation, University of Virginia, 1965), 107-108, hereinafter cited as Kirby, "Westmoreland Davis."

recently been closed. The Thomas Staples Martin-Claude A. Swanson-Henry D. Flood "Organization" continued to dominate the state legislature and most local governmental units, but the leaders had become preoccupied with wartime duties in Washington and allowed the "anti-organization" Democrat, Westmoreland Davis, to become Governor in 1917.¹⁶ However, the road issue did not play a major role in the gubernatorial campaign. Davis promised to work for better roads, but so did all of the candidates in the August primary and November election. At this time no one had proposed any concrete plans to solve the road problem, but for that matter the problem was not as great as it would be in the following years.

Governor Davis summed up his feelings on the road issue and set the tempo for the future in his Inaugural Address in February, 1918: "It is needless to discuss further the benefits to be derived from better highways; everybody wants them--the problem is how best they can be secured."¹⁷ He recommended to the General Assembly the establishment of a state system of roads (already being drawn up) and suggested that the question of amending the state constitution to permit the sale of road bonds be submitted to the people

¹⁶Ferrell, "Democratic Party Factionalism in Virginia," 146-149.

¹⁷"Inaugural Address of Governor Westmoreland Davis," House Journal, 1918, 8, hereinafter cited as "Inaugural Address of Governor Westmoreland Davis, 1918."

in a referendum.¹⁸

While Davis was getting acquainted with the duties of his office, the General Assembly was busy trying to solve the state's road problem. Senator Goolrick's study commission had delivered its report even though the war had limited its work. Major points of the report included:

1. Creation of a state highway system embracing 3,500 of the state's 52,000 miles of roads.
2. Building north-south and east-west trunk lines to promote commerce and tourism.
3. Insuring the matching of \$700,000 of federal aid for the next two years.
4. Requiring counties to submit plans to the state highway commission in order to get approval for state aid.
5. Setting aside an annual sum of \$500,000 from automobile license fees for road maintenance.
6. Using as much convict labor as possible in the state highway system.
7. Adoption of bonds to finance highways and amending of the state constitution to permit the sale of such bonds.¹⁹

Acting on the recommendations of the Goolrick Commission, the General Assembly created a system of primary roads to be established, constructed, and maintained exclusively by the state under the supervision of the state highway

¹⁸"Inaugural Address of Governor Westmoreland Davis, 1918," 8. The Virginia Constitution was revised in 1902 and state bond issues for internal improvements were prohibited. Richard L. Morton, History of Virginia, 6 volumes (New York, 1924), III, 342.

¹⁹"Report of the State Road Commission, 1918," 1-6. Although Senator Goolrick was the chief bond advocate on the study commission, neither Byrd nor Robertson were opposed to bonds at this time.

commission.²⁰ Not the recommended 3,500 but 4,002 miles of primary roads comprised the state highway system and immediately fell under the jurisdiction of the state highway commission. These were the first roads to be the direct responsibility of the commission and the first in Virginia's history to be directly supervised by a state agency.²¹ The General Assembly approved the use of the state convict road force on the new state highway system and included provisions for any remaining maintenance funds not used for state aid roads to be used for maintenance of the state system.²² Another act provided for the designation of a county road system, not part of the state highway system, and state aid was provided for these roads after submitted plans were approved by Highway Commissioner George P. Coleman. Accordingly, the state money aid was increased for the next fiscal year to \$300,000.²³

The 1918 General Assembly also voted to amend the constitution to permit a state bond issue for road construction, but bonds would have to be a source of revenue for the future, however. The state constitution required a vote by

²⁰Acts of Assembly, 1918, 9-11; Goode, "Distribution of Highway Funds in Virginia," 15.

²¹Annual Report of the State Highway Commission, 1941-1942, 48; Goode, "Distribution of Highway Funds in Virginia," 15.

²²Acts of Assembly, 1918, 8.

²³Acts of Assembly, 1918, 776-778.

two successive legislatures and a popular referendum in order to give the General Assembly authority to issue bonds for road construction.²⁴ There was little opposition at this time to amending the constitution to permit the sale of bonds, and the House of Delegates went on record as favoring a \$20,000,000 bond issue by a wide margin of 80 to 5.²⁵ The success of the bond issue was especially pleasing to its chief advocates, Senator Goolrick, Highway Commissioner Coleman, and the leaders of the Virginia Good Roads Association. The association was just becoming a powerful force to be reckoned with in the road movement and had campaigned very hard for the bond issue.

Unable to issue bonds in 1918, Virginia sorely needed a source of revenue to match federal funds for the construction of the state highway system. The state's first federal aid apportionment (July 1, 1916 to June 30, 1917) totaling \$99,660.71²⁶ would be available until June 30, 1918, and the second apportionment (July 1, 1917 to June 30, 1918) totaling \$199,321.42²⁷ was available until June 30, 1919. Therefore,

²⁴"Better Highways Appeal," Official Bulletin of the Virginia Good Roads Association, I, no. 4 (1921), 1.

²⁵Westmoreland Davis to John T. Brown, February 25, 1918, Davis Papers; Richmond Times-Dispatch, February 23, 1918. Virginia was following in the mainstream of the national good roads movement on the road bond question.

²⁶Annual Report of the State Highway Commission, 1922-1923, 14.

²⁷New York Times, March 4, 1917; Annual Report of the State Highway Commission, 1922-1923, 14.

the General Assembly took steps to meet Virginia's federal aid appropriations by passing the first direct tax for roads in the state's history. An 8¢ tax on every \$100 of assessed value of real estate and tangible personal property was levied. Three-eighths of this tax was devoted to the state highway system, four-eighths to support schools, and one-eighth to help fight tuberculosis.²⁸ Just how much revenue the 3¢ tax would provide for roads was a matter of speculation, but it was an important step in the direction of road funding.

The final action taken by the 1918 General Assembly involved the question of toll roads. Systematic efforts were being made by many counties and the state to free highways from bothersome tolls. Most of the turnpikes that existed in Virginia in 1918 were built by private companies alone or with state aid and by county bond issues. The majority of these toll roads were located in the Great Valley, Northwest, and Southwest Virginia--with the greatest number being in the Valley.²⁹ A few toll roads existed in the Piedmont

²⁸Acts of Assembly, 1918, 569-572; The Virginia Motorist (March 12, 1919), Davis Papers.

²⁹Jean Gottmann whose book, Virginia at Mid-Century, ranks as one of the best geographical studies of the state, calls the Valley of Virginia a progressive and prosperous section of the state, not simply because of its fertile soils and hard working people, but because the Valley was an important thoroughfare in constant contact with the outside. The people here "had to live in the present because other parts of the vast world forced them to." Thus, many Valley people took a more active interest in such matters as internal improvements. Jean Gottmann, Virginia at Mid-Century (New York, 1955), 515.

section of the state, but there were even fewer in Tidewater where road construction and maintenance were less expensive owing to flat land and sandy soil. There were some toll bridges in Tidewater, but the cost of construction and maintenance was not as great as for toll roads.³⁰

By far the most famous toll road in Virginia was the Valley Turnpike running through the Shenandoah Valley from Winchester to Staunton, a distance of ninety-two miles. The Valley Turnpike Company was created by an act of the General Assembly in 1818, and the road originally was to run from Winchester to Salem.³¹ Construction was done by the state under the old Board of Public Works in 1841, with the state paying for two-thirds of the construction costs and taking three-fifths of the stock in the company.³² Actual building of the turnpike was supervised by General Claudius Crozet, a former artillery officer of Napoleon Bonaparte.³³

The Valley Turnpike Company operated throughout the nineteenth century, and, at the turn of the century, the

³⁰Various toll roads included: Harrisonburg and Rawley Springs Turnpike, North Frederick Turnpike, Berryville Turnpike, Northwestern Turnpike (all located in the Valley), Pulaski Turnpike (Southwest), and the Chincoteague Toll Road and Bridge (Eastern Shore). Acts of Assembly, 1919, 20; Acts of Assembly, 1920, 643.

³¹Unmarked article, 1918, Davis Papers.

³²Unmarked article, 1918, Davis Papers.

³³"Speech by Senator Harry F. Byrd before the Senate of the Virginia General Assembly," March 20, 1923, Mann-Tyler Papers, Alderman Library, University of Virginia, Charlottesville, hereinafter cited as Mann-Tyler Papers.

Valley Pike was one of the few truly good roads in the nation. In 1908 Jack G. Neff, president of the company, became ill and retired from office. At the annual board of directors' meeting in October, 1908, Harry Flood Byrd of Winchester, age twenty-one, was elected president. Neither Byrd nor his family owned any stock in the company, but the young newspaperman was well known in the Valley for his desire for good roads and his efficiency in the business world.³⁴ He was nominated and strongly supported by the state proxies representing the state's stock: Senators Edward Echols and George B. Keezell and Delegates Murray L. Walton, Frank S. Tavener, and Richard E. Byrd (young Byrd's father).³⁵

Upon accepting his duties as president of the Valley Turnpike Company, at a salary of \$400 a year, Harry Flood Byrd thoroughly examined the road to determine its exact condition. He found the road bed in good shape, bridges and

³⁴Byrd owned and managed the Winchester Evening-Star. He dropped out of Shenandoah Academy in Winchester in 1903 at the age of fifteen and took over the faltering newspaper from his father. Young and aggressive, Byrd made an astonishing success of the newspaper. He became interested in public roads and used his paper to create interest in better roads for the state. In 1907, at age twenty, he was elected to the Winchester City Council. Winchester Evening-Star, August 11, 1918; Ferrell, "Democratic Party Factionalism in Virginia," 159; Robert Thomas Hawkes, "The Political Apprenticeship and Gubernatorial Term of Harry Flood Byrd" (unpublished masters thesis, University of Virginia, 1967), hereinafter cited as Hawkes, "Harry Flood Byrd."

³⁵Records of the Valley Turnpike Company, 7 volumes (Virginia State Library, Richmond), II, 134.

culverts in good repair, and the sixteen toll houses and accessories in good condition. However, there were heavy expenditures for the fiscal year ending June 30, 1908 owing to a very wet winter, a scarcity of labor, and the purchase of new road equipment. Road construction, maintenance, and machinery had totaled \$15,307.44, while salaries of gatekeepers and company officers, taxes, and miscellaneous expenditures brought the total to \$19,496.38. Receipts from tolls amounted to \$13,496.38, but there was a large balance in the treasury to handle any deficit.³⁶

Young Harry Byrd promised that under his guidance receipts would far outdistance expenditures, adding that the previous year was a bit unique. The roads were sufficiently equipped for work, and he foresaw no scarcity of labor in the future. Byrd devoted much of his time to the Valley Pike, applying many businesslike and efficient ideas to its operation. One such new practice enlisted the aid of towns along the route to help maintain those portions of the road running through their respective city limits.³⁷ After one year of operation under its new president, the Valley Turnpike Company reported total expenditures of \$13,905.98 and receipts of \$15,237.05.³⁸

In 1909 Byrd reorganized the Valley Turnpike Company,

³⁶Records of the Valley Turnpike Company, II, 240-243.

³⁷Records of the Valley Turnpike Company, II, 254.

³⁸Records of the Valley Turnpike Company, II, 260.

adopted a new set of by-laws, and further streamlined operations. Salaries of gatekeepers were raised to \$150 a year and increased every year thereafter. Officers of the company also received pay raises in 1909 and most of the following years. Receipts for the fiscal year ending June 30, 1910 increased by \$3,435.95 over the previous year, attesting to Byrd's efficient operation.³⁹ Byrd's Uncle, Henry D. Flood, inquired of his nephew why he was devoting so much time and energy to the road, and young Byrd replied, "I am extremely ambitious to make this road the model highway of the South, and for this reason I am going to give the affairs of the road my very best attention in my endeavor to accomplish this result."⁴⁰ Byrd's salary certainly did not justify the time and effort he devoted to the road.

In 1911 tolls on the Valley Turnpike were increased to 25¢ for large cars at each gate or 5¢ per mile, 20¢ or 4¢ per mile for runabouts and two-passenger cars, while motor bicycles paid 10¢ at each gate or 2¢ per mile. Motor trucks for burden or automobiles carrying passengers for hire paid 6¼¢ per mile for each wheel moving on the ground. Automobiles had the privilege of returning the same day free of charge. Before 1911 automobiles were paying 3¢ per mile each way and 6¢ per mile for a round trip. The change was

³⁹Records of the Valley Turnpike Company, III, 12.

⁴⁰Harry Flood Byrd to Henry D. Flood, March 26, 1912, Flood Papers.

necessary because many motorists would wait and return after nine o'clock at which time the gatekeepers went to bed.⁴¹ Local users of the Valley Pike were granted discounts on tolls by state law, and ministers and doctors paid half-rates at gates near their homes. Other discounts were given to various groups such as funeral processions. Turnpike company directors and state proxies were granted free passes on the road.⁴²

Byrd and the Valley Turnpike Company worked in close cooperation with the Federal Office of Public Road Inquiry and, after 1912, the Bureau of Public Roads. Byrd also maintained close relations with State Highway Commissioner Julien Wilson and his successor, George P. Coleman.⁴³ Keeping the Valley Pike in modern condition was Byrd's goal, and he received much helpful information and cooperation from state and federal officials. He experimented with steam rollers, oil and asphalt binders, and other innovations that were being used on roads in the state and nation. In 1915 the entire length of the Valley Pike was treated with a dustless bituminous binder that kept the road one of the

⁴¹Records of the Valley Turnpike Company, III, 20; Harry F. Byrd to Henry D. Flood, March 26, 1912, Flood Papers.

⁴²Records of the Valley Turnpike Company, II, 248-249.

⁴³Byrd instituted the practice of sending monthly statements of the turnpike company to the governor, chairman of the state corporation commission, and the state proxies of the company to inform them of the conditions of the road, expenditures, and receipts. This prevented the company from running into difficulties with the state, Byrd felt.

most modern in the nation.⁴⁴

In 1915, owing largely to his interest in roads and business efficiency, Harry Flood Byrd was elected to the Virginia Senate at the politically tender age of twenty-eight. In his campaign he noted that the Shenandoah Valley was not getting its share of state aid because it was claimed this section already possessed the famed "Valley Turnpike" and other good roads. Byrd promised to seek more aid for Valley roads in his campaign. He also advocated that county boards of supervisors have more authority in the distribution of state highway funds. He maintained that roads were a local matter and that the state highway commission was useful only in advising and coordinating road building activities. In Byrd's opinion, state officials were not familiar with local conditions and local road materials that were available. State aid roads had to be built of macadam at a cost of between \$4,000 and \$5,000 per mile. This was very upsetting to Byrd because the Valley could use its abundance of limestone to construct roads much cheaper than specified costs.⁴⁵

In 1916 freshman Senator Byrd was appointed to the Senate Committee on Roads and Internal Navigation and immediately began formulating his "good roads" ideas into prospective

⁴⁴Records of the Valley Turnpike Company, III, 157.

⁴⁵Harry Flood Byrd to Henry D. Flood, July 12, 1915, Flood Papers; Hawkes, "Harry Flood Byrd," 20-21.

legislation.⁴⁶ Since "the existing legislation worked to the disadvantage of the Valley and local political patronage,"⁴⁷ Byrd introduced a bill to amend the road law to give county boards of supervisors more authority in the expenditure of state highway funds.⁴⁸ This measure in effect would aid the Valley Turnpike since local authorities would likely expend funds on roads feeding the turnpike. Opposition to the bill was led by Highway Commissioner Coleman and the Virginia Good Roads Association. The association met in Richmond in January, 1916, and Byrd and Coleman both addressed the convention. Coleman, the leading advocate of centralizing road construction in the state, easily swayed the audience to his position, and the galleries became very hostile to Senator Byrd. The convention adopted resolutions supporting Coleman's proposals and rejecting Byrd's plan. "Byrd's reception at the meeting was a humiliating experience and resulted in his unending opposition to Coleman and the Good Roads Association."⁴⁹

Governor Henry Carter Stuart tried to intervene in the Byrd-Coleman dispute to promote harmony among state and local

⁴⁶"Byrd's one major interest as a state legislator was Virginia's Highways." Hawkes, "Harry Flood Byrd," 19. Politically, Byrd became a "disciplined private in the political Old Guard," being part of the Martin-Swanson-Flood Democratic "Machine." French Strother, "Youth Takes the Helm in Virginia," World's Work, LIII (December, 1916), 140.

⁴⁷Hawkes, "Harry Flood Byrd," 21.

⁴⁸Senate Journal, 1916, 19-20.

⁴⁹Hawkes, "Harry Flood Byrd," 22.

road officials, and some features of Byrd's measure were adopted as the General Assembly passed a compromise bill. Local boards of supervisors were permitted to select the type of construction materials they wanted, and automobile license fees were turned over to the highway commission for maintenance of state roads, both Byrd proposals.⁵⁰ Despite Commissioner Coleman's acceptance of these measures, the two men continued their great personal dislike of each other. Byrd maintained an efficient operation of the Valley Turnpike, but his relations with Coleman occurred only when absolutely necessary in the line of duty.

In 1918 further difficulties arose for Harry F. Byrd with the creation of the State Highway System. The General Assembly declared that "no state funds could be used to maintain toll roads if tolls continued to be charged."⁵¹ There was considerable feeling in the state and nation to do away with all toll roads. America's first good roads had come from the turnpike movement in the early nineteenth century, and at that time these roads were supreme. After 1900, however, there was great need of roads free from tolls in the interest of progress. Actually, the vast majority of turnpikes were eliminated before the good roads movement began, and the ones that remained were rapidly being purchased by the states in which they were located.

⁵⁰Senate Journal, 1916, 963.

⁵¹Acts of Assembly, 1918, 673.

Roads were now regarded as general utilities that should be free to all who used them. Most of the traffic on toll roads was local which meant a heavy tax on farmers. To others, especially tourists, tolls were nothing more than a nuisance. Some citizens opposed to tolls even proclaimed that public roads could be maintained cheaper than turnpikes; dividends to stockholders would be eliminated and the expense of collecting tolls would be done away with. Everyone, it seemed, would benefit from free movement of traffic.⁵²

Many Shenandoah Valley residents, too, had expressed interest in abolishing tolls along the Valley Turnpike and other toll roads in the area. The tolls collected on the smaller roads were usually only enough to meet expenses, not an attractive investment. Furthermore, many residents here felt that tolls were only temporary measures until some definite financial plan could be formulated.⁵³ With increased state aid and the advent of federal aid in 1916, many Valley residents and other Virginians felt this time had come. One Harrisonburg man declared, "The toll system belongs to another era past and gone. Thousands deplore a

⁵²Joseph Austin Durrenberger, Turnpikes: A Study of the Toll Road Movement in the Middle Atlantic States and Maryland (Valdosta, Georgia, 1919), 162-165, hereinafter cited as Durrenberger, Turnpikes.

⁵³Frederick J. Wood, The Turnpikes of New England and Evolution of the Same Through England, Virginia, and Maryland (Boston, 1919), 411, hereinafter cited as Wood, Turnpikes of New England, Virginia, and Maryland. Valley residents had more tolls to pay than any other section of the state owing to their numerous turnpikes.

continuance."⁵⁴ Harry F. Byrd, too, felt that abolishing tolls would be a progressive measure, bringing greater development to the Valley.⁵⁵ He also favored abolishing other toll roads throughout the state. Along with C. O'Connor Goolrick of Fredericksburg, Henry H. Downing of Berryville, William L. Andrews of Roanoke, A. Willis Robertson of Lexington, Charles T. Jordan of Staunton, and E. Lee Trinkle of Wytheville, Byrd sponsored a bill in the Senate for the purchase of the Valley Turnpike by the state.⁵⁶

The condition of the Valley Turnpike Company in 1918 was as follows: Capital stock of the company valued at \$425,000 of which 10,600 shares (\$25 per share) totaling \$265,000 were owned by the state and 6,400 shares totaling \$160,000 were owned by individual stockholders; ninety-two miles of limestone macadam road treated with bituminous road binder with a solid, smooth, and uniform foundation (conservatively estimated at \$5,000 per mile) totaling \$460,000; one-hundred steel and concrete bridges, most of which had been recently constructed at an approximate cost of \$100,000; thirteen toll houses valued at \$20,000; modern road machinery valued at \$8,000; and cash deposited in various banks bearing interest and totaling approximately \$45,000; bringing

⁵⁴Walter N. Sprinkel to Westmoreland Davis, March 9, 1918, Davis Papers.

⁵⁵Winchester Evening-Star, August 11, 1918.

⁵⁶Acts of Assembly, 1918, 741; Records of the Valley Turnpike Company, IV, 15.

the total assets of the company to \$588,000.⁵⁷

The condition of the Valley Turnpike in 1918 was very good. From June 30, 1911 to June 30, 1917, total expenditures were \$269,993.57, the greater portion going for construction and maintenance. The total receipts for the same period were \$299,481.33.⁵⁸ In the 1917 fiscal year alone, \$69,169.99 was expended for construction and maintenance. The same year, tollgate keepers earned approximately \$325 annual salary, while that of President Byrd was \$900. Receipts from tolls in 1917 totaled \$79,500.62, and there was a balance on hand of \$39,967.42 from the previous year.⁵⁹ Maintenance for fiscal year 1918 would not be neglected if the proposed bill to transfer the road to the state was passed and agreed to by the company stockholders. The company was required by the bill to spend at least the same amount for maintenance in 1918 as in the previous year.⁶⁰ This would insure that the road would not deteriorate before the transfer was made to the state.

Opposition to the Valley Turnpike Bill came from varied sources. Delegate Samuel B. Keezell of Rockingham County, affectionately called "Barney" by his constituents, was

⁵⁷Records of the Valley Turnpike Company, IV, 15, 29-31; Acts of Assembly, 1918, 633-635.

⁵⁸Records of the Valley Turnpike Company, III and IV, passim.

⁵⁹Records of the Valley Turnpike Company, IV, 13.

⁶⁰Records of the Valley Turnpike Company, IV, 15.

adamantly opposed to the sale of the road. Samuel L. Lupton of Winchester, President of the Virginia Good Roads Association, called Keezell a "gigantic grouch" who seemed to be opposed to every progressive measure.⁶¹ Keezell owned no stock in the turnpike company, but doubted the state could maintain the Valley Pike as efficiently as the company. With assurances from Byrd and other company directors, Keezell reversed his position and favored the sale.⁶² The Augusta County Board of Supervisors also opposed the sale of the Valley Pike. The county had established toll gates on several of its improved roads, most of which fed the Valley Pike, and there was fear of losing its tolls.⁶³ There were other objections to the sale from individuals along the road, but these were quite limited and minor in nature.

To dispel any doubts and fears among those who questioned the transfer of the Valley Turnpike to the state, Harry Byrd outlined the various advantages to be gained from the sale. He noted that the counties of Augusta, Rockingham, Shenandoah, and Frederick, through which the turnpike ran, would all greatly benefit from the sale. After the transfer

⁶¹Samuel L. Lupton to Westmoreland Davis, March 6, 1918, Davis Papers.

⁶²Harry F. Byrd to Westmoreland Davis, March 11, 1918, Davis Papers.

⁶³Westmoreland Davis to Samuel L. Lupton, March 2, 1918, and Lupton to Davis, March 6, 1918, Davis Papers.

was made to the state, the turnpike would be maintained out of the automobile license fund, and the share of these four counties for 1919 was estimated at \$50,000. If the turnpike bill were not enacted, these counties would receive only \$10,000 for their other roads, thus losing \$40,000 annually. Furthermore, Byrd noted, if the bill passed, any sum over \$45,000 in the treasury of the turnpike company on the day of the transfer would revert to the state treasury and used on the Valley Pike. Byrd estimated this sum to be from \$10,000 to \$15,000. Likewise, unclaimed stock would revert to the state treasury for use on the turnpike.⁶⁴ Criticized by some who accused him of personal gain from the sale, Byrd replied, "The reverse is true."⁶⁵ He owned no stock in the turnpike company, and with the transfer to the state he would lose his annual salary as president.

Governor Westmoreland Davis was keenly interested in and made a careful study of the Valley Turnpike Bill. His office was flooded with hundreds of cards, letters, and telegrams, mostly from Valley citizens voicing their approval of the bill. Rufus A. Russell of Harrisonburg canvassed the city and found that fully 90 per cent of the residents favored transfer of the road to the state.⁶⁶

⁶⁴Harry F. Byrd to Westmoreland Davis, February 12, 1918, Davis Papers.

⁶⁵Winchester Evening-Star, August 11, 1918.

⁶⁶Walter N. Sprinkel to Westmoreland Davis, March 9, 1918, Davis Papers.

H. D. Fuller, Vice-President of the Winchester Farmers and Merchants National Bank, put it squarely to Davis, "The Valley of Virginia is looking forward to you and hoping that you will approve the Valley Turnpike Bill."⁶⁷ It was evident to Governor Davis that the people of the state, especially in the Valley, greatly favored the state acquiring this favorably situated highway.⁶⁸ It was already one of Virginia's major roads and its free use would make it even more popular.

The Valley Turnpike Bill encountered little opposition in the General Assembly and was on the verge of approval when Governor Davis began raising questions on some of its provisions. He found that \$40,000 had to be spent annually for maintenance of the road; otherwise, the road would revert to the turnpike company. Furthermore, twenty eligible voters in any city or county along the turnpike could appeal to the state corporation commission to have the road returned if proper maintenance and efficient management were not practiced. Governor Davis adamantly opposed the reversionary provisions and let it be known to the members of the legislature. He "recognized the justice of having the state take over the turnpike...but his eagerness to be fair to a large number of Virginia citizens would not blind him

⁶⁷H. D. Fuller to Westmoreland Davis, March 9, 1918, Davis Papers.

⁶⁸Acts of Assembly, 1918, 633.

to the gross unfairness of this projected law."⁶⁹

It was widely known that Governor Davis would veto the Valley Turnpike Bill as originally drawn up, so necessary revisions were made. An amended bill was offered without the reversionary sections; instead, a complete transfer was to be made to the state. Davis was still dissatisfied, however, as he pointed to a "small item" that had been left out of the bill. The turnpike company owed the state a debt of \$115,000, and Davis wanted this precisely stated in the bill. The debt had derived from a state loan of \$25,000 to the company in 1841. The loan was to be repaid at the rate of \$1,500 per year with accrued interest, but no payments were ever made. By 1918 the loan and interest totaled \$115,000, and the amount was secured by mortgage on the property of the turnpike.⁷⁰ Bowing to Governor Davis's demands, the turnpike bill was further amended in line with his suggestions. The bill finally passed the General Assembly and was signed into law by Davis on March 20, 1918.⁷¹ Transfer of the road to the state was to be made on September 1 of the same year.

As provided by the Valley Turnpike Bill, stockholders were to be paid pro-rated shares of the surplus in the

⁶⁹"The Valley Turnpike Company of Virginia," Southern Planter (September 15, 1922), Davis Scrapbook, vol. 20, Davis Papers.

⁷⁰C. B. Garrett to Westmoreland Davis, March 9, 1918, Davis Papers.

⁷¹Acts of Assembly, 1918, 633.

treasury not to exceed \$45,000. Governor Davis seemed a little disturbed, declaring to one stockholder that he was lucky to receive his share, "However, the Legislature has passed the law, and I did not feel at liberty to differ from the conclusion at which they arrived."⁷² Replying to a Staunton opponent of the bill, Davis noted that all of the Valley representatives, the entire state legislature, and the majority of Valley people favored the bill. "Traffic follows un-tolled roads and values increase when good roads are heavily used by traffic," he declared.⁷³ To another opponent of the sale, the governor indicated that he "had serious doubts and grave misgivings about freeing the highway from tolls," but strong local demand and overwhelming sentiment persuaded him to sign the bill.⁷⁴

Governor Davis's stand on the Valley Turnpike Bill brought some resentment from Senator Harry F. Byrd, and a mild feud developed between the two. Byrd noted that despite opposition, naming the governor, the bill passed the General Assembly without one dissenting vote.⁷⁵ Byrd, in turn, was criticized by the influential Southern Planter,

⁷²Westmoreland Davis to J. W. Fisher, March 21, 1918, Davis Papers.

⁷³H. W. Bolling to Westmoreland Davis, March 5, 1918, Davis Papers.

⁷⁴Westmoreland Davis to J. R. Kemper, March 21, 1918, Davis Papers.

⁷⁵Winchester Evening-Star, August 11, 1918.

owned and edited by none other than Westmoreland Davis. The Planter contended that Byrd was only upset over the \$115,000 debt that Davis had insisted be included in the turnpike bill. Governor Davis was only looking out for the farmers and taxpayers by adding this provision, noted Byrd's attackers. With the intervention of Samuel B. Lupton, President of the Virginia Good Roads Association, the Byrd-Davis feud was not allowed to reach high proportions and gradually died out.⁷⁶ However, this was not to be the last of the disputes between Byrd and Davis over the Valley Turnpike. The issue appeared again in 1922 during the bond issue-"pay-as-you-go" controversy.⁷⁷

In August, 1918 stockholders of the Valley Turnpike Company met in Harrisonburg to vote on the transfer of the Valley Pike to the state. President Byrd reported that \$57,794.37 had been expended for maintenance and construction for 1918; salaries, taxes, and miscellaneous items brought the total expenditures to \$76,285.35. Receipts

⁷⁶S. L. Lupton to B. M. Shepherd, August 12, 1918, Davis Papers.

