

## **The Lincoln-Purcellville Dispute of 1926**

**A summary of the dispute. Paper files are in the 2.8 White Petitions Box 3 under 1926 Lincoln-Purcellville Dispute. All have been scanned**

**Paper files are in a 2.8 White Petitions Box 3 labeled 1926 Lincoln-Purcellville Dispute.**

**The organization of the box is as follows:**

- **Research paper of August, 2016**
- **Chart of documents** in the box, showing in which folder they reside. All of the documents have been scanned and will be posted on the web site.
- **Section One:** 1909 Material.
- **Section Two:** April 10, 1926 School Board Meeting
- **Section Three:** April 25, 1926 School Trustee Electoral Board Meeting
- **Section Four:** June 14 & 18, 1926 Circuit Court Session.
- **Section Five:** Undated compromise proposal by O.L. Emerick
- **Section Six:** June 30, 1926 School Trustee Electoral Board Meeting
- **Section Seven:** July 9 & 14, 1926 School Trustee Electoral Board Meeting
- **Section Eight (a):** News clippings from Loudoun Times Mirror
- **Section Eight (b):** News clippings from Blue Ridge Herald
- **Section Nine:** Misc items not clearly identified as to meeting.

## Controversy about replacing Lincoln High School in 1926.

The Lincoln High School was built in 1909<sup>1</sup> and burned down in 1926, thus had to be replaced; but where? Lincoln wanted to keep the institution but had to struggle against nearby Purcellville which felt the replacement should be in that community. It was second time this debate occurred, the first which decided in favor of Lincoln by the School Board in 1909<sup>2</sup>. The 1926 dispute is worth examining because it went well beyond the School Board and ended up involving much of county government, the courts and Virginia state government officials and revealed how the administration of school rules and related laws in the State was evolving. There was also a clash of cultures, an undercurrent of prejudice against Quakers who were sometimes called unpatriotic against the demands of a rising commercial and transportation hub with its new distractions for pupils like moving pictures and ready access to alcohol.

The very patriotism of the Quakers was called into question because they didn't fight in wars and also because some in Lincoln voted for Eugene Debs for President, a socialist who won 6% of the electorate at a time when the establishment was very anti-socialist. Debs was a strong labor rights leader in the railroad industry who opposed Woodrow Wilson in the 1912 Presidential election, and as a socialist and pacifist, was opposed to America's entry into World War One. Despite that being a constitutionally protected political position, he was jailed by Wilson under the Espionage Act. We often think of African-Americans suffering under Jim Crow at the time; and they were; which is the focus on the Edwin Washington Project; but the first amendment protections of speech, press and assembly were also being assaulted, which threatened everyone and led to the formation of the American Civil Liberties Union (ACLU). However, to the credit of Loudoun citizens, despite tensions, the conflict would be resolved. The protracted, contentious debate ended with Lincoln retaining its school, which opened in March, 1927, and both sides sitting down over refreshments as the guests of the Quakers.

## Background:

Lincoln High School was in the old Mt. Gilead School District (District 2) in the unincorporated village of Lincoln in Loudoun County, VA. Goose Creek, as the community was first named, was settled by Quakers during the 1750s. The Friends cared deeply about the value of education and established a committee of 75 to seek better schooling for all white children. Their efforts resulted in the construction of a one-room school house in 1815 at a cost of \$400.00. It is also worth noting that at the close of the Civil War, Quakers didn't support white education. They worked hard to provide

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<sup>1</sup> Section One

<sup>2</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 2E. In addition, the 1909 property was conveyed to the Mercer School Board on 9 July, 1909. For details on property, going back to 1854, see Liber 5k's, Folio 104 in the Archives of the circuit Court in Loudoun. In addition, see Misc Papers, 1909, School Box 1, also in the Circuit Court Archives.

schooling to the freshly freed African-American community, when few others were interested. In fact, as seen in the chapter on Caroline Thomas, some Quakers risked a great deal for their idealism.

In 1880, a decade after the first official public school appeared the Young Friends Association began discussions about a need for higher education in conjunction with a graded school, so largely due to their efforts, in 1909 a new two story school building of about four rooms was built nearby with graded classes on the first floor and a high school on the second. With population growth and regional interest in the school rising, by 1909, this building was no longer adequate, so the Lincoln community raised \$14,540.00 for a new structure on a ten acre site<sup>3</sup>. The Mt. Gilead School District added another \$1,050.00<sup>4</sup> and the community provided much funding for furnishings and supplies, and also supplemented teachers' salaries<sup>5</sup>. Two students graduated in the initial class of 1910<sup>6</sup>. Some students from other parts of the county boarded in homes in the community so that they could attend Lincoln High School. For many years the building served both graded school class and high school pupils; but about 1918 the graded school pupils were moved to a different location<sup>7</sup> to make room for a growing high school population (BRH Staff 1926).

On April 1, 1926 the main building burned to the ground, but after much discussion and controversy about where a new school should be built, a new one-story building was built on the same site as the previous building. It continued to serve as a high school until 1953, when funds were approved to build a consolidated high school in Leesburg, finally completed in 1954. Lincoln's elementary school students were then moved into the old Lincoln High School building in 1954. (Ottinger 2006) (Emerick 1926). Ironically, in 1926, Emerick felt Purcellville was going to be the venue for the consolidated High School.

## Lincoln High School burns to the ground on April 1, 1926

The fire came on Thursday, April 1, 1926 (April fools' day). A passing "colored" gentleman first noticed the conflagration around midnight, followed by Mr. Sanders, the school principal, who found the basement and halls in flames. All of the contents would end up destroyed, including athletic trophies, books and equipment as it overwhelmed the structure; but the Purcellville voluntary fire department was able to save a nearby manual training shop (Lincoln Correspondent 1926). Fortunately, the new home economics cottage was not in danger; but lost was a large library, two pianos,

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<sup>3</sup> Could have been \$12,500, according to Blue Ridge Herald, April 8.

