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Ruth A. Overbeck

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TEXAS GETS OUT OF THE MUD

by Ruth Ann Overbeck

From the days of the Republic until well into the twentieth century, Texans made sporadic and unsuccessful attempts to create a viable public highway system. As early as 1840, Colonel William G. Cooke, under orders from President Mirabeau B. Lamar, partially cleared a route from Austin to the Red River to link some of Texas' widely scattered military posts to civilization.¹ In 1849, an English visitor observed that Texas roads were universally primitive. Settlers wanted better roads so badly, he wrote, they occasionally worked in gangs and bore the expenses of improvement themselves. The state had cut some roads which differed from ones cut by settlers only in that the state roads were cut by compass. They were therefore less circuitous. The traveler also stated that the only roadbeds worthy of the name were more suitable than those in the eastern part of the state.² Subsequent efforts in the nineteenth century ended much as these — in frustration and minimal results of short duration.

During the last quarter of the century, most Texans got caught up in the drama of railroad expansion at the expense of highway development. Many newspapers devoted a full page daily to railroad news and competition between towns hoping to become major stops on rail lines was fierce. In an 1898 anniversary edition of the *Houston Daily Post*, more than 100 south and southwest Texas mayors contributed articles about the merits of their towns. Approximately two-thirds wrote about existing or hoped-for connections with a railroad while only nine mentioned the condition of their streets or roads. Of these, a mere five commented about roads on a county-wide basis. Even then, one of the main goals of the road systems was to facilitate transportation of products to and from the railroad depot.³

Primary source of road improvements in the state throughout the 1800's was the overseer-free road work system. As this method dependee on each able-bodied man's donation of his time and effort to road projects in his home county or district without regard to adjacent districts, it fell far short of success. In a number of areas overseers used prisoners from local jails as substitute laborers for citizens who simply would not or could not cooperate.⁴

Some Texans, however, joined an organized campaign for road improvement before the twentieth century. In 1895, a Good Roads Convention met in Houston, Texas. An offshoot of the national Good Roads movement, the meeting had representatives from seven counties: Cooke, Dallas, Fayette, Galveston, Harris, Milam, and Nolan. The McCullough County delegate could not attend, but wrote a letter of support. A special agent of the Department of Agriculture's fledgling Office of Road Inquiry attended and reported on state-supported highway improvements in such states as Massachusetts, New Jersey, and California. Some of the convention's resolutions were a request for a state road board or commission, establishment of prisoner-operated supply camps at rock quarries, and approval by a state geologist and engineer of all projects on which state funds would be spent. The group also appointed a committee to present its resolutions to the governor.⁵

Two older and more powerful organizations began to swing their weight behind the issue when the U. S. Department of Agriculture and the Post Office Department involved themselves on a nation-wide scale with quality control of roads. Established in the appropriations for the Department of Agriculture in 1893, the Office of Road

Ruth Ann Overbeck is from Washington, D.C.

Inquiry's function was to gather all pertinent data on cost, materials, and longevity of rural roads throughout the country. The Office soon began disseminating this information by mail and through personal appearances by its special agents at good roads conventions and other meetings.⁶

As the chief means of long-distance communication at the turn of the century, the Post Office Department wielded enormous influence. After Rural Free Delivery began as an experiment in West Virginia in 1896, the department stipulated that no route would be considered in any area not served by adequate roads. Instructions to special agents assigned to investigate proposed routes stated that roads should be either graveled or macadamized before being declared adequate. Other considerations were availability of a rough map of the countryside and a statement on the size and nature of the population to be served.⁷ Prospective route recipients received a letter from their local postmaster which admonished them that the condition of the roads was their responsibility and would reflect their appreciation of the new service.⁸

Until mid-1899, Texas had no RFD routes. Although two postmasters forwarded their patrons' petitions to the Post Office Department in 1898, none were sent through the accepted channels of Texas' Representatives to Congress. On August 1, 1899, two communities simultaneously received the first Rural Free Delivery in the State: La Grange in Fayette County and Fate in Rockwall County. Brazoria, Collin, Hill, Lavaca, and Johnson Counties each had one RFD route by the end of June, 1900, and seven additional routes were operational in Texas by the end of the year.⁹