⁷⁷An acceptable deed had not been given to the highway commission in 1918. The matter was overlooked until Davis revived it in 1922 in an attempt to discredit Byrd. Byrd, who was never notified of the unacceptable deed, presented a proper deed to the highway commission, and the matter was dropped with little discredit to anyone. Winchester Evening-Star, October 10, 1922; Richmond News-Leader, October 12, 13, 1922; Richmond Times-Dispatch, October 19, 1922; Westmoreland Davis to Colonel Shepherd, March 9, 1922; W. W. Weschle to Westmoreland Davis, October 9, 1922; Westmoreland Davis to Harry F. Byrd, November 2, 1922, Davis Papers.

from tolls totaled \$89,229.20, and the balance on hand from the previous year was \$39,304.49, giving a total surplus in the treasury of \$52,249.34 as of June 30, 1918.⁷⁸ This amount was reported to the state corporation commission, but Byrd added that several bills had yet to be paid. He also reported to the stockholders that paid-up stock owned by the state represented 10,523.24 shares, while individuals held 6,348.83 shares, totaling 16,872.07 shares in all. Reported unpaid were 125.93 shares totaling \$3,198.13.⁷⁹ As provided by the transfer act, this amount had to be claimed by September 1, 1918, or it would revert to the state to be used on the Valley Pike. Serious attempts were made to locate the holders of the unclaimed stock through the newspaper media and other sources.

On August 10, 1918, the stockholders of the Valley Turnpike Company voted to transfer the highway in accordance with the act of the General Assembly. All members present favored the sale except the holders of ten shares.⁸⁰ The road was transferred to the state on September 1, 1918, and all tolls were abolished. On the day of the transfer, after all bills were paid, a surplus in the turnpike company treasury of \$42,412.85 remained to be divided among individual

⁷⁸Records of the Valley Turnpike Company, IV, 22; Winchester Evening-Star, October 10, 1922.

⁷⁹Records of the Valley Turnpike Company, IV, 29-31.

⁸⁰Records of the Valley Turnpike Company, IV, 33.

stockholders.⁸¹ On November 29, 1918, a brief meeting of the board of directors was held in Winchester, and the Valley Turnpike Company was officially dissolved.⁸² The great Valley Pike was now a state highway, and it was in much better condition than any road in Virginia.⁸³

As 1918 drew to a close, many good roads advocates looked forward with renewed hope to the coming year. The General Assembly had given them a state highway system, a major highway free from tolls, an act to raise revenue for state roads, and had removed all obstacles to insure federal aid. Not everyone shared this optimism, however. In part, the issue of the Valley Turnpike deflated the drive toward greater state aid, and Harry Flood Byrd's role in it was significant. The conflicts between Byrd and Highway Commissioner Coleman and Governor Davis left many people wondering if these men had the interests of the state at heart or were out for personal gain. Others noted that the aftermath of the "Great War" was sure to affect the good roads movement. Some feared that road funds were still inadequate to meet the state's growing demands. Since the legislature did not meet again until 1920, a special session of the General Assembly seemed imminent in the minds of many.

⁸¹Winchester Evening-Star, October 10, 1922.

⁸²Records of the Valley Turnpike Company, IV, 52.

⁸³Couper, Shenandoah Valley, II, 1292. There is much evidence in the Records of the Valley Turnpike Company, IV, that indicates the road was in very good condition.

CHAPTER III

TO PAY THE WAY: MORE FEDERAL AID, 1919-1922.

Although many historians affix the year 1917 as the end of the Progressive Era in the United States, progressivism continued to flourish in many states and cities during the post-war decade. These movements were part of "business progressivism" that existed in the 1920's; state and city governments were injected with efficient business methods which brought many reforms.¹ As for progressive issues, "The twenties were overwhelmingly dominated by highways."² Owing largely to chaotic conditions caused by the immediate aftermath of World War I and the great increase of automobiles, expenditures for roads soared in the 1920's.³

In the post-war period, the Virginia State Highway Commission was severely handicapped by a lack of construction materials, high construction costs, and a shortage of labor and qualified engineers. Road construction nearly came to a standstill during the latter part of 1918 and early 1919. However, the money not expended in these years

¹For a brief study of progressivism in the 1920's see Arthur S. Link, "What Happened to the Progressive Movement in the 1920's?," American Historical Review, LXIV (July, 1959), 833-851, and Tindall, "Business Progressivism," 92-106.

²Tindall, "Business Progressivism," 103-104.

³Expenditures increased 157% in the South and 123% in the rest of the nation in the 1920's. Tindall, "Business Progressivism," 103-104.

helped cause a great spurt in road construction in the next few years. The other major factor, increased motor vehicle registration, naturally brought forth a greater demand for good roads. In Virginia alone, motor vehicle registration increased from 75,000 in 1918 and 97,061 in 1919 to 145,340 in 1920. By 1923 the figure had risen to 226,157.⁴ Automobiles were giving employment to millions of people and were largely responsible for the rapid economic expansion and higher standard of living during the "Roaring Twenties."⁵

Owing to the great increase in automobiles in the early 1920's, the problems of financing and building modern highway systems were greatly magnified. Involved in the good roads movement since 1916, the federal government again took steps between 1919 and 1922 to alleviate the situation. The original appropriation of \$75,000,000 for a five year period was now found to be inadequate to meet the growing demand for good roads. Accordingly, a new federal aid bill was prepared by the Bureau of Public Roads with assistance from Senators Thomas Staples Martin and Claude A. Swanson, both of Virginia. The measure was introduced in the Senate by Swanson as an amendment to the Post Office Appropriation Bill of 1919. It provided for an additional appropriation totaling \$200,000,000 for road construction over the next

⁴Goode, "Distribution of Highway Funds in Virginia," 386.

⁵Arthur S. Link, American Epoch: A History of the United States Since the 1890's (New York, 1963), 296.

three years. The definition of "rural post roads" was clarified to mean any roads suitable for transportation of the United States Mail. In addition, the measure authorized the Secretary of War to transfer all war material and equipment that was no longer needed to the Secretary of Agriculture for use on roads.⁶

In February, 1919, the Post Office Appropriation Bill passed Congress with little opposition. Senator Swanson praised the measure declaring, "I have always considered this as the most paramount of our unsolved problems."⁷ However, Swanson warned that federal aid should be taken promptly and used wisely in order to secure further aid in the future. Heeding Senator Swanson's warning and contemplating Virginia's share of the new appropriation (\$5,458,000 to June 30, 1921),⁸ good roads advocates immediately began demanding a special session of the General Assembly in order to match funds for the coming year. Within a short time, pleas came from all sections of the state in support of a special session of the legislature.

⁶"Speech by Claude A. Swanson in the United States Senate," January 30, 1919, 3, Davis Papers; Bristol Herald-Courier, March 15, 1919, Davis Scrapbook, vol. 4, Davis Papers.

⁷"Speech by Claude A. Swanson in the United States Senate," January 30, 1919, 3, Davis Papers.

⁸"Speech by Claude A. Swanson in the United States Senate," January 30, 1919, 3, Davis Papers. Virginia actually got approximately \$4,000,000 for the three years, Richmond News-Leader, February 27, 1922.

In March, 1919, State Highway Commissioner Coleman announced a road budget for 1919 of \$3,105,929.06. This included federal, state, local, and private funds and more than doubled any previous state road budget in Virginia.⁹ From a statistical point of view, the road picture looked bright, but still more was needed. Coleman noted that \$1,600,000 of federal aid was available for immediate use if the state could match this sum. The 1919 apportionment had to be met by July 1, 1920, but Virginia had not received all of her apportionment for the previous year which was available until June 30, 1919. Not knowing Governor Davis's plans to meet these apportionments, Commissioner Coleman declared, "I think the question which is confronting us is whether we should delay our highway program for a matter of eighteen months, rather than go ahead with it immediately."¹⁰ Thus, the state highway commission adopted resolutions asking Governor Davis to call a special session of the legislature as soon as possible. With road bonds out of the picture for the time being, Coleman proposed raising the 3¢ tax on real estate and tangible personal property to 15¢.¹¹ He also proposed increasing automobile license fees by 50 per

⁹The Virginia Motorist (March, 1919), 11, Davis Papers.

¹⁰Henry D. Flood to George P. Coleman, March 20, 1919, and Coleman to Flood, March 21, 1919, Flood Papers.

¹¹The 3¢ tax had yielded \$375,000 in its first year. Richmond Times-Dispatch, March 30, 1919; Richmond News-Leader, March 30, 1919.

cent, using one-third for construction and two-thirds for maintenance. Closing his proposals to Governor Davis, Commissioner Coleman declared, "The future of Virginia rests with her highways."¹²

Thousands of cards, letters, and telegrams asking Governor Davis to call a special session of the General Assembly poured into the governor's office from all parts of the state. Robert L. Milford, a Norfolk businessman, pleaded that a special session was vital and necessary for the continuance of federal aid.¹³ Langdon Smith, a Richmond hotel owner, declared, "Good roads mean an increase in tourism...urge immediate action for the betterment of the entire state."¹⁴ John R. Scruggs, President of the Concord (Campbell County) Civic League, wired Davis, "Unable to hold Good Roads Meeting on account of mud. Strongly urge immediate extra session."¹⁵ Henry W. ("Good Roads") Roberts, highway chairman of the Bristol Chamber of Commerce and chief agitator in Southwest Virginia for a special session, tried an indirect approach by pleading for better roads and schools. He was aiming at a "soft spot" in Governor Davis,

¹²George P. Coleman to Westmoreland Davis, March 23, 1919, Davis Executive Papers.

¹³Robert L. Milford to Westmoreland Davis, March 19, 1919, Davis Papers.

¹⁴Langdon Smith to Westmoreland Davis, March 21, 1919, Davis Papers.

¹⁵John R. Scruggs to Westmoreland Davis, March 17, 1919, Davis Papers.

for it was widely known that the Governor favored the improvement of schools over other matters. "Good Schools," Davis said, "should come first anyway."¹⁶ Roberts hoped to convince Davis that good roads were just as important as good schools by noting the direct relationship between the two.¹⁷ The Bristol Herald-Courier supported Roberts declaring, "The time to act is now. Let Governor Davis give the word of command so that the builders of better roads may go full speed ahead."¹⁸

Well aware of public sentiment for a special session of the General Assembly, Governor Davis refused to concede to the mounting pressure. What kind of man was residing in the Governor's Mansion not to listen to the fervent pleas of Virginia's citizenry? Biographer Jack Temple Kirby calls Davis, "A creature of manifold influences of science and technology...primarily an efficiency expert, a systemizer and centralizer in government."¹⁹ He favored economy and efficiency above everything else and therefore opposed a

¹⁶Kirby, "Westmoreland Davis," 111.

¹⁷Roberts noted, "The great trouble with schools is that the state forces the country children to wear away their vitality wading mud roads to school in the winter, thus leaving them no 'pep' to pursue their studies in spring." Henry W. Roberts to Westmoreland Davis, March 1, 1919, Davis Papers.

¹⁸Bristol Herald-Courier, March 15, 1919, Davis Scrapbook, vol. 4, Davis Papers.

¹⁹Jack Temple Kirby, "The Democratic Organization and its Challenges, 1899-1922," Virginia Social Science Journal, I (April, 1966), 41.

special session of the legislature. Furthermore, he felt highway funds could be provided by the 1920 General Assembly to meet federal aid before the June 30 deadline. Thus, Davis announced, "I have concluded not to call the General Assembly in extra session, because I think the interests of the State of Virginia will be best conserved by such action."²⁰

Owing to the great enthusiasm already generated for a special session of the General Assembly, Governor Davis became very unpopular for his opposition. Many people felt the road issue would overburden the 1920 legislature. The prevalent feeling throughout the state was that roads should be dealt with promptly.²¹ Furthermore, there was great fear that Virginia would lose her federal aid by delaying. Determining this to be the most important factor underlying the demands for a special session, Davis declared that none of the state's federal aid would be lost by waiting until the General Assembly met in 1920. Disgusted at the impatience of many citizens, he proclaimed, "The curse of Virginia has been that millions of dollars have been thrown away upon illy conceived and constructed highways."²²

Few people shared Governor Davis's feelings, however, and he received little support for his opposition to a special

²⁰Westmoreland Davis to D. B. Ryland, May 31, 1919, Davis Papers.

²¹Kirby, "Westmoreland Davis," 109.

²²Westmoreland Davis to W. S. Benston, April 8, 1919, Davis Papers.

session.²³

Pressure on Governor Davis to call a special session of the legislature continued to mount. The Virginia Good Roads Association, leading the movement, circulated petitions among state legislators asking the governor for a special session. Some legislators feared that Davis would veto any action if a special session were called. However, Davis promised to work closely with the legislature to support good roads even if the members decided to convene themselves, which, he noted emphatically, they had the power to do.²⁴

Other unsuccessful petitions came from various county boards of supervisors, boards of trade, chambers of commerce, Rotary Clubs, automobile clubs, and other organizations.

Pressure for a special session of the General Assembly also came from outside the Old Dominion. The Lee Highway

²³One supporter was Lieutenant Governor Benjamin Franklin Buchanan from Marion. Like Davis, he was opposed to a special session owing to its added expense. He also feared a property tax increase. However, Buchanan let it be known that he would be a candidate for governor in 1921, and for political purposes indicated he would support a special session if it were "necessary" to meet federal aid. Richmond Times-Dispatch, March 20, 1919. Supporting Davis more vigorously was the influential James A. Kline, President of the Virginia Automobile Dealers' Association. He felt there was no need of a special session and was entirely satisfied with Governor Davis's actions. James A. Kline to Westmoreland Davis, March 29, 1919, Davis Papers; Richmond News-Leader, April 2, 1919.

²⁴Westmoreland Davis to William Allen Garrett, April 15, 1919, William Allen Garrett Papers, Alderman Library, University of Virginia, Charlottesville, hereinafter cited as Garrett Papers. The General Assembly could convene itself by state law if two-thirds of the members voted to do so.

Association, promoting a first-class road from Gettysburg, Pennsylvania to Chattanooga, Tennessee, strongly urged a special session of the General Assembly since part of their road would pass through Virginia.²⁵ The Automobile Blue Book Publishing Company of New York also increased interest among Virginia citizens for a special session of the legislature. The Blue Book, carried by most tourists, warned travelers to stay clear of such roads as the Washington-Richmond Highway, "a dangerous road to be traveled only in good weather."²⁶ Other reports substantiated the Blue Book, calling the drive from Washington to Richmond an "adventure," neither safe nor pleasant.²⁷ Advocates of a special session of the legislature pointed to these reports and demanded immediate action.

Governor Davis expressed interest in the Lee Highway Association and promised full support for the project. However, his mood turned sour when he answered the charges

²⁵Richmond Times-Dispatch, March 29, 1919.

²⁶Richmond News-Leader, March 31, 1919.

²⁷Chris Brennan, "Virginia's Changing Roads," Virginia Record, LXXXVII (June, 1965), 9. One party on their way home in the North decided to ship their car by boat proclaiming that freight charges would be much cheaper than damage to their car on the "so-called" Washington-Richmond Highway. Many North Carolinians went out of their way to avoid traveling on Virginia roads when making trips to the North. Other travelers from the Old North State often drove to Raleigh or Rocky Mount and took trains north rather than risking damage to their vehicles on Virginia's "roads." The Virginia Motorist (March, 1919), 9, Davis Papers.

of the Automobile Blue Book. He noted that heavy military traffic had severely damaged the "good road" between Washington and Richmond during World War I. Davis declared, "I promised to give the state good roads, but during the war many federal projects had to be abandoned."²⁸ However, he noted, the state highway commission planned to construct and repair the Washington-Richmond Highway, with most of the work projected to be completed by June, 1919.²⁹

More confusion was added to the road controversy by Secretary of Agriculture David F. Houston. He noted that the state's 1919 federal aid apportionment had to be expended before June 30, 1920. If any state failed to match the full amount, the remainder would be reapportioned among the other states, Houston added. In his opinion, it appeared that Virginia could not match federal funds for 1919 or 1920, thus losing her federal aid unless funds could be made available at a special or regular session of the General Assembly.³⁰ The state's share of the new federal aid apportionment for 1919 was \$992,052,³¹ and many Virginians

²⁸Westmoreland Davis to John Stuart Cabell, August 8, 1919, Davis Papers.

²⁹The War Department still controlled several links of this road, but the state would soon take control with the exception of the road between Alexandria and Washington. This was to remain under the jurisdiction of the Federal Bureau of Public Roads. New York Times, April 6, 1919.

³⁰Charlottesville Daily-Progress, June 4, 1919, Davis Scrapbook, vol. 5, Davis Papers.

³¹Richmond Times-Dispatch, June 6, 1919.

feared that if the state did not expend a like amount by June 30, 1919, the remainder would be forfeited. Likewise, if the 1920 apportionment were not expended by June 30 of that year, any funds not expended would be lost.

Governor Davis tried in vain to clear up the morass of confusion surrounding the state's federal aid. He noted that section three of the Federal Highways Act stated, "So much of the appropriation apportioned to any state for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that state until the close of the succeeding fiscal year."³² If federal aid were not expended by then, it would be reapportioned to the other states. Therefore, Virginia had to appropriate and expend the 1919 allotment of \$992,052 during the 1919 fiscal year or before June 30, 1920. Furthermore, the word "expend" meant to "lay out" or simply to appropriate funds. When Highway Commissioner Coleman received this information from the legal solicitor of the Department of Agriculture, he emphasized what Governor Davis had been proclaiming for months; Virginia would not lose any federal aid by waiting for the 1920 General Assembly to appropriate matching funds.³³ Unfortunately, Coleman's information was too late. The members of the General Assembly had already decided to

³²Westmoreland Davis to Thomas R. Hodges, June 24, 1919, Davis Papers; Richmond News-Leader, June 25, 1919.

³³George P. Coleman to Westmoreland Davis, June 27, 1919, Davis Papers. Richmond News-Leader, June 28, 1919.

convene themselves in a special session to be held in August, 1919.

When the announcement of the special session of the legislature came, many people throughout the state felt relieved. To those who still believed that Virginia was going to lose her federal aid, the special session seemed particularly gratifying. Also pleased were the more enlightened good roads advocates who believed that the regular session convening in January, 1920 would lack sufficient time to deal with road legislation. To Highway Commissioner Coleman, who now was not worried about any loss of federal aid, the special session meant stepping up the state road program, and he too was highly pleased. Finally, to Governor Davis, the special session still meant added expense to the state when the same results could have been accomplished in 1920. However, as he promised, he would give his fullest cooperation when the legislature met.

To demonstrate the great enthusiasm for good roads in 1919, the Richmond Times-Dispatch planned to sponsor a "Good Roads Booster Run" on August 17, just a few days after the General Assembly convened. The Virginia Automobile Dealers Association, staging the event for the Times-Dispatch, planned to enlist over two-hundred motorists from all parts of the state to drive to Richmond and converge on Capitol Square for a grand demonstration.³⁴ The condition of the

³⁴Richmond Times-Dispatch, August 6, 7, 1919.

automobiles and the firsthand information of the motorists would furnish concrete evidence to the General Assembly on the need for better roads. Governor Davis, appreciative of public sentiment for roads, often spoke at such "good roads rallies."³⁵ However, he held little regard for many of the so-called "good roads boosters." "The average good roads booster," Davis declared, "imagines they are to be had by the yard at the department store at his bidding without having anything to do with the awkward fact that they have to be paid for."³⁶ Despite Davis's skepticism, the "Good Roads Booster Run" was held as scheduled. It is difficult to determine, however, if many legislators were "impressed."

In the early stages of the special session of the General Assembly, the body seemed to be without leadership. The House of Delegates passed a resolution limiting the special session to highway legislation, while Harry F. Byrd and others were unsuccessful in the same attempt in the Senate.³⁷ Governor Davis took charge of the assembly as he outlined his road program to meet federal aid and provide funds for the state's future use. He reminded the legislators that funds to meet federal aid did not have to be

³⁵Unmarked newspaper article entitled, "Good Roads Rally," April 15, 1919, Davis Papers.

³⁶Westmoreland Davis to W. G. Carter, April 26, 1919, Davis Papers.

³⁷Senate Journal, 1919, 21; Hawkes, "Harry Flood Byrd," 26.

appropriated and expended until June 30, 1920 and that "expended" meant contracted or agreed to expend. Furthermore, Davis noted, 1919 was not the right time to begin a vast program of road work owing to high construction costs. He also declared, "Rumored road building in the fall of the year would only aggravate the farm labor shortage."³⁸

After noting his opposition to the special session, Davis made several firm proposals. He recommended an increase in the state road tax from 3¢ to 10¢ on the \$100 of assessed value of real estate and tangible personal property. He proposed increasing the automobile license tax by 50 per cent, one-third going for construction of roads and two-thirds for maintenance.³⁹ While most of these funds would be used to meet federal aid, Governor Davis pleaded that county roads not be neglected. He preferred that county road construction be on an equal basis with state highways.⁴⁰ Pertaining to the road bond question, Davis favored a long-term bond issue as soon as possible. Although the constitution prohibited the special session from acting on the road bond amendment, Governor Davis recommended amending the constitution to permit the sale

³⁸Kirby, "Westmoreland Davis," 111.

³⁹This proposal was the very same as recommended by Highway Commissioner Coleman several months earlier. It was one of the few road proposals the two men agreed on in 1919.

⁴⁰"Address of Governor Westmoreland Davis," Senate Document no. 1, Senate Journal, 1919, 3-6, hereinafter cited as "Address of Governor Westmoreland Davis, 1919."

of bonds and a referendum on the subject as required by law.⁴¹ However, the road bond amendment would have to wait until the 1920 regular session of the General Assembly.

Governor Davis expressed opposition to a rumored independent state highway department, predicting this would lead to the wasting of state funds and "the prostitution of the good roads movement for selfish and partisan political purposes."⁴² Opposed to further decentralization of state government, he proposed the creation of a state highway department under the direct supervision of the state highway commissioner. The commissioner, appointed by the governor with Senate approval, would appoint lesser officials and employees of the highway department.⁴³ Davis also recommended the creation of a state highway board to act as an advisory body to the state highway commissioner. The board would consist of five members: professors of civil engineering at the University of Virginia, Virginia Military Institute, and Virginia Polytechnic Institute, and two members appointed at large by the governor with Senate approval.⁴⁴ These proposals would give more control over road

⁴¹Westmoreland Davis to R. T. Landes, August 10, 1919, Davis Papers; Richmond Times-Dispatch, August 14, 1919; Kirby, "Westmoreland Davis," 112.

⁴²"Address of Governor Westmoreland Davis, 1919," 7.

⁴³"Address of Governor Westmoreland Davis, 1919," 6-7; Richmond News-Leader, September 8, 1919; Kirby, "Westmoreland Davis," 112.

⁴⁴"Address of Governor Westmoreland Davis, 1919," 7.

matters to the governor rather than the General Assembly while extending the authority of the state highway commission.⁴⁵

Governor Davis's proposals were in many respects quite contrary to those of the Virginia Good Roads Association. Samuel L. Lupton and Henry W. Roberts, president and secretary respectively of the road organization, had been more active than anyone in getting the special session of the legislature called despite Davis's opposition. Now the association, especially Lupton, and Davis were at odds again. "The stormy highway issue which divided Davis and Lupton was the talk of the state," reported the Richmond News-Leader.⁴⁶ Specifically, Lupton and Davis differed sharply on the new highway commission and the rate of taxation on real estate and tangible personal property. The Virginia Good Roads Association proposed increasing the tax to 15¢ on the \$100 of assessed value and favored a seven-member state highway commission. Five of the seven members were to be elected by the General Assembly from the five major geographical divisions of the state, while the governor and state highway commissioner would serve as ex-officio members.

⁴⁵Kirby, "Westmoreland Davis," 112; Goode, "Distribution of Highway Funds in Virginia," 49.

⁴⁶Richmond News-Leader, September 8, 1919; Jack Temple Kirby, "Governor Westmoreland Davis and the Molding of Twentieth Century Virginia" (unpublished masters thesis, University of Virginia, 1964), 104, hereinafter cited as Kirby, "Governor Westmoreland Davis."

The commission was to have original jurisdiction as opposed to appellate jurisdiction of Davis's proposed commission.⁴⁷

The proposals of the Virginia Good Roads Association seemed to please the influential Harry Flood Byrd who appeared interested in limiting the powers of both Highway Commissioner Coleman and Governor Davis in regard to road matters.⁴⁸ Byrd was one of the chief supporters of a bill written by Senator C. O'Connor Goolrick and sponsored by the Virginia Good Roads Association. Governor Davis's proposals were embodied in a bill introduced by Senator Robert F. Leedy of Luray and Delegate Robert O. Norris, Jr., of Lancaster County. Besides differing on the highway commission and rate of tax increase, the only discernible deviation in the Norris-Leedy and Goolrick Bills involved aid for county roads. The former proposed equal aid for county roads, while the latter made no provision for roads outside the state highway system.

The Norris-Leedy Bill received strong support in the General Assembly and from rural interests in the state.⁴⁹ Senator Byrd switched his support to this bill because he strongly favored equal aid for county roads. He co-sponsored another bill giving half of the automobile license

⁴⁷Richmond News-Leader, September 8, 1919.

⁴⁸Hawkes, "Harry Flood Byrd," 26.

⁴⁹The influential Virginia State Farmers Institute supported the bill. "Resolution from the Virginia State Farmers Institute," August 13, 1919, Davis Papers.

fund to county roads annually.⁵⁰ In the end, a "compromise bill" was passed by the General Assembly, but supporters of the Norris-Leedy Bill virtually won out. A new state highway commission was created consisting of five members appointed by the governor with Senate confirmation. The members of the new body, known as the Virginia State Highway Department, were to be chosen to give equal representation to the five major geographical divisions of the state. The state highway commissioner was to have power to apportion road projects in the state highway system with the highway department's approval, but public hearings were required to be held in order for political subdivisions and interested citizens to be heard. The real estate and tangible personal property tax was raised from 3¢ to 10¢, automobile licenses were increased by 50 per cent, and the state money aid for county roads was augmented by \$400,000 for each of the next two years.⁵¹

The results of the 1919 special session of the General Assembly seemed undoubtedly "a victory for Davis, but a defeat for Coleman"⁵² and his supporter, the Virginia Good

⁵⁰Robert Hawkes notes that Byrd "Perhaps...correctly saw that Davis would retain control of the commission." Hawkes, "Harry Flood Byrd," 27. Byrd and Highway Commissioner Coleman crossed paths again as the latter favored limiting increased revenues to meet federal aid for the state highway system. Richmond Times-Dispatch, August 20, 21, 1919; Hawkes, "Harry Flood Byrd," 27.

⁵¹Acts of Assembly, 1919, 38-40, 53-59.

⁵²Hawkes, "Harry Flood Byrd," 27.

Roads Association. The legislation passed very closely conformed to the recommendations made by Governor Davis and greatly diverged from the proposals of Commissioner Coleman and the Virginia Good Roads Association.⁵³ Shortly after the special session, Coleman bitterly declared that the new highway funds were still inadequate. However, the results of the special session were more gratifying than he gave credit. The sole purpose of calling the special session was to insure Virginia's federal aid, and this had been accomplished.⁵⁴ Undoubtedly, increased revenues would be needed in the future if federal aid continued to increase. Virginia's delegation to Congress was already at work pursuing this goal.

⁵³The relationship between Governor Davis and Highway Commissioner Coleman at this time is somewhat a matter of conjecture. Leo Stanley Willis contends that Davis and Coleman were politically allied. Leo Stanley Willis, "The Gubernatorial Administration of E. Lee Trinkle" (unpublished masters thesis, University of Virginia, 1966), 21, hereinafter cited as Willis, "Administration of E. Lee Trinkle." Robert Hawkes feels that the two men were certainly not allied at this point. Hawkes, "Harry Flood Byrd," 26-27. It hardly seems possible that Davis and Coleman were politically allied owing to the results of the special session of the legislature. Davis announced his intention of reappointing Coleman in 1920 to another six-year term as state highway commissioner, but Coleman had done a very creditable job and was well known throughout the nation as a top highway engineer.

⁵⁴Although the General Assembly had increased the property road tax to provide funds to meet federal aid, some embarrassment was caused early the next year when it was discovered that a fund-matching bill had passed the Senate (with no opposition) but had died or was "forgotten" by the House Committee on Appropriations. Senate Journal, 1919, 77, 110; House Journal, 1919, 123; Norfolk Virginian-Pilot, January 7, 1920.

Congressman Henry D. Flood declared, "There is hardly any subject in which I am more deeply interested than the question of good roads, and I will lend my support and efforts to any reasonable project looking to the improvement of our highways."⁵⁵ Federal aid continued to be high on Flood's list of goals. Senator Claude Swanson also continued his efforts for federal aid with the introduction of a bill in January, 1920 providing for reconstruction of certain roads around Richmond. These roads had been heavily damaged by extensive use by Army vehicles and equipment during the war. Swanson estimated that \$40,000 would be adequate for their repair, but the bill failed to pass.⁵⁶

Governor Davis was also highly interested in securing additional federal aid for the state's roads. Addressing the 1920 General Assembly, he pronounced the federal aid system to be fundamentally wrong declaring, "There is no money tree in Washington."⁵⁷ The money for federal aid came from taxation, and Davis was opposed to additional federal taxes. As a result, he proposed that main highways be constructed through states as post roads entirely at federal expense. States would then be free to build

⁵⁵Henry D. Flood to F. F. Hepler, January 13, 1920, Flood Papers.

⁵⁶Richmond News-Leader, January 9, 1920.

⁵⁷"Address of Governor Westmoreland Davis," Senate Document no. 1, Senate Journal, 1920, 10, hereinafter cited as "Address of Governor Westmoreland Davis, 1920."

subsidiary roads connecting to the federal post roads.⁵⁸ State Highway Commissioner Coleman was likewise favorable to a national highway system. Largely owing to Davis and Coleman, the 1920 General Assembly adopted a joint resolution asking Congress to establish a national highway system constructed and maintained solely by federal funds.⁵⁹

Several bills proposing a national highway system were already pending in Congress in 1920, the most prominent of these being the National Highway Act sponsored by Senator Charles Townsend of Michigan.⁶⁰ Henry D. Flood strongly supported the measure, but noted that if Congress did create such a system, there was little hope of continuing the existing federal aid program.⁶¹ Nonetheless, the proposed national highway system had great support in Virginia; both the state Democratic and Republican platforms in their respective national conventions in 1920 incorporated this plan.⁶² However, national sentiment was not as great for the proposed system as both the Democratic and Republican

⁵⁸"Address of Governor Westmoreland Davis, 1920," 10.

