

**AUSTIN PEAY AND THE ADMINISTRATIVE  
REORGANIZATION BILL OF 1923**



**DONALD WAYNE TROTTER**

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An Abstract

Presented to

the Graduate Council of

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In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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by

Donald Wayne Trotter

August, 1973



## ABSTRACT

Austin Peay, a native of Kentucky, became one of the most renowned and successful governors in Tennessee's history. As a young lawyer from Montgomery County, he was called on in 1901 to represent the people of his county in the Tennessee House of Representatives. He served for two terms. In 1905 he was chosen Chairman of the State Democratic Executive Committee, a position he retained until his untimely death.

As his qualities of leadership grew, so did his supporters. In 1918 he ran in the Democratic primary for governor and lost. Two years later he refused to accept the challenge to run. However, by 1922 the state was in desperate need of reform. Since 1907 the state deficit was growing completely out of proportion. Tennesseans again called on Austin Peay to lead their political reform movement. This time he accepted the challenge.

The Democratic primary was a hard fought campaign. Peay won out over three other candidates by about 4,000 votes. The primary victory was difficult. However, the gubernatorial contest would become one of the hardest fought races in the history of

of Tennessee. Peay was pitted against the ever popular Republican incumbent, Governor Alfred A. Taylor.

The entire campaign revolved around the reorganization of the state government. Austin Peay quoted facts and figures to support his arguments for reform. He wanted consolidation of state offices and an efficient, economical government. One of his major drawing cards was that he promised reduced taxes through a reorganized administration.

Governor Taylor also favored reorganization and consolidation but not to the degree as did Austin Peay. Taylor relied on his good humor and statewide popularity to win votes. In the election of 1922 this was not enough for Taylor. Relying on the good judgment and common sense of the people, Austin Peay won by almost 40,000 votes, unprecedented since the Civil War.

Peay won the Governorship by promising an administrative reorganization. Immediately he went to work on a plan. With the advice and expertise of Arthur E. Buck from the Municipal Research League of New York, the Reorganization Bill was formulated. The bill was a revolutionary step for Tennessee's political reform. The bill called for reorganization and consolidation of the state's administrative machinery.



Prior to 1923, there were sixty-four boards, bureaus, commissions and various other agencies composing the administration. Within these groups there was an overlapping of duties and duplication of functions. Such conditions bred waste and corruption. The Reorganization Bill would abolish forty-nine statutory offices, boards, bureaus and agencies. Their functions were then consolidated into eight departments. Each department was to be headed by a commissioner directly responsible to the Governor. Other related and independent groups were also disposed of or consolidated.

The day after his inauguration, Governor Peay sent the Reorganization Bill to the General Assembly. The major opposition to the bill came from those representatives and senators who felt the plan gave too much power and autonomy to the Governor. However, after six days in the Legislature the Administrative Reorganization Bill was passed by both houses of the General Assembly. Of the total votes cast in the Legislature, only twenty were in opposition to the bill.

The very day Governor Peay signed the bill and named his eight department heads, bills for an injunction against the new officials were being drawn up by friends of some of the ousted officeholders. The head of the State Tax Department, the three

highway commissioners and the warden at the main state prison were the complainants in the bills. They called for the injunction and for a court case to test the constitutionality of the Reorganization Act.

The bills were filed in the Chancery Court of Davidson County. A stay order was issued until a hearing could be arranged. After the hearing, Chancellor John R. Aust delivered his opinion. He denied an injunction, lifted the stay order and sustained the constitutional validity of the Reorganization Act. Aust's decision did not satisfy the complainants so Aust authorized them to appeal to the Tennessee State Supreme Court.

The case of House v. Creveling was referred to the State Supreme Court. The court was to rule on the constitutionality of the Act. After the hearing, the court deliberated. On March 31, 1923, two months after Governor Peay signed the Reorganization Bill into law, Justice Grafton Green read the court's opinion. It was the court's opinion that there were no grounds for sustaining any charges brought by the old officeholders.

The court's decision was a signal victory for Austin Peay and the administration. His reform programs could begin under the direction of a centralized government. As a result of the administrative reorganization of Tennessee, taxpayers were saved many dollars and the government became more responsible and efficient.

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by

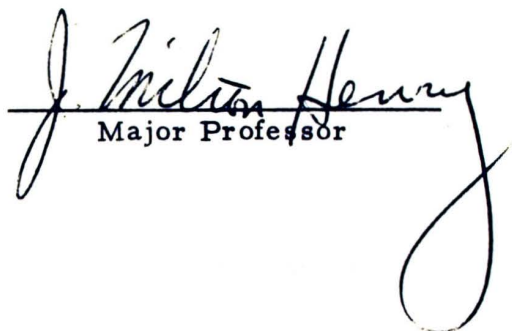
Donald Wayne Trotter

August, 1973



To the Graduate Council:

I am submitting herewith a Thesis written by Donald Wayne Trotter entitled "Austin Peay and the Administrative Reorganization Bill of 1923." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

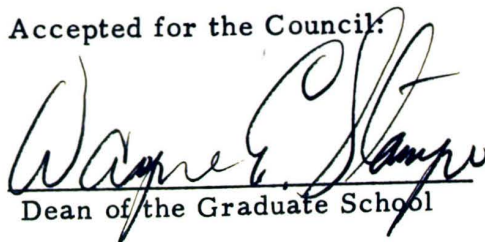
  
Major Professor

We have read this thesis and  
recommend its acceptance:

  
Second Committee Member

  
Third Committee Member

Accepted for the Council:

  
Dean of the Graduate School

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Last, but certainly not least, loving thanks are given to the author's wife, Patsy. She has not only been patient in times of tenseness and frustration, but she has provided the financial assistance necessary while full time was devoted to the research and writing of this thesis.

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## Chapter 1

### AUSTIN PEAY: A BIOGRAPHICAL SKETCH

June 1, 1876 was an especially eventful day in the lives of a Christian County, Kentucky farmer and his wife. Austin Peay, a Confederate veteran and prosperous farmer, and his wife, Cornelia Frances Leavell Peay, welcomed their son into the world. The boy was to be tall, straight and dark, very much resembling his father. The child was given his father's first name and his mother's maiden name, thus Austin Leavell Peay would carry both families' heritage. However, after about 1900 young Austin stopped using his middle name.<sup>1</sup>

Austin Peay was a very shy young man. He was so shy that when he left his father's farm in Kentucky to attend Washington and Lee College in Virginia, he felt out of place and unhappy. Austin returned to Kentucky to resume his education. Centre College at Danville was much more to his liking. Centre was

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<sup>1</sup>Dumas Malone (ed.), Dictionary of American Biography, VII (New York: Charles Scribner's Sons, 1934), p. 371. Austin Peay entry was written by Philip M. Hamer. Hamer's source was Mrs. Sallie Hurst Peay. Hereafter cited as Malone, American Biography.

a small college and Peay felt it was more like home than Washington and Lee.

Peay learned to love Centre College and its tranquil campus. He became active in the Kappa Alpha Fraternity there. As a sentimental token of his college days, Austin Peay carried the key to his room at Centre to his last day.<sup>2</sup>

June 26, 1895 the first of many milestones in Austin Peay's career occurred. This was his graduation from his beloved Centre College. After graduation he worked on the family farm some and was admitted to the bar at Hopkinsville, Kentucky on September 8, 1895. The young lawyer decided to set up his practice in Clarksville, Tennessee. Clarksville, in Montgomery County, was just a few miles south of his home. It was in Clarksville where Peay met the daughter of a very well-to-do wholesale grocer, John Hurst. The pert young girl was named Sallie.

The struggling lawyer had an obsession to marry Miss Hurst. The desire was so great and demanding that he could not wait until he could afford such a venture. Austin decided to borrow the money,

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<sup>2</sup>T. H. Alexander, Austin Peay: A Collection of State Papers and Public Addresses with A Biography (Kingsport: Kingsport Press, Southern Publishers, Inc., 1929), p. xvi. Hereafter cited as Alexander, Austin Peay.

seventy-five dollars, from a Hopkinsville banker. Peay offered all he had in the world, his law library, as collateral for the loan. The banker, somewhat skeptical about such a loan, asked, "So you want to marry, eh? Why, you're not old enough to make a legal note!" Peay replied, "But I am old enough to pay a debt."<sup>3</sup> As a result, the money was loaned. The nineteen year old lawyer married his Sallie on September 19, 1895.

The wedding took place at the Hurst's home on Madison Street in Clarksville. The son of Squire Austin Peay of Bells, Kentucky and the daughter of the wealthy John Hurst of Clarksville, Tennessee were joined together by the Reverend A. U. Boone, a Baptist Minister. The groom had to pay the minister's fee out of his borrowed money, leaving the young couple with little of their own capital.

Austin and Sallie made their home in Clarksville. Peay diligently worked at his practice steadily building a sound reputation. At the same time, his family also grew. The Peays had two children, Austin Peay, Junior and Amaryllis.

It was in 1901 that Austin Peay began his political career. At the age of twenty-five, Peay was elected to the House of

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<sup>3</sup>Ibid. pp. xvi-xvii.



Representatives of the Tennessee Legislature from Montgomery County. It was in the Legislature where he became a Democratic leader. Because of his obvious qualities of leadership, he was coaxed into becoming a candidate for Speaker of the House. His opponent was General Lawrence D. Tyson, of Knoxville. Over a hundred ballots were cast in one of the most spectacular deadlocks in Tennessee history.<sup>4</sup> Finally, Peay's forces weakened and Tyson was the victor.

Peay served as Montgomery County's representative for two terms. In 1905 he was chosen Chairman of the State Democratic Executive Committee where he became the militant head of his party, a position which he retained until his death.<sup>5</sup>

Austin Peay had returned to his law practice working long and hard. He came to be considered one of the state's best legal minds.<sup>6</sup>

Once again, in 1908, he was called to active duty to serve as Malcolm R. Patterson's campaign manager in Tennessee's first Democratic primary. Patterson defeated Edward W. Carmack in

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<sup>4</sup>Ibid., p. xvii.

<sup>5</sup>Austin P. Foster and Albert H. Roberts, Tennessee Democracy: A History of the Party and Its Representative Members - Past and Present, II (Nashville: Democratic Historical Association, Inc., 1940), p. 454. Hereafter cited as Foster and Roberts, Tennessee Democracy.

<sup>6</sup>Ibid., p. 455.

in the primary to become the Democratic nominee for governor. Patterson was an anti-prohibitionist candidate. With Peay's able direction, Patterson also became the victor in the general election.

Austin Peay devoted the next ten years to his law practice. He, however, kept a close watch on the state government. Peay saw a deficit occur beginning in 1907. He was determined to do something about the state's financial problems. The deficit was due to lack of control by the governors and the extravagance of the Legislature.

The time had come. In 1918 Austin Peay offered himself as a candidate for the Democratic nomination for Governor. Peay lost the primary to Chancellor Albert H. Roberts of Livingston, Tennessee.

Rejected, but not forgotten, Peay once again returned home to his law office. Tired from the campaign, the small town lawyer remained quiet. Two years later he was urged to try again for the Governorship. Peay refused because he believed that no Democrat could possibly win in 1920.

The election of 1922 was another story. Peay was tired of sitting. To no one's surprise, he was called to lead Tennessee's political reform movement. He was successful in the Democratic primary. The margin of victory was narrow, but he won over three other candidates. In November of 1922, Peay went on to defeat the popular Governor Alfred A. Taylor by almost 40,000 votes.

Tennesseans were hoping for a new type of leadership. They listened to Austin Peay and believed him. The people found a new leadership in a man who could say, "I would rather be right than governor."<sup>7</sup> He relied on the intelligence of the electorate. Only once did he make an emotional appeal and that was as a tribute to his faithful wife. Peay said he wished, "to lay the Governorship at her feet."<sup>8</sup>

The fortieth Governor of Tennessee was a dedicated, concerned man. He, as many others, took the governorship at a great financial loss. It was estimated that his law practice brought him between \$25,000 and \$50,000 per year.<sup>9</sup> The Governor only received \$4,000 a year. Throughout his campaigns and his political career, he always denied seeking personal gain through politics. Even after he had been elected Peay often referred to his reasons for entering politics. His personal correspondence shows evidence of how he felt. In a letter to Mrs. Alexander B. White, Governor Peay stated in part:

Politics never interested me and I am in this office solely through a sense of public duty and am most anxious to return to my law as soon as possible.<sup>10</sup>

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<sup>7</sup>Gentry R. McGee, A History of Tennessee From 1663-1930 (Nashville: Facimile Reproduction, 1971) p. 303.

<sup>8</sup>Alexander, Austin Peay, p. xx.

<sup>9</sup>The Nashville Tennessean, October 3, 1927, p. 1.

