

THE HISTORICAL MARKER PROGRAM

REPORT OF THE

VIRGINIA ADVISORY LEGISLATIVE COUNCIL

to

THE GOVERNOR

and

THE GENERAL ASSEMBLY OF VIRGINIA



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COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
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REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, August 30, 1963

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

In 1927 the Commonwealth of Virginia embarked upon a program of marking, for the benefit of travelers on the highways, the approximate locations of places and events of historical interest and significance. The program was carried out by the Division of History and Archaeology of the Department of Conservation and Development. By 1948 the program was regarded as largely accomplished and the activity was transferred, in the 1948 reorganization of the State government, to the State Library. Small appropriations have been made to the Library for new markers and replacement of those damaged or destroyed. However, bills have been introduced in the General Assembly for particular markers and there appears to be an increasing trend toward this. At the 1962 Session of the General Assembly, legislation provided for the erection of thirteen markers, approximately 1% of the number now estimated to be standing. Feeling that a more uniform policy with regard to markers was desirable, the General Assembly in 1962 adopted the following resolution:

HOUSE JOINT RESOLUTION NO. 78

Directing the Virginia Advisory Legislative Council to study problems relating to the highway historical marker program.

Whereas, the State expends funds through the Virginia State Library and the Department of Highways for the manufacture, erection and maintenance of a uniform system of markers for historically important sites; and

Whereas, the development of modern highways creates problems of location and viewing of such markers by travelers; and

Whereas, the present method of designation of what markers are to be erected in some cases prevents a uniform consideration of what sites are historically important; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a study and report upon statutes pertaining to historical highway markers, the methods whereby markers are currently chosen and erected, the need for continuing the program and all other matters

relating to it. The Council shall complete its study and make its report to the Governor and General Assembly by September 1, 1963.

The Council selected Tom Frost, Member of the House of Delegates and of the Council, Warrenton, to act as Chairman of a Committee to make the initial study and report to the Council. Selected to serve with Mr. Frost as members of the Committee were: Howard H. Adams, House of Delegates, Eastville; Dr. W. G. Bean, professor, Washington and Lee University, Lexington; Alexander C. Brown, Newport News; Brigadier General Edwin Cox, Aylett; Mrs. Herbert A. Elliott, South Hill; J. Garland Hening, Jr., Chesterfield County; W. Moscoe Huntley, Judge, Hustings Court, Richmond; Sterling Hutcheson, retired Federal Judge, Eastern District of Virginia, Boydton; Mrs. James Bland Martin, Gloucester; and Donald R. Middleton, Arlington. Mr. Middleton, however, found it necessary to resign prior to the completion of the study.

Mr. Adams was elected as Vice-Chairman of the Committee. John B. Boatwright, Jr. and G. M. Lapsley served as Secretary and Recording Secretary, respectively, to the Committee.

The Committee consulted with Randolph W. Church, State Librarian, the official under whose direct supervision the present marker program operates. It held a public hearing at which historians, persons associated with organizations interested in the promotion of the tourist industry, and the general public were afforded an opportunity to express their views. It heard representatives of some local groups who urged the recognition, by markers, of specific events in their areas.

The Committee carefully considered the material presented to it and submitted its report to the Council. The Council has reviewed the report of the Committee and now submits the following report.

SUMMARY OF RECOMMENDATIONS

1. The State Library Board should be authorized in its discretion to appoint an advisory committee to assist it in the determination of textual accuracy, historical significance, and appropriateness of location of historical markers.
2. Local governing bodies should be specifically authorized to erect historical markers at their own expense but to assure conformity with the over-all State program, these should be subject to approval by the State agency designated to supervise the marker program.
3. The General Assembly should adopt legislation whereby the State Library Board and the advisory committee may determine the need for, accuracy, historical significance, and proper location of historical markers and, in proper case, provide for the erection thereof, or correction and replacement of existing markers where appropriate.

REASONS FOR RECOMMENDATIONS

By § 42-66, the State Librarian is charged with insuring that historical markers on public property or upon any public street, road or high-

way are a true and correct record of the historic event, incident or fact set forth therein. However, by § 42-66.1, the State Library Board is given authority over the expenditure of public funds for markers of uniform style to be known as "highway historical markers" and the Department of Highways is empowered to erect and maintain such markers. It would appear desirable that this apparent conflict in responsibility be eliminated and it is therefore recommended that the ultimate responsibility be placed by law where it is in fact, in the State Library Board, with the power to delegate its duties.

Moreover, some question has been raised as to the historical accuracy of some of the texts which have appeared on markers in the past. Neither the State Librarian nor the members of the Board consider themselves as experts in the field of history; nor have they the facilities to determine in all cases the appropriate locations in which the markers should be placed. We believe that it would be desirable to afford to the Library Board the opportunity to avail itself of expert assistance in both of these particulars; we accordingly recommend that the Board be empowered in its discretion to create an Advisory Committee on Historical Markers to be composed of the Chairman of the State Library Board or his designee, the President of the Virginia Historical Society or his designee, and the State Highway Commissioner or his designee. If such a Board is created and utilized, the State Library Board would then be able to secure opinions both as to the accuracy of the proposed text for a marker, the historic significance of the event, person, or place being commemorated, and the proper location of the marker. In view of some of the criticisms which have been made of existing markers, such a Board should also be empowered to examine such criticisms and recommend corrective action where appropriate.

