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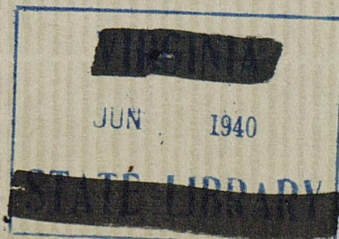
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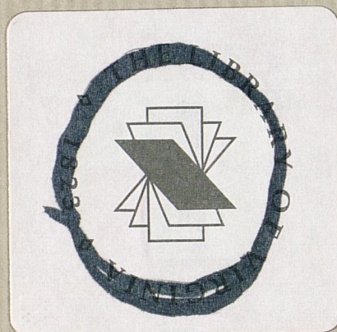
GOVERNMENT PUBLICATIONS

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DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
WEST VIRGINIA

DECEMBER 1, 1935





PREPARED BY ROBERT C. LOWE
UNDER THE SUPERVISION OF WALTER WILBUR
PRINCIPAL RESEARCH SUPERVISOR

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Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

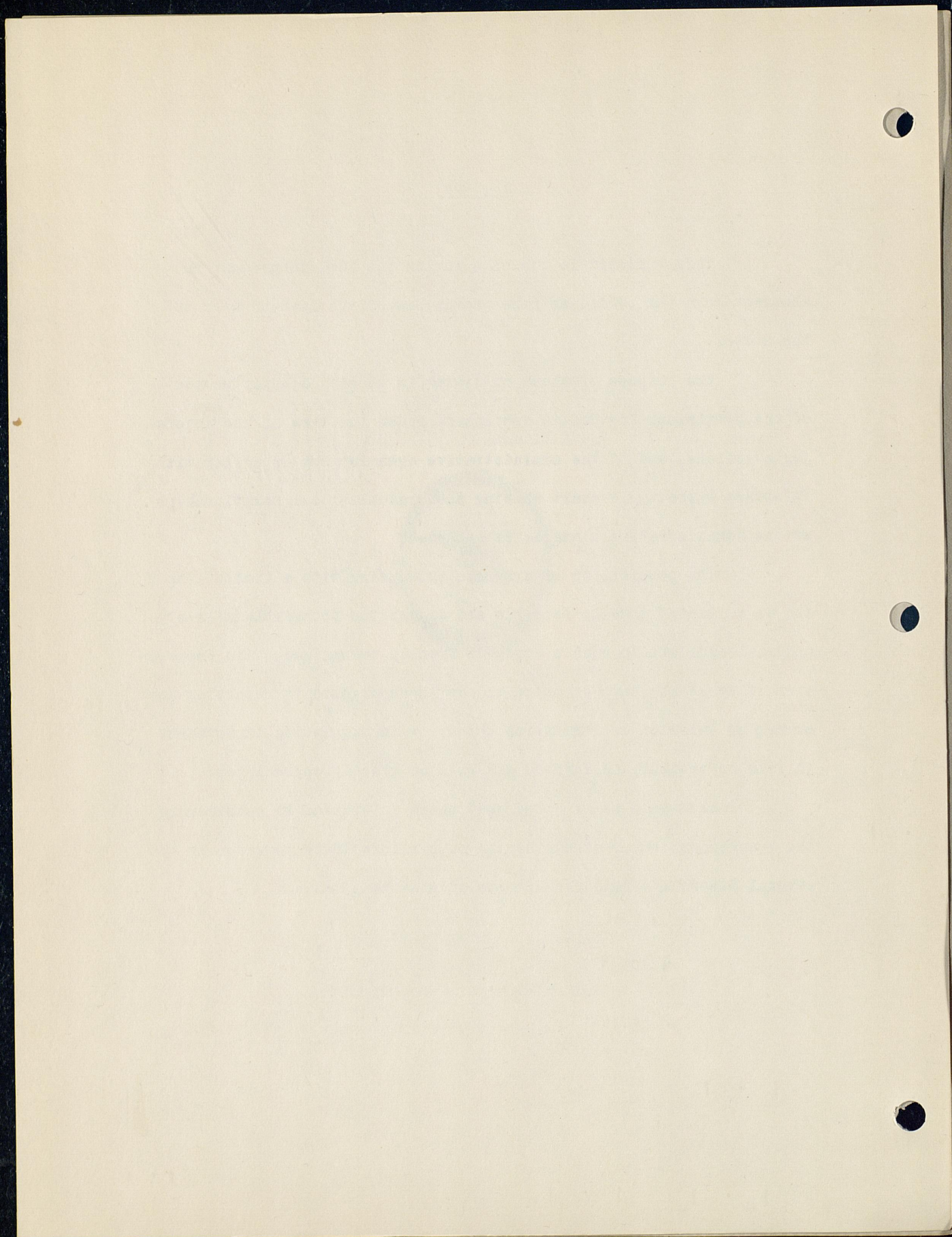
The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940. Va. Div. of Statutory research & drafting, 9