Another omen for good roads arrived in Texas before the turn of the century, this time in the form of a \$5,000 horseless carriage. Financier E.H.R. Green, chairman of the Republican state executive committee and son of millionairess Hetty Green, purchased the automobile at the St. Louis Fair. Green had both the car and its driver-mechanic delivered to him at his home in Terrell in 1899. On the car's first long distance trip — slightly more than 30 miles to Dallas — the driver could not drive at top speed because of road surfaces of dirt and sand. When a farm wagon crowded the car off the narrow road into a gully, the descent was so rough the water tank sprang a leak. Including an hour for repairs the trip took five hours and ten minutes.¹⁰

With the exception of an occasional state legislator commenting on Texas road conditions, politicians paid scant attention to them prior to 1902. Representative James L. Slayden of San Antonio addressed a letter favoring positive action on the roads issue to his fellow legislators in January, 1899, but Governor Joseph D. Sayers neglected the subject completely in both his inaugural address and his message to the legislature that month.¹¹

The press had been advocating road improvement for years, primarily for routes significant to local trade and settlement.¹² By the turn of the century, some editors began drawing on out-of-state road policies for examples which Texas would do well to emulate. Cited as the ideal solution, for instance, was New York's law of state and local cost sharing. Prominent in many articles were statistics on tax distributions for road improvement, cost per mile of various road surfacing material and so on.¹³ News about the roads issue generally waned to almost nothing in the summer and fall, but rose dramatically with the onset of bad winter and spring weather. Big city as well as small town papers provided statewide coverage of road conditions. When bridges collapsed in the Marble Falls area after heavy spring rains, the news appeared in city papers as far away as Houston.¹⁴

Not all news was bad, however. In the annual Post Office Department report for 1901, the department praised developments in Texas. As a direct result of RFD expansion during the year, over 100 fords had been bridged, ten streams previously impassable

part of each year had substantial new stone bridges, numerous old roads were repaired and there had been "... at least three new lines of roads specially constructed to facilitate the (RFD) service."¹⁵

At Texas' state political conventions in 1902, Democrats and Republicans alike demanded "good roads" planks in the party platforms. Both spoke of road "systems" and the Republicans urged the use of state convict labor on the roads.¹⁶ The Democrats won an easy victory in November. Every member of the new legislature was a Democrat as was the governor. In his message to the Legislature in January, 1903, Governor S. W. T. Lanham outlined advantages to be gained by statewide road improvement. His main emphases were on benefits to the rural populace and stimulation to trade. He made no direct mention of gains city dwellers might expect.¹⁷

While Texans waited for the Legislature to act, newspapers throughout the state proclaimed that the Democrats could hardly sidestep the issue. The Granbury *Tribune* went so far as to suggest just how roads should be constructed. The Gainesville *Messenger* urged all delegates to attend the upcoming good roads conference and others reminded their readers of the Post Office's right to cancel mail service on bad roads. By the end of February, the weather had made many roads impossible to use. Like many other Texas communities, Brownwood was isolated from the rest of the world and out of coal. Area farmers had difficulty moving even empty wagons, much less pulling them when loaded.¹⁸ Still, legislative action was creeping, at best.

In March, the Senate Committee on Roads and Bridges appointed a sub-committee to consider a House bill which would permit use of short-term state convicts on public roads. The Dallas *Morning News* editorialized that the outlook was rather bleak as only 13 days remained of the legislative session.¹⁹ The *News* was correct. The bill got nowhere, partly because of opposition from the chairman of the State Penitentiary Board who feared a loss of revenue if prisoners were funneled into road projects. The chairman felt such action would interfere with a long-standing source of income for the penitentiaries which came from contracting out convicts to area farmers.²⁰

While the Legislature tried unsuccessfully to reach agreement on the subject, a meeting convened in Dallas to form the Texas Good Roads Association once more. Approximately 200 delegates from throughout the State attended. They represented communities in 15 counties and elected as president State Senator O. P. Bowser of Dallas who was noted for his work on behalf of road legislation. Attendees came from such diverse communities as Bangs, Brownwood, Fort Worth, Melissa, and Slidell.