<sup>4</sup> See also [Collection of files related to](#) Mt. Gilead District, No 2. Land was sold to the school board in order to construct a high school. That land dated back to Oct 11, 1854 along the road from Lincoln to Purcellville. There is a survey and a deed, dated 3 July, 1909. Location: Loudoun County Circuit Court Archives, School Box 1 (1795-1919), Folder 7: Schools 1850-1859

<sup>5</sup> See White Petition: 1926 Lincoln-Purcellville Dispute: Section One.

<sup>6</sup> Check this out with our records.

<sup>7</sup> This was the Lincoln Elementary School, which still stands.

laboratory equipment and all of the athletic equipment (BRH Staff 1926). From start to finish, the event took two and a half hours. (LTM Staff 1926)

Within days, a serious discussion took place about the future. Purcellville, a rising mercantile community, wanted the replacement placed in their town, to take advantage of their venue as a transportation hub and be of sufficient size to serve the growing population; but the citizens of Lincoln demanded that any new building remain with them, due to their long association with education. Thus, they immediately began making plans for a modern, fire-proof structure and created a committee to “confer with the School Board” (Lincoln Correspondent 1926). This may have included developing a map of a prospective school, though we are not certain. We found in the archives a map showing the layout of the cottage and school house, plus play ground for the Lincoln High School along the road to Purcellville. Unfortunately, the map was not dated, so it could have been a map of the original layout, a prospective layout or even the restored school, which would be built in 1927<sup>8</sup>.

Members of the Lincoln Committee were:

- Mr. Jennings Potts
- Mrs. A.M. Janney
- Mr. W.C. Brown
- Mrs. W.T. Brown
- Mr. H.B. Taylor
- Mr. EB Gregg
- Mr. H.R. Sanders

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<sup>8</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4L