<sup>10</sup>Letter to Mrs. Alexander B. White of Marion, Pa. from Austin Peay dated May 18, 1923. Austin Peay Papers, Box No. 1,



In another letter he expressed stronger feelings to a disappointed office seeker who was threatening to join the opposition. Peay replied:

So far as opposition goes, I am not concerned about that. I have done in this office, exactly what I told the people, I would not turn my hand for another term. The business of the state is in better condition than it has been for many years. If the people want to elect another Governor in my place, I would not be distressed for a moment, however, I will say this to you, those whom the people had me put out of office, are wasting time, they are the only ones who are trying to find the candidate for Governor against me and everybody knows they are doing so because they lost their jobs, and nobody is giving any attention to them.<sup>11</sup>

Austin Peay was in office for less than two months when he disclosed to a friend just how much the weight of his office was being felt. He had worked so hard to get elected and had frantically labored over the Reorganization Bill that he was exhausted. In a letter to his friend Guy S. Chase, Governor Peay remarked:

I fully realize that my friends over the state cannot understand why their letters have no reply. The truth is that I am so tired I am sick when I go home at night. I have not written my son who is in college, or my sister who is a missionary in China, since coming into this office, it is impossible to write anybody.<sup>12</sup>

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Tennessee State Library and Archives, Archive Division.

<sup>11</sup> Letter to Charles S. Key of Monoville, Tennessee from Austin Peay dated May 8, 1923, loc. cit.

<sup>12</sup> Letter to Guy S. Chase of Johnson City, Tennessee from Austin Peay dated March 8, 1923, loc. cit.

The voters were evidently satisfied with their governor because in 1924 he was called on once again to direct the state's course.

Governor Peay was opposed by John Randolph Neal, of Rhea Springs, in the Democratic primary. Peay never issued any formal statements nor did he campaign during the primary. In his own words he did not "turn a hand for another term." Nevertheless, Peay swept the state carrying all but two of the ninety-five counties. He was renominated by almost 100,000 votes.<sup>13</sup>

The general election in November of 1924 was practically as easy. The Republican nominee was Captain T. F. Peck of Etowah. In this election Peay set another record by obtaining a margin of victory of 44,000 votes.<sup>14</sup> Governor Peay did campaign in the general election where he called for support in continuing the programs he started in 1923.

Governor Peay's health was slowly deteriorating from the hard work and the pressures of office. In 1926 he had to make a choice between retirement or seeking a third term as governor. Against the advice of his family and his doctor, Peay left it up to the people to decide whether he should continue. In an open

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<sup>13</sup>Alexander, Austin Peay, p. xxvii.

<sup>14</sup>Ibid.

letter to the public he wrote:

The time has come to consult you. It must be done in the spirit of absolute candor and sincerity. I submit the question to you whether I shall continue in the Governor's office for another term...<sup>15</sup>

In response, letters and messages came from all over the state urging him to run. This was all Peay needed. He set his sights on the Democratic primary. His opponents were Hill McAlister and John Randolph Neal. The campaign of 1926 was physically the hardest in Austin Peay's life. However, even with his health failing, he delivered about one hundred speeches before the primary. He had other odds against him besides his failing health. The Crump machine in Memphis was bitterly opposed to him. His proposed tobacco tax was not favorable and he was asking for a third consecutive term. There had not been a three term governor, in succession, since 1861. Regardless of the obstacles he faced, the Democratic party saw fit to renominate Austin Peay.

In the general election in November of 1926, Governor Peay's opponent was Walter White of Dayton. White was the Superintendent of Rhea County schools during the famous Scopes Trial. He had been the nominal prosecutor of young Scopes.<sup>16</sup> The election results

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<sup>15</sup>Ibid., p. xxxi.

<sup>16</sup>Ibid., p. xxxiv.

gave Peay a new record. This time he carried every congressional district in the state. He won by about 40,000 votes with a reported light voter turn out. Governor Peay broke the long tradition and in January of 1927 he took the oath of office for the third successive time.

In his campaigns he attacked the political machine that then dominated the state, and he advocated administrative reforms, the reduction of taxes on land and the improvement of the state's education system.<sup>17</sup>

Austin Peay's administrations were notable for the enactment of progressive laws. The first such law was the passage of the Reorganization Bill. This bill was a milestone in curing the state's financial ills. It centralized responsibilities and powers by grouping the twenty-seven departments and thirty-seven boards into eight departments. Each department was to be headed by a commissioner who was directly responsible to the governor. The bill proved to give greater power to the governor.

Peay's administrations were also given credit for shifting the burden of taxation away from the land owner. More specifically the farmers. Although he tried, he did fail to obtain an amendment to the state constitution that would have provided an efficient and

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<sup>17</sup>Malone, American Biography, p. 372.



equitable system of taxation.<sup>18</sup>

The reorganization of the Highway Department resulted in thousands of miles of paved roads. As a result, Austin Peay became known as the "Road building Governor." The construction of the highways was made possible largely by the two cent tax on gasoline implemented by Peay's administration.

Education was one of Governor Peay's greatest interests. Through his insistence, the state university received its needed appropriation. Also, a general education bill was enacted giving higher salaries to teachers and it provided for an eight month school term.

Unknown to most, Austin Peay was responsible for the creation of the Great Smoky Mountain National Park. It was through his urging that a game reserve was established at Reelfoot Lake.

Much of his progressive legislation has been forgotten or taken for granted. However, one bill he signed into law made him notorious throughout the world. In 1925 Governor Peay signed the Anti-Evolution Bill. Some agree this was not a progressive act while others say it was. The fact remains that during the hot summer of 1925 at Dayton, Tennessee, the eyes of the world were on Tennessee and its governor.

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<sup>18</sup>  
Ibid.

The pressures of the highest state office were becoming more severe. The attack of pneumonia that occurred in February of 1927 aggravated the Governor's high blood pressure and his heart trouble.

Sunday morning, October 2, 1927, Governor Austin Peay performed his last official act. He was visiting the children at St. Thomas Hospital in Nashville taking them flowers. Five minutes after eight o'clock that evening, Austin Peay died of a cerebral hemorrhage at the executive mansion. He was resting when he suddenly lapsed into quiet unconsciousness. He remained in that state for over three hours and then gently drew his last breath.

Peay's untimely death was believed to have been brought on by over work and worrying about pending legislation. He was the first Tennessee governor to die while in office.

No matter what is remembered about Peay's administrations, it can be said that he was honest, diligent and always considered the welfare of the people he served.

## Chapter 2

### THE GUBERNATORIAL CAMPAIGN AND ELECTION OF 1922

The Democratic primary election of 1918 proved to be one of marked defeat for Austin Peay. Chancellor Albert H. Roberts was the victor and he went on to become the governor of Tennessee. Austin Peay, tired by the campaign, returned to his law practice in Clarksville. Roberts' administration was blamed for mounting taxes and agriculture was in deep trouble.

By 1920 the Democratic party was disfavored and the people of Tennessee were so discontent it would have been practically impossible to win on their ticket. Aware of this situation, Austin Peay refused to run against Governor Roberts in the primary of 1920. As a result, Roberts won the primary but, he went down in resounding defeat to the very popular and personable Republican candidate, Alfred A. Taylor, in the gubernatorial election.

After such a terrible showing at the polls in 1920, it was obvious that many Democrats had found a new home in the Republican party. It was no secret that Governor Taylor was going to be a difficult man to beat. However, Taylor served with a Democratic legislature and there was a great deal of friction between the

executive and legislative branches. The only way the Democrats could possibly win was to get back those crossover voters. To accomplish such an almost impossible feat a strong leader must be found.

The national reform movement of the 1920's had not left Tennessee untouched. The state was in need of a leader for its reform movement. Many thought back to 1918 and Austin Peay. Peay accepted the challenge for 1922.

The colorless, small town lawyer was first to announce his candidacy at his Clarksville home on March 6, 1922. The Democratic primary was now opened. Although it was a clean campaign, it was one of the hardest fought in the history of the state.

There were three more very strong contenders for the nomination. Former Governor Benton McMillin of Carthage was a very popular candidate. He had been a representative in Congress from the fourth congressional district as well as governor. Just prior to the primary campaign he had been to Peru and Guatemala as a diplomat appointed by President Woodrow Wilson. McMillin announced his candidacy March 25, 1922.

General Harvey H. Hannah was first suggested by an Arkansas newspaper in July of 1921. Hannah, of Oliver Springs, had been a secretary and adjutant general under Governor Robert L.



Taylor. He had fought in the Spanish-American War and was, at the time of the election, serving as a member of the railroad and public utilities commission. His announcement came the eighth of April.

Former state Senator L. E. Gwinn of Covington, a young lawyer, also announced his availability. Although last to announce his candidacy, Gwinn was first to launch his campaign. His opening speech was made at Dyersburg on May 1, 1922.

Hannah followed Gwinn in his formal opening speech on May 13, 1922 at McMinnville. Peay officially opened his campaign the twenty-seventh of May at Gallatin and McMillin chose Murfreesboro on June 17, 1922.

Before the official campaign openings, all the candidates were busy. Just four days after Peay's first announcement, in March, he issued the following statement in Nashville:

My campaign is in fine shape. I have conferred with a number of my friends today from all parts of the state and I am confident that the Democrats of Tennessee will make me their standard bearer.<sup>1</sup>

Peay carried his message to the people. His ideas were easily understood. He wanted the consolidation of state departments into a more economical and efficient arrangement, a more equitable re-adjustment of taxes, the annihilation of an iniquitous and far-reaching

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<sup>1</sup>The Nashville Tennessean, March 10, 1922, p. 8.

political back tax machine, the readjustment of an extravagant and inefficient highway system, and an economy that would begin the reduction of an ever increasing state debt.<sup>2</sup>

Mr. Peay took his pre-primary campaign into East Tennessee hoping to gain a foothold in that Republican dominated domain. After he visited several counties there, Peay was pleased with what he had seen and heard. Candidate Peay stated:

I have visited Knox, Blount, Washington and Sullivan counties on this trip into East Tennessee and communicated with my friends in other counties. Sentiment in these counties is undoubtedly favorable to my nomination.

The people are strictly interested in taxation and economy. They know that I am not a politician, that I care nothing for the politics of the situation, and that I am making the race for governor at my own expense, with the sole thought of giving the state a business administration.

They also know that the opposition to me and the constant effort to enter other candidates in the primary comes from the wolves in the Democratic party, who fear my election, and who would destroy the party to save themselves in their sinecures. I have refused to treat with them, or to compromise my purpose to abolish the back tax system and all useless offices.

Those familiar with what is going on at Nashville among the officeholding class who infest the Maxwell House well understand this talk of other candidates, and animus which inspires it. The people are for me, and I am going to win the nomination.<sup>3</sup>

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<sup>2</sup>John Trotwood Moore and Austin P. Foster, Tennessee: The Volunteer State 1769 - 1923, IV (Chicago and Nashville: The S. J. Clarke Publishing Company, 1923), p. 5. Hereafter cited as Moore and Foster, Tennessee: The Volunteer State.

<sup>3</sup>The Nashville Tennessean, March 23, 1922, p. 1.

The previous statement practically summed up Peay's intentions, his position on certain issues and how he was standing so far with the voters. It was clearly his honest intention to give the people of Tennessee a clean and business oriented government. He wanted to do this by getting rid of the useless surplus of political patronage usurpers. This group of excessive baggage had grown every year from 1870. They had become extravagant and inefficient causing a deficit to amass more and more each year.

The taxpayer had to carry the burden of this deficit caused by governmental inefficiency and gross neglect. The property owners paid excessive taxes. Of the propertied people, the farmer was the hardest hit. With this background information in mind, it is not very difficult to understand why even the rural areas of East Tennessee listened to the man who quoted facts, figures and made a great deal of plain "horse sense." Peay also appealed to people because he was plain and unpretentious.

While Peay was making his rounds in East Tennessee he was the only announced candidate. However, General Hannah had previously challenged Peay to a debate. Peay refused in an open letter which read:

My candidacy for governor is solidly directed to the relief of the people from burdensome taxation and to a business administration in simplicity and economy of all institutions and affairs of state.



These are not matters for the fustian and rivalry of political debate. My view and plans for this needed relief can best be presented to the people in plain and uninterrupted discussion.<sup>4</sup>

Referring to the possibility that McMillin might enter the race, Peay passed his candidacy off as agitation from men who feared a business administration.

On March 25, 1922, Benton McMillin announced his intentions in a very brief speech. His main theme was party unity. He disclaimed being part of any faction or specific interest. McMillin concluded by saying that he would waste no powder on fellow Democrats but, would reserve all his ammunition for the common enemy, and that he would abide the decision of the primary, giving his vote and voice to the nominee, whoever he may be.<sup>5</sup>

General Hannah, on April 8, 1922, finally announced his platform. He also called for party unity and harmony. To him the most important event that could happen would be to oust the Republican administration. Speaking about economy Hannah said, "It is far more important to devise ways and means to cut down expenses and thus save money to the people than it is to devise new methods of taxation by which to raise money to be wasted."<sup>6</sup>

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<sup>4</sup>Foster and Roberts, Tennessee Democracy, p. 451.