One attraction of the meeting was the address by the secretary of the National Good Roads Association. He explained the state aid plan in which the state, county, and local jurisdictions shared expenses of construction with the state guaranteeing the indebtedness of the county when necessary. In addition to advocating use of competent civil engineers to design and supervise highway programs, the secretary outlined soil analysis and surface recommendation services available through the national organization. Judge Robert B. Green of San Antonio spoke in support of taxation by the state. He pointed out that the cost of wear and tear on horses, vehicles, and equipment over the previous four year period would have paid the taxes of every farmer in Bexar County. When he proclaimed the system of overseers and free road work a mere farce, the audience applauded enthusiastically.²¹

The regular session of the 28th Texas Legislature failed to pass any general road laws, but its first called session submitted to the voters a constitutional amendment permitting local voting of bonds for road construction. In November, 1903, the amendment passed with a few thousand votes to spare.²²

Texas was not alone in its road crisis. Since many other states were in the throes of the same difficulty, some Congressmen decided to take action. More than 15 bills pertaining to roads and road improvement in one guise or another were introduced in the second session of the 58th Congress. One senator felt strongly that some of the Federal Treasury's surplus of \$260,000,000 should be spent on public roads. Citing European public road networks all the way back to the ancient Romans, he declared a complete road system a national necessity. The U. S. needed better roads for mail service, military purposes in time of war, and to aid interstate commerce.²³ As 1904 began, newspapers such as the *Fort Worth Record* gave full coverage to congressional hearings on roads and road building. Although no road bill passed that session of Congress, Congressional awareness of the issue rose to new high.²⁴

Texas' Republican State Convention again urged legislation to insure good roads in its 1904 platform, while the Democrats ignored the question. The parties reversed their positions at the 1906 state conventions, but the Democratic plank lacked much of the force of earlier statements.²⁵ By 1909, Texans realized the 1903 law had not been adequate so the 31st legislature passed a law permitting creation of defined road districts by the commissioners' courts of the counties. This allowed regions in favor of road work to go ahead with construction in spite of anti-road blocs in other parts of the county.²⁶ Even this measure was not enough to suit the Republicans and Prohibitionists of the State. In their 1910 platforms, each party advocated an intercounty system of permanent, durable roads.²⁷

Local efforts by private citizens continued. Seizing the opportunity provided by the 1909 legislation, the Stamford Commercial Club and the Jones County Commissioners' Court co-sponsored a well attended good roads meeting in Anson in March, 1910. The attendees' recommendations included a need for different commissioners' precincts to call bond elections and that the Department of Agriculture's Bureau of Public Roads be asked to build an object lesson road in the county. The County Commissioners' Court was requested to provide money and materials for the road, in addition to lending teams, tools, and such labor as necessary.²⁸

The following year, *The Texas Almanac* first mentioned the subject of automobiles in its publication and estimated that the state contained approximately 30,000 cars and trucks. Discussing the importance of the "machines" in Texas and noting that they were still luxury items, the *Almanac* reported their use as hacks, truck and delivery wagons, mail carriers, and vehicles for traveling salesmen. Cars were proving particularly valuable to cover long distances on the plains which were not serviced by railroads. Of the 22 counties which had more than 100 automobile registrations each, seven were in heavily populated East Texas and six in the center of the state. The nine West Texas counties in this category accounted for more than 2,700.²⁹

In 1912, for the first time in the same year, three political parties in the state came out in favor of good roads. The Prohibition Party generalized on the subject and the Democratic platform recommended creating the position of public highway engineer to cooperate with county officers responsible for public roads. Republicans took a major step forward by favoring ". . . a law that shall authorize the Governor to appoint a highway commission, whose duty it shall be to supervise the construction of all permanent roads and bridges . . ."³⁰

Texas contained approximately 140,000 miles of public highways by 1912, according to *The Texas Almanac*. Of these 35,000 miles were graded roads and no more than 6,300 miles were improved enough to have cost \$400 or more per mile. This last category included roads surfaced with mud, shell, gravel, macadam, crushed rock, or sand clay. Counties with 100 or more miles of roads in this class were Bexar, Bosque, Burleson,