⁵⁹Senate Journal, 1920, 534; House Journal, 1920, 598; Richmond News-Leader, March 10, 1920.

⁶⁰Richmond News-Leader, March 10, 1920.

⁶¹Henry D. Flood to R. H. Moore, March 1, 1920, Flood Papers.

⁶²"Platform of the Democratic Party in Virginia, 1920," and "Platform of the Republican Party in Virginia, 1920," Carter Glass Papers, Alderman Library, University of Virginia, Charlottesville, hereinafter cited as Glass Papers.

national conventions favored continuing the existing federal aid system.⁶³ Likewise, Congress rejected the proposed national highway system in 1920.

With the failure of the national highway system, Senators Townsend and Swanson and other good roads advocates in Congress redoubled their efforts to secure federal aid under the old program. In December, 1920, a bill was introduced in Congress calling for an additional annual appropriation of \$100,000,000. Virginia's share was estimated to be \$2,500,000 per year. R. Walton Moore of Virginia's eighth congressional district, a new member of the House Committee on Roads, assured the bill would be reported favorably.⁶⁴ In the Senate, Claude Swanson promised to get the bill passed before Congress adjourned in March, 1921. Swanson tried to attach the proposal as a rider to the 1921 Post Office Appropriation Bill, but the Senate rejected his attempt.⁶⁵ However, Swanson pledged to renew the fight in a special session of Congress to be held in April, 1921.

Directed by the United States Good Roads Association, strong support developed for the \$100,000,000 appropriation bill. The association sponsored a "National Good Roads

⁶³Richmond Times-Dispatch, July 3, 1920; New York Times, June 11, 1920.

⁶⁴Richmond Times-Dispatch, July 3, 1920.

⁶⁵Claude A. Swanson to Charles H. Wheeler, February 17, 1921, Claude Augustus Swanson Papers, Alderman Library, University of Virginia, Charlottesville, hereinafter cited as Swanson Papers.

Show" in Greensboro, North Carolina in April, 1921. The show was very successful, being the most complete exhibit of road material, machinery, and demonstration road building ever held. Over five-thousand delegates from the forty-eight states were in attendance. A committee was selected to go before Congress to urge the passage of the new federal aid appropriation bill.⁶⁶

Senator Charles Townsend spoke before the good roads show in Greensboro and outlined a new measure which he planned to introduce in Congress. The Townsend Bill provided for a federal highway committee consisting of three members appointed by the President with Senate confirmation and called for an annual appropriation of \$100,000,000 to be matched by the states for use on interstate roads.⁶⁷ State highway departments were to designate the most important interstate and intercounty roads, and state highway systems were not to exceed more than 7 per cent of the total road mileage of each state. The federal highway commission would have final authority in the selection of all interstate routes, and all federal aid had to be spent for the construction and maintenance of these roads. States were to have full responsibility for maintenance, but if any state neglected its roads, the federal highway commission

⁶⁶Norfolk Virginian-Pilot, March 21, 1921; Raleigh News and Observer, April 18, 19, 20, 21, 22, 23, 1921.

⁶⁷Norfolk Virginian-Pilot, June 14, 1921.

would supervise maintenance and pay the expense from that state's federal allotment. Finally, the roads selected by the states and approved by the federal highway commission were to be known as United States Highways.⁶⁸

In Congress the Townsend Bill was widely hailed. What opposition there was to the bill centered around the ever-recurring issue of state's rights. Thomas Watson of Georgia, Kenneth McKellar of Tennessee, and Thomas Heflin of Alabama, all members of the Senate Post Office and Post Roads Committee, opposed the federal highway commission having final authority in the selection of interstate routes. To them, this was a usurpation of state's rights.⁶⁹ Senator Heflin complained that the states were required to put up half the money for construction of roads and all of the funds for maintenance, but they had "little" or "no" voice on where the roads were to be located.⁷⁰ The senators won a partial victory when the wording of the bill was changed to empower the federal highway commission to act in "cooperation" with the states in the selection of routes.

The Townsend Bill passed Congress in 1921 with only minor changes from its original form. The Federal Highways

⁶⁸Paxson, "Highway Movement," 245; Hart, American Roads, 196-197; Dearing, American Highway Policy, 82; Charles L. Dearing and Wilfred Owen, National Transportation Policy (Washington, 1949), 106.

⁶⁹Norfolk Virginian-Pilot, June 14, 1921.

⁷⁰Norfolk Virginian-Pilot, June 1, 1921.

Act of 1921, as the bill became known, provided an annual appropriation of \$75,000,000 for interstate roads and \$15,000,000 for national forest roads, both for a period of two years.⁷¹ The controversy over whether the federal government should promote a limited interstate system or include secondary roads was finally settled. The 1916 Federal Aid Act left the selection of routes to the discretion of the Secretary of Agriculture, and the 1919 appropriation failed to halt the wide dispersion of federal aid preventing main arteries from being connected within reasonable time. The 1921 Federal Highways Act, however, limited the mileage on which federal aid could be used with preference to connected systems of interstate highways.

President Warren G. Harding praised the new Federal Highways Act, calling it the "best national road act the country has ever had, as it recognizes, more clearly than ever before, the importance of a connected road system from state to state."⁷² He also called for the continuance of federal aid in the future declaring, "No single public improvement will do more in the coming years for the general good of the country than the development of our highway system."⁷³ Accordingly, in 1922 Congress appropriated a sum

⁷¹New York Times, January 22, 1922.

⁷²New York Times, January 22, 1922.

⁷³New York Times, January 22, 1922.

of \$190,000,000 on the dollar-matching principle to aid the states in road construction. For the fiscal year 1922, \$50,000,000 was apportioned to the states; \$65,000,000 for 1923, and \$75,000,000 for 1924. Also, \$6,500,000 was made available for forest roads in 1923 and 1924.⁷⁴ This federal aid came at a time when it was badly needed since many states were beginning to run out of road building funds.

Many people had predicted the end of federal aid for roads, but between 1919 and 1922, the federal government had proven its interest in the nation's highways. Virginians continued to play a significant role in the national movement to secure federal aid for roads during these years. On the state level, good roads advocates demanded and got a special session of the General Assembly in 1919 to insure the state's federal aid. In the years to follow, the desire to meet federal aid appropriations and to expand Virginia's road building program became the key issues.

⁷⁴New York Times, July 2, 1922.

CHAPTER IV

TO PAVE THE WAY: THE CONSTITUTION AMENDED, 1918-1922.

In the 1920's the major point of disagreement in the good roads movement in Virginia was that of financing the state's highways, specifically the "pay-as-you-go" method versus state road bond issues.¹ The "pay-as-you-go" method, an old fiscal policy in Virginia, required that state revenue be available before road construction could begin, the revenue coming from state road taxes and federal aid. Bond issues, commonly known as deficit financing or "build now and pay later," were not new to Virginia in the 1920's. Many wealthy counties in the state had used this method to build roads before the advent of federal aid. During the first few decades of the twentieth century, the good roads movement was practically limited to those counties that authorized bond issues.

The bond issue-"pay-as-you-go" controversy drifted slowly into the limelight of Virginia politics after the passage of the Federal Highways Act of 1916, reached fever pitch in the early 1920's, and was "settled" by a popular referendum in 1923. However, the controversy was far from dead, thereafter playing a significant role in almost every

¹The controversy was not limited to Virginia. Bond issues won out in most states, but some of these went into debt. Tindall, Emergence of the New South, 257.

state and local election in Virginia until it finally died out in the late 1920's. By this time the "pay-as-you-go" method was firmly entrenched as the state's fiscal policy.

The good roads issue was deeply embedded in Virginia politics in the 1920's even though many people continually cried that an economic issue should not become a political one. Thus, many politicians fell owing to their stand on the road issue, while others, particularly Harry Flood Byrd, Sr., used roads as their path to prominence. As previously noted, Byrd had not always been opposed to bond issues for road construction. He supported and voted for county bond issues and in 1918 favored amendment of the state constitution to permit a state road bond issue. In 1918 there was little political opposition to bonds from any source. The complication arose with the constitution; to be amended, a vote of two successive regular sessions of the General Assembly and another by the people themselves was required.²

²The Virginia Good Roads Association compared the state constitution to that of the Medes and Persians. "It changes not, until the people twice by their agents, the Legislature, and once by their majestic selves have voted therefore." Pamphlet entitled, "Good Roads Association," January 15, 1919, 7, Davis Papers. This safeguard against bond issues was placed on Virginia by the Underwood Constitution of 1869 and the Constitution of 1902. The great opposition to deficit financing by the authors of these constitutions resulted from the old state debt for internal improvements, mainly the James River and Kanawha Canal project beginning in 1823. Readjuster days in Virginia between 1870 and 1890 also added great opposition to incurring debts. "This debt experience provided the background for the Commonwealth's longtime support of the 'pay-as-you-go' policy, known during the middle years of the present century as Virginia's 'sacred cow.'" Moger, Bourbonism to Byrd, 42.

By 1918 most Virginia legislators could not remember Readjuster days³ and felt confident, in the midst of wartime prosperity, to issue bonds for internal improvements. In accordance with popular sentiment and their own personal convictions, the 1918 General Assembly took the first step to amend the constitution to permit a state road bond issue. A measure proposing the amendment was introduced in the House by Berkley D. Adams of Charlotte County, J. Sinclair Brown of Roanoke, Kenneth N. Gilpin of Boyce, and Norvell L. Henley of Williamsburg. The amendment was approved by the House by a vote of 80 to 5 and the Senate by 26 to 1.⁴

³Occurring between 1870 and 1890, this period witnessed a lively effort by a faction of the state Democratic (Conservative) Party to "readjust" or reduce the old state debt in accordance with the state's ability to pay. Led by former Confederate Major General William Mahone, the Readjusters gained control of the legislature in 1879 and dominated state politics until 1883. In 1880 Mahone was elected to the United States Senate where he voted with the Republicans. In 1881 the Readjuster candidate, William E. Cameron, with support of state Republicans was elected Governor. Under Cameron the legislature enacted the Riddleberger Bill which had passed in 1879 but had been vetoed by Conservative Governor Frederick W. M. Holliday. The bill assigned a third of the state's debt to West Virginia (the same was done in the original Funding Act of 1871) and clearly repudiated a third of the remainder. Two years later the settlement was upheld by the United States Supreme Court. In 1883 the Conservatives reorganized and laid the groundwork for the state Democratic Party which soon dominated Virginia. Allen W. Moger, "Origin of the Democratic Machine in Virginia," Journal of Southern History, VIII (May, 1942), 183-209; Moger, Bourbonism to Byrd, 21-76.

⁴House Journal, 1918, 84, 146; Senate Journal, 1918, 204. Harry F. Byrd was absent when the vote was taken owing to his position of Fuel Administrator for Virginia during World War I, but he favored the amendment. Many people attacked Byrd years later for his absence on this important issue.

As required by the state constitution, the amendment was referred to the legislature to be chosen in the next general election. The next step resided with the 1920 General Assembly.

Before the legislature convened in 1920, support for the road bond amendment came from three powerful and influential voices: Governor Westmoreland Davis, State Highway Commissioner George P. Coleman, and the Virginia Good Roads Association. Speaking before the annual convention of the good roads association, Governor Davis noted that many other states were using road bonds successfully and declared that it was time "Virginia was rid of its swaddling clothes...."⁵ Although the 1919 special session could not act constitutionally on the road bond amendment, Davis impressed upon the legislators the need of bonds for long-term financing of roads. Although the special session provided new funds for road construction, Highway Commissioner Coleman and the Virginia Good Roads Association heartily endorsed the constitutional amendment lifting the prohibition on state road bonds and asked for a bond issue of \$40,000,000.⁶

Opposition to bonds began to develop in 1919 among many rural people of the state largely owing to the extraordinary sums being proposed by bond advocates. It was the general

⁵Westmoreland Davis, "Speech Before the Virginia General Assembly," January, 1919, Davis Papers.

⁶Norfolk Virginian-Pilot, December 14, 1919.

feeling among the rural class that if a bond issue were passed, real estate and personal property taxes would increase greatly in order to pay the interest and retire the bonds. Supporting this theory was the newly-formed Rural Road Improvement League headed by J. Sheppard Potts, a prosperous farmer and sometimes political candidate from the Valley. The league's membership was open to "any citizen who will agree that he will either fill up or have filled up, at least one mud-hole in the Commonwealth each year."⁷ However, the league never attained a high number of active or influential members. Although the Rural Road Improvement League was the first organization to oppose state road bonds, it never played a significant role in the Virginia road controversy.

Despite the rising argument over bonds, roads were not a major subject of the 1920 General Assembly owing to added funds provided by the special session of the previous year. However, further action was taken on the proposed constitutional amendment to permit a state road bond issue. Addressing the legislature, Governor Davis praised the work of the 1919 special session, but emphasized that completion of the state highway system would require a vast amount of money.⁸ Therefore, he lent his support to the proposed road

⁷Southern Progress (August, 1919), 5, Davis Papers.

⁸"Address of Governor Westmoreland Davis," Senate Journal, 1920, 10.

bond amendment. The measure also received strong support from Highway Commissioner Coleman and the Virginia Good Roads Association. No major legislative opposition had yet developed, and the amendment passed both houses of the General Assembly.⁹

In the House of Delegates, where the vote was 54 to 30, opposition came from nineteen Democrats and eleven Republicans overwhelmingly from three sections of the state: the Valley, Southside, and Southwest Virginia.¹⁰ When the resolution proposing the amendment reached the Senate, freshman Louis S. Epes, a young lawyer from Blackstone, tried to limit any bond issue to twenty-five years. He was supported in this move by Harry F. Byrd, a member of both the finance and roads committees. The attempt by Epes and Byrd failed, and when the vote was finally taken on the amendment, 26 senators voted in favor while only 9 were opposed.¹¹ As in the House, those opposed were primarily from the Valley, Southside, and Southwest sections of the state. Among those

⁹Robert Thomas Hawkes notes in "Harry Flood Byrd," 29, that opposition to the bond issue in 1920 was "minimal." However, the vote on the amendment in the House of Delegates was 54 to 30.

¹⁰House Journal, 1920, 332-333. Of the 30 delegates who voted in opposition, 19 were serving their first term in the legislature, while of the 54 favoring the amendment, 30 were freshmen delegates. House Journal, 1918, 1919.

¹¹Senate Journal, 1920, 711-712. Of the 9 senators opposed, 7 were serving their first term, while 12 of the 26 in favor of the amendment were new. Senate Journal, 1918, 1920.

in opposition was Senator Byrd who had shifted from his position of only two years before. One opinion is that Byrd, opposed to additional state debts, felt that improving the state highway system would be of little benefit to the common farmer still faced with sadly neglected secondary roads. Also, construction costs, including both labor and materials, were too high to begin an intensive road building program at this time.¹² Other possibilities include the view that Byrd's opposition was to Governor Davis and Highway Commissioner Coleman, thus putting "politics above principles."

Other action taken by the 1920 General Assembly in regard to roads included passage of the Robertson Act. Senator A. Willis Robertson, a young lawyer from Lexington, urged the state to enter into contracts with local units (counties, districts, private corporations, or individuals). These units could lend the state money to be used for construction of the state highway system within their particular locality. The bill passed by a vote of 75 to 4 in the House of Delegates and was unopposed in the Senate.¹³ Highway Commissioner Coleman had advocated such an act in 1919, and the Richmond Times-Dispatch called the measure one of the most important road bills in the state's history.¹⁴

¹²Hawkes, "Harry Flood Byrd," 31-32.

¹³House Journal, 1920, 740; Senate Journal, 1920, 721.

¹⁴Richmond Times-Dispatch, February 26, 1920.

Supported by the 1918 and 1920 sessions of the General Assembly and in accordance with the state constitution, a road bond referendum was now to be held. It was scheduled for November, 1920, leaving almost eight full months for the voters of the Old Dominion to weigh the issue carefully. To aid the voters in their decision, the ever-present Virginia Good Roads Association waged an active campaign on behalf of the road bond amendment. The message of the good roads association was simple and direct. Every year money was lost to the state because of bad roads. Roads would remain in this condition as long as Virginians were "ultra-conservative" about floating a road bond issue. By passing the road bond amendment, the General Assembly would be free to issue bonds for road improvement. Again, as in the 1920 legislature, forces opposing the state road bond issue were unorganized and launched no campaign to counter that of the influential Virginia Good Roads Association.

The result of the November referendum was an overwhelming victory for road bond advocates as the constitutional amendment was passed by a vote of 111,306 to 48,949.¹⁵ Eighty-one of the state's one-hundred counties and nineteen of its twenty-two cities gave majorities in favor of the amendment. The city vote (46,883 to 6,379) was expected, but the vote of the counties (64,423 to 42,750) was very

¹⁵Richmond Times-Dispatch, November 25, 1920.

surprising. Besides the cities, the strongest support for the road bond amendment came from counties in Tidewater, the Southwest, and Northern Virginia. Opposition came primarily from the Shenandoah Valley as six of the area's seven counties and its three cities soundly defeated the amendment. The total vote here was an overwhelming 13,664 to 4,532. Other opposition came from four counties in the Southwest, three each in the central Piedmont and Southside, the mountain county of Highland, and surprisingly two Tidewater counties.¹⁶ Curiously, the referendum did not closely reflect the vote of the previous General Assembly. Of the thirty delegates who voted in opposition to the road bond amendment in 1920, only the constituencies of nine voted in a similar manner. Five of the nine opposing senators and their constituencies were in accord.¹⁷

As a result of the November referendum, the General Assembly now had the power to issue and sell bonds for road construction. However, the next regular session of the legislature did not convene until 1922, over a year away. Even before the results of the referendum were known, there were rumors of a special session of the legislature. Many

¹⁶ Secretary of the Commonwealth, Abstract of Votes, Amendments to the Constitution, CLXI (November, 1920), hereinafter cited as Secretary of the Commonwealth, Abstract of Votes, 1920. For a complete tabulation on the referendum see Appendix B.

¹⁷ House Journal, 1920, 332-333; Senate Journal, 1920, 711-712; Secretary of the Commonwealth, Abstract of Votes, 1920.

good roads advocates were anxious to match federal funds for 1922 and prevent the suspension of road work owing to a lack of adequate funds. It was even rumored that the leading authority on Virginia's roads, the state highway department, favored a special session of the legislature.¹⁸

Whether the General Assembly met in special or regular session, the battle of the Virginia Good Roads Association was only half won. Although the legislature now possessed the power to issue road bonds, would this power be exercised? The good roads association felt confident that bonds would become a reality now that the constitutional limitation had been removed. However, to make certain that the General Assembly followed through, an intensive campaign to "inform" the public of the necessity of a road bond issue was planned. Beginning in early 1921, the Virginia Good Roads Association launched a statewide membership drive. Many local good roads clubs were formed and affiliated with the state organization, and between 50,000 and 70,000 new members were recruited.¹⁹

With the great increase in its membership and the accompanying expansion of the treasury, the Virginia Good

¹⁸W. F. Cocke to Westmoreland Davis, September 16, 1920, Davis Papers. Cocke was assistant state highway commissioner.

¹⁹Norfolk Virginian-Pilot, January 2, 9, 1921. It was at this time that most of the local good roads associations were formed in the state. The Norfolk County Good Roads Association was one of the first chapters to be formed.

Roads Association began sending the message of good roads into all areas of the state. Since only approximately 23 per cent of the state's population lived in cities or towns of 2,500 or more,²⁰ trucks equipped with electric generators, motion picture projectors and portable screens were sent into the rural areas to present exhibitions at county seats, crossroad stores, railroad stations, or wherever people tended to gather. On days of bad weather, meeting halls and schools were used. The good roads association declared, "The gospel of good roads will penetrate every nook and corner" of the state.²¹

The educational campaign of the Virginia Good Roads Association stressed that the bond issue was the only logical method to secure completion of the state highway system. State highway department engineers, it was noted, were already in the field surveying roads and eagerly awaiting funds to allow construction to begin on a large scale. Funds from a bond issue, if passed, would be available for use by July, 1922, which would allow the state highway system to be completed in six years instead of the "predicted" eighteen years under the "pay-as-you-go" method.²² Seeking rural support, the good roads association proclaimed that

²⁰Norfolk Virginian-Pilot, January 9, 1921.

²¹Norfolk Virginian-Pilot, January 9, 1921.

²²Norfolk Virginian-Pilot, January 9, 1921.

with the completion of the state highway system, the state would eventually maintain these roads, leaving the counties free to concentrate their funds on feeder roads.

As a result of the intensive campaign waged by the Virginia Good Roads Association, the tenth annual convention of the organization held in Roanoke in January, 1921, was quite a gala affair. Hotel Roanoke was packed with delegations and visitors from every section of the state who viewed the various good roads displays presented by the United States Bureau of Public Roads. Hundreds of delegates representing the leading industrial, political, agricultural, and social interests of the state were welcomed to the convention by President Cecil Crawley Vaughan, Jr., a successful banker from Franklin.²³ Among the many prominent visitors were State Senator Elbert Lee Trinkle and Henry ("Harry") St. George Tucker, both announced candidates in the August Democratic gubernatorial primary. Although neither candidate formally addressed the convention, their attendance testified to the interest of both men in the cause of good roads. Tucker and Trinkle were unaware of it at the time, but the one significant issue to emerge in their rather lackluster campaign for the governorship was that of good

²³ Norfolk Virginian-Pilot, January 27, 1921; Richmond Times-Dispatch, January 27, 1921; Roanoke Times, January 27, 1921, Davis Papers. Vaughan, better known as C. C., was to be elected to the State Senate in 1922 but continued to serve as President of the Virginia Good Roads Association. Franklin is located in Southampton County (Tidewater).

roads.²⁴

Many state personalities appeared before the Roanoke convention to express their views on the road question. State Highway Commissioner Coleman spoke highly in favor of bonds, suggesting an issue of \$6,000,000 or \$7,000,000 for 1922 and another issue of the same amount for 1923. Under the existing method of road financing, he noted, at least "eighteen" years would be necessary to get the state's roads in adequate shape.²⁵ Another speaker, newly-appointed United States Senator Carter Glass of Lynchburg, appealed for adequate road funds because, he noted, returns from good roads greatly exceeded the money expended. While Glass emphasized his vote in favor of the road bond amendment in the 1920 referendum, he did not specifically endorse a state road bond issue at the convention. Instead, he urged a direct tax for construction "In order that the public may know where its money is going and to whom it should look to for the carrying out of road projects."²⁶

²⁴Leo Stanley Willis, "E. Lee Trinkle and the Virginia Democracy" (unpublished doctoral dissertation, University of Virginia, 1968), 74, hereinafter cited as Willis, "E. Lee Trinkle." Tucker and Trinkle were "feeling out" bond sentiment among other things at the convention.

²⁵Norfolk Virginian-Pilot, January 28, 1921. Coleman made the same proposals and remarks in his annual report to the governor in 1921. Report of the State Highway Commission, 1921, 8.

²⁶Norfolk Virginian-Pilot, January 28, 1921; Reprint of a "Speech before the Virginia Good Roads Association," January 27, 1921, Glass Papers.

President C. C. Vaughan also addressed the Roanoke convention and highly recommended a state road bond issue. He noted that the Virginia Good Roads Association had received advice from various bankers, businessmen, farmers, and public officials in helping to make a favorable decision on a bond issue. Vaughan professed belief that bonds could be used successfully without increasing taxes, noting that twenty-four states had used bonds without suffering from a heavy tax burden. Virginia's immediate neighbors, Maryland, North Carolina, and West Virginia had used bonds successfully. Finally, Vaughan attacked the existing method of state road construction as wasteful, inefficient, "behind times," and piecemeal. Therefore, he asked the representatives at the convention to support a bond issue in order to complete the state's roads within six or seven years.²⁷

One of the final speakers at the Roanoke convention was Miss Mary Elizabeth Pidgeon, Director of Citizenship Education at the University of Virginia. Miss Pidgeon noted the fairer sex's interest in the state's highways and gave such a rousing speech endorsing a bond issue that she was elected fourth vice-president of the Virginia Good Roads Association. Reflecting the increased political prominence of her sex given by the nineteenth amendment of the United

²⁷ "Better Highways Appeal," Official Bulletin of the Virginia Good Roads Association, I, no. 4 (1921), Davis Papers, hereinafter cited as "Better Highways Appeal, 1921."

States Constitution, Miss Pidgeon's election was the first by an association of this kind in the state's history.²⁸

After all the rousing speeches were heard, the Virginia Good Roads Association made several firm proposals. The convention called for the adoption of a serial state bond issue totaling \$50,000,000 for six years and beginning with a \$12,000,000 issue for 1922 and 1923. The bond issue would be retired and the 5 per cent interest paid in twenty-seven years with no increase in the tax rate. The convention also recommended amending the State Aid Road Act to require counties to make definite and adequate provisions for maintenance of roads constructed with state aid.²⁹ Before adjourning, the members of the Virginia Good Roads Association pledged themselves to continue the intensive statewide campaign on behalf of the bond issue.

The campaign of the Virginia Good Roads Association soon became deeply intervolved with the gubernatorial race. Harry Tucker had announced his candidacy in 1920, and after some time, E. Lee Trinkle, state senator from Wytheville, joined the race mainly in response to the dangers presented by Tucker to the ranking Democrats of the state. In late February, 1921, Trinkle formally opened his campaign in

²⁸Norfolk Virginian-Pilot, January 28, 1921.

²⁹Richmond Times-Dispatch, January 27, 1921; Norfolk Virginian-Pilot, January 28, 1921; Willis, "E. Lee Trinkle," 74; "Better Highways Appeal, 1921."

Norfolk.³⁰ A close associate of Harry F. Byrd and other ranking Democrats of the state, Trinkle was young, ambitious, and possessed all of the qualifications in the eyes of his cohorts to become the state's next governor. He favored prohibition, woman suffrage, and opposed the bond issue for roads. As a result of these important factors, Trinkle received the strong support of Byrd, United States Senator Claude Swanson, Congressman Henry D. Flood, former Governor Henry Carter Stuart, and the influential Bishop James Cannon, Jr.³¹

³⁰Norfolk Virginian-Pilot, February 26, 1921; Richmond Times-Dispatch, February 27, 1921; Richmond News-Leader, February 27, 1921.

³¹Byrd had originally planned to support Tucker but had pledged his support to Trinkle two years before, depending on Trinkle's decision to run and if Henry Flood chose not to seek the nomination. Byrd and Trinkle were deskmates in the Senate and became very close. However, Byrd promised Tucker that his newspaper, the Winchester Evening-Star, would remain neutral in the gubernatorial campaign. Harry Flood Byrd to Henry St. George Tucker, January 24, 1921, Tucker Family Papers, the Southern Historical Collection, University of North Carolina, Chapel Hill, hereinafter cited as Tucker Papers; although Swanson and Flood were not as close to Trinkle as Byrd, Trinkle seemed to be a man they could work closely with and easily "influence;" Stuart supported Trinkle, not because they were from the same area of the state, but because he felt Trinkle would handle the responsibilities of roads and schools better than Tucker. Norfolk Virginian-Pilot, February 4, 1921; Cannon, Bishop of the Methodist Episcopal Church, was a state and national leader in the field of prohibition. He promised to "render any assistance" to Trinkle. James Cannon, Jr. to E. Lee Trinkle, March 2, 1921, James Cannon Jr. Papers, William R. Perkins Library, Duke University, Durham, North Carolina, hereinafter cited as Cannon Papers; Senator Carter Glass supported Tucker for governor. "No man in Virginia would make a better governor," Glass proclaimed. Carter Glass to Henry St. George Tucker, July 31, 1921, Glass Papers.

The Tucker-Trinkle campaign began with a battle of slogans. Tucker's "Back to the Constitution"³² was countered by Trinkle's "Forward not Backward." Trinkle supporters charged that Tucker, a representative of a past era, was looking backward. On the other hand, Trinkle was proclaimed a representative of a newer generation, one that looked "forward."³³ Outside these eloquent slogans, the campaign was rather dull, and the only issue that emerged was that of roads.³⁴ However, voters of the state were seldom if ever sure which candidate was going "forward" or "backward" on the road issue. At first, both candidates seemed to oppose road bonds.³⁵ Trinkle came out early against the bond issue but changed his mind several times. Tucker's campaign and platform advisor urged an aggressive road policy but wanted no mention of the politically dangerous

³²Washington Post, August 3, 1921. Tucker stated that the chief function of government was to establish the equality of right. He proclaimed, "To this end I hope to see a great gathering of the people of Virginia...who, true to the principles of Jefferson, with one voice will adopt a platform containing but four words only--'Back to the Constitution.'" Henry St. George Tucker to Thomas H. Downing, February 27, 1920, Tucker Papers.

³³Roanoke World-News, January 7, 1921, Tucker Papers.

³⁴Willis, "E. Lee Trinkle," 74. Had it not been for the bond issue, roads would not have been a major issue.

³⁵The post-war depression had affected farmers more than any group, and a bond issue, which meant a rise in property taxes or some form of special taxation, would lose the rural vote. The Virginia Good Roads Association's promise that a bond issue would not increase taxes was not heeded by the farmers.

bond issue.³⁶ However, owing to the many false statements about Tucker's position, he came out strongly against bonds in May, 1921.³⁷

Tucker's platform advocated the construction and maintenance of highways through the dollar-matching plan of state and federal aid in order to complete the state highway system as soon as possible. He also advocated the construction and maintenance of interstate highways solely by the federal government. Finally, he favored state aid to counties in order that all areas of the state receive the benefits of good roads.³⁸

Latecomer E. Lee Trinkle's road plans differed very little from those of Harry Tucker. He promised to support the cause of good roads proclaiming, "Good roads are arteries through which course the life currents of commerce. Bad roads are liabilities not assets." To Trinkle, good roads made rural life "a blessing, not a burden."³⁹ As a result, Senator Trinkle pledged that if elected he would guarantee a dollar's worth of roads for every dollar expended. Furthermore, Trinkle emphasized that he was not a

³⁶D. H. Leake to Henry St. George Tucker, December 28, 1920, Tucker Papers.