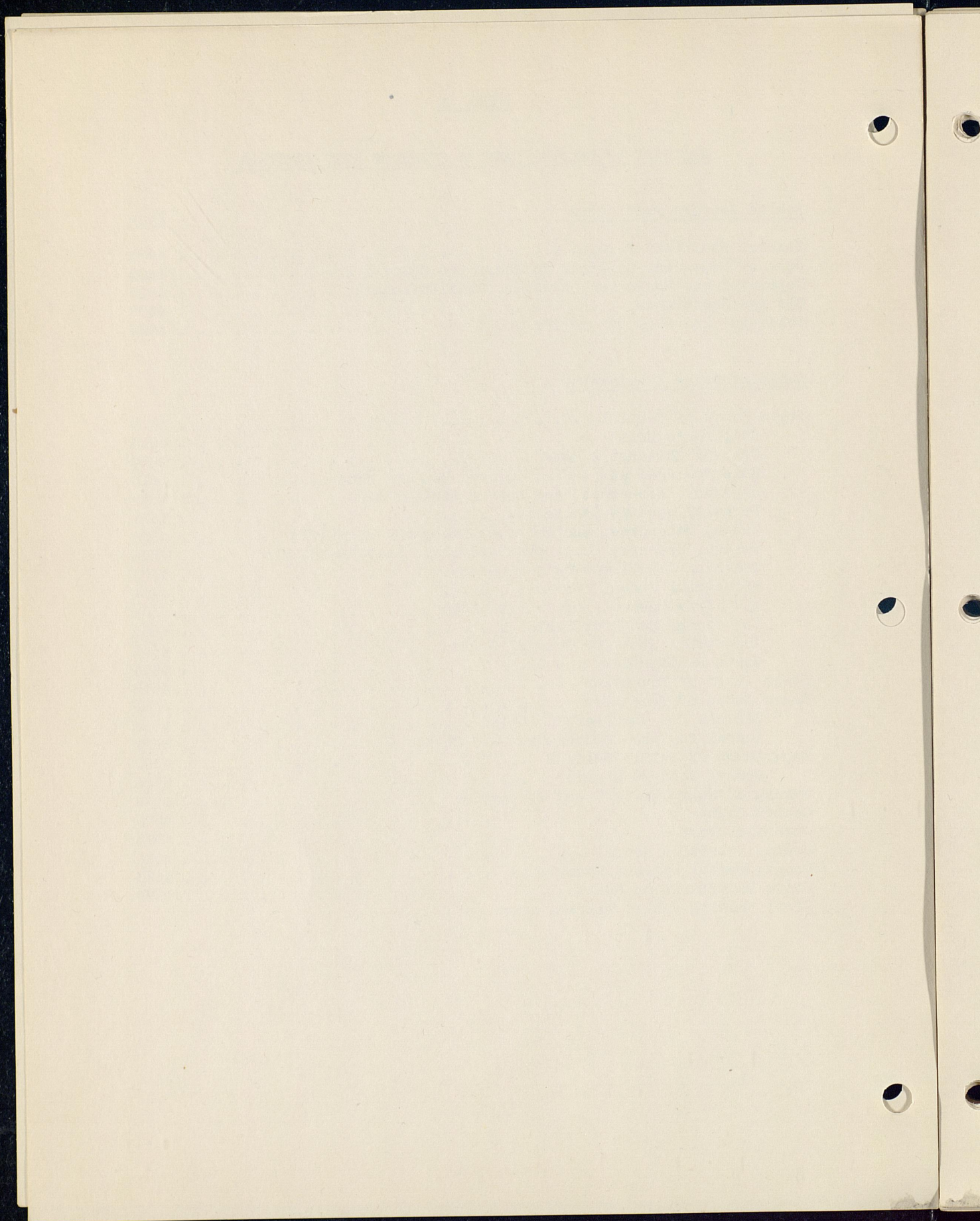
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ABSTRACT OF PUBLIC WELFARE PROVISIONS1. GENERAL POOR RELIEF(a) Description of class

A person unable to maintain himself. 1/

(b) Procedure for determining eligibility

Relief granted on application by or on behalf of the person, or by or on behalf of the family of any person under the order of the overseer of the district. The county court may change or rescind overseer's orders, and may direct any person or family to be provided for though the overseer has refused to do so. 1/

(c) Measure of responsibility

Provided for at place of general reception or supported elsewhere, if county does not have an infirmary. If county has an infirmary, relief granted outside the infirmary only in cases of emergency, and only as long as such emergency exists, unless court's opinion is that interests of family and person will be better subserved by tendering such assistance elsewhere; at county court's discretion provisions may be made for education of children at the place of reception for the poor 2/; medical or surgical attention; hospitalization 3/; decent interment. 4/

(d) Qualifications imposed

Continuous residence of one year in the county; has not immigrated into the State within three years, unless at the time of so migrating he was able to maintain himself. 5/ Children, father, brothers, sisters, mother (in order named) residing in State liable for support. 6/ Non-residents must be provided for until removed. 7/

-
1. West Virginia Code Ann. (1932), Sec. 599
 2. Ibid, Sec. 597
 3. Ibid, Sec. 600
 4. Ibid, Sec. 601
 5. Ibid, Sec. 598
 6. Ibid, Sec. 607
 7. Ibid, Sec. 599

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West Virginia - Abstract of
Public Welfare Provisions

GENERAL POOR RELIEF (Cont'd)

(e) Incidence of financial responsibility

On the county. Obligation mandatory. 8/

(f) Taxes

General Property tax. 9/

(g) Administrative agencies

County Court. 10/

(h) Supervisory controls

None provided for.