Comal, Dallas, Ellis, Galveston, Gillespie, Guadalupe, Harris, Harrison, Tarrant, and Wise. The article also noted Good Roads Association plans for several continuous highways, one traversing North Texas along the general route of present day Interstate 67 and another which would start in both Grayson and Cooke Counties, then converge downstate to go to Houston.³¹

As wonderful as these plans were to contemplate, most Texans simply wanted immediate results to get rid of bad roads such as those with: "... spring bursting bridges at the foot of each hill . . . when a person ran on to one of these in a Model T Ford, if he were not careful, he would hit a hole . . . and out would go a front spring. Not only was a spring broken, but also the speed gained coming down the hill was lost . . ."³²

With the encouragement offered by the 1912 party platforms, the 33rd legislature worked to establish the office of state highway engineer. A heavily amended bill went to Governor O. B. Colquitt in 1913. He vetoed it after the Attorney-General declared the bill's provisions to have the Commissioner of Agriculture and professors of civil engineering at the University of Texas and Texas A & M College serve on the highway commission were unconstitutional. Other criticisms Colquitt had were the inclusion of a uniform automobile tax of \$3.00 per vehicle, the payment of such taxes into a state highway commission fund to be established instead of the position of highway engineer, as asked by the Democratic party's platform.³³

By 1914, Progressive, Republican, and Democratic platforms all advocated establishment of a state highway system,³⁴ but the legislature could not agree on a bill. This left Texas one of the seven states in the nation with no form of state engineer or highway office even though in 1914 Texans had voted \$24,959,837 for local road construction and maintenance bonds. Texas ranked fourth in the U. S. in expenditures despite the fact that the only direct automobile revenue was the fifty cents per automobile license fee paid to the county of registration. Local taxation to retire road bonds provided the balance of the funds for highways.³⁵

The Good Roads Association still was trying earnestly to get positive statewide legislation. In 1915, the organization called in experts from the Department of Agriculture's Office of Public Roads, Texas A & M, and the Bureau of Municipal Research to speak to the joint meeting of the County Judges and Commissioners' Association and the Texas Good Roads Association. Mrs. March Culmore of Houston addressed the meeting on the role of the Texas Federation of Women's Clubs in behalf of good roads.³⁶

Texans were on the verge of receiving the highways they wanted and Congress provided the means in 1916. Besides Texas' two votes in the Senate the state had eighteen votes in the House³⁷ when the 64th Congress began debate on a bill which would revolutionize highways all over the nation. No Texas Congressman was a member of the Committee on Roads, but Representative Eugene Black from Clarksville took a significant part in the debate on the federal aid to roads bill. Arguing that good roads legislation would not be a class action favoring farmers over city dwellers, Clark also disputed the contention of his colleague, James L. Slayden of San Antonio, that if Congress appropriated the money "no community will ever thereafter be willing to do anything for itself."³⁸ When the vote came before the House, Texans voted for the bill by a large majority; thirteen yeas to two noes, with three abstentions. The bill carried, then passed the Senate on a voice vote.³⁹

The act required a state to have a highway department or agency to supervise expenditure of its share of the \$75,000,000 federal aid money before the state could receive its allotment. This forced Texas to create an acceptable agency. House Bill No. 2 of the 35th legislature passed the House with 96 yeas, 23 nays. The Senate

approved it by a vote of 22 to two. When Governor James E. Ferguson signed the bill on April 4, 1917,⁴⁰ Texas became the last state in the Union to get its highway house in order.⁴¹

House Bill No. 2 established a highway department with a three member commission and a state highway engineer. It outlined the officers' qualifications, duties, and pay as well as the relationship between them and the county commissioners' courts. Also initiated were policies permitting state aid to counties and use of state convict labor on state highways. All motor vehicles were to be registered and licensed with fees from this provision to be applied to the highway fund. The legislature felt it necessary that the last phrase of the bill declare "an emergency" so that after all the years of dallying Texas could implement the act without further delay.⁴²