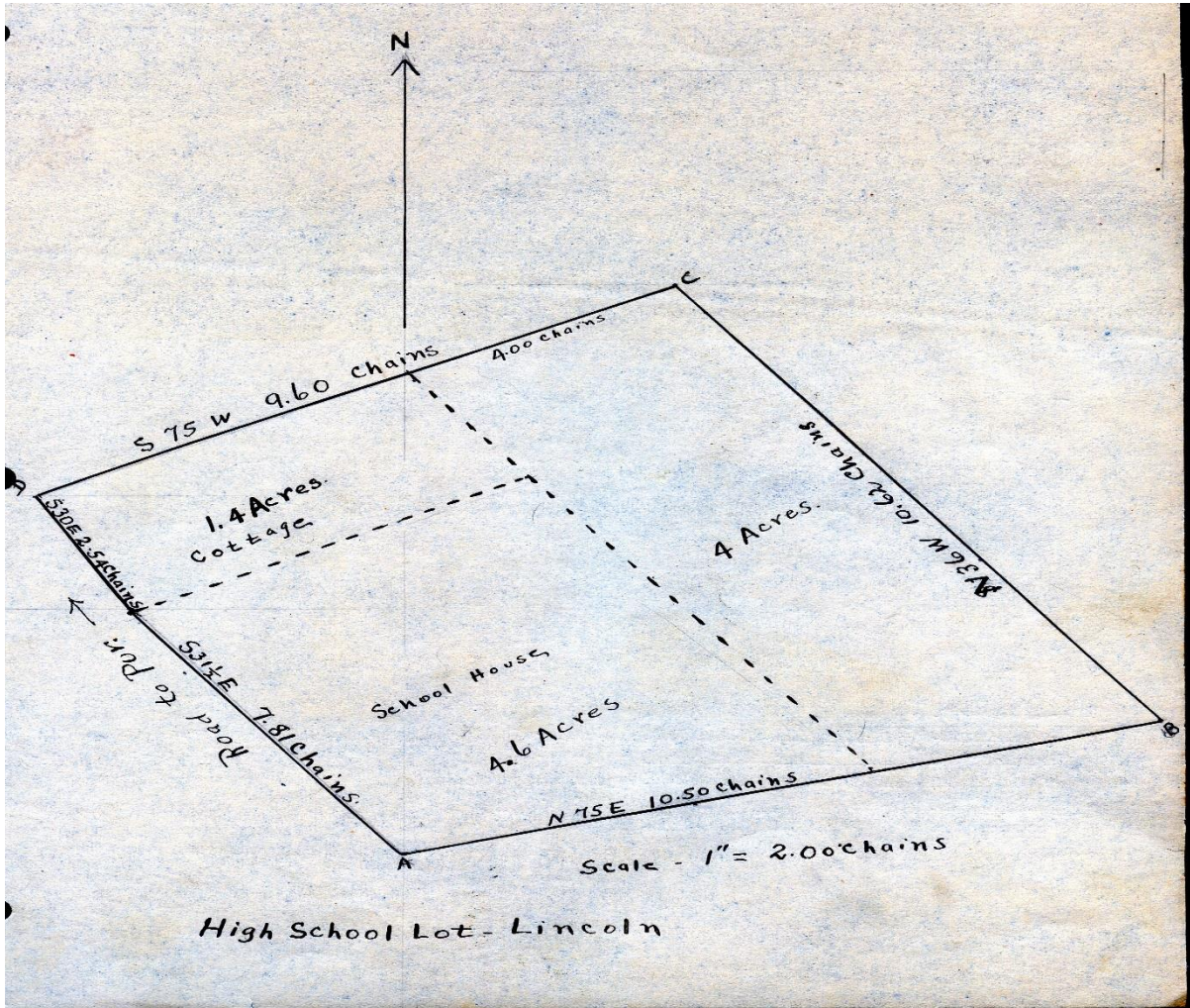


Figure 1 Map of Lincoln HS Compound File 4L

According to the Blue Ridge Herald, Lincoln had been Loudoun’s educational center for years, beginning with an elementary school started by famed Quaker educator Samuel Janney<sup>9</sup>. Its excellence drew aspiring scholars from other parts of Virginia and other states. That tradition of excellence led to the erection of the Lincoln High School in 1909<sup>10</sup>, which is still remembered by long-time residents for its intellectual excellence (Saffer 2016). That reputation and its connection led to a strong determination of Lincoln citizens to retain the school. In fact, classes resumed within 72 hours of the fire (the following Tuesday) in the Home Economics Cottage, the manual training shops the two Quaker meeting houses (Hicksite and Orthodox) (LTM Staff 1926). Orders were immediately made for blackboards, desks, etc, all paid by the citizens. They also

<sup>9</sup> Janney was a member of the Goose Creek Meeting

<sup>10</sup> LTM reported that the actual construction year was 1908. See “Lincoln High School Destroyed by Fire,” 4/1/1926, pg 1.

made plans for a regular athletic program and to enter the State Literary Contests<sup>11</sup>. In other words, they wanted everything to be normal for the children (BRH Staff 1926). That year of the great burn 26 students graduated from Lincoln High School<sup>12</sup>.

Country schools in Loudoun were usually basic in character, mostly without electricity. This was especially true of “colored” schools; but Lincoln residents, by some accounts, raised money in equal amounts to those provided by the State. Some of the features were electric lights, a water system, window shades, folding chairs and other equipment, that made it one of the best in Northern Virginia. However, the population of nearby Purcellville had exploded since 1909, as had its transportation system, whereas Lincoln remained relatively small, much less commercial and harder to reach from other parts of the county, especially given the quality of local roads. Those new factors played a major role in the Purcellville argument to build the replacement in their town. They viewed Lincoln’s logic as sentimental, vs theirs which was “practical.” In fact, an editorial in the Purcellville-based Blue Ridge Herald said “it would seem well worthwhile, therefore, for the school board to consider the advisability of moving the high school near enough to be within walking distance of Purcellville, which would also shorten the distance for the Hamilton and Hillsboro pupils to travel (BRH Staff 1926).” That last point was also supported by Oscar Emerick, Superintendent for public schools. He lived in Purcellville; but he said his position was not based on loyalty to his village, only practicality.

Unfortunately, the language of the debate also became tense, with some in Purcellville calling Lincoln residents unpatriotic because they were pacifists and some had voted for Eugene Debs.

## School Board Meeting of April 10, 1926 The First Official Decision

**Catalog Note:** All of the material related to the April 10 School Board meeting is in a Box marked 1926 Lincoln Purcellville Dispute. See paper folders 2A(official records known as the Blue Folder), through 2H. The folders within the 2 set contain a number of items related to the meeting, each with its own individually labeled folder. These are listed in the catalog on the dispute in the front of the box.

A summary of the minutes is in paper folder 2A, mostly statements by various citizens for and against the Lincoln or Purcellville venue options, with attachments. Interestingly, the opening statement by Oscar Emerick and his closing remarks and interpretation of the law are not in the Blue Folder (Paper Folder 2A); but are instead in 2B, known as the Unbound Folder, which we believe was his personal file.

## What Happened

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<sup>11</sup> See Chapter 15.3 in the Edwin Washington Catalog.

<sup>12</sup> Paper File 2I. The chart itself was undated, so could have been used in any meeting by either side of the dispute.

Nine days after the fire, citizens from Purcellville, Hamilton and other communities, as well as friends of the Lincoln High School met in the Purcellville Town Hall so that school officials could hear petitions on the venue (LTM Staff 1926) (LTM Staff 1926). Just as Lincoln had formed a committee to lobby for their town, preceding the School Board meeting Purcellville citizens also formed a committee to survey the school district for a more convenient location than Lincoln for the replacement building, "taking into consideration the roads and the location of homes from which students of the high school came (BRH Staff 1926)." Convenience to pupils was their platform.

All members of the school board were present at the April 10<sup>th</sup> meeting, which was a hot ticket item, drawing delegations from nearby towns because the communities were "feeders" to the high school; thus any venue decision would have a direct impact on all venue venues. According to press accounts, the hall was filled to capacity.

Both sides made their arguments very passionately and the decision was to rebuild on the same Lincoln site; but the story didn't end there. Instead, the debate continued with an appeal to the School Trustee Electoral Board on April 26, a further appeal to the Loudoun County Circuit Court on June 14 and 18, call for assistance from various senior officials in state government and then back to the Electoral Board on July 14<sup>th</sup>, 1926 where the matter was settled in favor of Lincoln, the new high school then being dedicated April 23, 1927.

#### **Highlights from the meeting** of April 10<sup>th</sup>.

Emerick's opening remarks pointed out that all present were "honest people with honest differences." Recognizing the emotions involved, he also reminded the audiences that "we all live in glass houses," so implored the attendees to deal with each other civilly, keeping in mind that they are neighbors and what is decided will impact future generations. Essentially, Emerick was "on the fence," nice to both sides, a point raised at the end of the meeting when someone asked "What is the wish of the Board in regard to Mr. Emerick's getting off the fence?" The answer was "That is not necessary at this time."<sup>13</sup>

Over 24 other presentations were then made, ending with Oscar Emerick.