8. West Virginia Code Ann. (1932), Sec. 599

9. Ibid, Sec. 761

10. Ibid, Sec. 599

ABSTRACT OF PUBLIC WELFARE PROVISIONS2. CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES(a) Description of Class

A woman whose husband is dead or permanently incapacitated for work by reason of mental or physical infirmity, or a woman who has been abandoned, and who in either case is the mother of one or more children under the age of fourteen years or is the mother of one or more children under the age of sixteen years who are not eligible for a working permit. 1/ Also if a child is ill, relief may be extended until such child reaches the age of sixteen. 2/

(b) Procedure for determining eligibility

Investigation of application by member of county court under court's direction. 3/

(c) Measure of responsibility

An allowance such as in the court's judgment will provide the mother and children with necessities of life, and enable her to keep her children at home, not to exceed \$45 per month. 4/

(d) Qualifications imposed

Mother must be United States citizen, resident of state for at least two years next preceding application date, and bona fide resident of county in which application is made for a period of one year preceding application date; income from any source not to exceed \$45 per month; mother must be a proper person physically, mentally and morally, to bring up children; allowance necessary to enable mother to remain at home (may be absent for work during such time as the court permits); children must be attending school, provided they are of the proper age and physically able to do so; no adult person to be in the home who is not a member of the family; allowance necessary to save children from neglect; it is for the welfare of the children to remain at home with the mother. 5/

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1. West Virginia Code Ann. (1932), Sec. 619
 2. Ibid, Sec. 626
 3. Ibid, Sec. 620
 4. Ibid, Sec. 624
 5. Ibid, Sec. 625

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Public Welfare Provisions

CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES

- (e) Incidence of financial responsibility
On the county. 6/ Obligation mandatory.
- (f) Taxes
General property tax. 7/
- (g) Administrative agencies
County Court. 8/
- (h) Supervisory Controls
None provided for.

6. West Virginia Code Ann. (1932), Sec. 624
7. Ibid, (1934 Supp.), Sec. 761
8. West Virginia Code Ann. (1932), Sec. 618

ABSTRACT OF PUBLIC WELFARE PROVISIONS3. DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL)(a) Description of class

Any boy under the age of sixteen years or any girl under the age of eighteen years who is dependent upon public charity or who is destitute, homeless or abandoned 1/; or any boy not over sixteen years of age, or any girl not over eighteen years of age, who has not proper parental care or guardianship; or who habitually begs or receives alms; or whose home by reason of neglect, cruelty, or disrepute on the part of parents, guardians or other persons in whose care it may be, is an improper place for a child to live; or whose environment is such as to warrant the state in the interest of the child in assuming its guardianship. 2/

(b) Procedure for determining eligibility

Any reputable person, or West Virginia Department of Public Welfare may file a petition with the Juvenile Court. 3/

(c) Measure of responsibility

Commitment to suitable state institution for care of dependent or neglected children, or to some training or industrial school or children's home-finding society. 4/ Commitment to Department of Public Welfare. 3/

(d) Qualifications imposed

None

(e) Incidence of financial responsibility

State. 3/ Obligation optional. 3/

County Court must pay state treasury \$50 annually for each child from the county committed to Department of Public Welfare, and maintained at the expense of the department or of the State children's homes. If financially able, parent, guardian or estate to reimburse county amount paid to State. 5/

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1. West Virginia Code Ann. (1932), Sec. 4785
 2. Ibid, Sec. 4786
 3. Ibid, Sec. 4823
 4. Ibid, Sec. 4830
 5. Ibid, Sec. 4843

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Public Welfare Provisions

DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL)

(f) Taxes

Counties may levy one mill on \$1 property valuation for detention home if detention home is authorized by electorate. 6/

(g) Administrative agencies

Commitments made by Juvenile Court to Department of Public Welfare. 3/ County Welfare Board advises, assists and cooperates with State Department of Public Welfare. 7/

(h) Supervisory controls

None provided for.

6. West Virginia Code Ann. (1932), Sec. 4867

7. Ibid, Sec. 4875

ABSTRACT OF PUBLIC WELFARE PROVISIONS

4. OLD AGE ASSISTANCE

(a) Description of class

Any person who has attained the age of 65 years and who is in need and whose physical condition or disabilities seem to render permanent his inability to provide properly for himself. 1/

(b) Procedure to determine eligibility

Application for pension to county court subject to approval by county court, appeal to circuit court. 2/

(c) Measure of responsibility

Not to exceed \$1 per day. 3/
Medical, surgical care and nursing. 4/

(d) Qualifications imposed

Citizen of the United States for at least fifteen years before making application for pension, resided in the State and county continuously for at least ten years immediately preceding application date, not interrupted by periods of absence totaling three years, nor absence while in State or United States service if a domicile is not acquired outside of State or county.

Not at time of application an inmate of any home for aged of a custodial, correctional or curative character, except in case of temporary medical or surgical care;

Has not within one year preceding application been an habitual tramp or beggar;

Has no property, income or other means of support (household goods and personal property not exceeding \$300, exempt);

Not in receipt of pension from United States, any state, or foreign government;

Has no child or other person responsible under the law of the State for his support, and able to support him. 5/

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1. West Virginia Code Ann., (1932), Sec. 626 (1)
 2. Ibid, Sec. 626 (6)
 3. Ibid, Sec. 626 (3)
 4. Ibid, Sec. 626 (5)
 5. Ibid, Sec. 626 (4)

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Public Welfare Provisions

OLD AGE ASSISTANCE (Cont'd)

(e) Incidence of financial responsibility

County; obligation optional, mandatory in any county where pension system adopted by popular vote. 6/

(f) Taxes

Special county property tax of \$.05 on \$1.00 covered into old age pension fund. 7/

(g) Administrative agencies

County Court 8/, assisted by county pension agent in counties with a population of 35,000 or more. 9/

(h) Supervisory controls

None provided.

6. West Virginia Code Ann. (1932), Sec. 626 (2).
7. Ibid, Sec. 626 (13)
8. West Virginia Code Ann. (1932), Sec. 626 (2)
9. Ibid, Sec. 626 (11)

ABSTRACT OF PUBLIC WELFARE PROVISIONS

5. SOLDIERS' AND SAILORS' RELIEF

(a) Description of class

Soldier, sailor or marine who served in military or naval service of the United States during the rebellion, the war with Spain or the Philippines, or in the war with Germany or Austria Hungary, or any ex-Confederate soldier. 1/

(b) Procedure for determining eligibility

No specified provision.