³⁷Richmond Times-Dispatch, May 27, 1921.

³⁸Pamphlet entitled, "Henry St. George Tucker's Progressive Platform," January 11, 1921, Tucker Papers; Willis, "Administration of E. Lee Trinkle," 20.

³⁹Excerpts from a speech of E. Lee Trinkle, 1921, Tucker Papers.

sectionalist and every area of the state would receive a "square deal."⁴⁰

During the gubernatorial campaign, Trinkle launched an attack on State Highway Commissioner Coleman which eventually led to his resignation in 1923.⁴¹ Supporting Trinkle were Henry Flood and Harry Byrd, both quite upset with Commissioner Coleman. It was widely known that Coleman favored completion of the state highway system above everything else, while Flood and Byrd, both from rural areas, wanted greater emphasis placed on county aid. In matters involving rights-of-way and road contracts, the highway commissioner had nearly unilateral powers which made the position one of great political prestige.⁴² To make matters worse, Coleman and Governor Davis had become close friends and associates. Coleman's influence would definitely aid Davis's projected campaign for the United States Senate seat held by Claude Swanson, a political ally of Flood and Byrd. Roads were not only involved in the gubernatorial race but future political contests as well.

Owing to the dangers presented by Highway Commissioner Coleman, Trinkle began campaigning for reorganization of the state highway department. His stated purpose was to divide

⁴⁰Norfolk Virginian-Pilot, February 26, 1921.

⁴¹Willis, "Administration of E. Lee Trinkle," 21; Willis, "E. Lee Trinkle," 76.

⁴²Willis, "E. Lee Trinkle," 76.

the duties and authority of the department. Immediately, Trinkle was accused of wanting to dismiss Commissioner Coleman. He denied this charge, emphasizing that he placed no blame on Coleman for road conditions. However, Trinkle noted, the highway commissioner's job was "too much" for any one man to handle.⁴³ Having formulated no definite plans on how to divide the responsibilities of the highway commissioner, Trinkle hinted of a board of commissioners from different sections of the state.

Trinkle received bitter criticism from his opponents regarding his plans for a new highway department. Governor Davis attacked the plan as merely a board of supervisors, each looking out for roads in his particular area and plotting with each other for roads.⁴⁴ Harry Tucker called Trinkle's plan destructive and "backward," not constructive and "forward." Furthermore, he felt it was ironic that Trinkle showed opposition to a system which he, as a state senator, had helped create. Tucker pledged his support for the existing road system, feeling that the essential feature of centralization be preserved.⁴⁵

⁴³Richmond Times-Dispatch, April 1, 1921.

⁴⁴Richmond Times-Dispatch, April 5, 1921; Westmoreland Davis to George P. Coleman, April 7, 1921, Davis Papers.

⁴⁵Norfolk Virginian-Pilot, May 1, 1921. Trinkle received much criticism from all over the state for his stand favoring decentralization of the highway department. A favorite quote of the times was, "Trinkle, the candidate, is dissatisfied with Trinkle, the legislator." Richmond Times-Dispatch, April 2, 1921.

In reply to the criticism heaped upon him, Senator Trinkle presented a feeble defense, perhaps trying not to disclose his real motives. He noted that at the time he voted for the existing road laws, he did not realize the magnitude of the road building enterprise. Vast expansion in the road program, as evidenced by the road bond amendment, now called for changes in the existing system. To Trinkle, political consistency was not always a virtue, as the General Assembly had been creating new laws and amending old ones since its beginning. Stepping up his defense, Trinkle denounced his opponents for "misrepresenting" his views on the road question. His was not a personal attack on Commissioner Coleman, and he did not favor abolition of the highway commission as charged. Changes in the commission, Trinkle felt, should be made. This would not decentralize road building, rather it would create an effective and efficient central organization ensuring citizens of the state a fair distribution of funds and businesslike expenditure of these funds. The road situation now demanded a "careful" system of laws, Trinkle noted.⁴⁶ In reality, Trinkle may have been hoping to create a political "machine" with his attempt at highway reorganization.

Dissatisfied with his opponent's explanation, Tucker declared that Trinkle had known the state highway system

⁴⁶Norfolk Virginian-Pilot, May 4, 1921; Richmond Times-Dispatch, May 12, 1921.

required completion. "Was this business candidate for governor building up a paper system of roads as a substitute for the mud system of the state," asked Tucker?⁴⁷ If this were true, he did not see how Virginians could possibly have faith in Trinkle or his road plans. Tucker realized there were objections to the existing road laws, but these could be corrected far short of "decentralization" of the highway department, he felt.⁴⁸

Trinkle created further furor in the road dispute as he began to alter his position on the bond issue. He advocated letting the voters of the state decide on the bond issue through the election of their representatives in November, 1921. If the people wanted bonds, they could vote for delegates to the General Assembly who advocated a bond issue. On the other hand, if they opposed bonds, they could vote for delegates who shared their views.⁴⁹ "I cannot see how they could expect a fairer solution of the situation than by this method," Trinkle declared.⁵⁰

Sounding out his backers' and political allies' opinions of his new position, Trinkle received gratifying support

⁴⁷Norfolk Virginian-Pilot, May 1, 1921.

⁴⁸Norfolk Virginian-Pilot, May 1, 1921.

⁴⁹E. Lee Trinkle to Harry Flood Byrd, May 13, 1921, Flood Papers; Norfolk Virginian-Pilot, May 5, 1921; Richmond Times-Dispatch, May 4, 1921; Willis, "Administration of E. Lee Trinkle," 22.

⁵⁰E. Lee Trinkle to Harry Flood Byrd, May 13, 1921, Flood Papers.

from Congressman Flood. "I feel that it will satisfy the public at this time, and believe that it will gain you many votes," Flood declared.⁵¹ However, not all of Trinkle's supporters felt the same way as Flood. Harry Byrd wanted Trinkle to make a strong anti-bond statement and to note the "wasteful extravagance" of the state highway department. Byrd felt that Trinkle was trying to "soft-pedal" the road bond question and urged Flood to persuade Trinkle to come out strongly against bonds. Although he opposed bonds, Flood remained in agreement with Trinkle's new policy.⁵² Young Byrd continued his effort to induce Trinkle to revert to his former stand against bonds, however.

As Trinkle softened on the bond issue, his opponent, Harry Tucker, began accusing him of outright support of bonds. To counter this false accusation, Congressman Flood circulated an article describing Tucker's position on the bond issue and hinted that Tucker now favored bonds. Tucker attacked the article as completely unauthorized and malicious. He reiterated that the highway department had as much money as it could feasibly spend in the next few years and never as long as the existing conditions prevailed would he "consent to recommend the increase in the rate of state

⁵¹Henry D. Flood to E. Lee Trinkle, May 24, 1921, Flood Papers.

⁵²Harry Flood Byrd to Henry D. Flood, May 16, 1921, Flood Papers.

taxation in Virginia for any purposes."⁵³

Many politicians throughout the state began to realize the danger of using the bond issue in the gubernatorial primary campaign. D. H. Leake, Tucker's campaign manager, advocated waiting until the legislature convened before discussing bond issue proposals in order to keep Republicans from using the road question. If the Democratic candidates came out for or against bonds, then the Republicans would have a hot issue. Leake was especially afraid of supporting bonds, feeling that a majority of Virginians opposed the bond issue.⁵⁴ Senator C. O'Connor Goolrick, one of the leading bond advocates in the state, opposed injecting the bond issue into the campaign because it was an "economic" matter, not a "political" question.⁵⁵

The question of bonds had already become too deeply embedded in the gubernatorial primary campaign for any exorcism or surgery. Accusation upon accusation had been made, not only by the candidates for governor, but by those seeking seats in the General Assembly as well. However, as late as May, only a few short months before the August primary, much of the state's electorate still did not know exactly

⁵³D. H. Leake to J. T. Clement, May 17, 1921; Henry St. George Tucker to B. M. Wailes, May 17, 1921, Tucker Papers.

⁵⁴D. H. Leake to J. T. Clement, May 17, 1921, Tucker Papers.

⁵⁵Richmond News-Leader, May 9, 1921.

how Tucker or Trinkle felt about the bond issue. An atmosphere of confusion prevailed, and there was definite need for both candidates to clarify their positions. In June both Tucker and Trinkle came out in opposition to the bond issue.⁵⁶ Perhaps they successfully gauged public sentiment which seemed against bonds at this time.⁵⁷ Whatever the reason, Tucker and Trinkle now agreed that existing conditions did not warrant a bond issue. Adequate funds for construction and maintenance were available for the next few years, they felt. The burden now shifted to bond advocates to prove that current funds were not adequate to meet the state's road program.

The Virginia Good Roads Association, still on the campaign trail, worked even harder to keep the bond issue alive. Formally opposing Trinkle's stand, President C. C. Vaughan hinted that if Tucker were to favor bonds the good roads association would support him for governor.⁵⁸ Vaughan, the self-proclaimed spokesman for the bond forces, had also been

⁵⁶Norfolk Virginian-Pilot, May 29, 1921; Richmond Times-Dispatch, May 24, 1921.

⁵⁷A survey conducted by the Virginia Taxpayers Association showed that a random sampling of voters throughout the state were opposed to the bond issue at this time. Also, other canvasses from various counties showed a vast majority in opposition to bonds. Norfolk Virginian-Pilot, May 21, 1921. It is likely that voters took a closer look at the feasibility of a bond issue during this period of post-war recession.

⁵⁸C. C. Vaughan, Jr., to C. O'Connor Goolrick, May 24, 1921, Tucker Papers.

active in an attempt to convince the Democratic leadership, especially Flood and Trinkle, that adequate funds for roads were not available. However, Flood was now bitterly opposed to the bond issue.⁵⁹ Vaughan charged Flood with accepting unreliable information about funds available for road purposes. He called Flood and Trinkle "opponents" of good roads and "stick-in-the-muds" who were using the bond issue to appeal to rural voters who were tired of paying taxes.⁶⁰ Vaughan failed to convince Flood or Trinkle by these tactics and was unsuccessful in luring Tucker into his camp. He bitterly declared that the next governor should at least deal with the bond issue with an open mind and in the best interests of the state.⁶¹

As the August primary approached, the gubernatorial campaign between E. Lee Trinkle and Henry St. George Tucker waned. The campaign had produced no platform differences sharp enough to call critical issues. About the only major

⁵⁹Flood's opposition was probably owing to his nephew, Harry F. Byrd, who kept in constant contact with the Congressman. Byrd's personal interests and principles were much the same as Flood's, and Byrd, being closer to the electorate of Virginia, gave him better knowledge of the bond issue. Convinced that a bond issue was unnecessary, Flood wrote Vaughan noting that the state auditor showed funds of \$12,000,000 available for 1921. Vaughan disagreed. Staunton Evening-Leader, June 20, 1921.

⁶⁰Richmond Evening-Dispatch, May 24, 1921, Davis Scrapbook, vol. 18, Davis Papers.

⁶¹Richmond Evening-Dispatch, May 24, 1921, Davis Scrapbook, vol. 18, Davis Papers.

issue was that of roads. Bonds created quite a stir of excitement until the two candidates finally agreed to oppose them. In the end, the only disagreement was over reorganization of the state highway department. Trinkle favored many changes in the department; Tucker none. The contest, relatively free from sensation and personal abuse, was basically one between individuals, not issues. In August the voters chose E. Lee Trinkle as the Democratic candidate for governor by a margin of 22,526 votes.⁶² Owing to the tight grip on state politics exercised by the Democratic party, Trinkle's election in November was practically assured. He would only have to "go through the motions" in the upcoming campaign against the Republican candidate, Colonel Henry W. Anderson.

Trinkle's victory in the August primary was significant in many respects. He had defeated an independent Democrat, perhaps foreshadowing the result of the 1922 primary fight between Claude Swanson and Governor Davis for Swanson's United States Senate seat. Swanson had not taken an active part in the Tucker-Trinkle campaign,⁶³ but he favored Trinkle and often admitted that a Trinkle victory

⁶²Trinkle received 86,812 to Tucker's 64,286. Richmond Times-Dispatch, August 5, 1921.

⁶³State Senator Goolrick encouraged Swanson not to take part in the gubernatorial primary. Goolrick favored Tucker. Swanson promised that he was running his campaign independently from any others. C. O'Connor Goolrick to Claude A. Swanson, February 26, 1921, and Swanson to Goolrick, February 28, 1921, Swanson Papers.

would aid his own campaign.⁶⁴ After the primary Swanson noted, "Trinkle's victory was glorious, and I feel sure will make my pathway easier."⁶⁵

Another important feature of Trinkle's victory was the feeling among many people that his election was a decisive "turn in the road."⁶⁶ He had strongly urged reorganization of the state highway department, and his victory indicated that a majority of voters in the primary had been convinced on this issue. In fact, Trinkle had been so persuasive that Highway Commissioner Coleman recommended reorganization of the department in his annual report to the governor.⁶⁷ Finally, Trinkle's victory indicated that "the road issue, overshadowing prohibition, now drifting a little to the past, was becoming the absorbing issue in state politics. The history of Virginia for a few years was largely to turn on it."⁶⁸

⁶⁴Swanson noted, "Everything looks very encouraging for both me and for Trinkle." Claude A. Swanson to Harry Flood Byrd, April 16, 1921, Swanson Papers.

⁶⁵Claude A. Swanson to E. V. Barley, August 9, 1921, Swanson Papers.

⁶⁶George H. Denny to Henry D. Flood, August 3, 1921, Flood Papers.

⁶⁷Coleman favored giving more power to the highway commission while reducing the authority of the commissioner. Annual Report of the State Highway Commission, 1921, 14-15.

⁶⁸Hamilton James Eckenrode, "Virginia since 1865, 1865-1945, A Political History," unpublished manuscript, Alderman Library, University of Virginia, Charlottesville, 384, hereinafter cited as Eckenrode, "Virginia since 1865."

The road issue was involved to a lesser extent in the gubernatorial campaign between Trinkle and his Republican opponent, Colonel Henry Watkins Anderson of Richmond. Anderson, a prominent corporation lawyer, had been a past president of the Virginia Good Roads Association, but his views in 1921 did not correspond with the organization's. He attacked the Constitution of 1902 for prohibiting state road bond issues since this made it impossible to issue bonds during periods of low interest rates and low construction costs. However, he criticized the Democrats for securing the 1920 constitutional amendment "permitting a proposed bond issue of \$50,000,000" because capital was short, interest rates and construction costs were high, and "definite" plans for using these funds were lacking.⁶⁹ Thus, Anderson was opposed to a bond issue at this time.

Colonel Anderson favored "complete" reorganization of the state highway department, feeling Virginians were not getting their money's worth in the building of roads. This was not the fault of Commissioner Coleman, whom Anderson classified as a "good man," but owing to an "utterly inefficient system."⁷⁰ Some observers felt that Anderson was

⁶⁹Reprint, "Freedom in Virginia," Address by Henry W. Anderson before the Republican State Convention, July 14, 1921, Glass Papers, hereinafter cited as Anderson, "Freedom in Virginia, 1921."

⁷⁰Anderson, "Freedom in Virginia, 1921." Anderson was very bitter toward the state highway department, often accusing the body of playing politics.

attempting to "steal some of Trinkle's thunder," but he declared that his opponent really had no definite program, just schemes and political maneuvers to reward fellow Democrats.⁷¹ On the other hand, Anderson proclaimed his plan to be definite, progressive, and non-partisan. He called for a new and efficient highway commissioner directly responsible to the governor. The commissioner would control only state roads, while local roads would fall under local authority. He advocated creating a new state highway department organized on the basis of a business enterprise instead of a "political machine." The colorful Colonel declared boastfully, "The Democratic Organization and candidate favor more offices, which means less roads; we favor more roads and less offices. We leave that issue to the people."⁷² As expected, however, the people decided in favor of E. Lee Trinkle by a vote of 139,416 to 65,933.⁷³

After his victory in November, Governor-elect Trinkle began assessing the major issues confronting himself and the upcoming 1922 General Assembly. There was little doubt that roads would be the dominant issue. The road problem, itself, was divided into three major questions--bonds or no bonds, drastic or moderate reorganization of the state

⁷¹Richmond Times-Dispatch, September 6, 1921.

⁷²Richmond Times-Dispatch, September 6, 1921.

⁷³Richmond Times-Dispatch, November 10, 1921; Senate Journal, 1922, 38.

highway department, and retention or elimination of Highway Commissioner Coleman.

The 1920 referendum was not interpreted by many candidates for the legislature in 1920 or 1921 as a mandate to issue road bonds.⁷⁴ Only a few candidates had been willing to risk making pledges in favor of bonds. Although they had the opportunity to ascertain the voter's wishes on the bond issue, few took the chance. If the candidates had spoken out on bonds, the primaries and general elections would truly have been a "solemn referendum" on the issue.⁷⁵ Instead, most of the legislative candidates, as did gubernatorial candidates Tucker and Trinkle for a time, chose to straddle the issue. "But the straddle cannot be permanent," noted the pro-bond Norfolk Virginian-Pilot. After the legislature convened, the lawmakers would be "compelled to climb down from the fence and vote."⁷⁶

⁷⁴There were 8 freshmen senators and 48 new delegates in the 1922 General Assembly. Senate Journal, 1920, 1922; House Journal, 1920, 1922.

⁷⁵Norfolk Virginian-Pilot, January 3, 1922.

⁷⁶Norfolk Virginian-Pilot, January 3, 1922. Even senators and delegates from the Tidewater area were not as yet enthusiastic supporters of the road bond issue. Only Senator E. Griffith Dodson of Norfolk included approval of a bond issue in his campaign. Earl Wright, delegate from Portsmouth, felt the legislature would definitely resolve the issue, but he would leave it to the "masterminds" in the General Assembly. Delegates R. A. Woods and Alfred C. Smith from Norfolk County were virtually opposed to bonds at this time. All other delegates were "open minded" on the bond issue, but most were opposed to any tax increase. Norfolk Virginian-Pilot, January 8, 1922.

The need for reorganization of the state highway department was a recognized fact. Trinkle had campaigned strongly in favor of "drastic" reorganization and had won. True to his promise, he made a thorough study of highway departments throughout the nation and held conferences with the best minds on highways in order to formulate the most effective reorganization of the state highway department.⁷⁷ Taking his cue from the public sentiment that Trinkle had stirred up, Highway Commissioner Coleman asked Governor Davis to request the General Assembly to appoint a committee to investigate the highway department. Davis complied shortly after the legislature convened in January, 1922.⁷⁸ As for Coleman, himself, there were many political factions sworn to remove him by any means, but there were as many who wanted to retain him.⁷⁹

⁷⁷Trinkle made this pledge in May, 1921. Norfolk Virginian-Pilot, May 5, 1921. One such meeting was held in November, 1921 with four national highway experts: Colonel W. D. Uhler, Chief Highway Engineer of Pennsylvania; Frank Page, Chairman of the North Carolina State Highway Commission; Henry G. Shirley, Roads and Sanitary Engineer of Baltimore County, Maryland; and Dr. A. N. Johnson, Dean of the Engineering College of the University of Maryland. Norfolk Virginian-Pilot, November 22, 1921.

⁷⁸"Address of Governor Westmoreland Davis," Senate Document no. 1, Senate Journal, 1922, 10, hereinafter cited as "Address of Governor Westmoreland Davis, 1922."

⁷⁹Norfolk Virginian-Pilot, January 24, 1922; Leo Stanley Willis points out that the "Democratic Machine" definitely wanted to oust Coleman and this is why they (Byrd and Trinkle) led the fight to reorganize the highway department. Willis, "Administration of E. Lee Trinkle,"⁴⁴. In other words, Coleman proved unmanageable to this faction.

When the General Assembly convened in January, 1922, the road problem was immediately taken up. Governor Davis outlined no program of his own, other than recommending investigation of the highway department, as he felt this might embarrass incoming Governor Trinkle. However, there was a period of several weeks between the opening session of the legislature and Trinkle's inauguration. Having a good knowledge of Trinkle's road plans, members of the General Assembly did not wait for the governor's inaugural address to begin road legislation.

On the first day of the session, Senator Harry Flood Byrd introduced a joint resolution calling for the investigation of the state highway department.⁸⁰ The measure was unanimously adopted by the Senate and was even supported by C. O'Connor Goolrick, the "father" of the state highway system and commission.⁸¹ In the House of Delegates, Thomas W. Ozlin, a youthful associate of Byrd, Claude Swanson, and Henry Flood, directed the resolution's approval by a vote of 67 to 25.⁸² An investigating committee was appointed to

⁸⁰Senate Journal, 1922, 27; Richmond News-Leader, January 12, 1922; Hawkes, "Harry Flood Byrd," 35.

⁸¹Richmond Times-Dispatch, January 12, 1922; Richmond News-Leader, January 12, 1922. Goolrick headed the commission which drew up the state highway system in 1918 and was instrumental in creating a new state highway commission in 1919.

⁸²Senate Journal, 1922, 64; House Journal, 1922, 65; Richmond Times-Dispatch, January 13, 1922.

make a thorough study of the highway department and report its findings no later than February 20. Senate President B. Frank Buchanan, an old Populist from Marion, appointed Byrd, Goolrick, and George W. Layman of Newcastle to the committee.⁸³ Speaker of the House Richard L. Brewer from Suffolk appointed Thomas Ozlin of Lunenburg, John W. Massie of Spotsylvania County, D. H. Pitts of Scottsville, and R. A. Woods of Norfolk County.⁸⁴ Byrd served as chairman of the investigating committee.

Much controversy surrounded the state highway investigating committee as it began work in late January. Many warnings pervaded the air in hopes that the investigation would "steer clear of the morass of personal and factional politics" that threatened it.⁸⁵ The investigation was largely carried out by Byrd and Ozlin, as Goolrick was content to defend and retain the existing commission. Citizens from across the state gave testimony shedding light on the evils and virtues of the highway department. No individual, however, gave more testimony than Highway Commissioner Coleman. The Commissioner constantly reminded Byrd, Ozlin, and the

⁸³Senate Journal, 1922, 75; Richmond Times-Dispatch, January 23, 1922.

⁸⁴House Journal, 1922, 78; Richmond Times-Dispatch, January 20, 1922.

⁸⁵Norfolk Virginian-Pilot, January 24, 1922. Robert Thomas Hawkes notes that Byrd introduced the bill, "In order to embarrass and discredit the department and gain support for his bill...." Hawkes, "Harry Flood Byrd," 33.

other members that he had requested the investigation because his department had been "made subject of a great deal of misrepresentation."⁸⁶ There was continuous clashing between Byrd and Goolrick over Coleman as the investigation progressed. Goolrick claimed that Byrd "put words in the mouth of Highway Commissioner Coleman" and that the economics of highway reform were heard less than the personalities involved.⁸⁷

When the work of the investigating committee was completed, Byrd and Goolrick disagreed so wholeheartedly that each submitted separate reports. Byrd's majority report was supported by Senator Layman and Delegates Pitts and Ozlin, while the minority report of Goolrick had the backing of Delegates Woods and Massie.⁸⁸ In the majority report, Byrd began by noting that the investigation had not been a trial of Commissioner Coleman's integrity and good faith, but rather a study of the practical efficiency of the state

⁸⁶ Norfolk Virginian-Pilot, January 15, 1922.

⁸⁷ Richmond Times-Dispatch, January 28, 1922. The Norfolk Virginian-Pilot charged that the investigation had developed into a struggle between those who wanted to oust Coleman and those who wanted to retain him. The paper claimed the investigation had not reflected on Coleman's business or professional capacities. "In simple justice to him and for the sake of the state, he should be retained as Highway Executive." Norfolk Virginian-Pilot, February 20, 1922.

⁸⁸ "Majority Report of the Joint Committee to Investigate the State Highway Department," Senate Document no. 14, Senate Journal, 1922, 1-7, hereinafter cited as "Majority Report of the Joint Committee to Investigate the State Highway Department, 1922."

highway system and its administration. There was no severe criticism of Coleman as no graft or corruption was found. He was declared completely honest and commended for his full cooperation in the investigation. However, the committee charged the highway department with unintelligible book-keeping, excessive engineering costs, improper maintenance, excessive profits to contractors, and inaccurate estimates of road costs. Many witnesses had testified that contracts to build roads were let before rights of way had been secured, resulting in delayed construction. In summary, Byrd noted that the state highway department was "inefficiently administered" and that the state was not "getting adequate returns for money spent." The duties of the state highway commissioner were found to be "too burdensome," therefore, necessitating division of these responsibilities. Byrd urged immediate reorganization of the state highway department.⁸⁹

Goolrick's minority report stressed the use of immaterial testimony by the investigating committee and refuted the entire majority report. For example, Goolrick noted, some rights of way were not secured before contracts were let, but this had not cost the state "one cent." As for excessive profits of contractors, Goolrick blamed this on

⁸⁹Byrd noted that the commissioner should not be a technical man, but an experienced businessman. "Majority Report of the Joint Committee to Investigate the State Highway Department, 1922," 1-7.

falling costs of labor and materials, not exorbitant charges or profits. Likewise, increased freight rates were the cause of final construction costs being more than the original estimates. There was no proof of extravagance or misuse of funds and no substantial evidence indicating improper management. Naturally, the highway commission was not free of errors, Goolrick noted, but all departments conducting work of similar magnitude made many of the same mistakes.⁹⁰ The minority report praised Commissioner Coleman for his honesty, efficiency, and his economical administration of the highway department. In summary, Goolrick felt that Coleman and the highway department had done a "good job." Therefore, he and Delegates Woods and Massie supported the existing highway department with only minor changes.⁹¹

Before the investigation of the state highway department was completed in mid-February, bills calling for reorganization were already being formulated and introduced into the legislature. Senator Goolrick submitted a reorganization bill calling for only minor modifications of the highway

⁹⁰"Minority Report of the Joint Committee to Investigate the State Highway Department," Senate Document no. 14, Senate Journal, 1922, 8-16, hereinafter cited as "Minority Report of the Joint Committee to Investigate the State Highway Department, 1922."

⁹¹"Minority Report of the Joint Committee to Investigate the State Highway Department, 1922," 8-16. Norfolk Virginian-Pilot, February 20, 1922.

department.⁹² In the House, Thomas Ozlin introduced a bill calling for the creation of an entirely new state highway commission, and Harry Byrd introduced similar legislation in the Senate.⁹³ To insure the success of reorganization, Byrd, Ozlin, and Governor-elect Trinkle united their efforts into what was commonly known as the Byrd-Ozlin Bill.

The Byrd-Ozlin Bill provided for a highway commission consisting of five members from the five major geographical divisions of the state, all appointed by the governor with Senate approval.⁹⁴ One of the five members would be appointed state highway commissioner by the governor and would serve as chairman of the commission, handling the "business side" of road building. He would supervise the allocation of funds, awarding of contracts, and recommend changes in the state highway system. The chairman would appoint a

⁹²Senate Journal, 1922, 30. The bill was supported by C. C. Vaughan of Franklin, George T. Rison of Pittsylvania County, and the influential William Allen Garrett of Henry County.

⁹³House Journal, 1922, 81. The Ozlin Bill was supported by Delegates John R. Horsley of Appomattox County, Robert L. Jeffreys of Chase City, M. P. Farrier of Pearisburg, John White Stuart of Russell County, James P. Jones of Richmond, and Parke P. Deans of Isle of Wight County. Byrd's measure was supported by Senators W. L. Andrews of Campbell County, William H. Jeffreys of Mecklenburg County, Samuel L. Ferguson of Appomattox, W. C. Crockett of Portsmouth, John H. Hassinger of Washington, J. M. Dickerson of Christiansburg, and Morgan R. Mills of Richmond. Senate Journal, 1922, 86.

⁹⁴Byrd originally favored a commission composed of ten members, one from each of the state's congressional districts. Winchester Evening-Star, January 11, 1922.

state highway engineer who would handle the "technical" or engineering side of road construction. The engineer, in turn, would appoint those serving under him. Thus, a definite "chain of command" would be created to "serve best the interests of the state." In Byrd, Ozlin, and Trinkle's opinion, this would do away with "one man control."⁹⁵ However, it could also be seen as just the opposite. Political "machines" were often built and consolidated by use of such tactics as these.

Following the introduction of the Byrd-Ozlin Bill, the roads committees in the respective houses of the General Assembly carefully studied reorganization of the state highway department. At the same time, bond issue advocates and bond opponents were preparing their programs of finance. It seemed that all of the controversy over roads in the preceding years would be ironed out by the 1922 legislature. The time had come for Governor Trinkle to take an active role in the road controversy as he had promised in his campaign. Was he to lead the movement or be swept along by it? Certainly E. Lee Trinkle was in a key position to determine the future course of the state's road building program.

⁹⁵Richmond News-Leader, January 19, 1922.

CHAPTER V

THE GREAT FAILURE: THE GENERAL ASSEMBLY OF 1922.

To those concerned citizens of Virginia who followed the state road controversy, there were two realities on February 1, 1922, the date of E. Lee Trinkle's inauguration as governor of the Old Dominion: Trinkle was opposed to issuing state road bonds for highway construction and committed to "drastic" reorganization of the state highway department. However, in his inaugural address to the General Assembly, Governor Trinkle wavered slightly, indicating that he would leave the bond issue up to the legislature, however he felt the time was "now right" in the money market to issue bonds.¹ Little concern was given to this as most attention was focused on the fight to reorganize the state highway department. On this proposal, Trinkle remained as firm as ever.