Fleet Hamilton James of Purcellville questioned the centrality of Lincoln, noting that transportation to a school in his town would be less expensive than to Lincoln. He also felt Lincoln was a less expensive option and used statistics to argue that Lincoln was an inconvenient location. To sweeten this argument, he presented to the School Board a gift of six acres (the Love Lot) outside Purcellville on the Lincoln Road on condition the

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<sup>13</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 2D, page 6.

Board build there. James also pointed out that only a small bit of the Lincoln site was useable for play, vs the proposed Purcellville site, which provided much more<sup>14</sup>.

Although neither the town of Purcellville or the Mt. Gilead School District had proposed a site, the petition for the Love land by private petitioners to build in Purcellville seemed impressive; but others objected to the location on the grounds that many children would thus have to arrive late to home. Yet still others were in favor of Love, figuring his location would shorten transportation times<sup>15</sup>."

Citizens of Hamilton, a nearby community, petitioned that the school be rebuilt in Lincoln, wanting to give pupils the advantages of the past<sup>16</sup>."

H.B. Taylor of Lincoln stressed the education-loving character of Lincoln and the many contributions by that community towards schooling.

Mrs. A.M. Janney spoke in favor of Lincoln, argued that Lincoln was full of people who mothered the pupils in a quiet environment suitable for studying, whereas Purcellville was a bustling, business-oriented town full of distractions. She also felt it was selfish for Purcellville to put its interests about that of the District in this matter. She also strongly countered the argument that transportation costs would be saved<sup>17</sup>.

Mr. Cliff James felt Lincoln's arguments were sentimental and that the new school should be closer to its clients. He also came with a petition.

Mr. Pearson of Philomont dismissed Purcellville's transportation argument, feeling that quality of education was what matters; therefore he favored Lincoln.

John Ward felt Purcellville didn't see the big picture, also remarking for the people of Lincoln, "in my opinion it would not only be a great injustice to these people to take this school from them, but also a most flagrant display of ingratitude. In other words, should an old acquaintance be forgot?<sup>18</sup>"

Marvin Simpson was a former student from Lincoln who felt Lincoln earned the right to retain the new school. He also argued against the consolidation of two year high schools.

T. Janney Brown lived in Washington, DC and felt high schools in the cities were not working, so Lincoln was better suited than a "metropolis like Purcellville." He also didn't like the commercialism of Purcellville and felt Lincoln would be better able to send pupils to college.

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<sup>14</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 2H

<sup>15</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 2D, page 3 and 4.

<sup>16</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 2G

<sup>17</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 2E

<sup>18</sup>White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 2F



Mrs. Laura Rose of Hamilton had attended the 1909 building and presented a petition from her town in favor of Lincoln.

J.V. Nichols Nichols felt his Purcellville committee's findings spoke for themselves and that supporters of Lincoln had overblown their town's contributions; but that though Lincoln had provided a service, times and conditions had changed.

T. J. Brown felt attacked by Nichols.

Mrs. W. F. Myers graphically spoke of children trotting to school on dirt roads to gain a good education, and then in favor of Lincoln, said "The school is ours and we are glad for others to come into it... It is not something new, it is simply reestablishing the thing we have always had until calamity struck us." Miss Cornelia Shoemaker felt the same, except that she wanted the school to be called Mt. Gilead High School. Mrs. Walter Presgraves also felt the same way regarding the roads, which were a hardship were her kids to go to Purcellville.

The perceived "evils" of Purcellville were a significant worry, with Mrs. Horace Cockerill saying she didn't want her daughter loafing about in Purcellville. Similarly, Clayron Polen felt that shifting pupils to Purcellville would mean the bootleggers would cater to them around the moving pictures.

Likely also used in the meeting in favor of Purcellville was an undated chart we found in the records that showed a census for students ages 7-19 in 1925. What it demonstrated was that Mr. Gilead district was second only to Mercer in population size, which would be a good argument for a modern high school<sup>19</sup>. According to the chart,

<b>District</b>	<b>Total White and Colored</b>	<b>Increase</b>	<b>Decrease</b>
<b>Town of Leesburg</b>	554	103	
<b>Leesburg</b>	601		7
<b>Lovettsville</b>	633		109
<b>Jefferson</b>	768	96	
<b>Broad Run</b>	822		39
<b>Mt. Gilead</b>	1083		66
<b>Mercer</b>	1307	141	
<b>Totals</b>	<b>5768</b>	<b>340</b>	<b>221</b>

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<sup>19</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 40

**Emerick's Closing comments are as follows:**

- Because he lived in Purcellville, Emerick made some defensive remarks that any opinion if his was driven by the best interests of the county, not his personal interests.
  - Emerick also interpreted the law <sup>20</sup>as saying
  - that the location and site of any new school had to be selected the county school board, then approved by the Division Superintendent. This applied to either new or the old site.
  - The decision of the school board could be appealed to the school trustee electoral board, and from that board to the court.
  - If the superintendent approved the location or site before an appeal was taken, the appeal would still process forward.
  - If the superintendent disapproved of a site or location selection, then the choice was nullified; but he declined to pass upon the question at the meeting<sup>21</sup>.
  - An appeal of the superintendent's veto could be taken to the State Superintendent of Public Instruction and the State Board of Education.
- Emerick also summed up the arguments of the evening.
  - Lincoln had served as a model and standard for high school work in the county since its inception. Credit was due to the deep interest in education by Lincoln's "little band of citizens."
  - He also summed up the argument that Lincoln convivial to education, and Purcellville convivial to loafing, according to the citizens of Lincoln.
  - In addition, he summed up the other arguments as well.
  - He did seem to feel that the moral distractions in Purcellville which Lincoln worried about could be handled by teachers living in Lincoln, and that Purcellville was no less a religious town than Lincoln. He also felt that if the decision were to move to Purcellville, the costs should be borne by that community.