(c) Measure of responsibility

Decent and respectable burial, the expense not to exceed \$75. Interment not to be made in cemetery or plot used exclusively for burial of deceased paupers. 1/

(d) Qualifications imposed

Insufficient means left to defray funeral expenses. 1/

(e) Incidence of financial responsibility

County. 1/ Obligation mandatory.

(f) Taxes

General Property tax. 2/

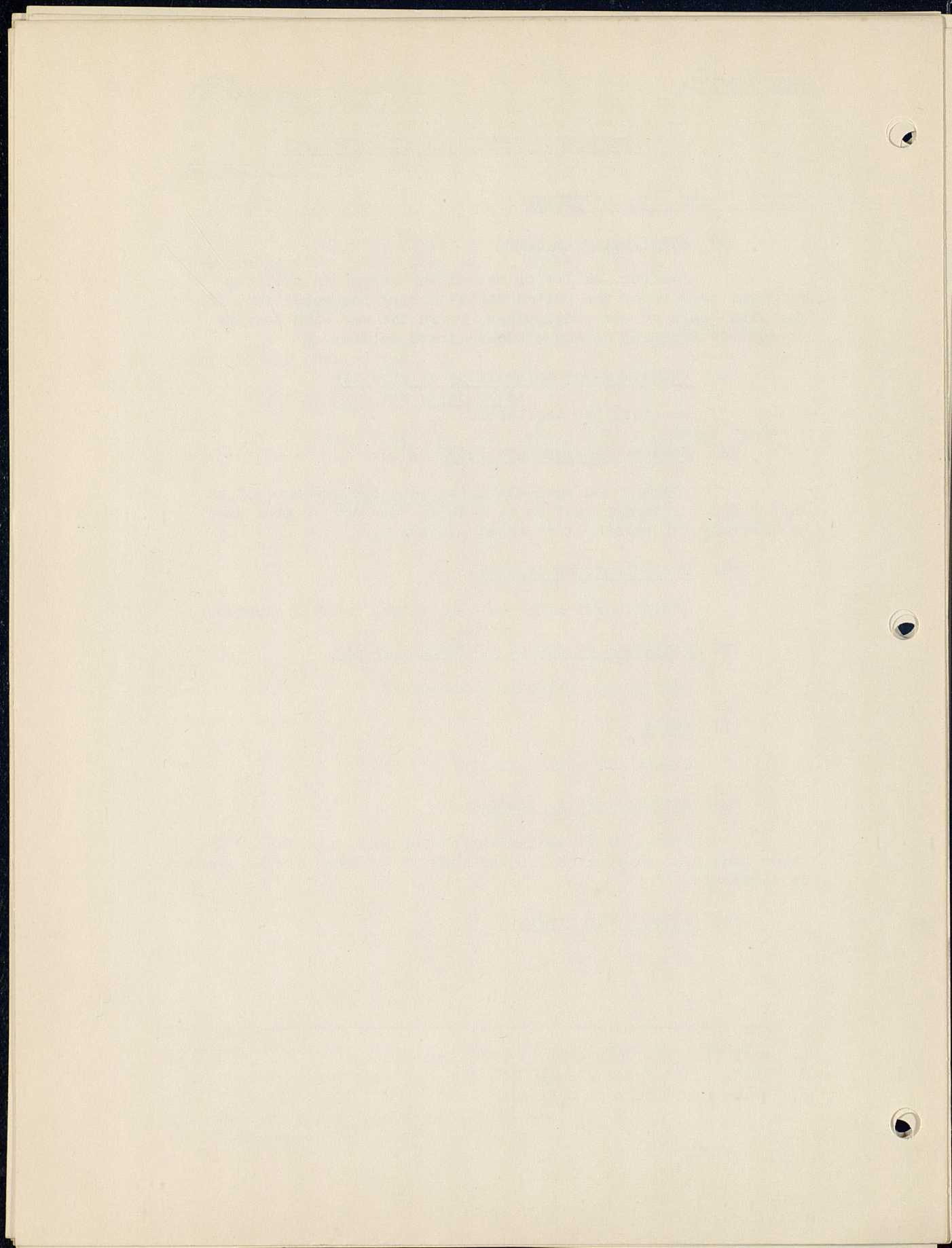
(g) Administrative agencies

County Court designates proper person or authority, other than that designated for the care of paupers, or the custody of criminals. 3/

(h) Supervisory controls

None provided.

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1. West Virginia Code Ann. (1932), Sec. 616
 2. Ibid, (1934 Supp.), Sec. 761
 3. Ibid, (1934 Supp.), Sec. 616



ABSTRACT OF ADMINISTRATIVE PROVISIONSSTATE BOARD OF CONTROL

(Statutory Body)

1. General Powers and Duties

(a) The State Board of Control manages, directs, controls, and governs the Children's Home, Colored Children's Home, Home for Aged and Infirm Colored Men and Women, Hopemont Sanitarium, Pinecrest Sanitarium, Denmar Sanitarium, Berkeley Springs Sanitarium, Welch Emergency Hospital, McKendree Emergency Hospital, Fairmont Emergency Hospital, Huntington State Hospital, Spencer State Hospital, Weston State Hospital, Lakin State Hospital, Training School, Industrial School for Boys, Industrial School for Colored Boys, Industrial Home for Girls, Industrial Home for Colored Girls, Penitentiary, and such other State institutions other than educational, as now are or may hereafter be created by law. 1/