<sup>5</sup>The Nashville Tennessean, March 26, 1922, p. 1.

<sup>6</sup>The Clarksville Leaf Chronicle, April 8, 1922, p. 1.



Hannah also proposed combination and coordination of departments to cut down on expenses. He called for a more equitable tax system, the repeal of the back tax law, the election of a state superintendent of public instruction and every county superintendent, the issuance of bonds only on a vote of the people, and repeal of the eight percent interest law. Hannah's total platform was very similar to Peay's.

By April 17, 1922, the General was boasting that nine counties had endorsed him. Full of confidence he stated, "There isn't any doubt but that I am going to sweep this old state."<sup>7</sup>

Finally, on the twenty-ninth of April, L. E. Gwinn took his stand. Gwinn, a young, aggressive lawyer from West Tennessee, was considered one of the leading orators of the entire state. Energetic and idealistic, he was convinced that the voters of Tennessee desired change. In his own words he stated:

I believe that the people demand a general house cleaning in the state government. They want cleaner politics, fairer taxation, better legislation and less autocracy and extravagance than has prevailed in Tennessee in recent years, and to convince them that it stands for these things the Democratic party must first set its own house in order.<sup>8</sup>

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<sup>7</sup> Ibid., April 17, 1922, p. 2.

<sup>8</sup> The Nashville Tennessean, April 30, 1922, p. 1.

Gwinn also called for reorganization to cut down on extravagance. He bitterly attacked the system of making appropriations. He felt the disorganized administration was a vicious world where each department fought and grabbed for what it wanted with no consideration for the others. The entire system was so confusing that the Legislature would pass just about any requested appropriation.

It was easily detected that there was no major political issue on which the four Democratic candidates disagreed. They all called for an end to the present Republican administration. They agreed on tax relief, fiscal reorganization and a redirection of the state's social goals for more highways and better schools.

The particular trait of being business minded and serious kept coming up when people talked about Austin Peay. Clubs, organizations and some county Democratic headquarters made this evident in some of the resolutions they passed. The League of Women Voters in Tennessee endorsed Peay. In early April the Cheatham County Democratic Committee also endorsed Peay. In a particular section of the resolution it stated, "He is not a professional officeholder but, a practical businessman of the type that is badly needed at this critical period in our state's history."<sup>9</sup>

The Stewart County Women's Club supported Peay in like manner. They were convinced that he was more than qualified,

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<sup>9</sup>The Clarksville Leaf Chronicle, April 5, 1922, p. 5.

had unquestionable ability and was of the highest character. However, the same theme of a sound businessman was still the backbone of their support.

Stewart and Cheatham are both neighboring counties of Montgomery County, the home of Austin Peay. It is very probable that Peay's reputation as a lawyer and businessman was well known to the people of this area. At the same time it can be argued that the support for Peay was because he was from a neighboring county. Both positions have merit, both are probably true but, the fact is, their support and votes were given to Austin Peay.

During the primary campaign, charges were made against W. J. Hale, the president of the State Agricultural and Industrial Normal for Negroes in Nashville. Hale had been charged with extortion at the expense of the school trainees. The State Board of Education and the Veterans Bureau took issue over the matter. General Hannah supported the views of the Veterans Bureau and made severe criticisms of the State Board of Education which had exonerated Hale. Hannah claimed Hale had been "whitewashed."<sup>10</sup> As a result, Hale resigned and the two hundred and twelve vocational students were sent to other schools.

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<sup>10</sup> Moore and Foster, Tennessee: The Volunteer State, p. 698.

Also, during the Spring and Summer of 1922, labor troubles cropped up. The situation affecting mining, manufacturing and transportation. The problem was not just in a concentrated area, it was state-wide. This situation caused the Republican administration to look worse than it had. The Democrats, of course, enjoyed the dilemma.

The candidates continued to hammer away at the state's problems. They all carried their message to the people. However, it is only fair to state that Austin Peay was the most vigorous and active campaigner. Whether it was out of desperation or firm conviction, it would be impossible to ascertain but, he toiled for almost six months going back and forth across the state delivering his message. To make it even more exhausting, sometimes his message would last over two hours and it would be saturated with facts, figures and solutions.

Taken in overall perspective the entire campaign was a good, clean, patriotic affair. There was no mudslinging, just hard engrossing work. The election took place in August of 1922. To the surprise and over the bitter opposition of the officeholding classes, Austin Peay won the Democratic nomination by about four thousand votes. The final tally reported Peay with 63, 940, McMillin with 59, 922; Hannah had 24, 062 and Gwinn carried 15, 137 votes.



Peay's victory over McMillin was relatively slim. Many politicians felt that had Hannah and McMillin not split so many of the East Tennessee counties, McMillin would have won the nomination. As it turned out, Peay capitalized on the situation. Gwinn, although receiving a good deal of West Tennessee support, was no threat in East Tennessee.

Austin Peay was now the standard bearer for the Democratic party. He was ready to lead the charge for reform and reorganization in state administration against Governor Alfred A. Taylor in November. Taylor had been uncontested and generally thought to have the election wrapped up. Peay would have an uphill battle all the way.

The state Republican executive committee met on January 25, 1922 and strongly endorsed Taylor's administration. The endorsement stated in part:

Governor Taylor's stand for reorganization of the state government by the abolition of useless offices and the consolidation of departments for economy and efficiency in administration has the endorsement and approval of the people, and if put into effect would lessen the burden of taxation.<sup>11</sup>

The Republicans were trying to ride a defeated horse because the Legislature had refused to pass the attempt by Taylor to reorganize the government. The Legislature was Democratic.

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<sup>11</sup> Foster and Roberts, Tennessee Democracy, p. 453.

This would explain his failure to get legislation passed. Had it been passed it would have not even come near the far-reaching proposals Peay later made.

It was evident that both candidates agreed on reorganization and consolidation. Therefore, the major issue was not that something should be done but, how to go about accomplishing the task. The campaign became a battle of personalities more than of issues.

Governor Taylor was personally appealing. Next to his brother, Robert Love Taylor, he was probably the most popular governor in Tennessee's history. He could entertain any crowd with his jokes about his fox hunting dog "Old Limber." Roars of laughter could be heard from the crowd when he told the stories about his mountain friends and neighbors from Happy Valley. Another addition to his campaign was his sons who made up a singing quartet. "Uncle Alf" was jovial, personable and down to earth. People loved him regardless of their political preference.

Austin Peay was almost the antithesis of Taylor. He told no stories and cracked no jokes. Peay relied on facts, figures and logic to capture and interest his audience. He soberly promised a business administration and an aggressive administration. The Clarksvillian promised to build highways, lower taxes and develop public education. He was a serious man and he appealed to many factions because of that fact. His major objective was to win back

those doubting Democrats lost to Taylor in 1920.

One of the great issues of the campaign was a bill passed in Taylor's administration which became Chapter 113 of the Public Acts of 1921. This act was to provide means and agencies for the equalization of property assessments for taxation in the State of Tennessee; to create the office of State Tax Commissioner and a state board of equalization. It also provided that the present chief tax statistician would become the first state tax commissioner.<sup>12</sup> This act would make A. V. Louthan the first state tax commissioner.

The importance of this act grew because under Peay's re-organization plan, Louthan and his corrupt tax machine would have to go. This very issue resulted in the bitter part of the campaign. It was not Taylor who attacked Peay, it was men like Louthan who would stand to lose their jobs. The voice for Louthan and other officeholders was the Nashville Banner. The Banner was not necessarily pro-Republican, it just favored the officeholders of capitol hill. This was evident to the Democrats because the Banner had supported the Democratic nominee for United States Senator, Kenneth McKeller, in the primary. It had also supported the Democrat, Benton McMillin, over Peay, Hannah and Gwinn in the primary. Now the paper was bitterly attacking Austin Peay and

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<sup>12</sup>

Ibid., p. 450.

his program because Louthan and the state highway commissioner, W. W. House, would be rejected.

Governor Taylor would openly admit that he relied on "Boss" Edward Crump and his Memphis machine. However, Peay would not try to solicit Crump's help even at the insistence of Senator McKeller and Porter Dunlap, aspirant for railroad commissioner. Instead, Peay put his campaign in the hands of an old friend and Clarksvillian, Clarence Saunders. Saunders had made a fortune in the Piggly Wiggly Food Stores chain. In 1922, he was living in Memphis.

In Nashville, Peay had another political machine backing him. This machine was controlled by Rogers Caldwell, of Caldwell and Company, and Colonel Luke Lea--newspaperman and politician.

The Caldwell Company began with James E. Caldwell in Nashville around 1870. It was a company dealing in insurance, utilities and banking. In 1910, Rogers Caldwell, one of the younger sons, moved into insurance and made a profit in municipal bonds. Rogers established close connections with major banking interests in Nashville.

In the 1920's, Colonel Lea got involved in some of Caldwell's banking ventures. Lea had been a protege of Edward W. Carmack, editor of the Nashville Tennessean. When Carmack was shot down in the streets of Nashville in 1908, Luke Lea took over his job. He



used the newspaper to perpetuate his own career. In 1910 he was elected to the United States Senate. Kenneth McKeller, Crump's man, defeated him in 1916. During World War I, Lea organized the 114th Field Artillery and became its Colonel. He became notoriously famous when he thought up and attempted a scheme to kidnap the Kaiser and present him to President Wilson at the peace conference.<sup>13</sup> After the war, Lea went into banking and real estate with Rogers Caldwell.

In 1922 the Lea-Caldwell interests supported Austin Peay. While he was governor, there was no indication of improper conduct in the state administration.<sup>14</sup>

The Memphis Commercial Appeal, edited by C. P. J. Mooney, also loaded its guns and came out in favor of Peay. With the Commerical Appeal in West Tennessee and the Tennessean in Middle Tennessee, Austin Peay was well supported.

In early September of 1922, an editorial from the Chattanooga News came out for Peay. It read in part:

A refreshing rumor is in circulation that the Honorable Austin Peay, Democratic nominee for Governor, is in sober earnest over the campaign pledges he made to the people of Tennessee. In other words, he considers such pledges as a

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<sup>13</sup>William D. Miller, Mr. Crump of Memphis (Baton Rouge: Louisiana State University Press, 1964), p. 149.

<sup>14</sup>Ibid., p. 150.

binding contract with the people which he will proceed to carry out, if elected. This sounds good. For nearly two years now, the people have realized what it means and how it feels to be stung, and it is our opinion they will not be slow to manifest interest in a candidate who has both the ability and the purpose to bring relief. Promises which they accepted in the last campaign have only resulted in putting them deeper in the hole.<sup>15</sup>

Taylor had several advantages over Peay from the beginning.

He had been unopposed in the primary so he was not worn out physically. He had the advantage of being a Republican at the time the national administration was Republican. For that reason he could rest assured of needed financial support.

On the other hand, he had many disadvantages. There were factional disturbances over the spoils within the Republican party. Taylor's administration went down as a "do-nothing" administration in the state and the national administration had been a failure. State Senators of his own party overrode his veto of the eight percent law. He had promised tax reform in 1920 and none came. Taylor had also signed a bill extending the term of Louthan and raised his salary. He had done nothing to direct the Legislature to abolish the back tax system. It would also be hard for him to talk about economy with his high office expense and a two and one-half million dollar deficit to face.

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<sup>15</sup> The Nashville Tennessean, September 8, 1922, p. 4.

Peay opened his campaign with nothing to explain and no reason to apologize. His first speech was made the thirtieth of September at Murfreesboro. A crowd of two thousand people greeted Peay's motorcade from Nashville. There were brass bands and a parade through the streets of Murfreesboro.

In the speech Peay praised Taylor as a man but, he criticized the back taxes, extravagance, labor troubles and wholesale neglect of the state. He concluded his speech by stating:

My aspiration is for a new order in which higher standards of public service may prevail. You have heard that faith that is in me. My confidence in the people is implicit and I leave the issues in their hands.<sup>16</sup>

The Democratic party was beginning to show great unity. Congressman Joseph Byrns directed the campaign. Jesse Beasley, former campaign manager for Benton McMillin, came out for Peay and a Democratic victory. L. E. Gwinn also was a strong backer of Peay and the party.

It was Peay's ambition to formulate and guide an honest, efficient, economical government. He wanted to get rid of the officeholders that had spread the capitol into seven annexes. This was all serious business to Peay. Taylor made a remark to the effect that Peay never smiled and that he was too serious to be

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<sup>16</sup>

Ibid., October 1, 1922, p. 1.

governor. Peay retorted that being governor was serious business.

After his opening in Murfreesboro, Peay began his frontal assault in the stronghold of Republicanism--East Tennessee. He made some converts there because of the tax issue.