Some views were expressed that the State has a sufficient number of markers and that the only need would be for maintenance or replacement of them. However, interest was expressed from several localities, and bills enacted by the General Assembly indicate that citizens of different areas in the State desire additional events or facts pointed out by markers. For this reason we suggest that it be made clear that local governing bodies can provide for the erection of markers at their own expense as, we are advised, has been done in some places in the past. But to insure uniformity and conformity with the over-all marker program, we feel that it should also be made plain that such markers are subject to approval by the State agency in charge of the marker program.

The freedom of members of the General Assembly to propose legislation cannot and should not be restricted in any way and this applies with equal force to proposals for the erection of historical markers. However, we feel that any marker so proposed should be subject to the same investigation as to accuracy, significance, and location, as those which are erected under the general program. Therefore, in order to insure uniformity, we respectfully suggest that the General Assembly record itself in accord with this policy.

We desire to record our appreciation for the assistance rendered by the State Librarian, and by those interested parties who supplied information and expressed their views during the progress of the study. We especially express our gratitude to the members of the Committee for contributing their time and knowledge toward the investigation of this subject.

A suggested bill to carry out the recommendations discussed above is attached as an appendix to this report.

Respectfully submitted,

CHARLES K. HUTCHENS, Chairman
EDWARD E. WILLEY, Vice-Chairman
C. W. CLEATON
JOHN WARREN COOKE
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STATEMENT OF EDWARD M. HUDGINS

I concur generally with this report; however, I did not sign it because in my opinion the governing bodies of counties, cities and towns should not be permitted to erect such markers as provided for in Section 42-66.4 unless and until the event to be commemorated has been approved as being of sufficient historical significance, by the State Library Board, to warrant its erection. The commemorating of insignificant events would, in my opinion, detract from the effectiveness of markers of great historical significance.

EDWARD M. HUDGINS

APPENDIX

A BILL to amend and reenact § 42-66 of the Code of Virginia, relating to approval of highway historical markers; and to amend the Code of Virginia by adding sections numbered 42-66.3, 42-66.4 and 42-66.5, authorizing creation of an Advisory Committee on Historical Markers, authorizing erection of markers by local governing bodies, and expressing the sense of the General Assembly as to bills relating to historical markers.

Be it enacted by the General Assembly of Virginia:

1. That § 42-66 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding sections numbered 42-66.3, 42-66.4 and 42-66.5, as follows:

§ 42.66. It shall be unlawful to post or erect any historical marker, monument, sign or notice, on public property or upon any public street, road or highway in the State bearing any legend, inscription or notice which purports to record any historic event, incident or fact, or to maintain any such historical marker, monument, notice, or sign posted or erected after June seventeenth, nineteen hundred and thirty, unless a written certificate has been issued prior to July first, nineteen hundred fifty by the former division of archeology and history of the Virginia Conservation Commission, with the approval of the Commission, or has been issued on or after July first, nineteen hundred fifty by the *State Library Board* or by its designation the State Librarian or his duly authorized agent or employee, such certificate setting forth that after due investigation and inquiry such legend, inscription or notice appears to be a true and correct record of the historic event, incident or fact set forth therein.

*Applications for such certificates * shall be acted on as promptly as may be reasonably practicable under all the circumstances of each case.

§ 42-66.3 *The State Library Board is authorized to create an Advisory Committee on Historical Markers, to consist of the Chairman of the State Library Board or his designee, the President of the Virginia Historical Society or his designee, and the State Highway Commissioner or his designee. Such Committee shall make an investigation into and render an opinion on the accuracy of the proposed text for any marker, the historical significance of the person, event or place, and the appropriateness of the proposed location on request of the State Library Board or the State Librarian, or any member or committee of the General Assembly. The Board shall also, on such request, review the text of any existing marker and if any inaccuracy is found, recommend appropriate corrective action. Any expenses incurred in connection with the work of the Committee shall be defrayed from the appropriation to the State Library Board for erecting and replacing historical markers.*

§ 42-66.4 *The governing body of any county, city or town may, at its own expense, have erected a historical marker commemorating any person, event or place upon any public street, road or highway within its boundaries, provided the text and location thereof has been approved as provided in § 42-66.*

§ 42-66.5 *It is hereby declared to be the sense of the General Assembly that, the State Library Board and its Advisory Committee on Historical Markers having been designated as the State agencies to determine the textual accuracy, historical significance and appropriate location of historical markers, their attention can appropriately be invited to the desirability of markers in particular cases by resolutions adopted by this body.*