(b) The Board has charge and control of the financial and business affairs of the West Virginia University and of all its colleges, schools, departments and divisions, of Marshall College, Fairmont State Normal School, West Liberty State Normal School, Glenville State Normal School, Shepherd College State Normal School, Concord State Normal School, West Virginia State College, Bluefield Colored Institute, New River State School, Potomac State School, Schools for the Deaf and Blind, School for the Colored Deaf and Blind, and of any other State educational institution which now is or may hereafter be created by law; and has such other control and management of said institutions as is specifically provided. 2/

(c) The State Board of Control or one or more of its members must visit each of the institutions under its control and management in whole or in part as often as may be necessary and may hold a regular meeting of the Board at any such institution. During any such visitation the Board or any member thereof must thoroughly inspect all the departments thereof and investigate the condition and management of same. 3/

(d) The State Board of Control has authority to cause the transfer of any patient or inmate from any State institution except the penitentiary to any other State institution which is better fitted for the care or treatment of such patient or inmate or for other good cause or reason. 4/

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1. West Virginia Code Ann. (1932), Sec. 2580
 2. Ibid, Sec. 2581
 3. Ibid, Sec. 2591
 4. Ibid, Sec. 2593

4611. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(e) The title to all property constituting or belonging to the several institutions is vested in the Board of Control. The Board is custodian of all deeds and other muniments of title to all property owned by the State, and must cause such as are susceptible of record to be recorded in the proper offices. 5/

(f) The State Board of Control is empowered to accept any gift or devise of any property or thing which lawfully may be given. If such gift or devise is given to any particular institution, as listed above, whatever profit arises from its use or investment must be paid into the State Treasury for the use and benefit of such institution, and the Board is invested with the title to the property which is or may be the subject of such gift or devise. 6/

(g) The Board has authority to employ competent architects for the preparation of plans and specifications for all new buildings to be built by the State, or for the repairing or remodeling of existing buildings, or the construction of additions thereto; to employ competent persons to superintend the work of constructing new buildings or of such repairs, remodeling or additions; and to call for bids and award contracts for such work. The Board has authority to erect any new building, or to make repairs or additions to, or changes in any building already constructed, without letting the same to contract, or by employing thereon the labor of the inmates of any institution of the State, whenever in the judgment of the Board the best interests of the State will be subserved thereby. 7/

(h) All moneys and funds belonging to the State which come into the possession or under the control of the superintendent, head officer, or other officer of any of the institutions under the control and management of the State Board of Control in whole or in part, or the fiscal or financial affairs of which are subject to the control and management of the Board of Control must be paid to the treasurer of said Board monthly on or before the 10th day of the month succeeding the month in which such moneys or funds were received under such rules and regulations as the Board may prescribe. The State Board of Control must cause such moneys and funds to be paid into the State Treasury immediately in the manner as provided by law. 8/

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5. West Virginia Code Ann. (1932), Sec. 2583
6. Ibid, Sec. 2585
7. Ibid, Sec. 2586
8. Ibid, Sec. 2590

1. General Powers and Duties (Cont'd)

(i) The State Board of Control must keep a proper and complete set of books and accounts with each institution which shall clearly show every expenditure authorized and made thereat. It must in conjunction with and subject to the approval of the chief inspector of public offices prescribe the form of vouchers, records and methods of keeping accounts at and by each of the institutions under its control and management. The Board or any member thereof has the power to investigate the conditions and to examine and check the records of any of said institutions at any time. 9/

(j) The State Board of Control prescribes the records to be kept for statistical and other purposes in the several institutions and must require a copy of such record to be transmitted to it for the preceding month and must keep in its office in a bound book a copy of every report that it may require from the chief officers of any institution. The Board has the authority to assemble the chief officers of the institution or any of them at its office for the purpose of discussing any question which may be common to their welfare. 10/

(k) A hospital, other than a state hospital, doing charity work, files with the Board of Control every three months, itemized bills for all charity cases treated during the preceding three months. The bills must be made out on the forms and at the rates fixed by the Board of Control. Sixty days are allowed for filing the bills after which time the board of control audits them and pays all proper claims. If, however, the aggregate of all claims filed exceeds one-fourth the amount appropriated for the year then the Board may apportion the said one-fourth appropriated so that each claim will receive its pro-rata share. Provided, however, that no claim for treatment of a charity case shall be considered unless the Board has received notice from the hospital at the time of receiving the charity patient, said notice to be on forms prescribed by and to contain such information as may be required under rules and regulations of the Board. The Board is authorized to limit the number of patients that may be received as charity cases by any one hospital. 11/

(l) No private hospital for the care and treatment of the insane or mental defectives for compensation may be established unless a permit therefor has first been obtained from the Board of Control. The Board of Control may make such terms and regulations in regard to the conduct of such hospitals as it may think proper and necessary. The Board of Control, or any member thereof, or any person authorized by the Board to do so, has full authority to investigate and inspect such private hospital; and the Board of Control may revoke the permit of any such hospital for good cause, after reasonable notice to the superintendent or other person in charge thereof. 12/

9. West Virginia Code Ann. (1932), Sec. 2594

10. Ibid, Sec. 2595

11. West Virginia Acts (1935), Chap. 9, Title II, Sec. 14

12. West Virginia Code Ann. (1932), Sec. 2682

4613. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

2. Composition and Appointment of Governing Body

The State Board of Control consists of three members appointed by the Governor by and with the advice and consent of the Senate, not more than two of whom may at any one time belong to the same political party. The members serve six-year terms at a salary of \$5,000 per annum and actual expenses, and are eligible for re-appointment. 13/