In Tennessee the tax system was a tangled, sordid, impossible mess. The name of Louthan was synonymous with exorbitant taxation. The burden of this taxation was leveled mainly at the property owner. It was especially a burden to the farmer because his real profits could not justify paying such a high tax on his property. Austin Peay promised relief.

Peay was overjoyed by his reception in East Tennessee. It gave him greater confidence. He made the statement, "When crowds come out to hear me speak, I know they are interested for it is well known that I am no political spellbinder."<sup>17</sup>

Taylor continued his same colorful and entertaining campaign. He drew large crowds but, he began losing votes to Peay. Taylor was overconfident and confused popularity as a person with acceptance of his administration. An example of his positive attitude was on October the second at Wartrace. This was his opening campaign speech. The reason he chose Wartrace was because of the Fox Hunters meeting held there. He took "Old Limber" and spent most

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<sup>17</sup> Ibid., October 9, 1922, p. 1.



of his time hunting.

In November of 1922, the voters of Tennessee went to the polls to elect a governor. The outcome of that election changed the course of direction for the state. When the returns were in, Austin Peay carried the state with 141,002 votes to Taylor's 102,586. That was almost 40,000 votes difference and the first time a governor had won so handily since Isham G. Harris.

Taylor's supporters back in Nashville had figured that if Alf could come over the mountains of East Tennessee with a good majority the election would be his. As they had predicted, East Tennessee was the key to the election. Peay won thousands of Taylor's votes in that section and continued to hold the normal Democratic lead in Middle and West Tennessee. The result meant Austin Peay of Clarksville would become the fortieth governor of Tennessee.

The current officeholders began a move to win over the newly elected Legislature as soon as the election results were known. Peay was warned of this by Representative S. R. Bratton of Obion County. Bratton wrote Peay that he knew various elements in the state, those whose jobs he was about to abolish, were at work trying to organize the incoming Legislature against Peay.<sup>18</sup>

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<sup>18</sup> Letter from S. R. Bratton to Austin Peay dated December 4, 1922, Austin Peay Papers, Box No. 1, Tennessee State Library and Archives, Archive Division.

The inauguration took place at the Ryman Auditorium on January 16, 1923. It was a gala event. Hundreds of Peay's friends came down from Montgomery County to join him. Peay and Taylor were escorted from the Hermitage Hotel by the state guardsmen. There were bands, flags and people all over Nashville.

In Taylor's farewell address he took credit for Peay's program saying he had recommended it either in "message or vetoes to the last Legislature."<sup>19</sup> He called on the Legislature to think clearly and to put away all partisan revenge.

Governor Taylor concluded by quoting what his late brother, Robert L. Taylor, had said to his successor, Benton McMillin. He turned to Peay and said, "Austin Peay, may God have mercy on your soul."<sup>20</sup> With that note laughter arose.

In his inaugural address Peay asserted and reaffirmed his pledges. He stressed the importance of the Legislature to think about restoring the state government to a sound one. He reiterated that he would give the state a business administration.

Austin Peay had met the challenge and won. From that point on he dedicated himself solely to the reform and reorganization of the state government. That was the pledge and he intended to keep his word to the people of Tennessee.

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<sup>19</sup>The Clarksville Leaf Chronicle, January 16, 1923, p. 1.

<sup>20</sup>Ibid., p. 5.

## Chapter 3

### THE REORGANIZATION BILL

Tennessee, as many other states, channeled the progressive motivations of the 1920's into the political arena. While some of the "reform" efforts were directed into the Ku Klux Klan and Fundamentalism, many progressive desires did remain to call for good government. People wanted lower taxes, better schools, more and better highways and an honest leadership. Tennessee had no corner on the market of misgovernment, but early in the 1920's she began to urge reform.

The government of Tennessee took on more and more duties from year to year. Between 1870 and 1923 the administrative agencies increased practically ten-fold in order to accommodate the new duties. The factor behind the great deluge of agencies was that for every new function of the state a new agency was formed to administrate its duties. The result was overlapping functions, duplication of jobs and gross inefficiency.

Prior to 1923, the administration of the state was awkward. Too many people had to report directly to the chief executive. So many, in fact, that it was impossible for him to supervise each

function of the state government.

By 1923 there were sixty-four boards, bureaus, commissions and various other agencies, of which forty-nine were statutory, composing the administration. In these various groups the administrators never knew what the other group was doing. These conditions naturally bred waste and corruption.

To discuss the varied duties and offices involved in the administration before 1923 would be practically impossible without categorizing or grouping the duties. A good example of this grouping is provided by William H. Combs and William E. Cole in their work; Tennessee: A Political Study.

Combs and Cole began with the "finance group." Here is where the Comptroller could be found. The Comptroller was the constitutional officer who performed the auditing duties in connection with claims against the state. The everyday general auditing was done by the State Auditor.

The preparation of the budget was left up to a State Budget Commission composed of the Governor, Comptroller, Treasurer, Secretary of State and the State Auditor.

The State Tax Commissioner took care of assessment of property, supervising county agents and he was in charge of information on the valuation of property. The Tax Commissioner was also in charge of all state tax matters. He was the chairman



of the board. Six other members were elected by the Legislature. The duties of the board were to equalize all valuations of property and to act on complaints about assessments.

Three revenue agents, appointed by the Comptroller, examined the accounts of all collecting and disbursing agencies. These agents also reported fiscal law violations and investigated claims for the state and the counties.

There was also a Board of Administration which had its own bookkeepers and auditors as did the Highway Department.

All of the above mentioned boards and others had purchasing agents who were totally independent. Also, independent of the Tax Commission, there was a state printing group which had its own board. There were also special officers to the state normal schools and funding boards.

The "agriculture group" had the general duties of promoting agriculture, mining, water development, labor, immigration, entomology, plant pathology, live stock, bee culture and the commercial and industrial welfare of the state.<sup>1</sup>

The Governor appointed a Commissioner of Agriculture who, in turn, appointed three assistants. Each assistant would represent

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<sup>1</sup>William H. Combs and William W. Cole, Tennessee: A Political Study (Knoxville: The University of Tennessee Press, 1940), p. 116. Hereafter cited as Combs and Cole, Tennessee: A Political Study.

each grand geographical division of the state. The Commissioner, with the Governor's approval, appointed the Entomologist and Plant Pathologist and they composed the Board of Entomology. The Commissioner of Agriculture also appointed a State Dairy Commissioner.

The Commissioner of Agriculture and ten citizens formed the Immigration Commission. The Commissioner was also in charge of laboratories, chemists, geologists and all their assistants.

Independent of the Department of Agriculture were the agencies for game and fish, land reclamation divisions, and food and drug inspection. The game warden was appointed by the Governor.

The State Forestry Commission was composed of the Governor, the President of the University of Tennessee, the Chancellor of Vanderbilt University, the Vice-Chancellor of the University of the South, the President of Lincoln Memorial University, the Commissioner of Agriculture and the Superintendent of Public Instruction. Its function was to conserve and protect forests and to reclaim lands. The work was done by the State Forester who was appointed by the Commissioner of Agriculture.

Another separate bureau employed the Food and Drug Inspector who was appointed by the chief executive.

The "public works agencies" also had a commission of six members. These members were the Governor, the State Geologist, the Dean of the Engineering Department at the University of Tennessee

and a member from each grand division of the state appointed by the Governor. Their duties were to map highways, adopt road construction standards and advise county road authorities. In charge of the commission was the secretary, but he was mainly in a clerical capacity.

Independent of this commission was the Superintendent of the Capitol. He was also appointed by the Governor and he, in turn, appointed porters, watchmen, and assistants to handle supplies and equipment in the capitol building.

Another confusing group was the "educational agencies." There was no single head man. The Governor appointed a State Board of Education and a Superintendent of Public Instruction who was also a member of the board.

The board had general control over the state's normals, examination of teachers and the selection of textbooks. The board also acted as a Board of Vocational Rehabilitation.

The Superintendent of Public Instruction supervised public schools and he was in charge of examining and the licensing of teachers.

Independent of the State Board of Education were the State Library Commission, Free Library Commission and the State Librarian. The State Library Commission was composed of the Governor, the Attorney-General and his reporter, and the Chief Justice of the State Supreme Court. This group selected the State



Librarian. The Free Library Commission was composed of three persons appointed by the Governor.

A committee of twenty-five citizens, appointed by the Governor, made up the State Historical Committee. It was their job to collect, preserve and publish materials of historical value within the state.

Another commission made up of the Governor, the Commissioner of Agriculture, the State Mine Inspector, the President of the University of Tennessee, the Chancellor of Vanderbilt University and the Vice-Chancellor of the University of the South, appointed the State Geologist who was in charge of all geographical, as well as, geological information.

The "institutional agencies" governed the state institutions. There were many of said institutions such as: penitentiaries, industrial schools, vocational and agricultural schools, the Commission for the Blind, Confederate Soldiers Home, school for the feeble minded, hospitals for the insane, schools for the blind and for the deaf.

A Board of Administration, consisting of the Governor, the treasurer and general manager, supervised these institutions. The general manager controlled fiscal matters of the institutions such as purchasing, investments of funds and auditing their accounts.

A three member State Board of Charities was appointed by the Governor to investigate public charities and correctional



institutions. They were to collect data and make periodic reports.

The State Dentist was independent of all boards and commissions. He was appointed by the Governor to do dental work in state institutions under direction of the Board of Administration.

Extraordinarily, the "public health group" was centralized and it had no overlapping duties. The Department of Health was operated by a Board of Health. The board consisted of the Secretary of Agriculture, three physicians--one from East, Middle and West Tennessee--who were appointed by the Governor, a secretary and an assistant secretary. The secretary also headed the Bureau of Vital Statistics.

The Health Department investigated causes of disease, promoted preventative measures and collected pertinent statistics.

A "regulatory group" was composed of agencies to regulate corporations and public service businesses. Within these agencies the Secretary of State controlled the investment companies. The State Treasurer was in control of building and loan associations. There was a Superintendent of Banking who watched over banks, trusts, loan and safe deposit companies. A Banking and Insurance Commissioner had similar control over domestic and foreign insurance companies doing business in the state. Both of the latter were appointed by the Governor.

The railroad and public utility supervisors were from the three grand divisions of the state. These supervisors were elected

by the people. They made up a statutory commission. It was because they were elected by the people that Austin Peay never consolidated or removed them.

The "labor agencies" were probably the worst organized of all the groups. There were too many independent agencies such as: mine inspection, mine statistics, workshop and factory inspection, also food and safety inspection in hotels and public eating places.

The administration of workmen's compensation laws was left up to judicial enforcement.

There were many more miscellaneous groups and agencies in the administration. Most of these groups made up the examination and licensing boards for various and numerous services and professions.

Because of the conditions of the state administration and the character of its many agencies as outlined above, Tennessee had endured an annual deficit in its operating expenses. In 1921 that deficit was over \$2,500,000.<sup>2</sup> This deficit, joined with the inefficiency and lack of centralization, brought out a cry for reform. These problems became the issues of the 1922 gubernatorial election.

Several years of dissatisfaction with the top-heavy executive

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<sup>2</sup> Arthur Eugene Buck, The Reorganization of State Governments in the United States (New York: Columbia University Press, 1938), p. 219. Hereafter cited as Buck, Reorganization of State Governments.

branch and constant deficit financing since 1907 brought people to desire change as never before. The burden on the people of Tennessee was becoming unbearable. Leaders for reform were coming largely from leaders in industry and members of service clubs.<sup>3</sup>

Dan E. McGugin, a lawyer, head football coach at Vanderbilt University, civic leader, and state senator from Davidson County in 1920, began studying other states that had reorganized their governments.<sup>4</sup> It was from McGugin's inspiration that the movement began.

McGugin and others hired Arthur Eugene Buck of the New York Bureau of Municipal Research to draw up a reorganization plan in 1921. The plan was proposed in the Legislature but it could never get off the ground because of the political conflict between Governor Alfred A. Taylor, a Republican, and the Democratic majority in the General Assembly. Another reason for the bill's doom was the fact that it was considered radical.

Although defeated, the effort continued. The Nashville area Chamber of Commerce took up the fight. It hired a staff from the New York Bureau of Municipal Research just prior to the gubernatorial election of 1922.

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<sup>3</sup>Combs and Cole, Tennessee: A Political Study, p. 119.

<sup>4</sup>Ibid., p. 120.



There was also a state-wide industrial organization having a convention in June of 1922. This organization took as its theme, "Good Government and Better Business."<sup>5</sup> This convention passed a resolution condemning the old state system. It called for reorganization and consolidation of the state administration.

The Inter-City Chamber of Commerce passed a resolution favoring the movement. It, along with other groups, sent letters to legislative candidates calling for support.

In the gubernatorial campaign, Governor Taylor referred to reorganization but did not make any drastic proposals. Austin Peay practically made reorganization and consolidation his entire platform.