By the time of Trinkle's inauguration, there were two opposing plans before the General Assembly concerning reorganization of the highway department. The Byrd-Ozlin Bill, incorporating Governor Trinkle's recommendations, proposed "drastic" reorganization, while Senator C. O'Connor Goolrick and his followers championed a bill calling for only minor

¹"Inaugural Address of Governor E. Lee Trinkle," House Journal, 1922, 21-27. Leo Stanley Willis indicates that Trinkle had come under the influence of "urban business interests who had convinced him of the efficacy of state bonding for highway construction." Willis, "E. Lee Trinkle," 123.

changes in the existing system. The ensuing fight between the two plans proved to be very bitter with most of the controversy centered around Highway Commissioner Coleman. Supporters of the Byrd-Ozlin Bill were willing to retain Coleman as chief engineer, but advocates of the Goolrick Bill promised to fight to the end to retain Coleman as highway commissioner. While Goolrick declared the opposing plan, "a bill to legislate George P. Coleman out of office,"² backers of the Byrd-Ozlin Bill noted that Coleman would have "practically" the same duties under both bills. Under their plan, he would lose only his "title" of state highway commissioner and would be subordinate to a new "business" highway commissioner, but he would still be chief engineer.

As the controversy raged, Senator Goolrick indicated that he might compromise to permit a businessman to be appointed as state highway commission chairman if Coleman were retained as highway commissioner instead of chief engineer. Despite Governor Trinkle's support of this compromise, Coleman's forces were not willing to give ground at first. However, the compromise was the turning point in the controversy, and within a short time, the amended Byrd-Ozlin Bill passed the House by 84 to 3 and the Senate, 34 to 1.³

²Bristol Herald-Courier, January 28, 1922, Davis Scrapbook, vol. 20, Davis Papers.

³House Journal, 1922, 594; Senate Journal, 1922, 614-615. The one nay vote was cast by Republican Senator John Paul of Harrisonburg because he wanted the salary of the chairman to be lowered.

In its final form, the Byrd-Ozlin Bill provided for a five-man state highway commission representing the five major geographic areas of Virginia, all members being appointed by the governor. One of the five would serve as chairman of the commission and chief executive of the highway department. The chairman would appoint a state highway commissioner whose job would be to advise the commission and to serve as chief engineer. Although reappointed as commissioner, George Coleman found in reality the power of his office practically reduced to nothing. The chairman or commission as a whole now held the balance of power.⁴ Thus, reorganization of the state highway department clearly marked a significant victory for Byrd, Trinkle, and Ozlin who led the fight. It also marked a personal victory for Byrd by destroying the power of Coleman whom he had bitterly opposed since 1916. Besides Coleman, the Byrd-Ozlin Bill marked a political defeat for Senator Goolrick and the Virginia Good Roads Association. The association, curiously enough, did not play an active role in the fight over reorganization, but it generally sided with Goolrick against Byrd.

⁴Goode, "Distribution of Highway Funds in Virginia," 48-51; "Mr. Coleman merely serves as an engineer and is removable at the pleasure of the chairman or commission and the Governor. He absolutely has no say as to allocation of funds, making of contracts, fixing of salaries, or the locating of routes. In other words, his position is purely technical from an engineering standpoint." E. Lee Trinkle to Henry C. Michie, March 9, 1922, E. Lee Trinkle Executive Papers, Virginia State Library, Richmond, hereinafter cited as Trinkle Executive Papers.

As soon as reorganization of the state highway department was completed, the General Assembly began working on the problem of financing state road construction. With the removal of the constitutional prohibition on state road bonds by the legislatures of 1918 and 1920 and a popular referendum in 1920, many people felt the next logical step was for the 1922 legislature to issue road bonds. Not everyone shared this belief, however, as evidenced by the House of Delegates' action in the opening week of the 1922 session. The House adopted a resolution by Marvin Smithey, a lawyer from Brunswick County, pledging not to consider road bond issues during the 1922 session. The resolution passed by a rather surprising margin of 76 to 16.⁵ It was argued by Smithey and others that Virginians were opposed to additional taxation at this time, favoring a rigid economy in the administration of affairs during the existing period of depression.⁶

Reaction to the House resolution was varied. The pro-bond Norfolk Virginian-Pilot stated, "From out of the

⁵House Journal, 1922, 26-27; Richmond Times-Dispatch, January 13, 1922; Norfolk Virginian-Pilot, January 13, 1922. It is significant that this resolution took place in the House of Delegates. Approximately one-half of the delegates were newcomers, and all members had been up for election in 1921. It seems apparent that many people of the state did not want a bond issue at this time.

⁶House Journal, 1922, 26-27. Smithey stated that citizens in his section held mass meetings and adopted resolutions in opposition to a bond issue at this time, thus prompting his action.

cloudless sky today broke a crash of thunder which reverberated throughout the Commonwealth of Virginia."⁷ The Pilot was amazed at the action taken by the lower house but declared, "The bond issue plan is just now where it belongs. Keeping it on ice will preserve it without impairing its value."⁸ Many people, including bond advocates, shared the belief of the Pilot that proposals to bond the state should be examined with extreme care, feeling the "surely to be created" new highway department should prove itself before receiving funds from a vast bond issue.

John A. Lesner, President of the Tidewater Automobile Association, did not share the view of the Norfolk Virginian-Pilot. Lesner, a former state senator, called the resolution "high-handed" and "ridiculous,"⁹ and there were many who agreed with him. Some people felt the resolution had shattered the hopes of the Virginia Good Roads Association that had campaigned so hard for a bond issue. Optimistically, the good roads association proclaimed that the resolution was not discouraging because it did not bind legislators to vote against a bond issue if one were offered.

For over a month, the bond question remained dormant as attention was focused on reorganization of the state highway department. After reorganization had been completed in

⁷Norfolk Virginian-Pilot, January 13, 1922.

⁸Norfolk Virginian-Pilot, January 15, 1922.

⁹Norfolk Virginian-Pilot, January 14, 1922.

mid-February, bills calling for road bonds were introduced in both houses of the General Assembly, largely owing to the work of the Virginia Good Roads Association. In the House of Delegates, R. Holman Willis, a banker and lawyer from Roanoke, offered a bill providing for a road bond issue of \$12,000,000 over the next two years.¹⁰ Owing to its original pledge not to issue bonds and because the Virginia Good Roads Association had introduced bond issue bills in both houses "in utter disregard of this expressed action," Marvin Smithey called upon the House to reiterate its pledge.¹¹ This was agreed to, and again the bond issue was dropped from the lower house.

In the Senate, a \$12,000,000 bond issue bill was introduced by C. C. Vaughan, Jr., President of the Virginia Good Roads Association, C. O'Connor Goolrick, and a host of other senators.¹² Supporters of the Vaughan-Goolrick Bill received aid from an unexpected source shortly after its introduction. Speaking before the members of the General Assembly at a George Washington birthday celebration in Norfolk, Governor Trinkle came out strongly in favor of

¹⁰House Journal, 1922, 380.

¹¹House Journal, 1922, 394.

¹²Saxon Holt, Newport News; E. Griffith Dodson, Norfolk; William C. Corbitt, Portsmouth; James E. Cannon, Richmond; John J. Miller, Washington; Campbell C. Hyatt, Richlands; Morgan R. Mills, Richmond; Nathaniel B. Early, Ruckersville; and George W. Layman, Newcastle. Senate Journal, 1922, 339.

a bond issue.¹³ Trinkle indicated that he had reversed his position because conditions had changed "to justify such action on the part of the citizens of Virginia."¹⁴ These included favorable interest rates, cheapness of labor, and the reorganization of the state highway department. He noted that his greatest objection to a bond issue, improper organization of the highway department, was being cleared up. With all of the aforementioned factors weighing in his decision, Governor Trinkle now favored a "moderate, conservative, well-designed, and careful" bond issue.¹⁵

Early in March, in an address before a joint session of the General Assembly, Governor Trinkle reaffirmed his stand in favor of a bond issue. He promised that funds would be honestly, economically, and efficiently expended. Trinkle then presented a set of facts and figures indicating that labor was plentiful, construction materials were available at reasonable costs, and the interest rate on bonds was down to $4\frac{1}{2}$ per cent from the 6 per cent of the

¹³Norfolk Virginian-Pilot, February 23, 1922. See footnote one on page 123.

¹⁴Norfolk Virginian-Pilot, February 23, 1922.

¹⁵Norfolk Virginian-Pilot, February 23, 1922. United States Senator Claude Swanson also spoke at the Washington birthday banquet and proclaimed that this was not the time for pessimism. "The Commonwealth...must not hold back at this time in planning for the development of her resources," noted Swanson. Richmond News-Leader, March 3, 1922. Although Swanson did not specifically say he favored bonds, he seemed to indicate it very strongly, and bond advocates felt they had him on their side.

previous months. To further persuade the legislators, Trinkle noted that the bond issue bill was not mandatory but permissive. It was incumbent upon the governor, attorney general, and the state treasurer to determine if conditions were right to issue bonds, thus providing a thorough safeguard for the state.¹⁶

To provide for the interest and sinking fund of the bond issue, Governor Trinkle indicated to the General Assembly his preference for the proposed gasoline tax bill providing for a levy of 1¢ per gallon. If this were passed it would eliminate the need for an increase in property taxes, he predicted.¹⁷ Declaring that he was not dictating to the General Assembly, Trinkle noted that he favored the proposed bond issue "if and only if" the highway reorganization and gas tax bills were enacted. He "left" the final decision to the General Assembly, "whether we desire roads to meet the demands of the times" and "whether they shall be built quickly or slowly."¹⁸

Governor Trinkle's speeches on behalf of the bond issue created an uproar throughout Virginia, especially among the

¹⁶Norfolk Virginian-Pilot, March 4, 1922.

¹⁷Many people still feared that a bond issue would necessitate a tax increase. Bond advocates tried to convince the public that this was untrue. They pointed to such men as Thomas B. McAdams of Richmond, President of the American Banker's Association, one of the most prominent bankers in the nation, who proclaimed the bond issue could be met without increasing taxes. Norfolk Virginian-Pilot, January 14, 1922.

¹⁸Norfolk Virginian-Pilot, March 4, 1922.

legislators in Richmond. Bond issue advocates called his support "very opportune" and predicted it would "turn the tide" in favor of bonds. Opponents of the bond issue were left a bit dazed. To them, Trinkle's speeches came "like a bolt out of the sky."¹⁹ One house member of the farmer's group commented that if Trinkle had taken a pro-bond position before the gubernatorial primary, he would not have gotten enough votes in the Valley to know he was running.²⁰

Unquestionably the angriest legislator in either house was Delegate Samuel B. Keezell of Rockingham County, the "Tall Sycamore of Cub Run."²¹ Keezell, an elderly farmer, newspaperman, and former state senator,²² had given Trinkle his full support over Harry Tucker in the 1921 gubernatorial primary by use of his influential Valley paper, the Harrisonburg Daily News-Record.²³ Now, Governor Trinkle had put Keezell in a very embarrassing position, and it was unlikely that he would ever forget. Noted for his "eloquent" political statements, Keezell commented that if Trinkle had made his Norfolk speech before the primary, a good many Rockingham

¹⁹Norfolk Virginian-Pilot, February 24, 1922.

²⁰Norfolk Virginian-Pilot, February 24, 1922. It is likely this was Samuel B. Keezell of Rockingham County.

²¹P. B. F. Good to Claude A. Swanson, August 19, 1922, Swanson Papers.

²²Keezell was a member of the State Senate, 1883-1887 and 1895-1910. At age sixty-eight, he was serving his first term in the House of Delegates where he remained until 1928.

²³Keezell sold this paper to Harry F. Byrd in 1923.

County Democrats would have "gone fishing" on election day.²⁴

As a result of Governor Trinkle's support, the Virginia Good Roads Association predicted victory for their bond issue bill. Indeed, the outlook was very good for passage of a bond issue in the Senate. A poll taken shortly after Trinkle's Norfolk speech showed eighteen senators for a bond issue outright, two others leaning toward bonds, while fourteen were opposed and six were non-committal.²⁵ Most of the opposition came from Valley and Southwestern senators under the leadership of A. Willis Robertson, a young lawyer from Lexington. Although strongly opposed to bonds, Senator Harry Byrd had not as yet emerged as the leader of the anti-bond forces. Possibly hoping to avoid an open split with Governor Trinkle, Byrd worked "behind the scenes" trying to induce Trinkle back into the anti-bond fold.²⁶

As predicted by the Virginia Good Roads Association, the Vaughan-Goolrick Bill moved along very rapidly in the Senate. In late February, it was reported from the committee on roads by chairman Charles Gravatt and referred to the finance committee. Within two days, the bill was reported from this committee by chairman William Allen Garrett.²⁷

²⁴Norfolk Virginian-Pilot, February 28, 1922.

²⁵Norfolk Virginian-Pilot, March 1, 1922. Twenty-one senators were necessary for a majority.

²⁶Byrd had been elected chairman of the State Democratic Committee in January and tried to use this influence.

²⁷Senate Journal, 1922, 459, 474-475.

The bill encountered a snag on the Senate floor as Marshall Booker of Halifax proposed an amendment calling for the bond issue to be submitted to a referendum of the state's electorate.²⁸ Foremost in opposition to the referendum was Senator James Cannon of Richmond. Cannon favored good roads support by legislative action, noting that representatives were elected by the people to make laws and "this is how it should be done."²⁹ Defending the referendum, Senator Booker noted that a question as "critical" as the bond issue should be submitted to the people. "If they want it, let them have it," declared the anti-bond Booker.³⁰ Furthermore, he reasoned that a referendum would remove the objections of many delegates. The Booker amendment, however, was defeated by a rather wide margin of 29 to 11.³¹

Shortly before the final vote was taken on the Vaughan-Goolrick Bond Bill, a gas tax bill sponsored by Senator Goolrick passed the Senate by a vote of 31 to 7. The gas tax measure was vital because the bond issue was "dependent

²⁸Senate Journal, 1922, 687; Richmond Times-Dispatch, March 7, 1922.

²⁹Declared Cannon, "This is the first cold-blooded attempt ever made...to foist onto the people of the Commonwealth what I regard as one of the most pernicious doctrines of government that ever came out of the Middle West." Norfolk Virginian-Pilot, March 8, 1922.

³⁰Marshall Booker to E. Lee Trinkle, March 8, 1922, Trinkle Executive Papers.

³¹Senate Journal, 1922, 687; Norfolk Virginian-Pilot, March 8, 1922; Richmond Times-Dispatch, March 8, 1922.

on its success for life."³² Within an hour of passage of the gas tax bill, the Vaughan-Goolrick Bill "squeaked" through the Senate by the narrow margin of 21 to 19.³³ Leading the unsuccessful fight against the bill were two Valley senators, Willis Robertson and Harry Byrd. Sectionalism ran high as Senator Goolrick charged Valley representatives with opposing good roads throughout the state because their section already had them. Senator John Paul of Harrisonburg answered that the Valley built their roads with their own money and "did begrudge aid to those sections which did nothing to help themselves."³⁴

When the Vaughan-Goolrick Bill was referred to the House for consideration, the bond advocates' joy turned to apprehension. The lower house had twice gone on record not to support bonds at this session, and the dangerous "wounded bear," George B. Keezell, was still on the prowl. Nonetheless, within a few days, the bond bill passed the House by

³²Norfolk Virginian-Pilot, March 8, 1922; Richmond Times-Dispatch, March 8, 1922. A levy of 1¢ per gallon of gasoline was to be paid by distributors and refiners instead of retailers.

³³Senate Journal, 1922, 699-700; Richmond Times-Dispatch, March 8, 1922; Norfolk Virginian-Pilot, March 8, 1922. Of the 19 senators in opposition, 5 were from Southwestern Virginia, 6 were from the southern Piedmont, 4 were from the Valley, 2 were from Northern Virginia, and 2 were from Tidewater.

³⁴Norfolk Virginian-Pilot, March 8, 1922. Paul, a Republican lawyer, was very outspoken when it came to charges of sectionalism. He was a very bitter opponent of state road bonds and helpful in the anti-bond campaign.

a surprising vote of 54 to 42.³⁵ However, the House attached an amendment by Wilbur C. Hall of Leesburg providing for a referendum on the subject in November, 1922.³⁶

Passage of the bond issue in the lower house was largely owing to a brilliant maneuver by R. Holman Willis of Roanoke, patron of the bill in the House. When the Vaughan-Goolrick Bill reached the House, Herbert T. Patterson and George C. Turner, both of Bedford County, offered an amendment proposing that the state constitution be amended to require a referendum before road bonds could be issued.³⁷ This measure was defeated, but Delegate Hall countered with an amendment to refer the whole bond issue proposal to the voters in the November elections. Willis, leader of the pro-bond forces in the House, surprised everyone by supporting the Hall Amendment. Following his lead, bond advocates began supporting the amendment. Fearing the entire proposal might pass, Keezell and many anti-bonders fought to prevent acceptance of the amendment. Refusing to submit the question to the voters put the anti-bond forces in a bad light,

³⁵House Journal, 1922, 762, 809, 884-885, 886, 887; Richmond Times-Dispatch, March 10, 1922; Norfolk Virginian-Pilot, March 10, 1922. Of the 42 in opposition, the overwhelming majority were from the Southwest, southern Piedmont, and Valley sections.

³⁶Richmond Times-Dispatch, March 10, 1922. The amendment was passed by a vote of 54 to 41. The difference between the Booker and Hall Amendments was that the bond issue would have been held up for six months under Hall's plan as opposed to two years under Booker's.

³⁷Norfolk Virginian-Pilot, March 9, 1922.

thus Willis won converts from this faction. By supporting the Hall Referendum, Delegate Willis prevented a possible defeat of the Vaughan-Goolrick Bill.

The bond issue bill with referendum amendment attached was now sent back to the Senate for its concurrence. Displaying brilliant tactics, Senator Byrd led the anti-bond forces in rejecting the House amendment by a vote of 29 to 6.³⁸ Even Senator Goolrick urged the Senate not to concur on the amended version of his bill. Holding firm, the House of Delegates refused to recede from its amendment, and the General Assembly stood deadlocked. On the last day of the session, Goolrick suggested a committee of conference, but again the lower house balked by refusing to appoint members to such a committee. On March 11, the General Assembly adjourned. "With its adjournment," cried angry bond advocates, "died the most far-reaching piece of legislation attempted for years in the Commonwealth...."³⁹ Abundant criticism poured forth from pro-bond newspapers calling the 1922 General Assembly a "do-nothing legislature."⁴⁰ Senator Goolrick summed up the wrath of bond advocates by calling the legislature "The most fruitless in Virginia History."⁴¹

³⁸Senate Journal, 1922, 886.

³⁹Norfolk Virginian-Pilot, March 12, 1922.

⁴⁰Richmond News-Leader, March 11, 1922; Richmond Times-Dispatch, March 12, 1922.

⁴¹Richmond News-Leader, March 11, 1922; Richmond Times-Dispatch, March 12, 1922.

In searching for reasons for the failure of the bond issue in the 1922 legislative session, some claimed it lacked a definite mandate from the people. Although a decisive victory was scored in the 1920 referendum, this did not represent a complete victory over the "mud road," it just removed an obstruction in the path of the bond issue. The next step resided with senators and delegates elected in 1921. "Many" of these legislators came to the 1922 General Assembly pledged against bonds and could not change their position until instructed by their constituents. Governor Trinkle, supporting this argument, noted that legislators had little time to get back home because the Virginia Good Roads Association had fought his road plans too long before finally accepting them.⁴²

In reply to these arguments, it is instructive that two successive regular sessions of the General Assembly and a popular referendum supported the bond issue. The referendum had also placed the voters of the state in a more positive attitude toward change. Although many legislators came to the 1922 session pledged against bonds, they were not in the majority. In the vote on the Vaughan-Goolrick Bill, only eight senators were serving their first term; four voted in favor of bonds, while a like number were opposed. In the House, there were forty-eight freshmen

⁴²E. Lee Trinkle to Warren Topping, March 24, 1922, Trinkle Executive Papers.

delegates of which twenty-five voted in favor of the bond issue, while twenty-three were opposed. The pro-bond Richmond News-Leader attributed the failure of the bond issue to "some fears, more doubts, and very many misgivings" on the part of the General Assembly.⁴³ It seems more likely that special and sectional interests, represented by the Valley, combined through legislative action to defeat the "will of the people."

Regardless of the reasons behind the failure of the bond issue, its defeat marked the turning point in the political careers of two men. Governor Trinkle, very angry over the failure of bonds, tried to disassociate himself from the ineptitude of the legislature claiming, "I feel that I have done my duty....The people cannot blame me for slow road development."⁴⁴ However, his biographer opined, "Trinkle did not know it, but having lost the fight, from then onward his administration was doomed to failure."⁴⁵ While Trinkle's star commenced to set, Harry Flood Byrd's began to rise. The 1922 legislative session had been a great victory for Senator Byrd. He had all but destroyed Highway Commissioner Coleman and had helped lead the anti-bond forces to victory over an almost certain bond issue.

⁴³Richmond News-Leader, March 14, 1922.

⁴⁴E. Lee Trinkle to R. L. Jordan, March 12, 1922, Trinkle Executive Papers.

⁴⁵Willis, "E. Lee Trinkle," 103.

By now, Harry Flood Byrd was a name recognized in all corners of the state.

The struggle over the bond issue did not end with the adjournment of the 1922 General Assembly. In many cases, the real fight had just begun. Senator Goolrick and other bond advocates immediately proclaimed the necessity of a special session of the legislature to consider the road problem. He and Governor Trinkle declared that public sentiment still favored a bond issue which justified a special session. J. Brad Beverly, anti-bond senator from Fauquier County, answered, "As soon as the mud dries, sentiment, if there is any sentiment for a bond issue, will change."⁴⁶ Realizing this possibility, the Virginia Good Roads Association, feeling it could shape sentiment to favor a bond issue, announced the decision to work for a special session of the General Assembly.⁴⁷

Governor Trinkle announced that he would call a special session of the legislature as early as possible once the people of the state indicated their desire for a bond issue.⁴⁸ Immediately, his office was flooded with cards,

⁴⁶Richmond Times-Dispatch, March 13, 1922.

⁴⁷The Virginia Good Roads Association, probably the largest organization of its kind in the South, had over 8,000 active members by January, 1922. Norfolk Virginian-Pilot, January 3, 1922.

⁴⁸Richmond Times-Dispatch, March 19, 1922; Richmond News-Leader, March 20, 1922; E. Lee Trinkle to E. B. White, March 24, 1922, Trinkle Executive Papers.

letters, and telegrams from all over the state in support of bonds. A number of petitions were received from legislators calling for a special session.⁴⁹ These had been prepared beforehand by the Virginia Good Roads Association and mailed to every legislator in the Old Dominion.

Reflecting on the great public outcry for bonds, Governor Trinkle noted that in only one section of the state, the Valley, was there real opposition.⁵⁰ However, Trinkle hesitated in calling a special session of the legislature. Bond advocates "cringed" at his hesitation. Newly-elected Virginia Good Roads Association President Hugh C. Elliot, a lawyer from Roanoke, was especially distraught. He bitterly predicted that a special session of the legislature would be held before winter.⁵¹ Senator Goolrick defended Trinkle, but felt that he should take the initiative by calling a special session in behalf of this "great progressive movement."⁵² Perhaps the most fitting words came from Henry ("Good Roads") Roberts who declared to Trinkle,

⁴⁹Quite a number of these appear in the Trinkle Executive Papers.

⁵⁰In a letter to Byrd, Trinkle declared that the rest of Virginia did not feel the Valley wanted to give them a "square deal." E. Lee Trinkle to Harry Flood Byrd, March 24, 1922, Trinkle Executive Papers. The only effect the charges of sectionalism had on Valley leadership was to strengthen their provincialism and opposition to road bonds.

⁵¹Norfolk Virginian-Pilot, May 14, 1922.

⁵²C. O'Connor Goolrick to E. Lee Trinkle, May 15, 1922, Trinkle Executive Papers.

"You and I both know that you are a dead cock in the pit politically if you do not have the extra session and put the bond issue across and build some roads."⁵³

Why, then, did Governor Trinkle take no action in calling a special session of the General Assembly? Again, Henry Roberts had the appropriate words. Alluding to the "general political considerations," Roberts proclaimed that United States Senator Claude Swanson did not want any special session to be held until after the August senatorial primary and that George C. Peery, a Swanson-Trinkle-Byrd associate, did not want one until after the November elections.⁵⁴

Swanson was locked in a campaign against former Governor Westmoreland Davis for the United States Senate, and Peery, a businessman from Tazewell County, was campaigning long and hard to "redeem" the ninth congressional district by wresting the House of Representatives seat from the long-time incumbent Republican, C. Bascom Slemph. Once again the intrusion of politics threatened the bond issue.

Senator Byrd warned that if Governor Trinkle did call a special session of the legislature, it would hurt Swanson in the Valley. Valley people felt that Swanson had been largely responsible for getting Trinkle elected. Byrd noted, "Of course, if Trinkle determines to do this, we will have

⁵³Henry Roberts to E. Lee Trinkle, June 20, 1922, Trinkle Executive Papers.

⁵⁴Henry Roberts to E. Lee Trinkle, June 20, 1922, Trinkle Executive Papers.

to make the best of it, but all of the leaders concur with me that this will have a very adverse effect on you and [Thomas P.] Harrison."⁵⁵ Warnings from other influential persons in the Valley and other parts of the state came to Swanson, all proclaiming that he would be greatly aided if Governor Trinkle would leave the bond issue and the special session up to the legislature.⁵⁶ The political "danger" of the situation heightened as several reports were circulated claiming that Swanson favored the bond issue and was urging Trinkle to call a special session.⁵⁷ This was especially precarious for Swanson owing to his Norfolk speech in February. From this speech many people inferred that he supported Trinkle's pro-bond stand.⁵⁸ "Now it is almost impossible to tell you how indignant the people are, and they do not hesitate to say traitor and call it a sellout," declared one Swanson supporter.⁵⁹

In trying to clear up the morass, Senator Swanson emphatically declared that he had not alluded to the bond

⁵⁵Harry Flood Byrd to Claude Swanson, May 1, 1922, Swanson Papers. Harrison was running for Congress from the tenth congressional district (Valley).

⁵⁶One of the many was anti-bond State Senator John H. Crockett from Wytheville. John H. Crockett to H. Lester Hooker, July 3, 1922, Swanson Papers.

⁵⁷Stuart B. Campbell to Claude Swanson, July 10, 1922, Swanson Papers.

⁵⁸See footnote fifteen on page 129.

⁵⁹O. E. Jordan to Claude Swanson, February 25, 1922, Swanson Papers.

issue, either directly or indirectly, in his Norfolk speech. He had not supported bonds in his speech, but merely complimented Governor Trinkle and "predicted prosperity and saw no reason for pessimism," claimed Swanson.⁶⁰ He declared that the bond issue was a matter for state authorities for he did not know the situation or conditions well. Owing to this, Swanson noted, he had not conferred with Governor Trinkle or any state official concerning the bond issue. As far as roads were concerned, he promised to devote his time strictly to securing federal aid.⁶¹ However, Swanson realized the potential danger in the road controversy and wanted no special session of the legislature before December. To Byrd, Swanson declared, "I trust he [Trinkle] can be induced to do this."⁶²

Besides the political implications of calling a special session of the General Assembly, Governor Trinkle was faced with another crucial issue, the appointment of the new

⁶⁰Claude Swanson to John H. Crockett, March 20, 1922, Swanson Papers.

⁶¹Claude Swanson to Stuart B. Campbell, July 13, 15, 1922, Swanson Papers. Various comments by Swanson were: "I have consistently refused at all times to inject myself into road matters in Virginia." Swanson to John H. Crockett, March 20, 1922; "I have refused to be made a party to the road controversy." Swanson to A. L. Lucas, April 7, 1922; "I have taken no part in the controversy whatsoever." Swanson to Stuart B. Campbell, July 13, 1922, Swanson Papers.

⁶³Claude Swanson to Harry Flood Byrd, May 6, 1922, Swanson Papers. As things turned out, Swanson was re-elected over Davis and Slemp announced his retirement from Congress, thus making George Peery's chances much better.

highway commission which was to take effect on July 1. Filling the position of highway commission chairman, in particular, caused much concern. Many people felt Trinkle would appoint a "big businessman" and were hesitant to entrust to an unknown man millions of dollars that might be raised by a bond issue. Therefore, few people believed a special session of the legislature would be held before the highway commission appointments were filled. It seemed to many that "The success or defeat of the bond issue thus may be decided in the Governor's office."⁶³

Governor Trinkle relieved the tensions of many good roads advocates with the appointment of Henry G. Shirley as chairman of the state highway commission. Shirley, chief highway and sanitary engineer of Baltimore County, Maryland, held a sound reputation in the East for his road building accomplishments. He was a native Virginian, a graduate of the Virginia Military Institute with a degree in civil engineering, and was well versed in public road building.⁶⁴ Trinkle received great praise from all parts of the state as the appointment of Shirley was widely acclaimed by everyone including Highway Commissioner Coleman. Likewise, the Governor was commended for his appointment of the other

⁶³Richmond News-Leader, March 14, 1922.

⁶⁴Shirley was awarded an honorary Doctor of Science degree from the University of Maryland for his outstanding engineering achievements in the state. Norfolk Virginian-Pilot, May 29, 1922.

members of the new state highway commission.⁶⁵ Many newspapers throughout the state hailed this action as the most important yet taken by Governor Trinkle.⁶⁶

With the successful completion of the state highway commission, attention returned immediately to the bond issue and the possibility of a special session of the General Assembly. Bond advocates received a boost when it appeared that less than adequate funds were available for the remainder of 1922 and for most of 1923. The majority of contracts during this time would have to be from funds made available by Robertson Act loans, claimed the pro-bonders.⁶⁷ Agreeing

⁶⁵The new commission consisted of: I. Walke Truxtun of Norfolk represented Tidewater; Wade H. Massie of Rappahanock, a member of the old commission, represented the Piedmont; Rufus K. Sanders of Saltville represented the Southwest; Hugh B. Sproul of Staunton represented the Valley; and Chairman Shirley represented the mid-Virginia area radiating from Richmond. Richmond News-Leader, June 15, 1922; Norfolk Virginian-Pilot, June 15, 1922. At the first session of the newly-organized highway commission, George P. Coleman was appointed state highway commissioner. Richmond Times-Dispatch, July 6, 1922.