The members must give their full time to the discharge of the duties of their office. The President and Treasurer are elected from the membership of the Board. 13/

Each member must pay a bond of \$10,000, except the Treasurer, whose bond is \$50,000. In the absence or disability of the President or Treasurer their duties may be performed by another member of the Board. 14/

3. Reports

The Board must make a report to the State Auditor from time to time as may be necessary, stating the name of each person employed at all non-educational institutions under its control, along with his official designation and rate of compensation per month, and out of what funds or appropriations same is payable. 15/

The Board must report biennially to the Governor, showing the condition of all institutions under its control. 16/ Report must incorporate suggestions respecting legislation for the benefit of the several institutions under its care, and must make estimates of the appropriations which in its opinion, are necessary. 16/

4. Executive

The Board must appoint a competent Secretary, which office may be combined with that of Treasurer. 16/

5. Staff

The Board must appoint such clerical and other assistants as may be necessary to the proper conduct of its business. The salaries or compensations of employees are fixed by the Board. No salaries or compensation may be increased to exceed the amount appropriated by the legislature. 16/

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13. West Virginia Code Ann. (1932), Sec. 2578; (1933 Supp.), Sec. 331 (4)
14. West Virginia Code Ann. (1932), Sec. 2580
15. Ibid, Sec. 2682
16. Ibid, Secs. 2578, 2596

5. Staff - (Cont'd.)

The Governor must, by and with the advice and consent of the senate, appoint a warden for the penitentiary and a superintendent for each of the institutions under the management and control of the Board. The person appointed as superintendent of those institutions which are maintained solely for members of the Negro race must be a member of such race. 17/

The superintendent of each institution and the warden of the penitentiary have the power to appoint all assistants and employees required for the management of the institution in his charge; but the number of such assistants and employees, and their compensation must first be fixed by the State Board of Control. The warden of the penitentiary and the superintendent of any institution may, at his pleasure, discharge any person therein employed. It is the duty of the Board of Control to investigate any complaint made against the chief executive officer of any institution, and also against any other officer or employee thereof, if the same has not been investigated. The Board has the power to recommend to the governor the removal of any such chief executive officer, or other officer or employee, setting forth in such recommendation the reasons for the same. 18/

The Board shall fix the salaries (other than those specified by law) of the officers of the institutions. The chief officer is furnished living quarters, household furniture, board, fuel, and light for himself and his family. Living quarters, household furniture, board, fuel and light are furnished to such other officers as is made necessary by the character of their service and the Board of Control designates those who shall receive the foregoing in addition to their salary. 19/

The State Board of Control has authority to cause the head officer or any other officer of any institution under its control or management in whole or in part, or any of its own employees, to give bond, in such penalty as the board may deem proper. 19/

6. Financial Provisions

Appropriations are made from the general fund of the State.

Amount of Appropriation: The sum of \$130,466 is appropriated for the period July 1, 1935 to June 30, 1937.

17. West Virginia Code Ann. (1932) Sec. 2588
18. Ibid, Sec. 2588
19. Ibid, Sec. 2589

4615. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

6. Financial Provisions (Cont'd)

Limitation of Funds: 20/

Personal Services	\$ 65,572
Current Expenses	13,594
Equipment	1,300
Reimbursements to Hospitals (other than state) for charity cases, personal services, current expenses, and capital outlay	50,000
Total	\$ 130,466

The following provisions, powers and duties are
specifically applicable to the institutions indicated.

1. Superintendent of Children's Home

1. General Powers and Duties

(a) Superintendent:

The powers and duties of the Superintendent are not
specified by statute.

(b) State Board of Control:

(1) The State Board of Control must admit to the care
and custody of the home white children surrendered or committed to the
home in any manner authorized by law, and such children must be kept,
maintained and educated there until they can be placed by legal author-
ity in homes elsewhere. 21/

(2) The State Board of Control makes such rules and
regulations relative to the instruction, discipline, employment, and dis-
position of the children in the home, not contrary to law, as it may deem
proper. 22/

20. West Virginia Acts, (1935), Chap. 9, Title II, Sec. 1

21. West Virginia Code Ann. (1932), Sec. 2627

22. Ibid, Sec. 2628

2. Financial Provisions

This home is financed by appropriations from the State
general fund.

Amount of Appropriation:

The sum of \$87,153.20 is appropriated to the West
Virginia Children's Home for the period July 1, 1935 to June 30, 1937. 23/

Limitation of Funds:

From Collections (no limitation as to expenditure) <u>24/</u>	\$ 13,000.00
Personal Services	16,956.00
Current Expenses	52,247.20
Equipment	<u>4,950.00</u>
Total	\$ 87,153.20

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23. West Virginia Acts, (1935), Ch. 9, Title II, Sec. 1
24. The county court of every county must pay into the State Treasury at the rate of \$50 a year on account of each child from the county who shall be committed to the State Department of Public Welfare and maintained at the expense of said department or of the West Virginia Children's Home or the West Virginia Colored Children's Home. But in all cases of children so committed and maintained, the parent, if of sufficient means, or the guardian, where the child has sufficient estate, must annually reimburse the county the amount paid into the State Treasury, as provided, on account of such child and the county court of such county has the right to recover the same of such parent or guardian in any court of competent jurisdiction. West Virginia Code Ann. (1932), Sec. 4843.

4617. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

2. Superintendent of Colored Children's Home

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified
by statute.