After the election and while awaiting the inauguration, Austin Peay was shown the report made by Buck and his staff for the Nashville Chamber of Commerce.

Buck insisted that the present organization, as of 1923, was complex, irresponsible and expensive. He suggested that the state would be much better off if it had a simple, direct, responsible administrative organization.<sup>6</sup> If a more business-like method was used to control and regulate state finances and activities, the

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<sup>5</sup> Ibid.

<sup>6</sup> A. E. Buck, "Tennessee State Survey; A Plan for Administrative Reorganization and Consolidation of State Government" (Unpublished report to the Nashville Chamber of Commerce, dated 1922.) The report may be found in the Tennessee State Library and Archives, Library Division.



taxpayer would have less cost.

In the report made in 1922, it was found that there was a deficit in the treasury. Before the 1923 Legislature could meet the state would have to borrow between five and six hundred thousand dollars until taxes could come in for the year. Also, it was reported, when the state debt was refunded in 1915 a million dollar deficit occurred and long term bonds were issued to cover the debt. The state had to borrow by the issuance of long term bonds to pay the current expenses and, according to the Bureau of Municipal Research, this was not a sound practice.<sup>7</sup>

When Governor-elect Peay read Buck's report on reorganization, he became very interested. Peay hired Buck to aid him in drawing up a plan of reorganization. Buck remained in Tennessee for several months helping Peay. The expense for Buck's assistance was covered by Austin Peay out of his own pocket. The final result became widely known as the "Reorganization Bill." The finished work was not exactly what Buck proposed earlier, but it was very similar to that proposal.

Austin Peay was, as he always admitted, a pragmatic, logical, business-like man. This is evident by the fact that he secured pledges

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<sup>7</sup> Ibid.

of support from a large majority of the newly elected Legislature before they ever met in January of 1923.

The Sixty-third General Assembly convened on January 1, 1923. They elected Eugene J. Bryan, of Hamilton County, Speaker of the Senate and Frank S. Hall, of Dickson County, Speaker of the House of Representatives.

Most of the members elected supported the platform of the Democratic party and were in accordance with Peay's proposed legislation. Seventy-five percent of the total elected legislators were first termers.

Little was done in the session until after the inauguration on January 16, 1923. At the ceremony Governor Peay called on the members of the General Assembly to:

Studiously refrain from the consideration of moral, social temperance, or other legislation of distracting character, until the ways and means have been found and effected to restore sound and orderly government in this state.<sup>8</sup>

He was reluctant to discuss the proposed bill until it had been entered in the House of Representatives. However, he had talked with Speakers Hall and Bryan to get them to direct the passage of the bill.

The day after the inauguration Governor Peay sent his first

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<sup>8</sup> Alexander, Austin Peay, pp. 111-112.

message to the Sixty-third General Assembly. In this message Peay urged enactment of the campaign promises of 1922. Also, for the first time, he revealed his intention as to how he would reorganize the state government.

The Governor first attacked the \$2,586,596.69 deficit in state accounts as of December 1, 1922. The state was going in debt a million dollars annually. A note for one million dollars would mature July 1, 1923. There was an annual interest rate of \$697,000 on a debt of \$15,623,000, with a principle payment on the debt of \$300,000 in the following fiscal year.<sup>9</sup>

Peay contended that the sum of \$5,280,596.69 had to be provided before any appropriations could be made. He also reminded the legislators of the pledges they, as well as he, had made. The redemption of those pledges would have to come from the reorganization of government. The Governor issued the following statement to the General Assembly:

Something is radically wrong with our system when a large deficit annually results in our accounts. It has been occurring for fifteen years. No private business could survive with the headless and disjointed administration now prevailing in this state. Our government is functioning through sixty-four organizations. There are thirty-seven boards, and twenty-seven departments. A number of these are collecting and disbursing state revenues. They work under independent control and without coordination. There is much duplication of

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<sup>9</sup>Ibid., p. 116.



of expense, and a confusion of motion. There is no relationship between these agencies. The fact is that we now have an assortment of petty governments. It is impossible in making appropriations to foresee where the balance will be at the end of the fiscal period. Officials are only interested in their own departments, and are constantly striving for larger appropriations. These in consequence are voted without any concise, coordinated, and orderly understanding of the public needs. Thus, we have expanded beyond our bounds. It is imperative that this system be revised.<sup>10</sup>

On the basis of the previous statement, Governor Peay commended the Administrative Reorganization Bill to the Legislature for their "prompt and favorable action."

House Bill Number 183, the Administrative Reorganization Bill, was introduced by Speaker Hall. The bill was entitled: "An Act to reorganize the administration of the State in order to secure better service, and through coordination and consolidation to promote economy and efficiency in the work of the government; creating and establishing certain departments and offices, and prescribing their powers and duties; fixing certain salaries; abolishing certain offices, boards, commissions, and other agencies, and repealing conflicting Acts and parts of Acts."<sup>11</sup>

The act created the following administrative departments: finance and taxation, agriculture, highways and public works,

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<sup>10</sup>Ibid., pp. 117-118.

<sup>11</sup>Public Acts of Tennessee 1923, Chapter Number 7, House Bill Number 183 (Jackson, Tennessee: McCowat-Mercer, 1923), p. 8.



education, institutions, public health, insurance and banking, and labor. Forty-nine statutory offices, boards, bureaus, and agencies were abolished. (See Appendix) The functions of the forty-nine groups were consolidated into the eight departments. Other related and independent groups were also disposed of or consolidated.

To head these eight departments would be a commissioner for each. The commissioners were to be appointed by the Governor and they held office at the pleasure of the Governor. Their salaries ranged from \$4,500 to \$5,000 per year. The term of office for the commissioners expired with the beginning of the term of the next elected Governor. Other officers, assistants and employees would be appointed by the commissioner of each individual department in accordance with employment regulations as might be established by the Department of Finance and Taxation and subject to the chief executive.

Something very unusual, until 1923, was enacted by the bill. It specifically states in Section 10 of the bill, "that each department shall be opened for transaction of public business from eight-thirty (8:30) o'clock in the morning until four-thirty (4:30) o'clock in the afternoon of each day, except Sundays and legal holidays." Before this, there was no uniform policy regulating the office hours of the state administration.

The act made the Governor a strong executive. He was responsible for the administration of the state government more so than ever before. This was possible because there were only a few constitutional restrictions. Excepting the limited amount of administrative work that fell to three other constitutional officers--the Comptroller, the Treasurer and the Secretary of State--the Governor was in complete control of the administrative activities of state government. Boards and commissions were virtually eliminated from all administrative work of the departments.<sup>12</sup>

To perform their functions more efficiently, seven of the eight departments were organized into divisions. The Department of Finance and Taxation was organized into three divisions: the division of accounts and budget, headed by a superintendent; the division of taxation, also headed by a superintendent; and the division of purchasing, headed by the State Purchasing Agent.

The Department of Agriculture had five such divisions. These divisions included the division of plant disease control, headed by the State Entomologist and Plant Pathologist; the division of animal disease control, headed by the State Veterinarian; the division of foods, fertilizers and dairies was to be directed by a superintendent; the division of fish and game, headed by the Chief Warden; and the division of forestry of which the State Forester would be in charge.

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<sup>12</sup>Buck, Reorganization of State Governments, p. 221.

Also divided into three divisions was the Department of Highways and Public Works. Its divisions were: the division of highway administration, directed by the Commissioner; the bureau of engineering would be led by the State Highway Engineer; and the division of public buildings, headed by a superintendent.

The Department of Education was organized into six divisions. The divisions were set up as follows: the division of high school supervision, under control of the Supervisor of High Schools; the division of elementary school supervision which also had a supervisor; the division of certification, headed by a supervisor; the division of library and archives of which the State Librarian and Archivist would direct; the division of professional registration, headed by the Registrar of Professions and Trades. Thirteen professional examining boards were under the division of registration.

The Department of Public Health had the following four divisions: the division of vital statistics, directed by a supervisor; the division of sanitary engineering led by the Sanitary Engineer; the division of rural sanitation with its own superintendent in control; and the division of laboratories, directed by the Bacteriologist.

The Department of Insurance and Banking was divided into two divisions while the Department of Labor was organized under four divisions as follows: the division of mines, the head of which was the Chief Mine Inspector; the division of factory inspection, headed by the Chief Factory Inspector; the division of fire prevention of which the



State Fire Marshall was the head; and the division of workmen's compensation, headed by a superintendent.

Under this system of divisions within the departments, the commissioners could control and supervise all the activities. Before the reorganization each division, agency, and, in some cases, individuals were completely independent with no central control. These independent factions reported directly to the Governor if at all. Their general concern was more appropriations for their individual groups.

With the reorganization plan, there was centralization. The commissioners were in charge of everyone in their respective departments. In turn, each commissioner was directly accountable to the Governor. The Governor could now control his administration in a simple, effective and efficient manner. The final result saved the state many revenue dollars for administrative operation.

Not everyone in the State Legislature was happy with the reorganization. This discontent was brought out during the legislative action on the bill. Also, very unhappy with the new plan, were the old officeholders. Their challenge led to a test case for the bill in the State Supreme Court.



## Chapter 4

### THE LEGISLATURE TAKES ACTION

Governor Peay now had a means, with the Reorganization Bill, to fulfill his pledges of reform, economy and good government. He had made great advances since the Democratic primary and the general election. However, the greatest obstacle was yet to come--the General Assembly. Since most of the legislators supported the Democratic party, Peay felt fairly confident of their continued support. Nevertheless, the bill would have to be passed by the Legislature to become law.

On January 17, 1923, the day after his inauguration, Governor Peay sent his message to the General Assembly. With his message, Peay also sent the newly completed Reorganization Bill. He had already pleaded with the legislators not to take up anything else until this economy bill was passed. Passage of this bill would provide a means for the necessary appropriations to come for other bills.

The following day, January 18, the bill was introduced in both houses of the Legislature. In the House of Representatives it was known as House Bill Number 183. The upper house labeled it, Senate Bill Number 176. However, before placing the bill on third

and final reading, the Senate amended the bill to read; House Bill Number 183 also.

The bill was introduced in both houses at the same time in order to speed the passage of the bill. The Democrats hoped there would be only a few amendments. The administration had already warned of the urgent need for the bill.

By January 19, the bill had passed its second reading in the House and was sent to the House Finance, Ways and Means Committee for further study and investigation. The bill also passed second reading in the Senate the same day and was sent to the Senate Judiciary Committee.

From the time the Reorganization Bill was introduced in the General Assembly, there was talk of the alleged autocracy it would create. To support the bill and Governor Peay, Representative Sam Bratton, Chairman of the House Finance, Ways and Means Committee, Speaker of the House, Frank S. Hall and A. E. Buck were on hand to answer the committee's questions. Buck was called on to testify.

When undergoing questioning by Representative Thomas J. Tyne of Nashville, Buck explained that, "...the bill makes the officials of state government responsible to the Governor and in this respect is similar to the organization of the United States government."<sup>1</sup>

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<sup>1</sup> The Nashville Tennessean, January 24, 1923, p. 2.

Representative W. M. Haynes of Franklin County knew that Buck had helped other states reorganize their administrations and that he was an expert in his field. Haynes was curious to know how other states handled their appointments. He asked Buck, "What is the general practice as to having the appointments of department heads confirmed by the Senate?"<sup>2</sup>

Buck's reply was as follows:

Some states have that provision, and some do not. It is a perfunctory matter if the Senate is of the same political faith as the Governor. If not and the appointments are held not by the Senate it would throw your government in chaos. I know of no other scheme that will give us responsible government in reorganization. The Legislature proposes a policy and the Governor carries it out. He is elected by all the people and should bear that responsibility.<sup>3</sup>

The afternoon of January 23, 1923, the nineteen members of the House Finance, Ways and Means Committee voted unanimously to recommend passage of the bill. The administration had overcome its first obstacle.

The decision was then made to hold up action on the bill until the Senate Judiciary Committee could act on it. The Judiciary Committee was to hold open hearings on the bill and it was at this time that the administrative leaders chose to tack on several

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<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

clarifying amendments. If this was done, then action in the House would come more quickly.

This procedure was urged over the plan to allow the House to pass the bill unamended; then the Senate to amend it, and the House again to have to consider the bill because of the Senate's amendments.<sup>4</sup>

The bill came up for its third and final reading in the House. The administrative leaders knew there would be some opposition to the bill. To keep the opponents from becoming too vocal, Representative Bratton became Speaker pro tem while Speaker Hall directed the floor fight. Almost everyone knew what to expect. Prior to the meeting of the Legislature on the first of January, 1923, the Governor had canvassed the members of each house and secured the pledged support of a large majority for his program.<sup>5</sup> Hall proposed several amendments and they were all accepted unopposed.