Eventually a unanimous vote was taken to build in Lincoln, with the fascinating comment "What is the wish of the Board in regard to Mr. Emerick's getting off the fence?" Answer "That is not necessary at this time."

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<sup>20</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 4E

<sup>21</sup> Emerick later vetoed the decision; but his veto was overturned.

## School Trustee Electoral Board Meeting of April 26, 1926 Re Appeal

**Catalog Note:** Relevant Papers are in section 3 and the minutes in Paper File 3C

Several citizens from Hillsboro signed a declaration or petition objecting to the decision of the School Board to rebuild Lincoln HS Building on the original site; they wanted a venue more convenient to the student population and their families (BRH Staff 1926). The petition<sup>22</sup> was presented by Emerick, who then gave it to the School Trustee Electoral Board, which met on April 26<sup>th</sup> in the office of Cecil Connor, Commonwealth's Attorney for Loudoun.<sup>23</sup> The other two members were: Dr. W.C. Orr, County Coroner and Superintendent O.L. Emerick. There must have been some question about Emerick having the authority to call a meeting because in the archives is an exchange on this matter in which the Attorney General agreed with the Superintendent did have the power<sup>24</sup>.

The question of the boundaries of authority is central to any management structure and Emerick had taken the reins of power in 1917, less than decade prior, when the power of Superintendents was evolving, starting with the unification of school districts under one Board in 1922. Orr and Connor apparently felt Emerick had executive authority to decide the venue; but since he had not exercised a veto, the two Trustees felt they were without jurisdiction themselves to deal with the appeal. (BRH Staff 1926). Their rationale was based on a reading of the Virginia School Laws of July, 1923<sup>25</sup>, which said no "school house shall be contracted for or erected until site, location, etc. shall have been submitted to and approved in writing by the Division Superintendent." This point was expressed in a letter to Wilbur Hall on April 30, which also expiated on various authorities of the Superintendent, then by letter to Emerick from Attorney General Saunders on May 1<sup>26</sup>.

Emerick then vetoed the venue on April 27<sup>th</sup><sup>27</sup> and asked for the School Board to meet as soon as possible to select a new location. Because he disapproved Lincoln as a location, in his opinion, State law stood in the way that construction. But to his surprise, the Attorney General's office in explained that he had exceeded his own authority, that all he really could do was disapprove a new venue or approve or disapprove plans and specifications for any venue. Since the School Board had only decided to rebuild "on location," not in a new venue, Emerick couldn't veto<sup>28</sup>, so they did have authority to manage the appeal, and should do so.

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<sup>22</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 2C

<sup>23</sup> Connor was Commonwealth's Attorney from 1912 until 1927, when he became a State Senator. In 1928 he would author the anti-lynching law in Virginia. A resident of Philomont, he was both a former student in the public schools and a former teacher.

<sup>24</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 3B

<sup>25</sup> Sub-section 4 of Section 5 of Virginia School Laws," Bulletin.

<sup>26</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 3A

<sup>27</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: paper file 3D

<sup>28</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 3E

Both Hall and Leon Bazille had opinions as well as to Emerick's responsibility on appeals. It wasn't the first time in fact that a fight had arisen over the location of the high school. About 1909 the same question came up, then of course regarding a fresh structure. Lincoln wanted it, so too did Purcellville. The School Board selected Lincoln, as they did again on April 10, 1926. The law permitted a period within which appeals could be made, and Bazille concurred that since the matter could not be resolved with ten days, the five heads of families who appealed, were within their rights to go before the School Trustee Electoral Board, which considered the matter; but then decided it was without authority because under 673 of the code, Emerick had not approved the site. Bazille then took note of the fact that Emerick disapproved the site on April 27<sup>th</sup>. Because the site was the original one, Emerick no longer had the power of veto, at least over the venue – it having been approved long before. In other words, the School Trustee Electoral Board did have jurisdiction<sup>29</sup>.

In fairness, it should be pointed out that the situation was unprecedented.

Two members of the Board approved of not taking a decision (Dr. W.C. Orr and Cecil Connor) and Emerick dissented. "According to the ruling of the School Trustee Electoral Board, if an appeal is taken, which can be done by not less than five heads of families, the matter will be heard by the State Board of Education and in the event that its decision is appealed, the question goes to the county court for final settlement (LTM Staff 1926)."

On May 6<sup>th</sup>, 1926, Cecil Connor, wrote to the Attorney General, asking for an opinion on events so far. Bazille, writing on behalf of the Attorney General of Virginia to Connor, Commonwealth's Attorney in Leesburg replied and his opinion was read to the School Board on May 10<sup>th</sup> (LTM Staff 1926). Bazille opined that while Emerick had the right to disapprove a new site<sup>30</sup>, since the School Board only decided to rebuild on the original Lincoln site, Emerick was without the plans and specifications. However, Bazille did feel that Emerick was correct to refer the appeal of the School Board's decision to the School Trustee Electoral Board under section 666 of the Code of Virginia, 1919, as amended. Bazille then recommended that the appeal proceed, further stating that the Trustees were in error not thinking they had jurisdiction, so he sent the matter back to them.

Prior to Bazille's opinion, and probably thinking he had been on solid legal ground, Emerick asked for help from Richmond to design a fresh high school in Purcellville. He may also have felt that a great plan from Richmond authorities would influence local politics. Raymond Long, Supervisor of School Buildings in Richmond, wrote back to Emerick on May 14<sup>th</sup><sup>31</sup>. In Long's opinion, his Department could take no action on the

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<sup>29</sup> Paper File 2E

<sup>30</sup> LTM interpreted the Attorney General's opinion more broadly, indicating that "the Division Superintendent has no power to disapprove a site; but does have the power to disapprove a proposed building." High School Location Still Unsettled, LTM, May 13, 1926, page 1.