⁶⁶Trinkle's popularity was probably greater at this time than anytime before or after.

⁶⁷\$3,060,000 was estimated to be available for 1923. Of this sum, \$1,800,000 would be available from the mill tax to be collected December 20, 1923. Contracts against this sum could not be let until September or October, 1923. Thus, only around \$1,260,000 of state and federal aid, plus any left over from the 1922 mill tax, was left to expend between January and September, 1923. Norfolk Virginian-Pilot, September 3, 1922. Funds from the Robertson Act were used extensively during this time, but this also caused controversy. Richmond, Newport News, and Norfolk loaned the state money to build a Norfolk to Richmond highway, but there was a serious dispute over the exact route. Norfolk Virginian-Pilot, June 21, July 14, and November 14, 1922.

with this position was Highway Commission Chairman Shirley. Speaking before the executive committee of the Virginia Good Roads Association in September, he declared that funds for road construction for 1923 were "entirely inadequate to meet the requirements of the situation and the demands of the state."⁶⁸ Chairman Shirley pledged his support for a bond issue and strongly urged a special session of the General Assembly.⁶⁹

From his travels throughout the state since his appointment, Shirley claimed he noted a growing sentiment for the bond issue. Only in rural areas, he declared, was there any great opposition. He confessed that rural people wanted good roads, but they did not realize that little could be accomplished with the existing appropriations. To Shirley, the bond issue was the most "logical" means to secure the necessary funds. However, motorists should not be compelled to foot all of the cost of a bond issue, he proclaimed. In addition to the 1¢ gasoline tax proposed by bond advocates to pay the interest and sinking fund, he advocated a special tax on all taxable property to help defray the cost of a bond issue.⁷⁰ Good roads certainly enhanced property values, Shirley argued.

⁶⁸Hugh C. Elliot to E. Lee Trinkle, September 7, 1922, Trinkle Executive Papers; Norfolk Virginian-Pilot, September 6, 1922.

⁶⁹Norfolk Virginian-Pilot, September 7, 1922.

⁷⁰Norfolk Virginian-Pilot, September 7, 1922.

Shirley's bond issue plan received much support from urban areas because the gas tax alone meant a heavy and unfair burden on the cities. Urbanites would pay most of the gas tax, but they in turn would not receive any funds from its proceeds for use on their streets. Also, the greatest amount of wear and tear on the state's roads would not come from city-dwellers but from movements of commodities to and from farms. Labeling the gas tax "class legislation,"⁷¹ many urbanites predicted that funds from this proposed source would be insufficient to finance any bond issue over \$12,000,000 anyway.⁷² Although the above arguments contain much validity, many urbanites failed to realize that rural areas were greatly nurturing the cities.

Despite growing support for Shirley's plan, a bond issue financed only by a gasoline tax bolted further into the lead when a "gasoline treaty" was worked out between "road bond regulars" and "anti-road bond insurgents."⁷³ An

⁷¹The pro-bond Norfolk Virginian-Pilot charged, "If the gasoline tax means that it is the purpose of the state to finance all road bond issues by some form of direct taxation on users of automobiles, it had better be rejected." Norfolk Virginian-Pilot, March 7, 1922.

⁷²Many people felt that a bond issue of this size was only the beginning. Ultimate issues would run between \$50,000,000 and \$100,000,000. Another point to be noted is that any bond issue and increased taxation were inseparable. If only a \$12,000,000 issue financed by a 1¢ gasoline tax were passed, it would mean an increase in taxation--a 1¢ gasoline tax.

⁷³Norfolk Virginian-Pilot, October 6, 1922. It had been these "anti-road bond insurgents" who had helped defeat the bond issue in the 1922 General Assembly.

agreement was reached between R. Holman Willis, author of the \$12,000,000 bond issue in the House of Delegates, and Marvin Smithey, anti-bond leader in the lower house. The agreement provided that bonds would be sold to constitute an enforceable contract, revenue to pay the interest and sinking fund would come from a gasoline tax, and the money would be spent on roads that were already laid out for construction.⁷⁴ Rural citizens greatly opposed an increase in real estate taxes, and there was great fear that routes would be changed from the original plans.⁷⁵ Proclaiming that the objectionable features of rural interests had been removed, Smithey and Willis both called for a special session of the legislature, confident that a bond issue would pass.⁷⁶

Shortly after the "gasoline treaty," Highway Commission Chairman Shirley abandoned his plea for a gas and property tax-financed bond issue. He now advocated a gasoline tax of 2¢ per gallon to pay the principal and interest of a

⁷⁴Richmond Times-Dispatch, October 4, 1922; Norfolk Virginian-Pilot, October 6, 1922.

⁷⁵If the bond issue and gas tax bills had been tied together as one bill in the 1922 legislature, Smithey's bloc may not have put through the resolution opposing bonds.

⁷⁶George B. Keezell criticized Willis of Roanoke and Smithey of Brunswick County as having no right to call themselves "representatives" of Virginia's agricultural class. The Richmond Times-Dispatch answered that Keezell called himself the "farmer's friend," but actually was not a spokesman for this class either because he was not "progressive or farsighted." Richmond Times-Dispatch, October 12, 1922.

\$20,000,000 bond issue. Funds from this source would be used to take care of "first surfacing" and replacement of highways, while permanent construction, including the costs of securing rights-of-way, engineering, and bridges and culverts would be covered adequately by the existing mill tax. As for maintenance, sufficient funds were provided by the automobile license fees, noted Shirley. With this plan, he predicted, the state highway system could be completed in eight to ten years and the bond issue could be paid off in twenty-one years without a property tax increase.⁷⁷

Governor Trinkle, who had been stumping the state on behalf of the bond issue during the summer, also gave support to a bond issue financed by a tax on gasoline. In a speech to Carroll County residents in October, Trinkle declared that he would "never" sign a bill providing a property tax for road construction. He advocated a 1¢ or 2¢ gasoline tax to "get you folks, my neighbors, out of the mud."⁷⁸ However, despite growing support for bonds, Trinkle still postponed calling a special session of the legislature to consider road finance.

To counter the growing support for bonds, the anti-bond or "pay-as-you-go" forces began to organize and lay

⁷⁷Henry G. Shirley to E. Lee Trinkle, October 1,, 1922, Trinkle Executive Papers; Norfolk Virginian-Pilot, October 12, 1922; Richmond Times-Dispatch, October 11, 1922; Willis, "Administration of E. Lee Trinkle," 50.

⁷⁸Norfolk Virginian-Pilot, October 21, 1922. Trinkle was from Wytheville.

plans of their own. Senator Louis S. Epes, a co-leader of this faction, denied the necessity of a bond issue and proposed a 3¢ gasoline tax to finance the state's roads. He noted that this plan would provide adequate funds to complete the state highway system within ten years and there would be no debt to pay as with a bond issue.⁷⁹ Publicly supporting Epes were Harry Byrd, now forging into the leadership of the "pay-as-you-go" forces, and former Governor Henry Carter Stuart, chairman of the "Pay-As-You-Go" Good roads Association, an organization he had formed in the spring.

Senator C. C. Vaughan, former President of the Virginia Good Roads Association and a leader of the pro-bond forces, attacked the "pay-as-you-go" gas tax plan, proclaiming it would be unable to solve the state's needs for emergency highway financing for 1923. Furthermore, Vaughan predicted, increasing the gasoline tax beyond 2¢ would induce people to propose a property tax.⁸⁰ Gasoline and automobile interests were beginning to stir, and some openly expressed disdain for the "pay-as-you-go" 3¢ gas tax plan.⁸¹ Thus,

⁷⁹Richmond News-Leader, October 11, 24, 1922.

⁸⁰Richmond Times-Dispatch, November 11, 1922. This seems illogical considering Byrd, Stuart, and other anti-bonders were large property owners opposed to increased property taxes. Byrd was a large property owner in the Valley, and Stuart owned the largest stock farm east of the Mississippi River. Glass and Glass, Virginia Democracy, 309.

⁸¹The Virginia Automobile Dealers Association put out much literature opposing the 3¢ gas tax plan.

Senator Vaughan proclaimed, the only feasible plan was a "mild" bond issue of \$12,000,000 financed by a 1¢ or 2¢ gasoline tax.⁸²

With the tension rapidly mounting over the road controversy, the possibility of a special session of the General Assembly seemed imminent.⁸³ Retreating somewhat from his earlier position, Governor Trinkle stated in October that he would call a special session when he had been assured that a sufficient number of legislators favored passage of a bond issue.⁸⁴ Trinkle knew well he had to move with caution. Without a substantial "working majority" as he termed it, a special session would be on dangerous footing. A bare majority in favor of bonds would be precarious. Realizing the General Assembly was evenly divided over the bond issue at this time, Trinkle hesitated in calling a special session. Declared the pro-bond Norfolk Virginian-Pilot, "The Governor is right in playing safe. It is not enough to call a

⁸²Many bond opponents had proclaimed that bond advocates wanted issues of up to \$100,000,000. Senator Vaughan attacked this an attempt to frighten people against the proposed \$12,000,000 issue.

⁸³The Governor's office was flooded with hundreds of cards, letters, and telegrams from all over the state pleading for a special session. Many organizations throughout the state drew up resolutions supporting a special session and sent them to Governor Trinkle. Among them were: Virginia Bankers Association, Virginia Real Estate Association, Virginia Medical Society, Virginia Federation of Labor, American Legion, the vast majority of city chambers of commerce, hundreds of Kiwanis, Rotary, and Lions Clubs, and many other civic organizations.

⁸⁴Richmond Times-Dispatch, October 7, 1922.

special session. It must be a certain session as well."⁸⁵

Governor Trinkle's caution in the road controversy can also be attributed to other factors. To a great degree his political career was at stake. Trinkle knew the bond issue would have rough sledding in both houses of the legislature. He was also aware that a direct gasoline tax as the sole source of funds for road construction would meet much resistance. If Trinkle called a special session to consider bonds and if the bond issue miscarried, many people would likely blame him for the expense of the session. He would also be blamed for any additional legislation if it proved unsuitable to certain sections of the state or certain classes of people. Trinkle continued to face pressure from his "sometimes" colleagues, notably Byrd and Swanson, not to call a special session until after the fall elections. At the same time, he was being pressured by the Virginia Good Roads Association and pro-bond legislators, particularly Goolrick and Vaughan, to call a special session of the legislature as soon as possible. It was a classic urban-rural split, and the interests of each had been aroused. What a difficult position for Trinkle who wanted so badly to be a popular and successful governor!

Continuing its efforts to persuade Governor Trinkle to call a special session, the Virginia Good Roads Association claimed in mid-October that signed pledges from twenty

⁸⁵Norfolk Virginian-Pilot, October 12, 1922.

senators and fifty delegates favoring a special session had been received. Furthermore, noted the organization, there were enough "assurances" from other legislators to give bond advocates more than the necessary total for a majority in both houses of the General Assembly. "The legislators are ready and waiting," cried the good roads association, "the next move belongs to the Governor."⁸⁶ However, Trinkle remained unchanged. "Here is the great opportunity of his career--an opportunity that is greater today than it will be tomorrow," pleaded bond advocates.⁸⁷ Sounding a warning note, other pro-bonders predicted that if Trinkle delayed any longer, the whole good roads program and his own record as a good roads governor might be harmed.⁸⁸ Advocates of the bond issue and a special session of the General Assembly were rapidly losing patience with Governor Trinkle.

Shifting its attention from Trinkle for a moment, the Virginia Good Roads Association called for a special and intensive "educational campaign" directed to where the opposition lay--in the Valley and certain other rural areas where many members of the General Assembly were tied to

⁸⁶Richmond Times-Dispatch, October 11, 1922; Richmond News-Leader, October 11, 1922; Norfolk Virginian-Pilot, October 20, 1922.

⁸⁷Richmond Times-Dispatch, October 10, 1922.

⁸⁸Richmond Times-Dispatch, October 10, 1922; William E. Robinson to E. Lee Trinkle, October 13, 1922; F. Rodger Padgett to E. Lee Trinkle, October 14, 1922, Trinkle Executive Papers.

election pledges.⁸⁹ Converts were to be "recruited" from legislators in these areas, and voters were to be convinced that the benefits of a bond issue would outweigh their burden of the cost. Governor Trinkle supported this campaign since more work had to be done among the members of the legislature before he would call a special session. He asked the people of these sections to "let their representatives know" if they approved of the \$12,000,000 bond issue financed by the gasoline tax.⁹⁰

Unable to win many "converts" in the Valley and other rural areas of the state and with the General Assembly still apparently evenly divided over the road question, Governor Trinkle began to shy away from the bond issue once again.⁹¹ Owing to the mounting pressure from Harry Byrd and other

⁸⁹The pro-bond Richmond News-Leader, edited by Douglas Southall Freeman, proclaimed, "But for the opposition of some 'bitter enders' principally from the Valley section, the bond issue would now go through both houses with a whoop...." Richmond News-Leader, October 13, 1922; the pro-bond Norfolk Virginian-Pilot declared, "The Senators and Delegates from these sections act from motives beyond the reach of horatory resolutions adopted by organizations not indigenous to their bailiwicks. They include bitter-enders whose opposition can be overcome only by retiring them and electing others in their places, and members tied by unfortunate election pledges." Norfolk Virginian-Pilot, October 19, 1922; a typical reply was, "We the people here in the Valley are fighting the bond issue to the last ditch. It is the most ruinous scheme that any agency has ever attempted to foist on our people." Waynesboro Valley-Virginian, November 17, 1922, Davis Scrapbook, vol. 27, Davis Papers.

⁹⁰Richmond Times-Dispatch, October 19, 1922.

⁹¹In mid-October, Trinkle stated he had facts to show that the special session would not prove successful. Norfolk Virginian-Pilot, October 18, 1922.

anti-bond Democrats,⁹² the strongly pro-bond Richmond Times-Dispatch charged that Trinkle was opposed to bonds; his failure to call a special session proved it.⁹³ Governor Trinkle emphatically denied the charge, declaring that he still favored bonds if the people of Virginia so desired them. He was holding conferences with bond opponents and bond advocates, but no "deals" had been made with either group, Trinkle declared. Momentarily bowing to the extreme pressure, he bitterly proclaimed that the bond issue controversy had greatly hurt the cause of good roads in Virginia.⁹⁴ Deep divisions, he felt, were causing many people to lose sight of the desired goal, good roads.

Although Governor Trinkle still refused to call a special session of the legislature, members of both houses began gathering in Richmond throughout November and December to confer on the critical road issue. One leading anti-bond group, led by Senator Louis Epes and Delegates George Keezell and Thomas Ozlin, agreed to a special session

⁹²Byrd was State Democratic Party Chairman. Trinkle's biographer, Leo Stanley Willis, contends that the Governor wanted to poll the state legislature to ascertain their feelings on the bond issue, but Byrd opposed this. Willis, "Administration of E. Lee Trinkle," 76.

⁹³Richmond Times-Dispatch, November 25, 1922; Norfolk Virginian-Pilot, November 26, 1922. In conference with a group of legislators, Trinkle supposedly stated he would not call a special session if a road bond bill was going to be presented.

⁹⁴E. Lee Trinkle to H. L. Layman, November 25, 1922, Trinkle Executive Papers.

provided that its purpose would be to levy a gasoline tax to raise sufficient funds for 1923.⁹⁵ The bond issue question, they felt, should be left to legislators chosen in the regular biennial elections of 1923.⁹⁶ Resolutions embodying these proposals were sent to Governor Trinkle. Expressing great disdain for this plan, the Norfolk Virginian-Pilot sounded the pro-bond sentiment declaring, "Let the Legislature address itself to that problem without strings."⁹⁷ The question of bonds or no bonds should be left to the special session itself, noted the Pilot. Rarely in Virginia history has a greater example of political cowardice been revealed. Despite this, the cry immediately went out that all principal factions had finally agreed on the necessity of a special session of the legislature.

Although still quite apprehensive, Governor Trinkle announced that his decision on a special session would soon be forthcoming.⁹⁸ On November 28, he released a thousand-word statement declaring that the majority of legislators favoring a special session was too small. However, Trinkle left the path open, adding that he would call a special session

⁹⁵The others were: Senators J. Brad Beverly of Fauquier County, William B. Cocke of Sussex County, and Delegates S. L. Adams of Halifax County, J. M. Hurt of Nottoway County, and R. L. Jeffreys of Mecklinburg County.

⁹⁶Norfolk Virginian-Pilot, November 18, 1922; Richmond Times-Dispatch, November 18, 1922.

⁹⁷Norfolk Virginian-Pilot, November 20, 1922.

⁹⁸Norfolk Virginian-Pilot, November 26, 1922.

if a "simple working majority sufficient to meet the hazards of legislation" asked for it by December 15. Thus, Governor Trinkle would call a special session if a majority of legislators supported one of three plans: a bond issue, the "pay-as-you-go" plan, or temporary funds for 1923.⁹⁹

Reaction to Governor Trinkle's announcement varied. The Norfolk Virginian-Pilot declared, "The initiative is now where it belongs--with the members of the legislature."¹⁰⁰ Somewhat resentful, many legislators declared that if a special session convened on a pledge to one of the plans, it could not be prevented from considering any other plan. Many critics reminded Trinkle of his gubernatorial campaign pledges of going "Forward not Backward" and letting the people express their opinion on the bond issue through their elected representatives. Had Governor Trinkle gone forward or backward by refusing to take the initiative in calling a special session? Had he instead abided by his gubernatorial opponent's slogan, "Back to the Constitution," for feeling that a majority of the General Assembly should call a special session, or implying that he would call it if such a majority existed?

⁹⁹Richmond Times-Dispatch, November 28, 1922; Richmond News-Leader, November 28, 1922; Norfolk Virginian-Pilot, November 29, 1922.

¹⁰⁰Norfolk Virginian-Pilot, November 29, 1922. Trinkle mailed letters to all legislators asking their views on his plan. He requested their reply by December 15.

Regardless of the feasibility of Governor Trinkle's plan, bond advocates and opponents were busily working before the December 15 deadline. A few days before the deadline, Senator Louis Epes, with the approval of Harry Byrd, released a statement calling for a special session of the legislature but disapproving of the bond issue.¹⁰¹ Byrd had sent out questionnaires to members of the General Assembly seeking their opinion on a special session, the bond issue, and the direct gasoline tax plan. With many favorable replies, Byrd, Epes, and Thomas Ozlin initiated a movement to persuade Governor Trinkle to call a special session for the purpose of levying a gasoline tax for road financing. At the same time, President Hugh Elliot of the Virginia Good Roads Association announced that a "substantial majority" of the members of the legislature had been pledged to support a bond issue.¹⁰²

Complicating matters, Governor Trinkle planned to attend a governors' conference in West Virginia, thus delaying his decision on the special session. Returning to Richmond on December 19, he found his desk piled high with an avalanche of mail from members of the General Assembly.¹⁰³ To

¹⁰¹Richmond Times-Dispatch, December 12, 1922; Norfolk Virginian-Pilot, December 12, 1922.

¹⁰²Hugh C. Elliot to E. Lee Trinkle, December 13, 1922, Trinkle Executive Papers; Norfolk Virginian-Pilot, December 14, 1922.

¹⁰³Dozens of letters in the Trinkle Executive Papers attest to this fact.

the Governor's chagrin, however, many of these indicated no direct commitment on the bond issue. As a result, he continued to hold conferences with legislators, both bond advocates and bond opponents. Although the Virginia Good Roads Association claimed ample majorities in favor of bonds in both houses, the Governor was still hesitant to call the legislature in special session.

Finally, on December 22, after "giving the matter serious thought" and declaring the road controversy "the most complicated question that had faced Virginia in over a hundred years," Governor Trinkle announced the call of a special session of the General Assembly beginning on February 28, 1923.¹⁰⁴ Noting that a "safe working majority" for bonds did not exist,¹⁰⁵ Trinkle ardently declared that any bond issue, if passed, be submitted to a popular referendum in the fall. Giving force to this, he promised to veto any legislation that did not allow the people of the state to express their wishes in the 1923 general elections.¹⁰⁶

¹⁰⁴Richmond News-Leader, December 23, 1922; Richmond Times-Dispatch, December 23, 1922; Norfolk Virginian-Pilot, December 24, 1922. Trinkle professed that friends were against friends and communities were on the verge of being split apart over the bond issue. Tension was running high between legislators also.

¹⁰⁵Trinkle stated that only 19 senators and 45 delegates favored the bond issue. Richmond Times-Dispatch, December 24, 1922.

¹⁰⁶Richmond News-Leader, December 23, 1922; Richmond Times-Dispatch, December 23, 1922; Norfolk Virginian-Pilot, December 24, 1922.

The controversy over calling a special session of the General Assembly was now over; it ended in a draw between pro-bond and anti-bond advocates.¹⁰⁷ In a typical political compromise, bond advocates got the special session they long fought for, while bond opponents, whose leaders were now convinced of the necessity of a special session themselves, got practical assurance that a bond issue would not be passed. Presumably, an emergency measure would be enacted, while the bond question would be postponed until the 1923 elections as Governor Trinkle had warned. Although he did not get his "working majority," Trinkle had given in to the demands for a special session.¹⁰⁸ The rationale behind his earlier prerequisite was sound in that it would have prevented a special session from ending in a deadlock. Governor Trinkle was now prepared to take this risk. However, the General Assembly could ill afford to allow such a deadlock.

During the remaining months before the special session of the legislature convened, a heated verbal battle raged between bond advocates and the "pay-as-you-go" forces.

¹⁰⁷A by-product of the controversy was that it aided in the spread of knowledge of the economics of the bond issue and "pay-as-you-go" plans. After all the discussion and debate, people were better informed on the issues. Most everyone realized by this time, for example, that a bond issue could not be floated without an increase in taxation, whether it be a gasoline tax, a real estate and personal property tax, or other general taxes.

¹⁰⁸Byrd and other leaders of the anti-bond forces certainly had a great influence on Trinkle's decision to call the special session.

Most of the attention centered on Harry Byrd, now the acknowledged anti-bond leader, and the Virginia Good Roads Association.¹⁰⁹ Caught in the middle of the controversy was the state highway commission. Bond opponents declared that members of the highway department should not take a stand on the road issue. Byrd had long felt that state highway officials should only build roads, leaving the question of finance to the legislature. Highway Commissioner Coleman replied that highway officials were "just the ones" to comment on road financing, and he criticized Byrd for attempting to "muzzle" the state highway executive department. Resolving the issue, Chairman Shirley promised that he and the highway department would remain neutral in the road controversy.¹¹⁰ Thus, in order to be free in the bond issue battle, Coleman resigned as highway commissioner in January, 1923, thereby ending seventeen years of continuous service to the state.¹¹¹

¹⁰⁹Hugh Elliot, President of the Virginia Good Roads Association, called Byrd's statements "unjustified propaganda." Richmond Times-Dispatch, January 15, 1923. Byrd replied, "He seems to think that the Good Roads Association is a supra-Governmental agency and that to question its propaganda is treason to the state." Harry F. Byrd, "Who's Putting Up the Money for Bonding State?", Trinkle Executive Papers.

¹¹⁰Richmond News-Leader, January 8, 1923.

¹¹¹Richmond Times-Dispatch, January 19, 1923. A proper epitaph for Coleman was: "The resignation gives the present administration the free hand in the highway department which it has all along sought, and closes a political episode not particularly to the Governor's credit." Norfolk Virginian-Pilot, January 20, 1923.

When the twelfth annual convention of the Virginia Good Roads Association met in Roanoke in January, 1923, its featured speaker was George P. Coleman. Now "free" to speak out in the road controversy, Coleman attacked Harry Byrd, whom he claimed was opposed to "all" constructive measures, and other "pay-as-you-go" leaders for "obstructing road progress in Virginia."¹¹² He also scorned Governor Trinkle for his "wavering" stand on the bond issue.¹¹³ Owing to his fiery speeches, his great ability and reputation as a road-builder, and his pro-bond stand, Coleman was unanimously elected President of the Virginia Good Roads Association.¹¹⁴

While Coleman and the good roads association were organizing their campaign for a \$50,000,000 bond issue in the upcoming special session of the legislature, their efforts were somewhat undermined by charges of possible road scandals. Harry Byrd's Winchester Evening-Star republished an article from the Fredericksburg Star claiming the article

¹¹²Richmond News-Leader, January 30, 1923.

¹¹³Coleman declared, "Honorable E. Lee Trinkle...while we may not have agreed with you in many things, we have met your every demand and harkened to your cry of 'Forward not Backward.' We, the people of Virginia, Mr. Trinkle, are going forward to those things necessary for your development. Are you going with us? Or do you go backward? It is for you to say." Richmond News-Leader, January 30, 1923; Willis, "Administration of E. Lee Trinkle," 53.

¹¹⁴The convention was called the greatest in the history of the Virginia Good Roads Association. Resolutions were adopted calling for a \$50,000,000 bond issue financed by a 1¢ gasoline tax. Richmond Times-Dispatch, February 1, 1923.

was edited by C. O'Connor Goolrick. The article expressed opposition to the highway commission's prohibition of legislators having interest in road contracts. The Evening-Star claimed this seemed to indicate that shares or interest in road contracts were possessed by legislators in exchange for their support of a bond issue.¹¹⁵ Another charge made by the Evening-Star and the Harrisonburg Daily News-Record, owned by George B. Keezell, involved an article, "Highway Contractors Organize--For What?", supposedly written by Byrd. This article insinuated that many highway contractors in the state had organized in order to elevate prices for road construction.¹¹⁶ The Virginia Highway Contractor's Association asked Byrd to retract his statements, but when he refused, a \$100,000 libel suit was filed against him.¹¹⁷ Several months later, a jury decided in favor of Byrd.¹¹⁸

¹¹⁵Loudon Mirror, February 1, 1923, Davis Scrapbook, vol. 29, Davis Papers. "The pot is boiling," declared the Mirror; there must be a "nigger in the woodpile somewhere," claimed the Waynesboro Valley-Virginian, March 2, 1923, Davis Scrapbook, vol. 29, Davis Papers.

¹¹⁶Richmond Times-Dispatch, February 3, 1923.

¹¹⁷Richmond Times-Dispatch, February 3, 1923. Byrd asked that the suit be tried before the special session of the General Assembly so the people could see how the Virginia Highway Contractor's Association was organized.

¹¹⁸Following an investigation, the 1923 special session unanimously passed a bill making the books of the contractor's association subject to inspection by the governor and the state highway commission. Another bill was passed regulating highway contractor's associations to prevent fraud and collusion in contract bidding. Senate Journal, 1923, 151, 256; House Journal, 1923, 234, 310. Later the Virginia Highway Contractor's Association dissolved.

There was little reaction against Byrd's "scandal mongering" as public sentiment sided with him. The resulting effect of the "scandal" charges was to detract from the already waning support of the pro-bond faction. Sentiment for the bond issue had been declining for several months. Governor Trinkle was now opposed to bonds unless approved by voters in a referendum. Bonds had lost ground in the Senate while gaining no strength in the House. There was now much factional and personal animosity, perhaps even political ambitions, linked to the road controversy.¹¹⁹ There was also great fear that if bonds were defeated, bond advocates would be so embittered as to block passage of an alternative plan. Such was the setting for the 1923 Special Session of the General Assembly.

¹¹⁹It was generally regarded that if the bond issue did not pass in 1923 and the 3¢ gasoline tax were passed as a temporary expedient, then the bond question would be the dominant issue in the next gubernatorial election (1925). The likely candidates were Goolrick and Byrd. Harry Byrd became governor largely on account of his success in the road issue.

CHAPTER VI

THE BIG SHOWDOWN: BONDS VERSUS BYRD, 1923.

As the special session of the 1923 General Assembly approached, the "battle lines" were drawn. Indications were that this would be the "widest and most complicated split and mix in Virginia politics since Readjuster days...."¹ The Democrats were split,² the Republicans were split, and all sections of the state were divided over the road issue. The Tidewater favored bonds, the Southwest appeared to hold the same position, Northern Virginia seemed undecided and awaiting further developments, while the Piedmont leaned against bonds and the Valley definitely opposed. An urban-rural division also appeared; most of the cities were in favor of bonds and rural areas opposed.

Finally, on February 28, 1923, the long-awaited special session of the legislature convened in Richmond. Addressing the opening session, Governor E. Lee Trinkle earnestly expressed his views on the road problem.³ He noted

¹Loudon Mirror, February 1, 1923, Davis Scrapbook, vol. 29, Davis Papers.

²Most of the ranking state Democrats opposed the bond issue, but even here some were in support of it.

³Leo Willis notes, "Trinkle's actions in 1923 would largely determine the success of his administration and his future as a leader in the Virginia Democracy." Willis, "Administration of E. Lee Trinkle," 48. Trinkle's stand on the road issue, or lack of one, had already cost him the leadership on this question. Few people looked to him to solve the road issue. As Willis agrees, the debate over roads dominated the second year of his administration.

that he had traveled throughout the state and had gone to "great inconvenience" to determine public sentiment on the bond issue. Less than half of either house of the legislature supported bonds, the Governor declared, but he called the special session anyway owing to the urgent need of highway funds. Personally, Trinkle indicated he favored a conservative bond issue, but keeping in mind present and future needs as well as popular sentiment, he now supported the "pay-as-you-go" plan.⁴ Trinkle was convinced that the majority of Virginians opposed a bond issue at this time. He also faced heavy pressure from Harry Byrd and ranking state Democrats to support the "pay-as-you-go" plan.

Examining the opposing road plans before the legislature, Governor Trinkle noted that with the expected increase in funds from the mill tax, auto license fees, federal aid, and an increase in consumption of gasoline, the 3¢ gas tax would complete the state highway system in seven years. Outlining four possible bond plans, he declared that only five years would be necessary to complete the system.⁵

⁴"Address of Governor E. Lee Trinkle," House Journal, 1923, 3-24, hereinafter cited as "Address of Governor E. Lee Trinkle, 1923."