However, conflict was inevitable. Representative W. P. Cooper offered an amendment to require that all department head appointments be confirmed by the Senate. Cooper said:

The amendment prevents an unscrupulous governor from using his power to build up a machine. The amendment is not intended to reflect on Governor Peay, but will be a safeguard of power for future governors.<sup>6</sup>

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<sup>4</sup>Ibid., p. 1.

<sup>5</sup>Buck, The Reorganization of State Governments, op. cit., p. 220.

<sup>6</sup>The Nashville Tennessean, January 25, 1923, p. 2.



Representative Alton Johns of Davidson County moved to table Cooper's amendment. However, he withdrew his motion at the request of Speaker Hall. Hall then explained the section of the bill where the Governor could make appointments without the Senate's approval. He made it clear that the Governor had the power to discharge any department head anyway. Then Hall, who was still on the floor, moved to table Cooper's amendment. The motion was carried.

Cooper was not going to accept defeat without a fight. He rose to "a point of personal privilege" and charged Speaker pro tem Bratton with being unfair. Cooper claimed he had not been recognized to continue his discussion on his amendment before his motion was tabled.

Bratton granted Cooper the authority to appeal his ruling but this was stopped also when Representative J. T. Shea called for regular order. Shea made it clear to Cooper that the only way his amendment would be discussed further was to get the members of the House to reconsider their previous action. Cooper knew his cause was futile.

Representative Grover C. Peek of Overton County wanted an amendment so the department heads would be elected by the people. This amendment would take away the Governor's appointing power. He, also, was afraid the Governor would have too much power.

In support of his amendment he stated, "If this bill passes in its original form, the Governor will have the power of the King of England."<sup>7</sup>

Peek also felt the opposition had been treated unfairly because the proponents of the bill were unfair in their policies in getting support for the bill's passage. He went on to explain that he felt it was safe to pass the bill under Peay, but the future chief executive might not be so benevolent. Despite his sincere efforts, Peek's amendment was tabled.

The administrative leaders, directed by Speaker Hall, brought House Bill Number 183 to a vote. At the afternoon session of January 24, 1923, the Reorganization Bill was passed by the House of Representatives. The vote was seventy-three to sixteen. Four were present and not voting and six members were absent.

Only three Democrats voted against the bill. Those three were I. D. Beasley of Smith County, J. L. Stewart of Henry County and Grover C. Peek of Overton County.

Several of the legislators explained why they voted as they did. Representative Charles Wilson of Coffee County explained his vote in the following way:

I favor House Bill Number 183 insofar as it provides for reorganization of the various departments of the state government. There are provisions in the bill, however, to which I cannot give my approval.

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<sup>7</sup> Ibid.

The bill having received a constitutional majority before my name was reached on the roll call and my vote cannot have any effect on the result I ask that I may be recorded as present.<sup>8</sup>

Representative Peek, who had fought hard against the bill, explained his vote by saying:

I vote "no" for the following reasons: The bill is undemocratic. It centralizes too much power in the Governor. It is unconstitutional. It does not reorganize because it does not repeal, and it interferes with laws governing any of the now existing departments.<sup>9</sup>

I. D. Beasley made a rather lengthy and bitter speech attacking the bill as a "tyrannical and autocratic measure."<sup>10</sup> At the conclusion of Beasley's voting explanation, Representative Bratton remarked, "I move the explanation of the vote of Ex-Czar Louthan of the tax department, as represented on the floor by his proxy, be spread upon the journal."<sup>11</sup>

This was an obvious attack on Beasley. The two men started for each other to have it out right there in the House chamber. They were restrained from fighting by friends and sergeants-at-arms. Then, one of them issued the other a challenge to meet outside on the Capitol grounds. The members of the House became so heated

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<sup>8</sup>House Journal of the Sixty-Third General Assembly of the State of Tennessee (Nashville: Printing Department, Tennessee Industrial School, 1923), p. 197.

<sup>9</sup>Ibid.

<sup>10</sup>For Beasley's entire speech see Ibid., pp. 195-197.

<sup>11</sup>The Clarksville Leaf Chronicle, January 23, 1923, p. 1.



and confused that a motion was made to adjourn until the following morning.

The Reorganization Bill was half way through the legal process of becoming a law. The amendments tacked on by the administration's leaders did not affect the strength and original purpose of the bill.

At the same time the House was passing the bill, the Senate Judiciary Committee unanimously recommended the bill for passage with committee amendments. The bill was given to the Senate for discussion.

In the Senate, J. T. Durham of Gallatin started the legislative wheels turning. He moved that all of the House amendments be accepted. The motion was carried. Things got worse when the opposition arose in the form of Senator J. O. Remine of Lenoir City. He tried to impede passage of the bill in every way he could. He rose to a point of order that the Senate Finance, Ways and Means Committee should consider the bill instead of the Judiciary Committee. Remine referred to Rule 37 which read as follows:

No resolution or bill appropriating money or relating to the assessment or collection of revenues shall be put upon final passage until the same has been referred to and considered by the Finance, Ways and Means Committee.<sup>12</sup>

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<sup>12</sup> Senate Journal of the Sixty-Third General Assembly of the State of Tennessee (Nashville: Printing Department, Tennessee Industrial School, 1923), p. 186.



Senator L. D. Hill informed Remine that the bill did not carry any appropriation. Speaker Eugene J. Bryan ruled that Hill's point was well taken.

Remine then tried to amend the bill in the same manner that Representative Cooper had tried in the House. Remine, also, wanted to have Senate approval on all appointments of department heads. On the motion of Senator Selden Maiden, Remine's amendment was tabled.

Senator Remine attempted to have the words in the bill that read to the effect that each commissioner shall "serve at the pleasure of the Governor" stricken from the section. This motion was also rejected. Not willing to give up his fight, Remine called for a point of order to have the bill read by sections. He was declared out of order by the Chair. This decision, by the Chair, allowed a speedier processing of the bill in the Senate.

Senators John Perry and W. O. Hake moved to amend Section 58 of the bill in order to cut the salaries of the state employees. They never had much of a chance of getting such a suggestion passed so they were not surprised when the motion was rejected.

Remine was on the floor once more. This time he wanted a specific provision made in the bill to allow the Commissioner of Agriculture, T. F. Peck, to serve out his two year term. He would amend Section 30 by adding the following:

Provided that the present Commissioner of Agriculture, appointed under and by virtue of Chapter 13, Acts of 1875, shall hold office and exercise all the duties imposed upon him by this Act, and shall be entitled to all the salary and emoluments of office until the expiration of the term for which he was appointed.<sup>13</sup>

This motion also failed, but Remine continued to fight down to the very end to stop or at least alter the bill. He called on the Senate to strike out the clause providing that the assistants to the commissioners must be selected with the Governor's approval. Again he failed.

In a last minute effort, Senator Breazeale tried to get an amendment passed that nothing in the act would affect the tenure of office of the back-tax or revenue agents. This proposal brought gales of laughter because Breazeale's amendment would have defeated the entire purpose of the bill. Naturally, the motion was tabled. Senator Breazeale's proposed amendment to Section 19 of the bill read as follows:

Provided that nothing in this Act shall effect (sic.) the tenure of office of the three Revenue Agents now holding commissions under the Comptroller, and that they shall have the same powers, duties and emoluments as were conferred on them in Chapter 602, Acts of 1907, and under Chapter 115 of the Acts of 1921, until the term of office for which they were appointed shall expire.<sup>14</sup>

Senator T. Y. English of Mt. Pleasant moved that the bill as amended be placed on third and final reading. The previous question

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<sup>13</sup>Ibid., p. 189.

<sup>14</sup>Ibid., p. 191.

was called and sustained. As a result, a vote was taken on House Bill Number 183 as amended.

On January 25, 1923, just seven days from the time it was introduced, the Senate passed the bill by a vote of twenty-five to four. One Senator was present and not voting.

The Senate had made some amendments, but, again, they were nothing that would alter the strength of the bill. The bill was then sent back across the hall to the House of Representatives for final passage.

The four lone Senators who voted against the bill were Republicans. They were Senators S. O. Breazeale of Harriman, E. E. Butler of Mountain City, Z. D. Massey of Sevierville and J. O. Remine of Lenoir City.

Only Breazeale explained his vote. He stated, "I voted against the bill because I thought it contrary to public policy, democratic government and vested rights."<sup>15</sup>

The day after the Senate passed the bill, the House passed the bill as amended by the Senate. The bill was then forwarded to Governor Peay. On January 31, 1923, Austin Peay signed the Reorganization Bill into law. It was to become effective on February 1, 1923.

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<sup>15</sup>The Nashville Tennessean, January 26, 1923, Sec. 9, p. 2.

The passage of the bill was a smashing success for the new administration. It was in keeping with the campaign pledges made throughout the state.

The action of the Legislature made the administration very happy. The leaders expected the bill to pass, but they were especially pleased that so few members of either house voted against it. It was a great victory for Austin Peay and all the Democrats who supported him.

The Reorganization Bill was the first step in fulfilling campaign promises. Peay could now get rid of the heads of the Tax Department, the Highway Commission and many others. He could lead Tennessee's people with a reformed, consolidated and economical government. These are things that Austin Peay had promised and, with the passage of the Reorganization Bill, he could now deliver his promises.

Passage of the bill meant a severe change in personnel and the old officeholders knew that their days were numbered. These men and their supporters immediately began to develop a means by which to challenge the legality of the bill. The courts would have to decide whether the officeholders would stay on or be removed as provided in the new law.



## Chapter 5

### THE ACT IS CHALLENGED

The time had finally come. The Reorganization Bill was passed and signed into law. Governor Peay had been thinking of the best possible people to fill the positions of the eight newly created department heads. These people would not only have to possess Peay's determination to make the state government economical, but they must also know how to achieve progressive goals. Peay wanted the best possible task force to head his administration. The eight commissioners would comprise the Governor's cabinet. All of the men were to become closely associated with the Governor and would be his administrative advisers.

Governor Peay knew the importance of getting his administration to work as quickly as possible. Therefore, on the same day he signed the Reorganization Bill, he named his cabinet members. The Commissioner of Finance and Taxation was to be James D. Senter of Gibson County. Homer S. Hancock of Wilson County was to take charge as Commissioner of Agriculture. For the first Commissioner of Education, Governor Peay chose a renowned state educator and fellow Clarksvillian, Perry L. Harned. The position of Commissioner

of Highways and Public Buildings was a very important job. Peay appointed the very able J. G. Creveling, Junior, of Davidson County to hold down this department. For the first time in Tennessee's history a Department of Labor was a reality. To take charge of the new post as Commissioner of Labor, Austin Peay appointed Edward M. Gillenwaters of Knox County. Lewis S. Pope of Bledsoe County was appointed Commissioner of State Institutions. A Hamilton Countian, Albert S. Caldwell, was appointed Commissioner of Insurance and Banking. To complete the eight positions, Dr. Charles B. Crittenden of Davidson County became the Commissioner of Public Health.

There is evidence that Creveling was being considered almost immediately after Peay's victory in November of 1922. It is also evident that, at the time, Creveling did not want a position in the Governor's cabinet. In a letter to Peay, a friend of Creveling's quoted Creveling as saying:

Tell Mr. Peay I am going to St. Louis to take a vacation. I want to help him in any and every way I can. I hope sincerely that I will not be called upon to accept any part in the State Highway Department when it is reorganized--but my services as adviser are his without any qualification whatever.<sup>1</sup>

Between November, 1922 and January 31, 1923, Peay persuaded Creveling to consent. Almost ironically, Creveling's position

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<sup>1</sup>Letter from W. S. Booton to Austin Peay dated November 14, 1922. Austin Peay Papers, Box No. 1. Tennessee State Library and Archives, Archive Division.

was to be one of the most severely contested.

After he had made the appointments to the state's administrative offices, Governor Peay was obliged to make a statement about his choices. In his statement he said:

These appointments are made with a sole view to the best service. The appointees are well known to me, and they are thoroughly qualified in their positions. They will quickly put system, economy and efficiency into the state government.<sup>2</sup>

Most of the important people in the state's political and business circles were generally satisfied with Peay's selections. They felt that the new commissioners were the best qualified for their respective positions.

Although many people were happy with the administrative reorganization, the ousted officeholders were very much chagrined. As a matter of fact, the very day Peay signed the bill into law and named his cabinet, legal bills were being drawn up in the office of ex-Governor A. H. Roberts asking for an injunction against the new appointees. Two prominent lawyers, Nelson Fisher of Carthage and Joe V. Williams of Chattanooga, helped draft the bills attacking the constitutionality of the Reorganization Act.

The bills were drawn up for A. V. Louthan, who was ousted as tax commissioner; the three ousted highway commissioners, W. W.

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<sup>2</sup>The Clarksville Leaf-Chronicle, February 1, 1923, p. 1.



House, W. T. Testerman and W. P. Moore; and for J. T. Lynn, warden of the main state prison.