<sup>31</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 3F.

construction of a replacement high school until the appeals had been settled. Unfortunately, for Emerick, it was on appeal, so Long proposed that once the matter was settled, he would propose a design similar that used in Brosville, Pittsylvania county. While he didn't think his department should intervene between Lincoln and Purcellville; that being a matter for Emerick to resolve, Long said in confidence that the logical approach was to build in Purcellville, not Lincoln. The conversation then continued in another letter of Long's offering a cost analysis for building between 1921 and 1924 and between rebuilding at Lincoln vs Purcellville. Long felt Purcellville was a better choice and more cost effective; but again would not do a survey until a joint decision was made<sup>32</sup>.

As can be seen as early as the original School Board meeting, the matter was very controversial, generating anger in at least two towns, and Emerick clearly wanted to lower the political temperature. Trying to be helpful, Harris Hart, Virginia Superintendent of Public Instruction, informed Emerick on May 29 that in order to resolve a dispute in Lancaster County involving an appeal to the Circuit court, he prepared a commission of three to review the facts and make recommendations<sup>33</sup>. In the Lancaster example, the court upheld recommendations by the District Supervisor, so Hart had offered a tool for Emerick's use that avoided overt interference by Richmond officials. Non-interference was critical, as he made clear on July 8<sup>th</sup>, saying that while the matter was unresolved, he didn't want to inject his Department in a local matter<sup>34</sup>.

#### [Circuit Court Hearing June 14 and 18, 1926](#)

Catalog Note: Relevant papers related to the court hearing are in section four.

The June term of the Circuit Court convened on Monday, June 14, then adjourned to reconvene on Friday June 18<sup>th</sup>. Presiding was Judge George Latham Fletcher (LTM Staff 1926). Press reports noted that the law 'governing appeal cases in school matters was not clear; but Loudoun Times Mirror believed the hearing "would result in a decision as to what is the proper appellate body to hear the appeal (LTM staff 1926)." . If the appeal is sustained, a new site will be selected."

Representing the school board, which wanted to keep the Lincoln venue, was Colonel Edwin E. Garrett and Hon. Wilbur C. Hall of Leesburg, as well as heads of families appealing. Hon. J.R.H. Alexander and Hon. John S. Barbour of Washington and Fairfax represented the appellants, who desired Purcellville (BRH Staff 1926). On the morning of June 18, the Court, led by Judge Fletcher (BRH Staff 1926), dismissed the

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<sup>32</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 4G

<sup>33</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4c for Hart's suggestion and Paper Folder 4D for a private citizen's recommendation along the same lines.

<sup>34</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 7E



appeal and remanded the matter back to the County School Electoral Board<sup>35</sup>. Interestingly, the matter didn't die there. On June 22, the School Board appeared before the Court and asked for "corrections," which it granted in part, which was "to dismiss the appeal and the petition of the appellant. It appears that the School Board also wanted the matter referred to itself, not the Trustee Electoral Board; but the Court kept that part of the decision intact<sup>36</sup>.

Since a new board was about to be appointed, Fletcher's decision to send the matter to the Trustees meant that a new board would settle the matter. That's because under a new law passed by the Virginia Assembly that year, the Commonwealth's Attorney and Emerick, who was Superintendent, would not be members (LTM Staff 1926). Dr. Orr could also not be a member, since he was already County Coroner. The three new members were to be appointed by the judge of Circuit Court before August (BRH Staff 1926) (LTM Staff 1926). Perhaps Fletcher felt a fresh set of minds was better than going back to a School Board that had already made up its own mind.

We found in the archives an undated sheet called "The Law of Lincoln-Purcellville School case<sup>37</sup>" and additional notes on Emerick's interpretation of the law, which we believe was likely an aide-memoire for Emerick or the Judge, as it listed the relevant codes for appeals, site selection and other related material; but we don't know if it was used for the school board meeting on the 20<sup>th</sup>, or perhaps Emerick's appearance before the Circuit court. For purpose of filing, we have included it with the Circuit Court material. In the same packet is a set of papers called the Lincoln Purcellville Case, which was probably a position paper by Emerick laying out the history of the dispute and making the argument that the financial implications were such that the dispute was larger than the concerns of any one town. It was a District matter<sup>38</sup>.

**Testimony of Oscar Emerick.** We found in the testimony of Oscar Emerick<sup>39</sup>. It's a very detailed argument for Purcellville (37 pages, including exhibits) for Purcellville, which we believe was used on the 18<sup>th</sup>, when most of the discussion appears to have taken place; but could have been done on the 14<sup>th</sup>, when the court opened the matter. The premise of the remarks was to support Purcellville. "It is our duty to ascertain from what points the children are likely to come and in numbers and to locate this school at the center of high school population." He then used a map of pupil populations and routes to make his point. He also showed that Purcellville had undergone an important population increase. In addition, he argued that any decision on school construction venue should be based on where the most cost annually is borne. The map of students (1925-26) is likely comprehensive of those who would be impacted by the venue decision and is thus an excellent research census. Also included in his testimony was a

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<sup>35</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4i

<sup>36</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4J

<sup>37</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4E

<sup>38</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4F

<sup>39</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4A.

list of students for 1910-1911 (Lincoln's first graduating year)<sup>40</sup>, a chart showing the cost of operating Lincoln from 1910 to 1926<sup>41</sup>, and estimated expenditures and revenue for Mt. Gilead for 1926-27<sup>42</sup> and 1927-28. Emerick also provided a paper showing savings related to constructing a one-story building vs a two story structure, a study showing the value of property at Lincoln and possible ways of disposing of it, a map of the Lincoln Graded School, and salaries of white and colored instructors in the Mount Gilead District<sup>43</sup>. Some of the information on costs appears to have derived from a letter to Emerick of June 5 from Raymond Long, Supervisor for School Buildings in Richmond<sup>44</sup>.