A monumental task awaited the first commissioners and engineer. Trying to collect information from the counties about roads and bridges already in existence was a discouraging task in itself. When the commissioners published their first biennial report in 1919, 90 counties had not complied with the requirement to submit maps showing the approximate location of all public roads within the county. The Highway Department was most unhappy with the only practical means of inventory connecting roads of adjoining counties, important highways between market and business centers, and main traffic arteries.⁴³

The Texas Good Roads Association and Austin Automobile Club took advantage of the Highway Department's failure to issue a road map by publishing the *Texas State Highway Guide or Official Log Book of Texas Roads* in 1918. Previous efforts included log books issued by the Bexar County Highway League in 1914 and the Austin group in 1915. Those books were sold out and out of print by 1918. All editions gave written instructions covering routes from out of state to the nearest border town in Texas as well as directions from town to town within the state. Directions were given by tenths of a mile, using topographical features, railroad crossing, forks in the road, etc. Some instructions merely read "zig zag" after the mileage notation. Heaven help the driver whose tachometer was broken or who turned left instead of right at 10.9 miles into the middle of nowhere. Because of the nature of the instructions, routes had to be given not only from Ft. Worth to Wichita Falls, but from Wichita Falls to Ft. Worth. Even though the little volume cost only \$1.00, it was invaluable to the traveler.⁴⁴

One problem which the new department did not have to face was working out terms for state prisoners to be hired by the various counties. Despite all the party platforms and newspaper articles advocating the use of convict labor, the first two years after such became law, not one county applied to the department to implement the provision. Many of the counties, however, were still using county prisoners on county road work.⁴⁵

Attempted bribery was an unreported problem. Some suspicion had been cast on the first commissioners who served under impeached Governor Ferguson, so commission members appointed in 1917 by his successor William P. Hobby agreed to a policy which they hoped would make bribery attempts a thing of the past. Formerly, county commissioners had been allowed to get jobs in their districts regardless of bids by competitors. The new commission decided that awards of contracts were to be on a fair low bidder basis and that county commissioners could not get contracts to do "through highways" unless they had proven ability and equipment on hand for the job.

The only commissioner who lived in Austin was approached one Sunday by an old friend from out-of-town who happened to be a county judge. After a pleasant talk,

the judge asked the commissioner to recommend the county crew for the contract scheduled to be awarded the next morning. The commissioner had intended to do just that if the county was low bidder as the county in question had a reputation of doing honest, competent work and already had the necessary equipment. Then the judge handed him a package saying it was a little token of remembrance from the boys back home. The commissioner had always been fond of fine leather and was pleased to see a beautiful leather wallet with gold leaf work on it. Enjoying the feel of the leather, he noticed the purse felt stiff as though the cardboard had not been removed. Opening it, he found ten new \$1,000 bills. The commissioner threw the purse and its contents at the judge and ordered him out of his home, telling him never to try again to bid on any job while the commissioner was in office. The commissioner thought the word must have been passed around for that was the only bribery attempt made on him.⁴⁶

Commissioners had to travel constantly. They spent a great deal of time attending meetings, not only in Texas, but in Washington as well. When they were home someone was always trying to see them. The most bothersome thing was that everyone wanted roads and the commissioners knew although the people really needed them, there simply was not money enough to go around.⁴⁷

The Highway Department's second biennial report, issued in 1921, reported a new problem. The U. S. Army's Motor Transport Corps recently had made a trip across Texas and many of the existing steel and concrete bridges along their route were too weak to carry the heavy army trucks. These bridges had to be reinforced or rebuilt on the spur of the moment in order for the trucks to continue. Immediately, the Highway Department began systematically testing bridges throughout the state.⁴⁸

One difficulty, however, was partially solved by this time. The counties finally had finished filing their maps with the department in time for compilation and inclusion of the first highway map of the state in the second report.⁴⁹

As the Federal Aid to Roads Act provided for its appropriation to be spent between 1916 and 1921, a new bill was necessary in 1921. Congress changed several features of the original act in an effort to strengthen the nation's highway program. Location of federally aided roads demanded more attention as the desired interstate highways were not taking shape. States were spending all their money on internal improvements without considering routes to join those of adjacent states at the state boundary lines.