The bills were filed in Part I of the Chancery Court of Davidson County against James D. Senter, J. G. Creveling, Junior and Lewis S. Pope respectively. The complainants called for an issuance of a temporary injunction to restrain the new commissioners from taking office and for the Reorganization Act to be declared unconstitutional.

Counsel for the new commissioners was Charles C. Trabue, H. N. Leech and the State Attorney-General Frank Thompson. The complainants were represented by J. O. Phillips, Nelson Fisher and Joe V. Williams.

After the bills were filed, Chancellor John R. Aust issued a stay order to retain a status quo for all parties involved. He then set the hearing date for February 9, 1923. All three of the bills were consolidated into the case known as House v. Creveling, 250 S. W., 357.

At the hearing, there was more than four hours of argument over the charges brought against the defendants and the Reorganization Act. All three of the bills were similar in content. They charged that the Reorganization Act was in violation of Article II, Section 17 of the Constitution of the State of Tennessee which provides that:

No bill shall become law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws



shall recite in their caption, or otherwise, the title or substance of the law repealed or amended.<sup>3</sup>

The claim was also made that the act was unconstitutional because it attempted in the caption to abolish offices and boards, and to repeal acts without referring either in the caption or the body of the act to the title or substance of the laws sought to be repealed.<sup>4</sup>

In Section 64 of the act it is provided:

That all duties, powers and functions exercised by the several departments, offices, agents and employees of this state, referred to in the foregoing bill, vested under the following acts or parts of acts, or other law, are hereby transferred to the new departments, offices, agents and employees created in the foregoing provisions of this act and reference is hereby made to these acts, or parts of acts hereafter cited, and to other law to identify, recite and describe said duties, powers and functions.<sup>5</sup>

Counsel for the highway commissioners argued that under the new law the office of assistant commissioner was created in the Highway Department. If the act held true it would mean that the act would create two offices. The bureau of engineering would also be created. In legal effect the new act would create the same number of offices as already existed under the act of 1919.

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<sup>3</sup>Case of House et al. v. Creveling as recorded in Part I Chancery Court of Davidson County dated February 12, 1923. Tennessee State Library and Archives, Public Records Division. Hereafter cited as House v. Creveling.

<sup>4</sup>The Nashville Tennessean, February 2, 1923, p. 1.

<sup>5</sup>House v. Creveling.

The complainants contended that Section 59 of the Reorganization Act was unconstitutional also. Section 59 provided:

That from and after the date upon which this act shall become effective, the following departments, bureaus, offices, boards, commissions and agencies of the state government heretofore created by law shall be and are hereby abolished: (See Appendix)<sup>6</sup>

The foregoing section was challenged as a violation of Section 8, Article I of the Constitution of the State of Tennessee. The complainants' counsel contended that this particular section of the constitution provides:

That no man shall be taken or imprisoned, or dis-seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgement of his peers on the law of the land.<sup>7</sup>

The Reorganization Act was also challenged as being a violation of the Fourteenth Amendment to the Constitution of the United States. In Section 1 of the Fourteenth Amendment it is provided, among other things, that:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.<sup>8</sup>

These accusations brought out a long explanation in Chancellor

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<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid.

Aust's decision. The question involved was whether public office was a possession and, if so, could it be legislated away.

At the opening of the hearing, counsel for the old officeholders filed amendments to their bills. They attacked the constitutionality of the bill specifically because the caption was not considered broad enough to cover all the subjects listed in the bill. They also attacked the method of passage, engrossing and signing of the bill by the speakers. It was charged that fifty-eight subjects were lumped together under a single caption and not one subject was specifically pointed out.

In pleading the case, J. O. Phillips, one of the lawyers for the complainants, emotionally stated:

Your honor can take judicial knowledge of what happened on Capitol Hill. This bill was rushed through the Legislature without proper consideration. One member said he was ready to pass the bill without reading it. He is the same man who said yesterday (Senator Durham) that the bill doesn't reduce expenses.<sup>9</sup>

Phillips contended that the caption of the bill should have indicated each office planned to be abolished. "Also," he said, "the bill purports to be a direct repeal of the offices."<sup>10</sup>

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<sup>9</sup>The Clarksville Leaf-Chronicle, February 9, 1923, p. 5.

<sup>10</sup>Ibid.

From that point on, Phillips named several cases in which acts repealing offices were held unconstitutional. Chancellor Aust then recalled an act of 1893 which had abolished the fees of the office of Secretary of State, Comptroller and Treasurer. Aust said this act stood for thirty years. Phillips said the act stood because it had not been challenged.

Phillips continued his argument. He said that the Tennessee law "was dumped in the legislative hopper and passed in six days while we lawyers have been working on the bill for two weeks and don't understand the law yet."<sup>11</sup>

On February 12, 1923, Chancellor Aust declared the Reorganization Act constitutional and denied an injunction against the newly appointed commissioners. He held the bill valid in all respects except for one minor detail. According to Chancellor Aust, the method of passing the bill was regular and perfectly legal. He held that there was no merit to the claim that the caption was not broad enough to cover what the body of the bill enumerated. Aust also upheld the belief that the courts would have nothing to do with determining the wisdom of an act as passed by the General Assembly.

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<sup>11</sup>

Ibid.



Aust read his decision. In opening, he stated in part:

Reorganizing the great public interest involved and not unmindful of the grave responsibility resting upon this court, it is well to remember that under our constitution all the legislative power of the people of the state is vested in the General Assembly; and that it may pass an enactment within the scope of legislation which is not forbidden by the organic law, either in expressed terms, or by necessary implication. If a statute has passed with the required formalities, courts should indulge each reasonable intendment in favor of its validity, and should give it the benefit of every reasonable doubt.

Upon the other hand, the constitution is the supreme law of the land to the Legislature as well as to the courts and judges, now, as in the past, will not hesitate in their allegiance to the constitution, rather than a legislative act, should the latter conflict with the former.<sup>12</sup>

Chancellor Aust felt it was not necessary for every means that would be used to reach the general goal of an act to be specifically recited in the caption. He believed that what the act was trying to do was very obvious. Therefore, the necessity of detailed elaboration would have been redundant.

However, Aust did decide that Section 14 of the act was unconstitutional. This was the minor infringement he found illegal in the Reorganization Act. He said of Section 14:

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<sup>12</sup>Copy of Chancellor Aust's opinion of House v. Creveling sent by John Aust to Austin Peay dated February 12, 1923. Austin Peay Papers, Box No. 42. Tennessee State Library and Archives, Archives Division. Hereafter cited as Aust's opinion.

This section simply provided that the Legislature shall make no appropriations for any fiscal period in excess of the income provided for that period, and that all continuing appropriations heretofore made by the Legislature are expressly repealed. The remainder of the act stands.<sup>13</sup>

When discussing the rights of the complainants, Aust delivered a long and detailed decision. He had to determine if, indeed, had Section 8, Article I of the Constitution of the State of Tennessee been violated. Aust went on to give his explanation:

That the effect of the act to abolish the offices now held by complainants and to transfer the duties and functions thereof by allocation to the new departments, is manifest, and that the question here presented is a serious one, cannot be denied, in view of Malone V. Williams, 118 Tennessee, 390, 103 S. W., 798, and other cases affirmatory thereof.

The right to hold public office is a species of property (sic.), equally with any other thing capable of possession, and the law affords adequate redress when the enjoyment of it is wrongfully prevented. But the right to the office does not entitle the officer to the compensation as under a contract. He takes it subject to the authority of the created power, to modify the compensation or discontinue the office.<sup>14</sup>

In the case of Malone v. Williams as cited by counsel for the plaintiffs, the State Supreme Court had upheld that it was a violation

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<sup>13</sup>Ibid.

<sup>14</sup>The Nashville Tennessean, February 13, 1923, p. 6.

of the constitution to repeal offices. In the decision of the case the court declared that the Legislature is without power to:

(T)ake from the officer the substance of the office, and transfer it to another, to be appointed in a different manner, and to hold by a different tenure, although the name of the office is changed, or the office divided, and the duties assigned to two or more officers under different names.<sup>15</sup>

Under the decision of Malone v. Williams the old commissioners could not be removed. However, as defense counsel pointed out, there were later cases in which the Tennessee Supreme Court broadened that decision. The most liberal of the cases mentioned was Van Dyke v. Thompson, 136 Tennessee, 136, 189 S. W., 62. In this particular case the court held, in part, as follows:

. . . (T)here is a public necessity that the Legislature shall have power to abolish any office when it has ceased to be a necessity to the public, or when it forms a part of a scheme of municipal government, and its abolition is necessary, or so deemed by the Legislature, in order that a better form of municipal government may be conferred. . .<sup>16</sup>

The decision in the case of State ex rel. Linkous v. Morris, 136 Tennessee, 157, 189 S. W., 67, helped to ingrain the liberal interpretation held in Van Dyke v. Thompson. Both of these cases, along with others, in legal effect gave a basis of support for the Reorganization Act. By citing these cases, Chancellor Aust held that the old

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<sup>15</sup>Reports of Cases Argued and Determined in the Supreme Court of Tennessee, Vol. 147 (Columbia, Missouri: E. W. Stephens Publishing Co., 1923), p. 605. Hereafter cited as Reports of Cases.

<sup>16</sup>Ibid., p. 606.



officeholders could be legislated from office.

Aust also made it clear that many of the charges brought before him had no legal validity. In his opinion he stated:

It is charged that House Bill Number 183 is vague, indefinite and uncertain, and unintelligible, and that it does not promote economy and efficiency in government, that it gives too much authority to certain officials, and lacks proper checks and balances to protect the expenditures of public funds, though the particular clause of the constitution supposed to be violated is not pointed out.

If such charges be true, this appeal should have been made to the Legislature, and not the courts.<sup>17</sup>

Chancellor Aust also reiterated in his opinion the doctrine of the courts to not make judgements on the wisdom of the laws made by the legislators. He held to this doctrine and emphasized it in his statement as follows:

Under our system of government, courts have no veto over the exercise of lawful power by the Legislature, nor can they arrest the execution of a statute even though it could be shown as unwise, harmful and uneconomical.<sup>18</sup>

It was Chancellor Aust's duty to hear the case and rule on any infringement of the State Constitution. He found only one such infraction and it was a minor one at that. Using the previous State Supreme Court cases of Van Dyke v. Thompson and State ex rel. Linkous v. Morris as his foundation, Aust upheld the constitutionality

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<sup>17</sup>Aust's opinion.

<sup>18</sup>Ibid.



of the challenged Reorganization Act. As a result, the stay order was lifted, an injunction was denied and the new commissioners could now take office and begin work.

With every thing to gain and nothing to lose, Louthan, House, Testerman and Moore immediately appealed to the State Supreme Court. They earnestly hoped that the court would overturn Chancellor Aust's ruling.

The administration could breathe easier now even though the decision was being appealed. The new commissioners could take their offices because Aust's ruling was binding until or if the State Supreme Court found the complainants' charges to violate the constitution. Governor Peay and the administration were very happy and they felt confident that the highest court in Tennessee would not upset their newly reorganized government.

The case against the Reorganization Act was argued before the Tennessee Supreme Court on March 15 and 16, 1923. The court was to rule on the constitutionality of the act. On March 31, 1923, the court delivered its opinion in the case of House v. Creveling. The Tennessee State Supreme Court found no grounds for sustaining any charges brought by the old officeholders. Justice Grafton Green delivered the court's opinion. He went over each charge step-by-step and explained why it was necessary for the court to rule as it did.

The first assault made upon the act is that it violates Section 17 of Article 2 of the constitution, in that: (1) it contains more than one subject; (2) that the body of the act is broader than the caption; and (3) that it undertakes to repeal former laws without reciting in its caption or otherwise the title or substance of such laws.<sup>19</sup>

The charges contended that the caption of the act expressed no subject of legislation. The court disagreed with this charge. Justice Green read the entire title of the act and in the court's ruling the subject of the act seemed plain just by reading the title. It explicitly stated that the act was going to reorganize the administration of the state. To clarify the subject of legislation it was necessary to define the word "administration." In the ruling, Justice Green quoted Black's Law Dictionary which states, "The administration of government means the practical management and direction of the executive department."<sup>20</sup>

The definition satisfied the court as to what the subject of the act was. The next argument was if the reorganization of the administration was the subject, then the body of the act was too broad because it is said to regulate matters of a judicial and legislative nature.

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<sup>19</sup>Reports of Cases, pp. 594-595.

<sup>20</sup>Ibid. p. 595.

The opinion stated the charge as follows:

The argument is that the act contains provisions with reference to the state board of law examiners, which is said to be a judicial body; that it confers judicial powers on the state equalization board created by the act, and that it undertakes to abolish the office of the fire prevention commissioner, who is said to be a quasi judicial functionary; that it undertakes to regulate the expenses of the supreme court; and that it gives legislative power to certain commissioners.<sup>21</sup>

The court ruled that even though quasi judicial powers were conferred that did not mean those people were judicial officers. Executive officers may have some limited judicial and legislative powers conferred on them, but that did not change their status as executive officers.