**The Dillon Rule, vs Intervention.** Virginia government has operated under the Dillon Rule since 1896, a legal principle that limits local government to areas authorized by the General Assembly; so perhaps it wasn't surprising that Emerick repeatedly involved Richmond in his deliberations. They seemed sympathetic to his cause and if they publically came out in agreement, for example in the Circuit Court, their intervention could have been very persuasive to the Purcellville argument. However, Richmond wasn't interested! On June 9<sup>th</sup>, Raymond Long, Supervisor for School Buildings, argued against appearing, though he would conduct a study if the judge asked<sup>45</sup>. Sidney Hall, Supervisor for Secondary Education in Richmond, was also nervous. He didn't want to be forced to a study that could potentially place his agency against the state Board of Education. He did agree to appear, if needed; but preferred not to, feeling Loudoun citizens would resent Richmond prying to a purely local school situation<sup>46</sup>.

Also in the archives is a handwritten enumeration of evidence before the Circuit court, not all of which appears to have survived<sup>47</sup>.

## School Trustee Electoral Board Meeting of June 30, 1926

**Catalog Note:** Documents related to this meeting are in Section 6. The purpose of the meeting was not to hear the appeal but merely to make arrangements to do so. Therefore, Emerick felt that "no question will be raised in relation to the legality of the procedure on the ground that the meeting is not being held in the district in which the appeal originated."

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<sup>40</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4M

<sup>41</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4K

<sup>42</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4N

<sup>43</sup> The High School in question was white. There were no accredited high schools for African-Americans until 1941.

<sup>44</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper files 4G

<sup>45</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 4B

<sup>46</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4B

<sup>47</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 4B

## School Trustee Electoral Board Meeting of July 14, 1926

**Catalog Note:** Documents related to this meeting are in section seven.

Loudoun Times Mirror had little faith that the meeting of the 14<sup>th</sup>, originally scheduled for the 9<sup>th</sup>, of the County Electoral Board would finalize the matter (LTM Staff 1926); but in order to do so, asked for a committee to review the venue question. This group consisted of:

- H.J. Hoke, Dean of William and Mary College.
- W. R. Smithy, Department of Philosophy, University of Virginia.
- M.I. Combs, State Supervisor of High Schools.

The July 14 hearing was then held in the Hicksite Friends<sup>48</sup> meeting house in Lincoln, and was open to the public, each side being allowed two hours for a presentation (BRH Staff 1926), to which many were called<sup>49</sup>. Exhibits were also developed, such as a research paper by Emerick for Mr. J.T Hirst of Purcellville, which examined the enrollment at the several elementary school in 1925/26, in other words, the feeder graded schools to any new high school. What they showed was that Lincoln had only the fourth largest population, whereas Purcellville had the largest<sup>50</sup>.

- Purcellville 198
- Hamilton 103
- Hillsboro 87
- Lincoln 84
- Philomont 52
- North Fork 44

As already noted, officials from Richmond declined to directly intervene. Emerick's veto didn't work either; we have found in the archives what appears to be an original copy of a paper by Emerick offering his own second intervention in the form of a compromise<sup>51</sup>. Since it isn't dated, we are not certain when it was actually used; but most likely between the Circuit Court meeting of June 18 and the School Electoral Board meeting of July 14<sup>th</sup>, probably in the July 14 session as a last-ditch effort to secure Purcellville as the venue for the new school. Emerick's proposal failed, but it is useful as a tool to

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<sup>48</sup> The Hicksite friends emerged from a split in Quaker theology at the 1827-28 annual meeting in Philadelphia. About two thirds became "Hicksite," which focused on inward light, individual faith and conscience. This was different from the Orthodox, which focused more on Biblical authority and atonement.

<sup>49</sup>White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 7A for summons and 7C for requests not to appear.

<sup>50</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 7B

<sup>51</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper File 5..

understand his management style and his thinking about the proper evolution of high school education in Loudoun. In essence, the proposal provided something to each party to the dispute; but the balance was hardly equal. The name of the high school would be Lincoln; but the venue would be in Purcellville.

Because Emerick lived in Purcellville, the compromise might seem a conflict of interest, so the Superintendent started his argument with a proof that his motivations were in support of broad regional interests, noting that he had long been opposed to a system of weak high schools, feeling that Loudoun should have just one consolidated facility, which he assumed would be in the most populous location, in his mind a future Purcellville<sup>52</sup>. While his logic here was sound, the venue for that school would be Leesburg. He also noted that in 1917, the year he assumed power, there was a movement to make Purcellville its own school district; but he stood against that idea, despite being from the town, because he understood the object was to build a local high school. It was then time; but was in 1926 in Emerick's mind. As he put it "This question is not now one of what Lincoln, Purcellville, Hamilton or any other town needs or wants. It is a question of broad general public policy and public good.." He then added, "A man in public office should seek not to stir up strife but when issues are clearly brought he must have sufficient courage and convictions to do that he believes to be right and proper."

