

Richmond, Virginia  
March 19, 1938

Dr. Sidney B. Hall  
Superintendent Public Instruction  
Richmond, Virginia

Dear Dr. Hall:

This is in reply to your letter of March 17, in which you request my opinion upon the questions hereinafter set out with reference to a proposed Negro school located in Prince William County. It seems that there is now being operated at Manassas a school under private ownership and the present owners of the property are willing to convey same jointly to the school boards of Prince William, Fauquier, Fairfax and Rappahannock Counties, the deed of conveyance to contain a provision that the property shall at all times in the future be used as a school for the education of Negro youth.

The first question you ask is whether or not a Negro high school can be owned and operated jointly by the school boards of these four counties.

It is my opinion that, reading section 667 of the Code along with section 670, it is permissible for this to be done. Section 667 was reenacted in 1936 and contemplates joint ownership and operation by two or more counties, and to that extent, in my opinion, it should be construed as enlarging the provisions of section 670 of the Code which applies to only two counties.

Your second question is whether or not the condition proposed to be inserted in the deed requiring a continued use of the property for the education of Negro youth would be such a restriction or objection to the title as to preclude the making of a Literary Loan to these counties for the purpose of constructing new buildings or improving those already located on the property.

It is my opinion that this provision would not be objectionable from the standpoint of a Literary loan.

Sincerely yours,

(Signed) ABRAM P. STAPLES  
Attorney General