It was also argued that all departments, agencies, bureaus and commissions, along with their duties, could not be grouped into one statute. The complainants called this "omnibus" legislation and in violation of the constitution which provided for one subject per act.

As an answer to the previous argument, Green read the following:

Upon careful examination of the statute before us, we think its object or purpose is sufficiently expressed in the title, and that its provisions are germane to the title, and not incongruous with each other.<sup>22</sup>

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<sup>21</sup>Ibid., p. 596.

<sup>22</sup>Ibid., p. 599.

The court also ruled that the act was expressly repealing. It felt the purpose of the act was expressed in both caption and body. The statute under consideration did repeal because it abolished portions of former acts. The court believed that the statute did recite in its caption the name or substance of the parts of the laws repealed. The ruling read in part:

Where an act proposes to repeal or amend several laws relating to one subject, it is not necessary for it to recite the title or substance of each previous law separately. One descriptive word or phrase may be employed if it conveys the purport of all the earlier statutes.<sup>23</sup>

Both the caption and the body of an act were considered by the court in determining whether it identified the repealed laws. According to the court, "To abolish an office created by law is but a method of repealing so much of the law as creates the office."<sup>24</sup>

The next charge was that the Reorganization Act was not passed as required by the State Constitution. The charge was that an "aye" and "no" vote was not taken on the final passage in the House after it was returned to that body with Senate amendments.<sup>25</sup>

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<sup>23</sup>Ibid., p. 600.

<sup>24</sup>Ibid., p. 602.

<sup>25</sup>Ibid., p. 603.



The court presumed that the act was passed in all regularity. It was pointed out that the speakers of both houses of the Legislature signed the bill, that fact was noted in the journals, and the Governor approved it. The court's ruling read, "The court will not presume from the mere silence of the Journal that one of the legislative bodies has disregarded the constitution."<sup>26</sup>

The plaintiffs' final contention was that the Reorganization Act legislated them out of their offices. They charged that their offices were not completely abolished and that the new officers' duties would be relatively the same as theirs had been. The ousted officials claimed they had been deprived of their property rights. This was a violation of Section 8, Article I, of the Constitution of Tennessee and of the Fourteenth Amendment to the Constitution of the United States.

Louthan and House were hoping that this court would rely on the decision reached in Malone v. Williams. However, they were not so fortunate. The State Supreme Court also referred to the more liberal and more recent interpretation of the court just as Chancellor Aust had ruled in Chancery Court. Van Dyke v. Thompson and State ex rel. Linkous v. Morris were again cited to refute Malone v. Williams.

In the ruling the court made it clear that it would have been impossible to reorganize the state administration and keep the same

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<sup>26</sup>Ibid.

office holders. It was pointed out how differently the men would be chosen for their jobs as compared with the old system. The independence the old commissioners had from the Governor was also discussed. The court stated:

Now, the act of January 31, 1923, inaugurates a new regime. This proposition is not debatable. Heretofore the administration of the government of the state has been one of distributed powers. Hereafter the "administration," using the word as previously defined, is to be one of centralized power, the Governor controlling.<sup>27</sup>

Officials not selected by the Governor would not be friendly to his wishes and would, in fact, destroy the entire purpose of administrative reorganization. As stated by Justice Buchanan in State ex rel. Linkous v. Morris, supra, they would stand in the way of what the Legislature considered "a scheme for better government of the state's institutions."<sup>28</sup>

The Tennessee Supreme Court held, as did Chancellor Aust, that the court would not comment or rule on the wisdom of the statute. However, on the question of centralized executive responsibility the court stated:

Since in our opinion it deals alone with duties and functions essentially executive, the centralization of power does not offend the constitution. All these powers might have been directly charged with their execution had the Legislature deemed it feasible and best so to do.<sup>29</sup>

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<sup>27</sup>Ibid., p. 608.

<sup>28</sup>Ibid., p. 610.

<sup>29</sup>Ibid., p. 611.

The high court upheld Aust's ruling on Section 14 of the act also. However, it did hold some reservations about the act. In reading the opinion Justice Green said that, "The act of 1923 is so comprehensive, touches so many things, and so many other laws, it will for a time require some construction."<sup>30</sup>

As a result of being tied up in court for almost two months, the Reorganization Act was finally given over to the state as being valid and constitutional. All those people involved were happy except, of course, the ousted officials. The new department heads were now legally free to continue their new projects without inhibitions.

It had been more than an entire year since Austin Peay announced his candidacy. He had already fulfilled his promise of reorganizing and consolidating the state administration and now with the judgement of the courts he could put his plan into operation.

No one really knew what to expect from the reorganization plan. Most people relied on the fact that Governor Peay had said it would work and the taxpayers would be relieved. The people were willing to try anything in place of the past administrations' programs. The administrative reorganization of Tennessee, from the outset, did save the taxpayers many dollars and it brought about a more efficient government.

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<sup>30</sup>Ibid.

## Chapter 6

### THE PLAN IS A SUCCESS

The hard fight was over for the administrative reorganization plan. The victor was the new administration. It was a special and personal victory for Governor Austin Peay because, with the court's backing, he could continue to implement his policies in state government. It was his desire to rid the state of the unnecessary evils of a grasping bureaucracy with its thousands of tentacles reaching ever so far into the purse of the often neglected taxpayer.

Governor Peay had promised the people of Tennessee relief from their burden which had been brought on by the mismanagement of the state government. It was his wish, as well as theirs, that something be done to bring about a satisfactory change of course for the ship of state. The administrative reorganization plan had been drawn up, proposed, passed by the Legislature, challenged in the courts and had weathered it all.

The reorganization plan was given its acid test when it became the basis of operation for the administration. To the pleasure of almost everyone concerned the plan was a success. It was a success because of the leadership and guidance of the man who introduced



it--Austin Peay.

During Governor Peay's terms in office, which were consecutive until his death in 1927, the reorganization plan reduced the cost of the state administration and also greatly improved the service of almost all the activities. At the end of four years an accumulated deficit of almost \$3,000,000, which was amassed when the bill became effective, was eradicated and there was more than \$1,000,000 as a surplus.<sup>1</sup>

The success of Peay's reorganization plan had more importance than was realized by most. It was important because, with the tax dollars saved by the efficient, consolidated administration, more roads could be constructed, more books bought and more schools built. These were some of the first programs for Peay's future legislation.

Austin Peay's first term in office can almost be classified as a paradox when it is compared to the rest of his tenure. The reorganization of state government was to bring about an economical government. In this respect, Governor Peay was very conservative. However, he was conservative for a reason. Ultimately, when the state coffers were once replenished, he hoped to start having huge sums of money appropriated for his progressive goals. When the money started coming in he started spending it. The Governor called for

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<sup>1</sup> Buck, Reorganization of State Governments, p. 222.

more and more funds for his two pet projects--road building and schools.

A contemporary of Austin Peay's, John Trotwood Moore, who served as the State Librarian and Archivist, was complimentary of Governor Peay. According to Moore, when he spoke of Peay's efforts in 1923, he said:

He (Peay) is sincerely endeavoring to work out a better system of administration of the state's affairs and that the reorganization and consolidation effected will, in the course of time, result in great good to the state, in saving of expenses and the gaining of greater efficiency.<sup>2</sup>

Moore's observation as a witness to Tennessee's political history proved rather accurate. As early as May of his first year in office, only a little more than a month after the Supreme Court ruled the reorganization plan valid, Governor Peay could point with pride at what his administration had accomplished.

In a speech delivered before the Nashville Chamber of Commerce on May 4, 1923, Governor Peay spoke of the accomplishments of his administration. In opening his speech he stated:

I am not here to talk politics nor to make a speech. It is well known that I am not a speech maker. For three and one-half months I have been on the job. It has been a grueling task. No man can appreciate the ordeal of a governor who has not tried it. Steadfastly I have pursued

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<sup>2</sup> Moore and Foster, Tennessee: The Volunteer State, p. 700.

my duty without looking to the right or the left. Often I have wondered if it was not a fatuous and mistaken undertaking. If there is appreciation you seldom hear it, but always the barking of the small and mean rings in the ears.<sup>3</sup>

It is interesting to note the description that the two men most responsible for the reorganization would give. Both Governor Peay and A. E. Buck were able to air their opinions in the same speech mentioned above. In the following passages delivered by Peay, he reviewed his few months in office as follows:

We came into power on these pledges: First, reorganization of the administrative system looking to economy and efficiency. How was the pledge redeemed? By the passage of what is known as the Reorganization Bill which was promptly contested by deposed officials in the courts and sustained. Every citizen interested in his government should read this bill. It is the best piece of legislation which has gone on our statute books in many years. The system which this law supplanted was cumbersome and archaic. The government was administered through sixty odd bureaus, boards and commissions. It functioned without any centralized direction and control. The duplication and overlapping of administration and expense were ruinous in cost and destructive of efficiency.

No private business would have tolerated the old system for a day. The governor is now the responsible head of the state government. He is in constant touch with the agencies and affairs of the state. The talk of power and politics is nonsense. He needs the power and should have it to execute the will and orders of the people who elect him to be governor of the state. Politics flourished under the old system to better advantage. There were more appointments and greater latitude to hide political expense.

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<sup>3</sup>Ibid., p. 701.



If the present system was administered for politics instead of efficiency it would be immediately seen. For that matter politics adhere in all government which is popular in character. The responsibility is with the people. If they elect politicians they can expect politics. This law is progressive and is functionary with fine results and it is the best legislation enacted in any southern state in many years. I selected eight outstanding men to administer it and they are doing it to the credit and honor of our state.

I am glad in this connection to quote from a letter received this morning from the Municipal Research Bureau's expert who advised and assisted during the legislative session, without a penny's cost to the state, the following comparison between the expenditures of the last and the next biennium to settle all questions as to whether we have economized in state expenditures and he files the items to show the accuracy of his figures:

"A reduction of \$1,547,217.11 has been made in the operating costs of the state government for the next biennial period. Of this amount, \$147,515.89 is the result of economics on the part of the 1923 Legislature, and \$177,756.04 is an estimated reduction in the cost of the state judicial system. When these two items have been deducted from the total reduction, there remains \$1,221,955.18, which amount is a reduction in the administrative or departmental cost of the state government. This latter amount is the result of Governor Peay's program of administrative reorganization and economy, and it enables the Legislature to reduce the state tax rate from 36 cents to 30 cents on the hundred dollars. Further reductions in the cost of the government should result during the next two years from the application of the business methods instituted by the reorganization plan."<sup>4</sup>

In the remainder of his speech, Peay continued to explain his fulfilled pledges. Second was the reorganization of the State Tax

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<sup>4</sup>Ibid., pp. 701-702.



Department. Third, the eight percent law was repealed, the sliding scale was eradicated and land taxes were reduced. Fourth in his fulfilled pledges; the cost of legislation was less.

In the years to follow, Buck's analysis became a reality. The government of Tennessee was on the right course and people were happy. It is evident that they were happy with their new governor because Austin Peay was elected without a great deal of trouble two more times.

With the Reorganization Act and the leadership of Governor Austin Peay, Tennessee could truly be added to the list of forward looking progressive states. Since 1923, the administration has been reorganized two more times. At neither time, however, has the state been affected as greatly as it was in 1923.

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## APPENDIX

The following is a list of the statutory offices, boards or commissions consolidated or abolished by the 1923 Reorganization Bill.

State Tax Commissioner  
State Board of Equalization  
State Revenue Agents  
State Budget Commission  
State Printing Commission  
Clerk of the Funding Board  
State Auditor  
Commission of Ten Citizens on Immigration  
Bureau of Agriculture, Statistics and Mines  
Commissioner of Agriculture, Statistics and Mines  
Food and Drug Inspector  
State Forestry Commission  
Fish and Game Warden  
State Board of Entomology  
State Dairy Commissioner  
Commissioner on Immigration  
Insurance Department  
Insurance Commissioner  
Department of Banking  
Fire Prevention Commissioner  
Mining Department  
Mining Statistician  
Workshop and Factory Inspection Bureau  
Workshop and Factory Inspector  
State Highway Commission  
Assistant Secretary of the State Highway Commission  
Superintendent of the Capitol  
State Board of Health  
Secretary of State Board of Health  
Director of Vital Statistics  
State Board of Administration  
General Manager of State Institutions  
State Board of Charities

State Dentist  
Tennessee Commission for the Blind  
Superintendent of Public Instruction  
Free Library Commission  
Director of Industrial Rehabilitation  
Geological Commission  
State Library Commission  
State Librarian  
Tennessee Historical Committee  
Land Commissioner  
Board of Preliminary Examination  
Assayer  
Internal Improvement Commissioner  
Geologist of the Bureau of Agriculture, Statistics and Mines  
State Apiarist and Inspector of Apiaries  
State Superintendent of Weights and Measures