### **The text of Emerick's Compromise<sup>53</sup>.**

I desire at this time to make a statement bearing on this case to show my views as to how the matter should be handled

Let me first say that on several occasions the question of permitting some high school work in the Purcellville, Hamilton and Bluemont school and additional high school work in the Hillsboro school has been presented to me. I have always discouraged such proposal because I felt the course proposed would result in a number of weak high schools although it was apparent that the final outcome would be only one high school for the entire territory and that at the most populous place, Purcellville<sup>54</sup>. My attitude has certainly not been a disadvantage to Lincoln.

When the matter of installing an agricultural department with a teacher paid entirely by the state was first before our county, the State School Superintendent wrote me that I as division superintendent must select the school. I selected Lincoln because it seemed the proper place

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<sup>52</sup> The consolidated HS would be constructed in Leesburg in 1954, just three years before Emerick retired.

<sup>53</sup> White Petition Boxes: 1926 Lincoln-Purcellville Dispute: Paper file 5.

<sup>54</sup> Eventually the consolidated white high school would be in Leesburg.

but received very sharp criticism from another section of the county for my action.

When the question of a separate Purcellville District was pending in 1917 one of my first acts as division superintendent was to advise State Superintendent Stearns that since the object was a new high school, the course proposal did not seem the proper one.

When it became necessary to lock horn with the Purcellville town authorities over the collection of what has already amounted to about \$1,000 from a tax on bank stock I have not hesitated to be against the Town of Purcellville and for the rest of the district.

This question is not now one of what Lincoln, Purcellville, Hamilton or any other town needs or wants. It is a question of broad general public policy and public good.

A man in public office should seek not to stir up strife but when issues are clearly brought he must have sufficient courage and conviction to do what he believes to be right and proper.

Although several reports with names have been brought to me of the harsh remarks concerning myself which have been made by Lincoln sympathizers I have only the kindest feeling towards them. I am keeping neither notch, stick, nor score card against them.

This, now, would seem to be the proper course to pursue in this matter.

Accept the gift of Purcellville people who offer a site of land on the Love property and build a high school there. Call it still "Lincoln High School." Sell the Home Economics Cottage at Lincoln for a house. Sell also in one or two tracts about five acres of land of the present site. Move the present shop in sections and re-erect on a new site.

Build on the remaining site of about five acres and on the present foundation a new elementary school building of the approximate size and arrangement of the Hamilton school. This is suggested in view of the fact that the present elementary building does not in several particulars meet the requirements for a standard school.

Abandon transportation at public expense from Purcellville but continue from Hamilton and use same bus for Lincoln at approximate present cost for Hamilton.

To finance this whole project, borrow \$28,000 from the State Literary Fund and raise the Mt. Gilead tax levy 10 cents on \$100.



**The Trustees didn't agree with Emerick.** By a majority vote, they sustained the initial decision to rebuild on the original site of the burned down Lincoln High School. This ended the debate and averted the potential for another veto, since there wasn't a change in venue. (BRH Staff 1926).

From the press reportage, we learned that Arguing for Purcellville were "Mssrs J.T. Hirst, Fleet James C.J. Hansbarger and Harry Anderson.

- Hirst presented two maps, one based on the enrollment in October, 1925 at the Lincoln High School, showing that 89 of the 126 people enrolled passed by the proposed Purcellville cite on their way to Lincoln, and that the roads from there were bad. He also showed a map depicting the roads and enrollment of elementary schools in 1910, when the High School was constructed. At that time, Lincoln elementary students were greater in number than at Purcellville, whereas in 1926, the Purcellville pupil population had more than tripled vs Lincoln's which was virtually stagnant.
- Hansbarger was a former member of the school board focused on the play space. Harry Anderson felt the proposed site was better for citizens of Philomont.
- Potts presented a map showing the original site as the best. Mrs. A.M. Janney argued that the pupils from Jefferson should not be considered in locating a high school in Mt. Gilead. Lincoln based its claim on high moral standards,

### Lincoln High School Rises From the Ashes

In theory, the decision of July 14 could have been appealed, yet again; but that didn't happen. Media reported on July 22, that the plans for the new school were to be prepared by Mr. J.C. Long, State Architect, by August 2<sup>nd</sup>. The decision was to construct a one story building with seven classrooms, principal's office, library, auditorium 48x66 feet and lavatories. The basement was to be used for a furnace and coal room. The outside dimensions were 100x120 feet (LTM Staff 1926). On August 20, 1926, Clarence Case of Purcellville was awarded the contract for the new building, perhaps an effort to take some of the sting out of the political loss. The cost was \$31,825, exclusive of heating, wiring and lighting, which were to be bid on August 31. The one story building "is to be of frame and brick, with an asbestos roof and will contain eight classrooms and an auditorium capable of seating 500 persons." The auditorium was also large enough to be used as a gym and had a large platform for plays, operettas and public entertainments. There was also a basement for a heating plant and had a library. Opening day was set for March 15, 1927 (BRH Staff 1926).

The legal wrangled having been exhausted; Lincoln community plans went forward to rebuild the High School in a four closely placed compound for the 1926/27 session. Meanwhile, as the August, carpenters were hard at work making existing structures ready while the new structure was completed. "Two class rooms will be in the vacant store building, one in the town hall, another in the Oak Dale school house and at least

two classrooms in the old friends meeting house (Smith 1926).” The new building was then dedicated Saturday evening, April 23<sup>rd</sup>, 1927. Reverend C.T. Taylor, pastor of the Baptist church in Lincoln, gave the invocation. Solo renditions were given by Miss Francis Taylor. George Selleck led in prayer. Short talks were also presented, included one by O.L. Emerick, Superintendent. The main speech was given by Dr. A.B. Chandler, Jr., President of Fredericksburg State Teachers College. He spoke of the “comprehensive program of education through the public schools set by Virginia to carry forward the ideals of democracy (BRH Staff 1927).”

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