Under the new law, the Secretary of Agriculture had to approve state action and could deny federal funds if a state failed to comply with its provisions. Texas did not have the necessary three-sevenths of its highway system designated as primary or interstate highways. Texas also was out of step with the act in that the state had to provide some funds for construction, reconstruction, and maintenance of federal aid highways within the state, with all funds under direct control of the state highway department. Until this time Texas, as provided by state law, had granted aid to the counties, which, with federal aid, the counties used to construct highways in their respective districts. To give non-conforming states a chance to enact the needed changes, the Secretary of Agriculture had the option of continuing to approve projects for these states until 1924 if they complied with the law's other provisions.⁵⁰

Groups interested in furthering Texas' infant highway system immediately began organizing their campaign for new legislation. They held meetings all over the state and got cooperation from the press. One of the most concerned lobbyists, the Texas Highway Department, began a flood of articles which contained quotations from prominent Texans as well as statistics showing what would be lost if a new law was not passed by November, 1924. The *Texas Highway Bulletin* served as a primary outlet

for departmental press releases which pointed out that Texas would be totally impractical not to pass appropriate legislation.⁵¹

In 1923, the 38th Texas Legislature passed highly favorable highway laws. One of the complaints about the 1917 law was the two-year tenure for the commissioners. As a result, commissioners would just get to know their jobs when they would be retired either by a new governor or by the expiration of their term. In the 1923 bill, the term of office for members of the commission was six years with one member to be appointed every two years.⁵²

Another boon to the Highway Department was the increase in license fees for motor vehicles. This helped provide state funds to match federal aid and also for state maintenance of roads in those counties which could not or would not maintain federally aided roads. As an additional measure to increase revenue for the department, the legislature levied an occupation tax of one cent per gallon on wholesale gasoline dealers. Three-fourths of the revenue from this tax went to the highway fund for state highway construction and maintenance and the remaining one-fourth went to the public free school fund.⁵³

The legislature also passed a proposed state constitutional amendment which would permit a state system of highways under direct responsibility and control by the state for its construction, operation, and maintenance.⁵⁴ The campaign for the passage of the amendment was in high gear as election time grew near. Suddenly, the Attorney-General put a stop to the whole thing. The people mailing the amendment to newspapers throughout the state had overlooked a clause in the Constitution. The Attorney-General pointed out that a proposed amendment had to be published in one newspaper in each county once a week for four consecutive weeks, beginning at least three months before the election, and the amendment had not been mailed in time.⁵⁵

A law suit saved the day. Limestone County, road district No. 15 of Limestone County, and six residents of the district sued the Limestone County tax collector in an attempt to prevent him from turning over the tax on motor vehicles to the state highway department. The court ruled that the state alone held title to the roads in the county, saying: "The exercise of this right by a political subdivision of the state, or local officers is founded upon statutory authority therefor. The Legislature may exercise possession of public roads and control over them, by and through such agencies as it may designate . . ."⁵⁶

With this sanction for legislation instead of a constitutional amendment, the 39th Texas legislature passed an act which gave the highway department control of the highways in the state system. It took all control of state highways from the commissioners' courts of the counties and stipulated that the highway department's road work would be financed by legislative appropriations from the state highway fund.⁵⁷

This bill contained no provision for the use of state prison labor on the roads. After the first biennial report, the highway department made no further mention of the use of prisoners clause set forth in Texas' 1917 highway bill. Reasons given by some county commissioners for the abandonment of the county convict plan gives insight into the difficulties of such programs during the early years of the highway department. The commissioners found the prisoners too unskilled to run the special road machinery and incarcerated for lengths of time which made long-range training impractical. Further, they felt the convicts did not have the interest of the job or the county at heart.⁵⁸ Men unwilling to use laborers from their own local jails could not be expected to be too interested in the complicated procedures necessary to obtain state prisoners for the job.