⁵A \$19,000,000 bond issue financed by a 1¢ gasoline tax to be paid off in thirty years; a \$15,000,000 issue financed by the same method to be paid off in twenty years; a \$29,000,000 issue financed by the mill tax to be paid off in thirty years; and a \$24,000,000 issue financed by the same method and paid off in twenty years. "Address of Governor E. Lee Trinkle, 1923." Trinkle and the state auditor had put considerable research into these plans.

Was it desirable to complete the state's main arteries under the "pay-as-you-go" plan in seven years or with a bond issue in five years, Trinkle asked? The difference was a "simple" matter of \$23,000,000 to \$44,000,000 in interest on a bond issue to complete the system two years earlier.⁶ Thus, Governor Trinkle recommended the "pay-as-you-go" plan to the General Assembly, but he warned that if funds were not provided for this plan, the only logical alternative was a conservative bond issue. Lastly, he reaffirmed his position that if a bond issue were passed, it had to be approved by the people in referendum or through the election of their representatives to the 1924 General Assembly.⁷

Despite Governor Trinkle's address, pro-bond advocates predicted victory in the special session. "Pay-as-you-go" forces were even more confident, calculating that the Governor's support of the gasoline tax would greatly benefit their cause. The anti-bonders were well organized, holding a caucus shortly before the special session began in order

⁶George Coleman declared that all of Trinkle's figures for the gas tax and bond issue were inaccurate. Henry Shirley backed Trinkle, stating the figures were correct. Norfolk Virginian-Pilot, March 1, 1923.

⁷Reaction to Trinkle's speech was mild. He received many letters praising the speech and very few in opposition. One man agreeing with Trinkle declared, "Road building is like farming; it is 99% common sense and hard work mixed in the right proportion and 1% theory." J. A. Hardy to E. Lee Trinkle, March 1, 1923, Trinkle Executive Papers; another compared the speech to a prism. "It makes each angle and side shine in rainbow colors of hope and promise." Loudon Mirror, March 8, 1923, Davis Scrapbook, vol. 30, Davis Papers.

to present a united front and to form a concerted program of road financing. Leading their forces in the House of Delegates were the influential veteran George Keezell and young, aggressive Thomas Ozlin. Their counterparts in the Senate were Harry Byrd, who had just become chairman of the roads committee, the most strategic position to oppose road bonds;⁸ William Allen Garrett, chairman of the finance committee;⁹ and Louis S. Epes. Much time, effort, and money had strengthened the "pay-as-you-go" forces to meet the bond issue challenge as the special session swung into action.¹⁰

The "pay-as-you-go" forces wasted little time introducing legislation in both houses of the General Assembly. In the Senate, Byrd, Epes, and others introduced a 3¢ gas tax bill on March 1.¹¹ A few days later, Keezell and Ozlin introduced a similar measure in the lower house.¹² The big

⁸In order to give his full attention to roads, Byrd resigned from the committee on public institutions and education. Richmond Times-Dispatch, March 1, 1923.

⁹Garrett became ill and missed much of the session.

¹⁰The Halifax Gazette reported, "Mister Byrd, of Winchester, is spending enough money trying to defeat the bond issue to pave several miles of road. Still, it isn't certain that the defeat of the bond issue is the real motive behind his activities...." Richmond Times-Dispatch, March 5, 1923.

¹¹Senate Journal, 1923, 24.

¹²House Journal, 1923, 38-39. Upon request, State Auditor C. Lee Moore reported to the House that the 3¢ gas tax would yield approximately \$500,000 by July 1, 1923. This sum added to existing road funds would be sufficient to meet federal aid for 1923, he noted. "Communication from the Auditor of Public Accounts," House Document no. 3, House Journal, 1923, 1-2.

guns of the anti-bonders had fired the first shots, but bond advocates were expected to answer with a volley of their own. Throughout the first week of the special session, the gallery of the state capitol was packed with people from all parts of the state to witness the fight between bond issue champions and the knights of the 3¢ gas tax plan. The crowds were disappointed in the first clash, however, as the expected heated debate did not materialize. Where were the pro-bonders?

Feeling there was too much "jockeying" and "inactivity" on the part of the legislature, Delegate Edwin H. Gibson of Culpeper offered a resolution restricting legislation. The House of Delegates adopted Gibson's joint resolution barring introduction of bills after March 7, except those referred by Governor Trinkle or ones offered by consent of two-thirds of both houses of the legislature.¹³ It was felt that without a deadline against the introduction of bills there would be a danger that key bills would be delayed so long as to prevent full consideration--since special sessions were limited by law to thirty days. This action was an attempt to "smoke out" the bond forces, and Holman Willis of Roanoke responded by leading the opposition to the resolution. He noted that if both the gas tax and road bond issue fell, a way had to be left open for a compromise measure to provide needed highway funds. Despite this strong argument, the

¹³Norfolk Virginian-Pilot, March 6, 1923.

Gibson Resolution passed the House by a vote of 48 to 24.¹⁴ The resolution was amended in the Senate to bar introduction of bills after March 9 except measures by Trinkle and those offered by consent of a simple majority of legislators. The amended resolution passed the Senate by a vote of 33 to 3 and was concurred by the House of Delegates.¹⁵

Stirred by the joint resolution, bond advocates took immediate action. C. C. Vaughan introduced a bill calling for a state road bond issue of \$6,000,000 and a companion gas tax bill, amount not specified, to finance this moderate bond issue.¹⁶ Vaughan's counterpart in the House, Holman Willis, introduced a measure providing for a statewide referendum on a \$50,000,000 bond issue. For immediate road needs, he proposed an emergency loan of \$6,000,000 on one-year notes and a 1¢ gas tax to fund the debt on these loans.¹⁷ Senator Marshall Booker of Halifax also introduced a bill submitting to the voters a statewide referendum on the question of authorizing a \$50,000,000 bond issue.¹⁸

Responding to the pro-bond outburst, Delegates Sinclair Brown of Salem and John Horsley of Appomattox County, an old

¹⁴Norfolk Virginian-Pilot, March 6, 1923.

¹⁵Norfolk Virginian-Pilot, March 7, 1923.

¹⁶Senate Journal, 1923, 59.

¹⁷House Journal, 1923, 81; Richmond Times-Dispatch, March 9, 1923.

¹⁸Senate Journal, 1923, 59; Richmond Times-Dispatch, March 9, 1923.

associate of the deceased Henry Flood, introduced a referendum bill merely ascertaining the will of the people on the road controversy. No scheme of financing was suggested by the Brown-Horsley Bill; it simply asked for a choice between bonds and the "pay-as-you-go" plan. The vote was to be taken by legislative districts and the outcome determined by the respective number of delegates and senators elected from pro-bond and anti-bond constituencies.¹⁹ Similar legislation was introduced in the Senate by Byrd, Epes, and Henry T. Wickham.²⁰

As the smoke cleared in the General Assembly, two distinct referendum plans were evident. Pro-bond advocates favored a direct, statewide referendum allowing the people as a whole to vote for or against a \$50,000,000 bond issue. On the other hand, the "pay-as-you-go" forces championed an election to choose between their plan and a bond issue to be decided on a legislative district basis. Pro-bonders argued that a direct referendum was more favorable, fearing that attaching the bond question to the legislative campaigns would tie the issue even closer to personal politics. Some bond advocates even called for the referendum to be held in September rather than during the regular elections

¹⁹House Journal, 1923, 80-81; Richmond Times-Dispatch, March 9, 1923.

²⁰Senate Journal, 1923, 68. Wickham was a prominent Richmond lawyer and railroad man (President of the Chesapeake and Ohio Railway).

in November. Other bond advocates criticized the opposing referendum plan on the basis that the "will" of separate election districts through their elected representatives was already known. What had to be determined was the will of the state as a whole. Furthermore, pro-bonders argued, the district referendum was a repudiation of the basic purpose of a true referendum since the will of the majority could be defeated.

While the referendum fight was boiling, another controversial issue was injected into the road debate. In the proposed \$50,000,000 bond issue, the bond forces advocated that 80 per cent of the proceeds go to the state highway system while the remaining 20 per cent be given to finance connecting or feeder roads. At first, anti-bonders attacked this plan as bait to attract rural support, but soon they too were advocating diverting, not 20 per cent, but one-third of the proposed gasoline tax to feeder or farm-to-market roads.²¹ Those opposed to diverting money to localities argued that the very purpose of the special session was to finance the state highway system. Urban areas were especially opposed to bonding the general credit of the state for local improvement. The Norfolk Virginian-Pilot called the two plans "a mad auction to win converts among the ranks of the undecided."²² A purely economic question was now

²¹Norfolk Virginian-Pilot, March 10, 11, 1923.

²²Norfolk Virginian-Pilot, March 13, 1923.

thoroughly permeated with partisan politics, cried the Pilot. "The bond issue ought to go before the people on its own merits--divorced from all pork barrels."²³

At last, the long-anticipated fight between bond advocates and bond opponents was on, and the 1923 special session promised to be one of the most extraordinary in the state's history. Bond issue versus gasoline tax, referendum versus referendum, rural versus urban, filibusters, conferences, and dissatisfaction from all corners were evident. The Richmond News-Leader reported that so much attention was focused on the road problem that only four delegates had gone to sleep, only four had told jokes while on the floor, and the Civil War had been mentioned only eighty times.²⁴

The first breakthrough in the road controversy was made in the House of Delegates with the passage of the Ozlin-Keezell 3¢ gas tax bill. By a vote of 53 to 35, the lower house advocated levying a tax of 2¢ per gallon for the remainder of 1923 and 3¢ per gallon beginning January 1, 1924.²⁵ Two-thirds of the proceeds from this tax was to go for completion of the state highway system, while one-third was designated for feeder roads. Upon reaching the Senate,

²³Norfolk Virginian-Pilot, March 10, 1923.

²⁴Richmond News-Leader, March 8, 1923.

²⁵House Journal, 1923, 160; Richmond Times-Dispatch, March 14, 1923; Norfolk Virginian-Pilot, March 14, 1923.

the Ozlin-Keezell Bill was referred to the finance committee chaired by the bond opponent, William Allen Garrett. No immediate action was taken on the bill as the upper house was deadlocked over the two opposing referendum plans at this time.

Bond advocates won another victory in the lower house as "pay-as-you-go" advocate Thomas C. Commins of Radford, chairman of the roads committee, reported Holman Willis's \$50,000,000 bond issue referendum and \$6,000,000 emergency loan and companion gas tax bills with recommendation that they not be passed. All of these measures were either dismissed or passed by.²⁶ At the same time, Commins reported the Brown-Horsley Referendum Bill with a favorable recommendation, and it was passed by a vote of 66 to 23 in its original form despite attempts by Willis to make the referendum statewide instead of by legislative districts.²⁷

With the adoption of the "pay-as-you-go" plan by swift and decisive action in the House of Delegates, attention now shifted to the Senate where a more intense battle was raging. Chairman Garrett reported the Vaughan \$6,000,000 bond issue and gas tax bill from the finance committee recommending that it not pass, and within a short time it

²⁶House Journal, 1923, 111, 205. Although Willis's emergency loan bill was defeated, one was passed by the General Assembly allowing the governor to anticipate funds from the mill tax. Norfolk Virginian-Pilot, March 23, 1923.

²⁷House Journal, 1923, 111, 180; Norfolk Virginian-Pilot, March 15, 1923.

was defeated by a vote of 23 to 16.²⁸ At the same time Garrett reported the Ozlin-Keezell Bill favorably. On the Senate floor, Louis Epes amended the House measure to make the 3¢ gas tax effective July 1, 1923 instead of January 1, 1924. The Senate then passed the Ozlin-Keezell Bill by a vote of 24 to 15.²⁹ By a margin of 77 to 12, the House of Delegates concurred in the amendment.³⁰

After the defeat of the Vaughan Bond Issue Bill and passage of the Ozlin-Keezell Gasoline Tax Bill, debate raged in the Senate over the House referendum bill and repeal of the Robertson Act.³¹ The Brown-Horsley Referendum Bill was discharged from the roads committee³² and was made

²⁸Senate Journal, 1923, 99, 240; Richmond Times-Dispatch, March 14, 22, 1923.

²⁹Senate Journal, 1923, 244; Richmond Times-Dispatch, March 22, 1923; Norfolk Virginian-Pilot, March 22, 1923.

³⁰Richmond Times-Dispatch, March 23, 1923; Norfolk Virginian-Pilot, March 23, 1923; Acts of Assembly, 1923, 125-129.

³¹Patron of the bill to repeal the Robertson Act, Senator George W. Layman of Newcastle (pro-bonder), wanted its passage only if a bond issue were passed. He later became one of the most ardent opponents of repealing this act. The repeal movement, then, was started by bond elements, abandoned by them, and later picked up and championed by the "pay-as-you-go" forces. An amendment to the repeal bill sponsored by Nathaniel B. Early of Ruckersville (anti-bonder) providing for payment of the interest on Robertson Act loans passed the Senate 21 to 18, but the bill itself was defeated by a vote of 20 for and 19 against (appropriation bills required 21 votes). In both cases, anti-bonders overwhelmingly voted in favor while pro-bonders opposed. Richmond Times-Dispatch, March 22, 1923.

³²On the motion of Louis Epes and by a unanimous vote. Senate Journal, 1923, 193.

special order on the motion of Harry Byrd to be voted upon no later than eleven o'clock of the following day.³³ On the floor, Senator Marshall Booker won a partial victory for bond advocates by compromising with the "pay-as-you-go" forces to provide for a statewide referendum as well as by legislative districts. The amended bill passed the Senate with only one dissenting vote. On March 23, the last day of the special session, the House of Delegates agreed to the compromise with only four votes in opposition.³⁴

The provisions of the Brown-Horsley Referendum Bill called for the people simply to vote for a bond issue or the "pay-as-you-go" plan. The former being \$50,000,000 issued in annual installments of \$10,000,000 per year with 80 per cent going to construction of the state highway system and 20 per cent to feeder roads. The interest and sinking fund for retirement of the bond issue was to be provided by a 2¢ gasoline tax and as much of the state mill tax as was necessary.³⁵ The "pay-as-you-go" plan consisted of existing revenues plus a gasoline tax of 3¢ per gallon effective July 1, 1923. Two-thirds of the funds provided by this plan would go to the state highway system and one-third to feeder roads. This plan would already be

³³Senate Journal, 1923, 223.

³⁴Senate Journal, 1923, 271, 280, 281, 289; Richmond Times-Dispatch, March 23, 24, 1923; Norfolk Virginian-Pilot, March 23, 24, 1923.

³⁵Acts of Assembly, 1923, 170-173.

in operation by the November referendum, and a vote cast in this direction would mean a continuation of the "pay-as-you-go" fiscal policy for roads.

After a month of haggling, both pro-bond and anti-bond legislators could look back at the special session with a sense of accomplishment. Surely the "pay-as-you-go" forces were in the majority, but they had learned to compromise with bond issue advocates on behalf of harmony and progress. The controversial referendum bill had finally been settled by compromise in the best interests of the state. The rest was now up to the voters. Although the results of the November referendum could not be made binding on the members of the 1924 General Assembly, it was a safe bet that the legislators would follow the wishes of the people of the state.³⁶

The special session of the legislature drew mostly praise from citizens throughout the Old Dominion. Both the 3¢ gas tax and referendum bills had passed by sizable margins. Most of the old arguments against the gas tax were dropped since it was part of the bond issue plan as well the heart of the "pay-as-you-go" program.³⁷ The referendum bill

³⁶Many urban legislators feared that representatives from rural districts would be governed by the votes of their constituencies and would block the General Assembly's action on the basis of the referendum.

³⁷A few people were opposed to the gas tax in any form. Charles Bremner of Caroline County noted, "That 3-cent gas tax is the most outrageous, unwarranted, undemocratic, high-handed piece of class legislation that any bunch of boneheads ever put over on a patient people." Charles Bremner to E. Lee Trinkle, March 31, 1923, Trinkle Executive Papers.

was looked upon by the majority of people as being the fairest method of solving the state's road controversy. Voters were happy, feeling that legislators would clearly have to expound their views on the bond issue in the August primaries and November elections.³⁸ Lastly, if there had not been a special session, the showdown between pro-bonders and the "pay-as-you-go" forces would have been deferred a whole year. If the voters still were not satisfied, they would have the opportunity to record their protest in November.

As the November referendum was not far in the future, an intensive campaign was begun immediately by the pro-bond and "pay-as-you-go" forces. The strategy and leaders were virtually the same as they had been for the past few years, but the attacks and counterattacks reached greater heights than ever before. Meetings, demonstrations, debates, speeches, movies, reams of literature, and other forms of propaganda highlighted the campaign once again to "educate" the voters of the Old Dominion as to the benefits of a bond issue or the "pay-as-you-go" method.

Bond forces under the auspices of the Virginia Good Roads Association kicked off the campaign by promising to "lift Virginians out of the mud." Their activities were to be concentrated in areas where there was evidence of

³⁸This fact was still upsetting to the Virginia Good Roads Association who wanted to keep an "economic" issue clear of factional politics.

opposition to bonds, but areas generally regarded as pro-bond were not to be forgotten either. The strongest pro-bond area of the state, Tidewater, for example, was not a real battleground for opposing forces.³⁹ Here, the Tidewater Automobile Association, 3,000 members strong, under the able leadership of Senator John A. Lesner of Norfolk, actively urged residents to pay their poll taxes before the May 5 deadline. The organization planned to raise \$50,000 for the bond campaign in order to add 10,000 new voters to the existing electorate of 20,000.⁴⁰ The purpose of this drive was to secure enough votes to offset opposition in the more sparsely settled areas of the state. Claiming the bond issue would live or die by this movement, the Tidewater Automobile Association pledged full cooperation to the Virginia Good Roads Association.

To counter the pro-bond attack, Harry Byrd, recognized leader of the "pay-as-you-go" forces, took immediate action. First, Byrd "asked" Governor Trinkle for the utmost in

³⁹Byrd conceded that the second congressional district was probably the strongest bond area in the state. A "Pay-As-You-Go" Roads Association was organized here, but hopes were dim owing to the small amount of funds raised. Harry F. Byrd to Major Heth Tyler, September 21, 24, 1923, Mann-Tyler Papers.

⁴⁰The Tidewater Automobile Association sent out several thousand postcards picturing two scenes: One showed an automobile in Virginia mud up to the axles and the other pictured a tourist driving along a smoothly paved highway. The slogan on each card was, "Pull Virginia out of the Mud." Harry Flood Byrd to William Allen Garrett, April 23, 1923, Garrett Papers; Norfolk Virginian-Pilot, April 29, May 2, 1923.

maintenance, particularly for unsurfaced roads, and for faster construction of road projects. He even suggested that the highway commission require a shorter limit on completion of contracts. Byrd noted that defeat of the bond issue in the November referendum would depend largely on these factors. Trinkle replied that such a rule had been adopted and that Chairman Shirley was speeding up the road program as fast as possible.⁴¹

In April, Byrd revived the "Pay-As-You-Go" Good Roads Association with headquarters established in Murphey's Hotel in Richmond.⁴² Former Governor Henry Carter Stuart, who helped organize the association the previous year, was again called upon to serve as its president.⁴³ State Senators J. Brad Beverly and Louis Epes were to serve as vice-president and secretary-treasurer respectively, while Byrd would act as publicity chairman and Delegate Thomas Ozlin

⁴¹Harry F. Byrd to E. Lee Trinkle, March 27, 1923, and Trinkle to Byrd, March 28, 1923, Trinkle Executive Papers. Leo Stanley Willis notes the importance of this. Many people, he declares, felt that if the referendum had been held in the winter or early spring, the roads would have been axle-deep in mud. "But the summer sun dried the roads, people forgot, and the anti-bond forces regained their strength." Willis, "E. Lee Trinkle," 58.

⁴²As the headquarters of the Virginia Good Roads Association were also located in Richmond, it was said that "propaganda has declared war on propaganda and the respective leaders are shooting at each other from their respective emplacements in the Richmond Hotels." Norfolk Virginian-Pilot, June 17, 1923.

⁴³Stuart was also president of the Virginia Farm Bureau, an extreme opponent of the bond issue. Harrisonburg Daily News-Record, October 4, 1923, Davis Papers.

as chairman of the speaker's committee.⁴⁴ The primary purpose of the organization was to release facts and figures on road construction and finance and to sponsor anti-bond speakers throughout the state.

At the outset of the campaign, Byrd sent circular letters to all anti-bond leaders outlining his program. "Pay-As-You-Go" Roads Association chairmen were to be created in each congressional district, county, city, and precinct. Precinct committees were organized to carry on the bulk of the actual physical work. The precinct committees and chairmen of the various units were to work in close cooperation with state legislative districts in order to tie the anti-bond campaign with the August primaries and November elections. Wherever opposition to the "pay-as-you-go" plan existed, an all-out effort was made to defeat that candidate. As chairman of the State Democratic Central Committee, Byrd did not hesitate to see that all local chairmen were opposed to bonds.

With efficient organization and effective leadership, the pro-bond and "pay-as-you-go" forces were tuned to wage an intensive campaign until the November 6 referendum. A variety of tactics were used, ranging from the most intellectual discussion down to "gutter level" remarks. Favorite tactics of the "pay-as-you-go" forces included reminding the

⁴⁴Richmond Times-Dispatch, June 14, 1923. Beverly was a former Populist from Fauquier County.

populace of Virginia's past experience with deficit financing, creating the fear that one bond issue would open the flood gates for others, and allowing the "ghost" of added taxation to continue to haunt the proposed bond issue.⁴⁵

Although these arguments were invalid, the seed had already been implanted in the minds of Virginians, and it is doubtful if rural people ever forgot them. Likewise, pro-bonders often stooped to using statements of questionable validity. They proclaimed that anti-bonders wanted Virginia to "remain in the mud" and called their method of highway financing the "pay-and-don't-go-system" or the "pay-the-garage-mechanics-as-you-go-system."

Of all the tactics used by the opposing road forces, the one most relied upon was a continual release of elaborate "statistics." In fact, the entire campaign seemed to boil

⁴⁵1923 just happened to be the centennial of Virginia's initial issue of bonds for public improvement, the James River and Kanawha Canal Project. The state still owed a debt of over \$21,500,000 on this project. \$15,000,000 in principal and \$67,000,000 in interest had been paid by 1923. A sum of \$37,000,000 in interest was to be paid until the bonds could be retired in 1991. The total interest and retirement of the bonds would amount to nearly \$140,000,000 for the original issue of \$33,000,000. Rosewell Page to William Allen Garrett, March 17, 1923, Garrett Papers; R. Lee Humbert (ed.), Virginia: Economic and Civic (Richmond, 1933), 352-354; Henry Carter Stuart called the proposed bond issue, "The beginning of an orgy of reckless expenditure...which once begun, will mount into hundreds of millions of dollars, and cannot be checked until Virginia is spent from sheer exhaustion and her people ground down under an unbearable burden of taxation." Henry Carter Stuart to E. B. White, October 8, 1923, Davis Papers; Byrd warned that the proposed bond issue "would open the door to additional issues of \$100,000,000 or more." Harry F. Byrd to E. Lee Trinkle, March 28, 1923, Trinkle Executive Papers.

down to a debate over an endless and complicated series of figures presented by the opposing good roads organizations. Both sides spent much time, energy, and money trying to convince voters their facts and figures were correct while their opponent's were entirely erroneous. However, the vast majority of voters could not verify these statistics and, in a state of bewilderment, did not know which side to entrust their confidence.

Throughout the campaign, "pay-as-you-go" forces continued to assert that funds from the 3¢ gasoline tax when added to other road revenues would complete the state highway system in the expected seven years. Speaking before the Washington (Virginia) Chamber of Commerce in May, Governor Trinkle reaffirmed his new-found belief in the "pay-as-you-go" plan. He was bitterly assailed by George Coleman, President of the Virginia Good Roads Association, for presenting "incorrect" road facts and figures.⁴⁶ Trinkle responded to Coleman with "actual" statistics from the highway department and declared, "Coleman thought he had an opportunity to get a little attention centered on himself and the Virginia Good Roads Association, but I do feel I literally burnt him up and I expect to get another statement from Shirley which will

⁴⁶Warning Trinkle of Coleman and the Virginia Good Roads Association, Louis Epes noted, "He bears you no good will; but this should not lead him to discredit before the world the accomplishments of Virginia. They are discrediting the progress Virginia has made and their propaganda is hurting, not helping the state." Louis Epes to E. Lee Trinkle, May 26, 1923, Trinkle Executive Papers.

make the figures bigger than before."⁴⁷ Although he now supported the "pay-as-you-go" plan, Governor Trinkle promised to stand clear of the road campaign.⁴⁸

Trying even harder to remain neutral in the road controversy were Chairman Shirley and the state highway commission. Shirley and several members of the highway department inadvertently got into the argument by releasing occasional conflicting statements as to funds available, projects completed, and future plans. To clear up this confusion, Shirley ruled in June that henceforth he would be the sole source of news from the highway department.⁴⁹ He then announced that the previous estimate of \$1,500,000 available for road work for the remainder of 1923 was correct. This sum included expected returns from the gasoline tax, Shirley noted.⁵⁰

The statistical battle over road funds continued to rage as elaborate tables of figures were published regularly by the opposing forces. "Pay-as-you-go" advocates claimed that interest on a \$50,000,000 bond issue could only be paid

⁴⁷E. Lee Trinkle to Louis Epes, May 28, 1923, Trinkle Executive Papers.

⁴⁸Trinkle further stated, "You may depend upon the fact that I do not propose to get in an argument with Mr. Coleman or anybody else, but when I felt I had such an opportunity to wipe him off the map, I could not resist the temptation." E. Lee Trinkle to T. C. Commings, May 28, 1923, Trinkle Executive Papers.

⁴⁹Richmond Times-Dispatch, June 9, 1923.

⁵⁰Norfolk Virginian-Pilot, May 24, 1923.

by increasing property taxes and argued that one bond issue would open the door to "reckless spending." In reply, bond advocates declared that proceeds from the 3¢ gasoline tax would not be as high as expected, thus delaying completion of the state highway system twelve, fifteen, or even twenty years. In this highly spirited statistical battle, the "pay-as-you-go" forces held a slight advantage. According to Senator Byrd, people would accept the opinion of responsible state officials, notably Governor Trinkle, Highway Commission Chairman Shirley, and himself as chairman of the Senate roads committee, rather than "give credence to statements by unofficial persons without public responsibility."⁵¹

To unlock the mystery of funds available under the bond and "pay-as-you-go" plans, a knightly group disguised as the Virginia Banker's Association came forth. This "impartial" committee, consisting mostly of urban-area bankers, planned to investigate and analyze the two rival plans. Armed with the opportunity of rendering conspicuous public service to the state, the committee was praised as a "Moses leading the people out of the wilderness" of statistical madness.⁵² Beginning its investigation in June, the committee was furnished ample information by the opposing roads associations,

⁵¹Harry F. Byrd to E. Lee Trinkle, June 11, 1923, Trinkle Executive Papers; Richmond Times-Dispatch, June 13, 1923.

⁵²Norfolk Virginian-Pilot, June 17, 1923. The Pilot declared that other state agencies that tried to solve the problem became "fatally tainted with pettifoggery and malice."

and the group collected much evidence on its own. A "careful" study then ensued.

While the banker's committee was performing its "heroic" deed, a momentous event in the state good roads movement occurred. C. O'Connor Goolrick, "Father of the State Highway System" and possible candidate for governor in 1925, was defeated in his bid for re-election from the twenty-eighth senatorial district. The "death-knell" for bonds had been sounded. Goolrick was, without a doubt, the leading advocate of a bond issue in the entire state. He was classified as a member of the progressive, liberal wing of the state Democratic party, but in view of his bitter fight with Byrd and the "pay-as-you-go" forces, he could have been better described as an independent Democrat. His opponent, W. Worth Smith of Louisa, was closer to Byrd and the conservative faction of the Democratic party.

The Smith-Goolrick fight was not expected to be close at first, owing to the statewide reputation of Goolrick, but the bond issue turned the contest into a lively campaign. On account of the bond issue statewide attention was focused on the campaign. When the results were tallied, Smith was the surprising winner. Immediately bond advocates unleashed a wave of protest and indignation. They charged that Senator Goolrick's defeat was the result of a well-executed attack on the state road bond issue and that he would have won easily if bonds had not been a question. There were many

charges that "pay-as-you-go" propaganda "bamboozled" the rural vote.⁵³ Others insinuated that a "political deal" had been made in Louisa County.⁵⁴ Goolrick's own father, Judge John T. Goolrick, charged Governor Trinkle with aiding in his son's defeat.⁵⁵

Reaction to Senator Goolrick's defeat from pro-bond newspapers throughout the state rang the same note of protest. The Norfolk Virginian-Pilot cried, "There is not in either house of the Legislature a more competent lawmaker or member with greater gifts of mind and personality."⁵⁶ The Richmond Times-Dispatch proclaimed that people in the twenty-eighth district were so against bonds that they forgot Senator Goolrick was a legislator of exceptional ability and had rendered valuable service to the state. The Roanoke World-News noted that Virginia had suffered a severe loss, for Goolrick was the ablest man in the General Assembly. The Roanoke News declared that he had been defeated by opponents of the bond issue in order to keep him from leading the fight for bonds in the next General Assembly. His defeat

⁵³Norfolk Virginian-Pilot, August 10, 1923. This was too much even for the Pilot. Rural people knew that the heaviest burden of a bond issue would fall on the cities, but rural sentiment was still against bonds.

⁵⁴Winchester Evening-Star, August 22, 1923.

⁵⁵Trinkle denied that he had written a letter against Senator Goolrick as Judge Goolrick had charged. E. Lee Trinkle to Judge John T. Goolrick, August 16, 1923, Trinkle Executive Papers.