As the scope of the highway commission enlarged, attention had to be given to an ever increasing number of areas. For example, the commission's sixth biennial report expressed concern over toll bridges. Although no toll bridges were in the state highway system within the borders of Texas, there were numerous toll bridges spanning the rivers along the borders. A corollary of the bridge problem was that of the three toll ferries in operation inside the state. The highway department called for the elimination of the ferries by the end of 1929, but set no date for the removal of the bridges as the commission had not yet determined the correct procedure for such action. The commissioners reported that citizens would see immediate results if the department could get the toll rates reduced. An alternative was the longer process of purchasing or building free bridges. The report asked for cooperation from the adjacent states to which the bridges crossed.⁵⁰

A new era for the highway department began in 1927 when Governor Dan Moody appointed Houston businessman Ross S. Sterling, Cone Johnson of Tyler, and W. E. Ely of Abilene, as the new commissioners. Former Governor Ma Ferguson's appointees had been ousted, so the department got an entirely new commission.

Money was the main problem the commissioners, headed by Ross Sterling, faced. Legislative appropriations for the department previously had been made on an annual basis, but the new commission felt strongly that both long-range budgeting and long-range planning would strengthen the highway system. Sterling, particularly, was active making speeches, writing articles, and generally trying to make Texas aware of the needs of the department. The commission proposed a statewide bond issue of \$300,000,000 to be retired in 30 years from proceeds of the gasoline tax. The money raised would be spent at the average annual rate of \$30,000,000 for ten years. Sterling pointed out that this was not unreasonable in view of the savings on wear and tear of private automobiles, by not having to maintain roads in basically poor condition, and defended the gasoline tax as the fairest tax ever devised by man.⁶⁰

The governor and legislature received an extensive outline of the bond plan in January, 1929. It contained farsighted recommendations to establish a state highway patrol and provide compensation insurance for state highway employees. Further, it took a stand which if followed would not still be an issue almost half a century later. The commission "... reaffirm(ed) the position . . . against the encroachment of advertising signs and that in the interest of safety and scenic beauty we urge the State . . . to bar all advertising signs from the highway and vicinity thereof."⁶¹

The Senate passed a joint resolution proposing an amendment to Article 3 of the Constitution to allow revenue for the highway department to be secured through the issuance of bonds. The House voted down the bill. Winning arguments were that property, such as hotels, owned by non-residents would benefit from the end results of taxation, but would not pay any taxes. In addition, the highway department allegedly already had at its disposal an aggregate amounting to approximately \$50,000,000 annually. This sum, of course, included all money available at the county level for county roads as well as state and federal funds for the highway system. Nonetheless, the opponents of the bill felt that was "all the money three men can judiciously spend in twelve month's time . . ."⁶²

When Ross Sterling resigned from the highway commission in 1930 to campaign successfully as the Democratic nominee for governor, Ely became chairman of the commission, D. K. Martin got the vacant spot, and the very able Gibb Gilchrist continued as highway engineer. With a strong commission, a well-qualified engineer and an ardent highway supporter as governor, the Texas Highway Department at last was on its way toward being one of the most respected in the nation.

NOTES

¹William G. Cooke to Honl. B. T. Archer, Nov. 14, 1840. Filed in Army Papers, Texas State Archives, Austin, Texas.

²Edward Smith, *Account of a Journey through North-Eastern Texas, undertaken in 1849, for the purposes of Emigration. Embodied in a Report: to which are appended Letters and Verbal Communications, by Eminent Individuals, Lists of Temperature; of Prices of Land, Produce, and Article of Merchandize; and of Cost of Carriage and Labour; in Several Parts of the Western and Southern States; And the recently adopted Constitution of Texas, with Maps from the Last Authentic Survey.* (London, 1849), 14.

³*Houston Daily Post*, April 3, 1898, 29.

⁴Frank M. Stewart, "Highway Administration in Texas, A Study of Administrative Methods and Financial Policies," *The University of Texas Bulletin* (Austin, 1934). See also B(ernice?) McDaniel, "Highway Administration in Grayson County Texas" (unpublished master's thesis, University of Texas, 1929), for a thorough study of local road problems.

⁵*Dallas Morning News*, February 24, 1895, *Galveston Daily News*, February 2, 18, 1895, and February 20, 1895.

⁶60th Cong., 1st sess., 1908, Cong. Record, XLII, Part 5, 4208.

⁷U. S., Post Office Department, *Annual Reports of the Post Office Department for the Fiscal Year Ended June 30, 1899* (Washington, D. C., 1899), 203.

⁸*Annual Report of the Post Office Department, 1899*, 204.

⁹U. S. Post Office Department, *Annual Reports of the Post Office Department for the Fiscal Year Ended June 30, 1900* (Washington, D. C., 1900), 135.

¹⁰*Dallas Morning News*, October 6, 1899. "First Automobile in Texas," *Frontier Times*, 7 (February, 1930), 225.

¹¹*Houston Daily Post*, January 18, 1899, January 24, 1899.

¹²*Denison Daily News*, April 24, April 25, May 23, and August 5, 1875, 3; *Galveston Daily News*, February 1, 1895, 2.

¹³*Houston Daily Post*, January 26, 1899, 4, February 17, 1899, 5, April 14, 1900, *Galveston Daily News*, February 2, 1895, 3.

¹⁴*Houston Daily Post*, April 14, 1900; see also *Dallas Morning News*, *Houston Daily Post*, *Austin Statesman*, 1895-1905.

¹⁵U. S. Post Office Department, *Annual Reports of the Post Office Department for the Fiscal Year Ended June 30, 1901* (Washington, D. C., 1901), 125.

¹⁶Ernest W. Winkler, "Platforms of Political Parties in Texas," *Bulletin of the University of Texas*, 53 (Austin, 1916), 448, 457.

¹⁷*Dallas Morning News*, January 22, 1903.

¹⁸*Dallas Morning News*, January 2, 12, 13, 29, February 24, 1903, March 5, 17, 1903.

¹⁹*Dallas Morning News*, March 18, 1903.

- ²⁰*Dallas Morning News*, March 18, 1890.
- ²¹*Dallas Morning News*, March 18, 1903.
- ²²House Bill No. 8, 28th Texas Legislature, 1st Called Sess., 9-10 (1903).
- ²³58th Cong., 2nd sess., 1904, Cong. Record, XXXIII, part 1, 746-752.
- ²⁴*Fort Worth Record*, January 1 - February 2, 1904.
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- ⁴⁰House Bill No. 2, 35th Texas Legislature, reg. sess., 416-427 (1917).
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- ⁴²House Bill No. 2, 35th Leg., reg. sess. 416-417.
- ⁴³*First Biennial Report of the Texas Highway Commission*, 14, 48.
- ⁴⁴*Official Log Book for Texas* (San Antonio, 1914); *Texas State Highway Guide (Official Log Book of Texas Roads)* (Austin, 1918).
- ⁴⁵*First Biennial Report of the Texas Highway Commission*, 15.
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- ⁴⁷C. N. Avery to Ruth Ann Overbeck, June 22, 1961.

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⁴⁹*2nd Biennial Report*, 30.

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⁵¹"Texas Leads in Road Works," *Texas Highway Bulletin*, 2, no. 9, (November, 1922), 5.

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⁵³House Bill No. 361, 38th Texas Legislature, reg. sess., 155-162 (1923).

⁵⁴House Bill No. 361, 38th Texas Legislature, reg. sess., 155-161 (1923).

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⁵⁶*Texas Decisions Reported in the Southwestern Reporter Annotated*, No. 268 (St. Paul, 1925), 915.

⁵⁷Senate Bill No. 74, 39th Texas Legislature, reg. sess., 456-459 (1925).

⁵⁸McDaniel, "Highway Administration in Grayson County," 123.

⁵⁹Texas, State Highway Commission, *Sixth Biennial Report of the State Highway Commission for the Period September 1, 1926 to August 31, 1928* (San Antonio, 1929), 50.

⁶⁰Ross S. Sterling, *Good Roads for Texas The Problem: How to Finance the Cost of Completing a State System of Highways in Time for this Generation to Reap the Benefits. And the Solution: A Statewide Bond Issue, Based upon the Gasoline Tax, for Refund of Money Expended by Counties on State Highways for Their Use in Lateral Road Improvement* (Houston, 1928).

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