⁵⁶Norfolk Virginian-Pilot, August 9, 1923.

should be regretted and deplored, the paper added. The Richmond News-Leader noted, "It is the irony of fate that Goolrick should be shelved temporarily because a purely economic question has been made a football of politics."⁵⁷ Politics! Politics! Politics! was the charge. A candidate's credentials were not the important thing because "he doesn't stand a Chinaman's chance of nomination if he happens to be out of time with the whims and caprices of the party organization," added the News-Leader.⁵⁸ Even the Lynchburg News, a paper not in accord with the bond issue, praised Goolrick as a distinguished leader of great ability and whose absence would be a great loss to the state.⁵⁹

It is reasonable to say that Goolrick was a legislator of the first magnitude. Why, then, was a man of such high caliber defeated? The answer lies not in the fact that there were political deals or foul play. The majority of Goolrick's constituents were opposed to the road bond issue, and all of the campaigning failed to persuade the voters to elect a bond issue advocate over a "pay-as-you-go" candidate. The majority of voters were conservative, rural people easily influenced by Harry Byrd and the "Pay-As-You-Go" Roads Association. The "pay-as-you-go" forces had worked hard to defeat Goolrick and other pro-bond Democrats, and wherever roads

⁵⁷Richmond News-Leader, August 9, 1923.

⁵⁸Richmond News-Leader, August 9, 1923.

⁵⁹Richmond News-Leader, August 9, 1923.

were a question in the Democratic primary, not one state senator who opposed bonds suffered defeat.⁶⁰ The result was not only a great victory over bonds, but a political triumph for Byrd as well. A likely candidate himself for the governorship in 1925, the removal of Goolrick from state politics was a definite political bonus for Byrd.

Within a short time after the August Democratic primaries, the results of the study conducted by the Virginia Banker's Association were revealed by Thomas B. McAdams, former president of the American Banker's Association. McAdams, who headed the study commission, accepted the figures of the "pay-as-you-go" plan as to the mileage of roads remaining to be constructed and the figures of bond advocates as to how much time this construction required. "Pay-as-you-go" leaders had claimed that 2,580 miles of the state highway system would await construction on January 1, 1924 and that seven years would be required for completion of this mileage under their plan. The banker's commission disagreed, noting that under the "pay-as-you-go" plan, eleven years would be required to complete the state system. Under the bond plan, the commission predicted, 90 per cent of the mileage could be completed in five years.⁶¹

⁶⁰Virginia Star, August 23, 1923, Davis Scrapbook, vol. 31, Davis Papers.

⁶¹Richmond Times-Dispatch, September 1, 1923; Richmond News-Leader, September 1, 1923; Norfolk Virginian-Pilot, September 1, 1923.

The difference between the statistics of the banker's commission and those of the "Pay-As-You-Go" Roads Association was due to an allowance of larger sums of money for construction and smaller estimates of revenue from the gasoline tax. "Pay-as-you-go" leaders claimed that a sum of \$20,000 per mile was needed for construction, while the study commission estimated this at \$25,000. The commission noted that the state auditor's estimate of average consumption of gasoline of motor vehicles, two gallons per day, was incorrect. Experience in the neighboring states of North Carolina and Maryland indicated an average closer to one gallon, the commission reported. At this rate, estimated returns from the gasoline tax would be reduced by at least \$1,000,000 a year.⁶²

In summing up their report, the banker's commission predicted that with the added refund of money borrowed under the Robertson Act, the total amount of funds needed to complete the state highway system was the astounding figure of \$83,000,000.⁶³ This amount being well above the estimated proceeds from the "pay-as-you-go" plan, the commission indicated that a bond issue was the only logical method to solve the state's road problem. Thus, the results of the first non-partisan, "neutral" group to secure the facts and

⁶²Richmond Times-Dispatch, September 1, 1923; Norfolk Virginian-Pilot, September 1, 1923.

⁶³Richmond Times-Dispatch, September 1, 1923; Norfolk Virginian-Pilot, September 1, 1923.

reconcile rival claims were publicized. Facetiously, one might say, the report used Governor Trinkle's starting point and wound up with George Coleman's conclusions.⁶⁴

Harry Byrd and the "pay-as-you-go" leaders wasted little time in criticizing the banker's commission report. They noted that the 3¢ gasoline tax had been in effect only a few months and returns were certainly not complete enough to make a decision on its value as a revenue producer. Furthermore, no Virginia gas tax figures were used, rather the commission had based its decision on estimates from official Maryland reports and fragmentary returns from North Carolina. The anti-bonders also noted that by July, even before the banker's commission reported their findings, automobile licenses in Virginia had increased by 14,167, a figure more than the total number licensed in 1922.⁶⁵ Governor Trinkle had predicted that automobiles would increase by 20,000 a year until 1928, but with the gain in registration it seemed this figure might well be exceeded. There was an unprecedented expansion of motor vehicles in the nation, and Virginia was expected to get her share, noted anti-bonders.⁶⁶

⁶⁴Richmond Times-Dispatch, September 1, 1923.

⁶⁵Norfolk Virginian-Pilot, July 3, 1923.

⁶⁶By mid-September, the state's gain in automobiles since September of the previous year was greater than the national average, giving Virginia the third largest number of passenger cars in the South, ranking behind Texas and North Carolina. The number of registered passenger cars had risen to 15,459 by September. C. Lee Moore to E. Lee Trinkle, September 17, 1923, Trinkle Executive Papers.

The results of the Virginia Banker's Association report caused no great stampede to the bond issue camp. It is difficult to determine exactly what effect the report had throughout the state, but it is safe to assume that it was very slight. The general feeling of most Virginians, especially the rural class, toward bankers was one of questionable confidence and respect. Furthermore, the banker's report came at a time when the great majority of people had already made up their minds on the road problem. It was generally believed that the bond issue would be defeated, but if the "pay-as-you-go" plan failed in the years to come, then borrowing on long-term bonds would receive unquestioning support. By the late summer of 1923, then, the bond issue was doomed whether bond advocates believed it or not.⁶⁷ Did not the defeat of Senator Goolrick and other pro-bonders in the August primaries signal the end of bonds?

Despite the waning support for bonds and the growing strength of the "pay-as-you-go" forces, the intensive road campaign went on. Bond leaders admitted they did not realize

⁶⁷ An example of the declining bond sentiment was the shift of the long-time pro-bond newspaper, the Norfolk Virginian-Pilot. The Pilot had been losing confidence in bonds throughout the summer of 1923 and in September announced that under the existing conditions a bond issue was no longer necessary. Norfolk Virginian-Pilot, July 21, September 20, 1923. The Pilot joined the anti-bond ranks of Byrd's Winchester Evening-Star and Harrisonburg Daily News-Record, Carter Glass's Lynchburg News, and the Danville Register, supposedly expressing the views of Claude Swanson. Still firmly attached to the pro-bond forces were the Richmond Times-Dispatch, Richmond News-Leader, and the remaining eleven daily newspapers of the state.

the fight would assume the proportions it had, but they sternly refused to concede defeat. Clinging to their undaunted hopes, their unflinching courage, their stubborn willingness to fight, and armed with the report of the Virginia Banker's Association, bond leaders pledged not only to continue the campaign but to double their efforts.

In order to formulate plans for a final statewide bond campaign, a special meeting of the Virginia Good Roads Association was held on Labor Day.⁶⁸ In this final bond thrust, plans were made to organize local chapters of the good roads association in every county throughout the state. Less than half of the state's one-hundred counties had such organizations by this time.⁶⁹ The good roads association also planned to sponsor speakers by the score to go on whirlwind tours throughout the state espousing the cause of bonds. The tactics used by bond advocates in their final campaign were virtually the same as before, but occasionally a "new wrinkle" was added in a desperate attempt to change the minds of thousands of voters.

One new tactic in the pro-bond attack was an assault on the "pay-as-you-go" forces' proposed plan to divert

⁶⁸Influential Homer Ferguson, President and General Manager of the Newport News Shipbuilding and Drydock Company, spoke on "What a Bond Issue Means in the Development of Virginia's Business." Norfolk Virginian-Pilot, September 1, 2, 1923; Richmond Times-Dispatch, September 2, 1923.

⁶⁹The Virginia Good Roads Association reported in mid-October that seventy-five counties had been organized. Richmond News-Leader, October 18, 1923.

excess funds over \$2,500,000, the existing maintenance allowance derived from auto licenses, to new construction.

"Pay-as-you-go" leaders claimed that this excess would rise from \$500,000 in 1924 to \$1,900,000 in 1929 because of the expected increase in auto licenses.⁷⁰ Bond advocates argued that this would be "robbing" the maintenance fund since much more than \$2,500,000 would be needed for upkeep of the state highway system once it was completed.⁷¹ Harry Byrd countered swiftly by noting that if existing funds were enough to maintain the system already developed (pro-bonders agreed with this), then this sum would suffice to maintain the same system as unimproved roads were replaced with improved ones. Furthermore, "pay-as-you-go" forces claimed, the diversion of maintenance funds would end after seven years with the completion of the state highway system. Byrd reminded bond advocates that in 1921, when the Virginia Good Roads Association was pushing the bond issue, the organization predicted that once the roads were constructed, maintenance could be taken care of by two-thirds of the auto license tax.⁷²

⁷⁰Norfolk Virginian-Pilot, September 23, 1923.

⁷¹Professor C. B. Breed of the Massachusetts Institute of Technology, an "outside and disinterested authority," proclaimed that \$5,000,000 per year would be needed for maintenance. Norfolk Virginian-Pilot, October 15, 1923.

⁷²The Norfolk Virginian-Pilot declared, "The simple truth of the business seems to be that in attacking the diversion feature, the bonding advocates have momentarily lost contact with their own basic assumptions. The feature is bodily lifted from their own gospel of two years ago." Norfolk Virginian-Pilot, September 23, 1923.

Another new feature in the pro-bond campaign was the attempt to create fear in the minds of localities that money advanced by them under the Robertson Act would not be repaid under the "pay-as-you-go" plan for ten to fifteen years. If the bond issue were passed, localities would get their loans back immediately, bond advocates declared. To counteract these charges, Byrd and the "Pay-As-You-Go" Roads Association took immediate action.⁷³ Statements outlining "pay-as-you-go" plans for repayment of Robertson Act loans were circulated throughout the state. Interest on the loans was to be paid after four years of the date of advancement, and the principal would be repaid in full in gradual payments at the rate of \$1,000,000 per year for seven years.⁷⁴ Byrd noted that a bill to this effect had been introduced in the Senate in the 1923 special session of the legislature but was defeated, largely by pro-bonders. Such a bill would again be introduced in the 1924 General Assembly, he promised.⁷⁵

After defending their plan to repay Robertson Act loans, Byrd and the "pay-as-you-go" forces unleashed a counterattack

⁷³"We must counteract this because under the bond plan these loans cannot be paid immediately but in installments not much larger than the 'pay-as-you-go' plan...." Harry F. Byrd to S. Heth Tyler, October 16, 1923, Mann-Tyler Papers.

⁷⁴Chairman Shirley announced that the policy of the highway commission was to repay the loans in orderly and gradual payments and suggested the figure of \$1,000,000. "Statement of the 'Pay-As-You-Go' Roads Association," October 18, 1923, Mann-Tyler Papers, hereinafter cited as "Statement of the 'Pay-As-You-Go' Association, 1923."

⁷⁵"Statement of the 'Pay-As-You-Go' Association, 1923."

on the plan promised by bond advocates. Under the bond plan, an annual sum of \$8,000,000 would be available for the state highway system for five years, and since pro-bonders argued that at least \$12,000,000 was necessary for satisfactory operation of the highway department, then Robertson Act loans could not be repaid in less than five years.⁷⁶ Furthermore, Byrd noted, there was nothing in the bond issue referendum bill that required any of the proceeds from bonds to be applied to repayment of these loans. The Norfolk Virginian-Pilot, a recent addition to the anti-bond ranks,⁷⁷ declared that there was entirely no substance to the threat advanced by pro-bonders. It was "a close blood relation to the ancestral fiction according to which bonds mean concrete and no bonds mean mud," noted the Pilot.⁷⁸

Shortly before the November referendum, bond advocates came up with another "last-ditch" argument to convince voters of the necessity of a bond issue. Pro-bonders now claimed there was a glaring deficit in the Virginia State Treasury. George Coleman declared that no more money could be appropriated for roads from general receipts when a deficit of \$1,750,000 existed.⁷⁹ He then cunningly noted that a tax

⁷⁶"Statement of the 'Pay-As-You-Go' Association, 1923."

⁷⁷See footnote sixty-seven on page 192.

⁷⁸Norfolk Virginian-Pilot, October 18, 1923.

⁷⁹George P. Coleman to E. Lee Trinkle, October 3, 1923, Trinkle Executive Papers.

increase was the only way to assure good roads under the "pay-as-you-go" plan. Unsatisfied with Coleman's estimate, other pro-bonders, notably Senator Saxon Holt of Newport News, predicted the deficit would run as high as \$3,000,000 to \$10,000,000.⁸⁰

Responding that the deficit argument was ill-founded, "pay-as-you-go" leaders noted that State Auditor C. Lee Moore had already announced a deficit of \$1,728,000 to stand at the close of business on February 29, 1924.⁸¹ Bond opponents claimed that the deficit was owing to a shrinkage in income tax receipts, a decline in taxes assessed against public service corporations, and a temporary business recession caused by decline of taxes from intangibles.⁸² The deficit would only be temporary, predicted "pay-as-you-go" leaders, for the earnings of public service corporations were rising and state income taxes were bound to improve. The deficit simply represented a poor business year, not a prolonged period of depression, argued anti-bonders. Thus, another "scare" by bond advocates was halted before serious damage was done. Possibly realizing that most Virginians believed adequate road funds were available, the bond forces attempted to "fool" the public into believing that much of

⁸⁰Norfolk Virginian-Pilot, October 30, 1923.

⁸¹C. Lee Moore to S. Heth Tyler, October 25, 1923, Mann-Tyler Papers.

⁸²C. Lee Moore to S. Heth Tyler, October 25, 1923, Mann-Tyler Papers.

this money would be necessary to meet the deficit.

Trying to dispel any fear and suspicion that still may have existed, Harry Byrd and the "Pay-As-You-Go" Roads Association released a set of facts and figures proclaiming that Virginia was "enjoying the greatest road building period in her history."⁸³ By June 1, 1923, 479 miles of roads were either being constructed or under contract. By September 24, 490 miles were under construction; 300 more were to be under contract by the end of the year. With the addition of these roads to the highways completed in previous years, nearly half of the 4,300 miles in the state highway system would either be completed, under construction, or under contract, claimed anti-bond advocates. During the period from 1924 to 1930, the estimated net amount for construction of the state highway system would be over \$50,000,000; \$16,500,000 would be available for maintenance and \$15,500,000 for state aid to county roads.⁸⁴ Thus, under their plan, declared the "pay-as-you-go" forces, the state highway system would be completed in the predicted seven years.

With only a few weeks remaining in the road campaign, State Auditor C. Lee Moore reinforced the claims of the "pay-as-you-go" forces. Returns of \$250,465.13 for the month of July and \$262,663.65 for August from the 3¢ gas

⁸³"Pay-As-You-Go" Roads Association, "Campaign Literature," October, 1923, Davis Papers.

⁸⁴"Pay-As-You-Go" Roads Association, "Campaign Literature," October, 1923, Davis Papers.

tax were reported. At this rate, Moore estimated, the 2¢ gas tax used for the state highway system would produce a sum of \$2,101,309.20 a year.⁸⁵ His initial estimate for 1924 from these receipts was \$1,770,000; therefore, in all likelihood the estimates for the gas tax for the period between 1923 and 1930 would be exceeded. Moore also reported that estimated funds available for roads for the current fiscal year, October 1, 1923 to September 30, 1924, would be on par or even better than "pay-as-you-go" leaders had predicted. Thus, \$15,000,000 would be available for construction of the state highway system, \$3,800,000 for maintenance, and \$2,000,000 for farm-to-market roads.⁸⁶ The pro-bond argument that the gasoline tax would not yield expected returns was practically null and void. The "pay-as-you-go" plan was definitely working, causing nothing but smiles on the face of the usually stern Harry Flood Byrd.

During the last week prior to the November referendum, the road campaign became even hotter and more hectic. Speakers from both sides, usually state legislators, spoke somewhere everyday. Byrd even shared the speaker's stand with a former adversary, Republican Senator John Paul, at an anti-bond rally in Harrisonburg.⁸⁷ Newspapers carried full-page

⁸⁵Richmond Times-Dispatch, October 6, 1923.

⁸⁶C. Lee Moore to S. Heth Tyler, October 25, 1923, Mann-Tyler Papers; Richmond News-Leader, October 26, 1923; Richmond Times-Dispatch, November 3, 1923.

⁸⁷Hawkes, "Harry Flood Byrd," 45.

advertisements supporting one of the two opposing road plans and encouraging citizens to vote. Much activity on both sides centered on getting voters to the polls. Since the election of most candidates was regarded as only a formality,⁸⁸ bond advocates, in particular, feared that indifference might settle on the voters. Bond forces in Norfolk hired three telephone operators to call Tidewater citizens reminding them to vote, while the ancient custom of providing free transportation on election day was probably used more than ever.⁸⁹

On the day before the referendum, Governor Trinkle made a final and strong appeal on behalf of the "pay-as-you-go" system. After "careful, serious study" and with "deep convictions," he declared the "pay-as-you-go" plan to be the most feasible method of road financing under the existing conditions. He encouraged all eligible voters to go to the polls and express their opinion on this most crucial issue. Although he was opposed to bonds at this time, Trinkle promised to support whatever plan the people of Virginia wanted.⁹⁰

⁸⁸A typical example of this occurred in Rockingham County (Shenandoah Valley). Republicans here decided not to oppose incumbent Democrats in order to present a united front against the bond issue. "As a chastener of souls, Mr. Byrd has accomplished wonders." Richmond Times-Dispatch, September 13, 1923. On the other hand, Republicans in Norfolk decided to run four candidates to draw out Republican voters on election day to "hit a blow for the road bond issue." Norfolk Virginian-Pilot, June 10, 22, 1923.

⁸⁹Norfolk Virginian-Pilot, October 30, 1923.

⁹⁰Norfolk Virginian-Pilot, November 6, 1923.

As day dawned on the cool, overcast autumn morning of November 6, 1923, the greatest financial debate in Virginia's history was about to end. Not since Readjuster days had voters of the Old Dominion been called upon to make such an important decision, and all eyes were anxiously cast on the referendum. Interest was not confined to Virginia, however, as practically the whole nation focused attention on this important vote. The pro-bond Washington Post declared, "Motorists all over the United States who look upon the Old Dominion as the custodian of a wealth of historic shrines... are watching the result to see whether Virginia will make ample provisions to make these shrines accessible...."⁹¹

When the results of the referendum were officially tabulated, the "pay-as-you-go" forces had won a resounding victory by the margin of 127,187 to 81,220.⁹² Fifty-seven of the state's eighty-two House legislative districts voted in opposition to the bond issue, while twenty-eight of thirty-six senatorial districts voted likewise. Of Virginia's one-hundred counties, only eighteen voted in favor of bonds. On the other hand, only six of the state's twenty-three cities voted in opposition to bonds.⁹³ Again, a classic urban-rural split was in evidence. Most of the anti-bond leaders were

⁹¹Washington Post, November 4, 1923.

⁹²"Communication from the Governor," Senate Document no. 1, Senate Journal, 1924, 8, hereinafter cited as "Communication from the Governor, 1924."

⁹³"Communication from the Governor, 1924," 2-8.

agrarians, wealthy ones, but still agrarians. Likewise, most of the pro-bond leaders were urbanites.

Inclement weather in some parts of the state and voter apathy that was attributed to the lack of local legislative contests may have caused a fairly light referendum vote. However, this was not the case in the Shenandoah Valley, home of Senator Harry Flood Byrd. In the seventh congressional district (the Valley area), the vote was heavier than in any previous election in the district's history.⁹⁴ In the seven counties and three cities comprising the Shenandoah Valley, the vote was an overwhelming 20,623 to 2,687 against bonds.⁹⁵ Besides the city vote, bond strength came principally from eight counties in Southwest Virginia, six Tidewater counties, two Northern Virginia counties, Henrico County adjoining Richmond, and the western mountain county of Alleghany.⁹⁶ Each of these counties had shown similar support in the 1920 referendum by voting to amend the constitution to permit state road bonds.

Thus, "In the midst of an era of universal spending, the 'Pay-as-you-go' plan for road construction was definitely established."⁹⁷ Reaction to the anti-bond victory

⁹⁴Richmond Times-Dispatch, November 9, 1923.

⁹⁵"Communication from the Governor, 1924," 7-8. The Valley vote in the 1920 referendum was 13,664 to 4,532 against the road bond amendment. See Appendix B.

⁹⁶"Communication from the Governor, 1924," 7-8.

⁹⁷Matthew Page Andrews, Virginia, The Old Dominion (Garden City, New York, 1937), 583-584.

varied. Many pro-bonders were bitter in defeat, proclaiming the result to be a "vote against good roads."⁹⁸ Harry Byrd and the "pay-as-you-go" leaders reminded these "bitter-enders" that the referendum had not been to determine whether the state would have good roads or not, but how quickly the primary system was to be completed. Defeat of the bond issue did not mean defeat of the good roads movement in Virginia, noted "pay-as-you-go" advocates. The people of the Old Dominion were already committed to a program of building good roads, and it was too late to turn back, no matter which course was taken.

Expressing praise for the voters of Virginia for deciding this great economic issue, Governor Trinkle asked the citizens to have patience. Within a reasonable time, he noted, the state would have a satisfactory highway system under the "pay-as-you-go" plan, especially if both factions worked together to insure its success. Replying to the Governor's plea, bond advocates promised to give the "pay-as-you-go" plan a fair trial, but at the same time they pledged to continue the campaign to give the state a completed highway system within a reasonable time. Thus, the great road controversy had been decided on November 6, 1923, but the matter was not forgotten for some time to come. As events would soon reveal, the man who profited most from the state's

⁹⁸The Washington Post commented, "Yes Virginia does not vote for good roads." Washington Post, November 8, 1923.

official parsimony was Harry Flood Byrd.

The major question raised by the 1923 referendum, one that lingered for many years, was what did the vote mean in terms of progress of the transportation system of Virginia? Many critics felt the "pay-as-you-go" plan hindered the state good roads movement. They pointed to the fact that Virginia's highway system was one of the last in the nation to be paved. In reply, "pay-as-you-go" supporters noted that the state had to wait longer for her highways, but they were less expensive to build than those financed by bond issues and Virginians were still not paying for their roads after they wore out or became outmoded. Furthermore, there was no burdensome debt which proved beneficial during the Great Depression years of the 1930's. In all fairness to these arguments, one may say that Virginia's highways did not fully meet the demands of modern transportation. Although the state developed a fairly good system of roads before mid-century, later years indicated that the "pay-as-you-go" system did not produce enough revenue to pay for all the needed road construction. It would appear, then, the Byrd theory did not put Virginia in a progressive role on the good roads issue.

APPENDIX A:

REQUIREMENTS OF THE FEDERAL HIGHWAYS ACT OF 1916.¹

1. Assent by the state legislature to the provisions of the Federal Road Act, or pending the meeting of the legislature, assent by the governor.
2. Establishment of a state highway department if one had not already been established.
3. The working out of a general scheme by the state highway department for making use of the federal aid and the submission of the schemes to the Secretary of Agriculture.
4. The submission by the state highway department of an application known as a project statement to the Secretary of Agriculture for each road for which aid is sought.
5. Approval by the Secretary of Agriculture of the project statement after such inspection as he chooses to make.
6. The making of surveys and the preparation of plans, specifications, and estimates, and their submission to the Secretary of Agriculture by the state highway department.
7. Approval of the plans, specifications, and estimates by the Secretary of Agriculture after such inspection as he chooses to make.
8. Execution of a project agreement between the state highway department and the Secretary of Agriculture covering the work to be done and the manner in which it is to be done.
9. Advertisement by bids and awarding of contracts by the state highway department if the work is to be done by contracts.
10. Beginning of actual work under the direction of the state highway department subject to inspection by the Secretary of Agriculture.
11. Partial payment as the work progresses by the Department of Agriculture to the fiscal officer designated by the state highway department.
12. Completion and acceptance of the roads under the direction of the state highway department with approval of the Secretary of Agriculture.

13. Final payment by the Department of Agriculture to make up the amount agreed to be paid by the federal government which shall not exceed in any case fifty per cent of the actual cost of the road.
14. Maintenance by the state or county.
15. Withholding of federal funds as to further allotments if roads were not properly maintained.

¹New York Times, October 8, 1916.

APPENDIX B: THE REFERENDUMS OF 1920 AND 1923.¹

Vote on the State Road Bond Amendment of 1920 and the State Bond Issue for Roads of 1923:

<u>Counties</u>	<u>1920</u>		<u>1923</u>	
	<u>For</u>	<u>Against</u>	<u>For</u>	<u>Against</u>
Accomac	1,692	325	1,321	589
Albemarle	936	844	491	1,360
Alleghany	846	117	1,172	397
Amelia	60	51	131	500
Amherst	504	628	143	988
Appomattox	757	129	174	1,011
Arlington	1,714	243	1,182	1,475
Augusta	909	2,335	309	2,962
Bath	412	172	490	620
Bedford	902	1,187	319	2,358
Bland	447	278	747	501
Botetourt	1,035	256	900	1,801
Brunswick	262	648	161	708
Buchanan	328	79	979	605
Buckingham	505	256	259	577
Campbell	1,099	394	666	1,416
Caroline	369	329	165	1,119
Carroll	640	525	2,201	1,773
Charles City	137	21	100	262
Charlotte	899	391	556	801
Chesterfield	741	249	384	927
Clarke	170	618	66	594
Craig	498	85	776	271
Culpeper	717	287	462	1,045
Cumberland	209	165	174	544
Dickenson	564	37	1,484	562
Dinwiddie	257	521	92	833
Elizabeth City	921	104	583	320
Essex	273	84	227	167
Fairfax	1,608	612	901	1,108
Fauquier	978	696	934	814
Floyd	437	815	653	1,292
Fluvanna	435	137	204	504
Franklin	1,214	371	982	2,671
Frederick	158	1,746	36	1,939
Giles	680	178	1,012	1,115
Gloucester	620	112	331	250
Goochland	203	145	183	874
Grayson	560	811	1,420	2,325
Greene	113	304	302	623
Greensville	364	118	208	323
Halifax	1,502	814	742	2,209
Hanover	474	349	331	791

Counties	1920		1923	
	For	Against	For	Against
Henrico	873	236	928	681
Henry	690	170	964	1,164
Highland	293	326	385	862
Isle of Wight	584	164	136	800
James City	203	48	114	178
King George	257	56	179	567
King and Queen	203	171	204	419
King William	262	173	266	460
Lancaster	311	46	424	497
Lee	687	166	1,588	1,285
Loudon	1,148	774	346	1,285
Louisa	442	420	386	1,169
Lunenburg	342	545	142	1,347
Madison	428	266	264	1,240
Mathews	234	378	305	609
Mecklenburg	855	674	744	1,111
Middlesex	327	155	216	468
Montgomery	1,100	808	708	2,243
Nansemond	590	166	133	321
Nelson	634	467	236	1,780
New Kent	164	52	150	249
Norfolk	2,137	150	1,126	240
Northampton	788	145	572	584
Northumberland	348	79	178	283
Nottoway	515	325	279	974
Orange	418	411	276	764
Page	447	961	1,119	1,431
Patrick	468	357	463	1,885
Pittsylvania	1,223	889	320	2,740
Powhatan	206	175	135	449
Prince Edward	703	158	394	411
Prince George	265	81	44	322
Princess Anne	376	43	414	333
Prince William	636	309	395	805
Pulaski	811	313	939	1,221
Rappahannock	264	54	84	423
Richmond	220	73	141	396
Roanoke	1,341	342	637	1,397
Rockbridge	1,220	770	496	1,967
Rockingham	566	3,072	232	5,162
Russell	1,410	283	1,207	3,274
Scott	882	796	1,351	3,189
Shenandoah	799	2,625	295	5,048
Smyth	492	607	709	2,925
Southampton	990	276	636	614
Spotsylvania	386	266	292	1,006
Stafford	281	249	344	1,173
Surry	172	286	76	530
Sussex	345	236	171	592

<u>Counties</u>	<u>For</u>	<u>1920</u>	<u>Against</u>	<u>For</u>	<u>1923</u>	<u>Against</u>
Tazewell	1,579		384	2,578		2,080
Warren	401		375	257		1,030
Warwick	165		41	133		315
Washington	1,390		702	2,023		3,209
Westmoreland	309		133	280		316
Wise	2,164		163	5,623		1,509
Wythe	785		1,368	888		3,143
York	256		66	258		623

<u>Cities</u>						
Alexandria	1,848		263	366		425
Bristol	578		8	498		62
Buena Vista	324		60	191		233
Charlottesville	1,045		199	562		386
Clifton Forge	867		152	339		200
Danville	1,415		161	748		228
Fredericksburg	754		87	485		209
Hampton	531		43	445		115
Harrisonburg	300		394	177		915
Hopewell	118		6	191		41
Lynchburg	2,493		206	1,260		998
Newport News	2,519		123	1,590		416
Norfolk	6,444		274	3,314		1,070
Petersburg	534		354	569		486
Portsmouth	3,139		186	923		355
Radford	502		47	496		130
Richmond	15,817		1,800	5,681		1,839
Roanoke	6,095		411	2,899		1,139
South Norfolk				149		156
Staunton	512		813	130		709
Suffolk	582		51	369		63
Williamsburg	196		16	206		65
Winchester	270		725	66		863
Total	111,306		48,949	81,220		127,187

¹Secretary of the Commonwealth, Abstract of Votes, Amendments to the Constitution, CLXI (November, 1920); Senate Document no. 1, Senate Journal, 1924, 7-8.

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- Westmoreland Davis Executive Papers. Virginia State Library, Richmond. Davis "lifted" most of his executive papers and put them in his personal collection.
- Westmoreland Davis Papers. Alderman Library, University of Virginia, Charlottesville. This is a large (140 boxes) and extremely rich collection on Virginia politics. It contains much material on roads. A voluminous newspaper scrapbook is part of the content.
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