(b) State Board of Control:

(1) The State Board of Control must admit to the care and custody of the West Virginia Colored Children's Home, orphan colored children under 16 years of age, other colored children of like age who may be surrendered to said home by their parents, or surviving parent if one be dead, in case such parent or parents are invalids, and such other colored children as may be surrendered or committed to the home in any other manner authorized by law. Such children must be kept, maintained and educated in said home until they can be placed by legal authority in suitable homes elsewhere. 25/

(2) The State Board of Control makes such rules and regulations relative to the instruction, discipline, employment, and disposition of the children in the home, not contrary to law, as said Board may deem proper. 26/

2. Financial Provisions

The West Virginia Colored Children's Home is financed by appropriations from the State general fund. 27/

Amount of Appropriation:

The sum of \$30,640.55 is appropriated to the Home for the period from July 1, 1935 to June 30, 1937. 28/

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25. West Virginia Code Ann. (1932), Sec. 2630
26. Ibid, Sec. 2631
27. See Footnote No. 24 - Superintendent of Children's Home
28. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

2. Financial Provisions (Cont'd)

Limitation of Funds:

From collections (no limitations as to expenditure) 27/	\$ 5,000.00
Personal Services	7,395.00
Current Expenses	16,463.10
Building	1,360.00
Equipment	422.45
Total	\$ 30,640.55

3. Superintendent of Home for Aged and Infirm

Colored Men and Women 29/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified
by statute.

27. See Footnote No. 24 - Superintendent of Children's Home

29. Any colored man or woman who, because of extreme old age, or because of feeble, infirm or impaired physical condition, is without means to support himself or herself, and has no relatives, friends, or organization upon whom or which to depend for care and support, is eligible for admission to the Home for the Aged and Infirm Colored Men and Women, provided his or her admission shall first have been recommended by the county Court of the county in which the individual seeking admission resided at the date of application therefor. West Virginia Code Ann. (1932), Sec. 2633

4619. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

2. Composition and Appointment of Governing Body

The Superintendent must be a citizen of the State and a person of good executive ability. 30/

3. Financial Provisions

Funds are appropriated for the Home from the general fund of the State. 31/

Amount of Appropriation:

The sum of \$48,060.85 is appropriated to the Home for the period from July 1, 1935 to June 30, 1937; and the sum of \$15,517 is appropriated from collections. 32/

Limitation of Funds:

	<u>1936-37</u>
From collections (no limitations as to expenditure)	\$ 15,517.00
Personal Services	10,444.80
Current Expenses	21,946.05
Equipment	153.00
Total	<u>\$ 48,060.85</u>

30. West Virginia Code Ann. (1932), Sec. 2632

31. The payment for the care and accommodation of any person who may be admitted to the Home shall be provided by the county court of the county which recommended his admission; and such county court shall also pay all just and proper charges for the transportation of such person to the Home. West Virginia Code Ann. (1932), Sec. 2634

32. West Virginia Acts (1935), Chapter 9, Title II, Sec. 1

4. Superintendents of

Hopemont and Pinecrest Sanitariums 33/

Denmar Sanitarium 34/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of superintendents not specified by statute.

(b) State Board of Health:

The State Department of Health has the advisory medical supervision of the Hopemont and Pinecrest Sanitariums and the Denmar Sanitarium. 35/

(c) State Board of Control:

(1) The State Board of Control has control of the business and fiscal affairs of the institutions. 35/

(2) State Board of Control prescribes schedules of rates to be paid by patients, and may make regulations for the reception of persons who are able to pay part but not all of the expenses of their care and treatment. 36/

2. Composition and Appointment of Governing Body

Superintendents must be legally qualified physicians of at least six year's experience in the practice of their profession and must be persons of good executive ability. 37/

33. White residents of the State afflicted with tuberculosis are admitted to the Hopemont and Pinecrest Sanitariums, and are divided into two classes, namely: (a) those who are unable to pay the expenses of their care and treatment; (b) those who are able to pay and must pay such expenses. West Virginia Code Ann. (1932), Sec. 2636.

34. Persons of the Negro Race who are residents of the State and afflicted with tuberculosis are admitted to the Denmar Sanitarium, and are divided into two classes, namely: (a) those who are unable to pay the expense of their care and treatment; (b) those who are able to pay and must pay such expenses. West Virginia Code Ann. (1932), Sec. 2638.

35. West Virginia Code Ann. (1932), Sec. 1272

36. Ibid, Sec. 2636

37. Ibid, Sec. 2635 and Sec. 2637

4621. West Virginia - Abstract of
Administrative Provisions
State Board of Control

2. Composition and Appointment of Governing Body (Cont'd)

The Superintendent of the Pinecrest Sanitarium and the Superintendent of the Hopemont Sanitarium each receives a salary of \$3,500 per annum. 38/ The Superintendent of the Denmar Sanitarium receives a salary of \$3,000 per annum. 39/

The State Department of Health has advisory medical supervision of the Sanitariums, and the State Board of Control has the control of the business and fiscal affairs thereof. 40/

3. Financial Provisions

Appropriations are received from the State general fund. 41/

Amount of Appropriation:

The sum of \$591,357 is appropriated to Hopemont Sanitarium for the period from July 1, 1935 to June 30, 1937; the sum of \$270,000 is appropriated from collections. 42/

For the same period there is appropriated to Pinecrest Sanitarium the sum of \$244,300 and \$100,000 from collections. 42/

The sum of \$78,638 is appropriated to Denmar Sanitarium for the period from July 1, 1935 to June 30, 1937, and \$30,000 from collections. 42/

Limitation of Funds:

HOPEMONT SANITARIUM 42/

	<u>1936-37</u>
From Collections (no limitation as to expenditure)	\$ 270,000
Personal Services	228,224
Current Expenses	320,000
Equipment	43,133
Total	\$ 861,357

38. West Virginia Code Ann. (1933 Supp.), Sec. 331 (4)

39. Ibid, Sec. 331 (4)

40. West Va. Code Ann. (1932), Sec. 1272

41. Money received from paying patients and from county or municipal corporations for patients admitted at the request of their respective governing authorities is paid into the State Treasury and appropriated to the institution by the legislature. West Virginia Code Ann. (1932), Sec. 2636; West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

42. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

3. Financial Provisions (Cont'd)

PINECREST SANITARIUM 43/

1936-37

From Collections (no limitation as to expenditure)	\$ 100,000
Personal Services	89,400
Current Expenses	105,850
Building	19,000
Equipment	30,050
Total	\$ 344,300

DENMAR SANITARIUM 43/

From Collections (no limitation as to expenditure)	\$ 30,000
Personal Services	34,360
Current Expenses	42,268
Equipment	2,010
Total	\$ 108,638

5. Superintendent of

Berkeley Springs Sanitarium 44/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified
by statute.

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43. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1
44. This institution is used for the treatment of persons afflicted
with rheumatism, diabetes, melitus, and other diseases for which
the waters from such springs are remedial. West Virginia Code Ann.
(1932), Sec. 2639

4623. West Virginia - Abstract of
Administrative Provisions
State Board of Control

1. General Powers and Duties (Cont'd)

(b) State Board of Control:

(1) The Board establishes a schedule of fees to be paid by patients admitted to the institution, and establishes rules and regulations for the admission of patients not pecuniarily able to pay for treatment, to whom free treatment must be granted. 45/

(2) The State is authorized to receive gifts or appropriations from the United States government or from any other source for the purposes of the Sanitarium, and the State Board of Control is authorized to enter into any reasonable agreements respecting the expenditure of the same and the management of the institution. 46/

(3) The State Board of Control may make such disposition of the surplus water from the springs, not needed for public use, as it may deem most advantageous to the interests of the State. 47/

2. Financial Provisions

Appropriations to the Sanitarium are made from the general fund of the State.

Amount of Appropriation:

The sum of \$33,600 is appropriated to Berkeley Springs Sanitarium for the period from July 1, 1935 to June 30, 1937. 48/

Limitation of Funds:

	<u>1936-37</u>
From Collections (no limitations as to expenditure) <u>49/</u>	\$ 11,800
Personal Services	7,000
Current Expenses	9,800
Buildings	5,000
Total	<u>\$ 33,600</u>

45. West Virginia Code Ann. (1932), Sec. 2641

46. Ibid, Sec. 2642

47. Ibid, Sec. 2640

48. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

49. Collections from paying patients are paid into the State Treasury and appropriated to the Sanitarium by the legislature. West Virginia Code Ann. (1932), Sec. 2641

6. Superintendents of Welch, McKendree and
Fairmont Emergency Hospitals
(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

The powers and duties of the superintendent are not specified by statute.

(b) State Board of Control:

(1) The State Board of Control must admit to the emergency hospitals, under its rules and regulations, persons requiring hospital care, and must treat free of charge persons accidentally injured in the State while engaged in their usual employment, but preference at all times must be given to persons accidentally injured. 50/

(2) The State Board of Control prescribes rules and regulations for the admission of deformed, crippled, or otherwise defective children to the emergency hospitals for surgical or orthopedic treatment and care. The rules and regulations must provide for the treatment and care of such children at the emergency hospitals free of charge, when it is shown that the parents or guardians of such children are citizens of the State and are financially unable to procure or provide surgical or orthopedic care for them. 51/

2. Composition and Appointment of Governing Body

Each Superintendent must be a legally qualified physician with at least six years experience in the practice of his profession and must be a person of good executive ability. 52/

The Superintendent of the Welch Emergency Hospital receives a salary of \$4,800 per annum, and the Superintendent of the McKendree Emergency Hospital receives a salary of \$4,000 per annum. 53/

3. Financial Provisions

Appropriations are made for these hospitals from the general fund of the State.

50. West Virginia Code Ann. (1932), Sec. 2644

51. Ibid, Sec. 2645

52. Ibid, Sec. 2643

53. West Virginia Code Ann. (1933), Supp. Sec. 331 (4)

4625. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

3. Financial Provisions (Cont'd)

Amount of Appropriations:

The sum of \$112,640 is appropriated to Welch Emergency Hospital for the period July 1, 1935 to June 30, 1937. 54/

There is appropriated for the same period for the McKendree Emergency Hospital the sum of \$114,875. 54/

There is appropriated for the same period for the Fairmont Emergency Hospital the sum of \$98,002. 54/

Limitation of Funds:

WELCH EMERGENCY HOSPITAL

From Collections (no limitation as to expenditure) <u>55/</u>	\$ 40,600
Personal Services	26,608
Current Expenses	42,852
Equipment	2,580
Total	\$112,640

McKENDREE EMERGENCY HOSPITAL

From Collections (no limitation as to expenditure) <u>55/</u>	\$ 44,300
Personal Services	27,720
Current Expenses	37,535
Equipment	5,320
Total	\$114,875

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54. West Virginia Acts, (1935), Ch. 9, Title 2, Sec. 1
55. All monies collected from paying patients and the Workmen's Compensation Commissioner must be paid into the State Treasury through the State Board of Control, the Workmen's Compensation Commissioner paying to the Emergency Hospitals for treatment the same fees and expenses, out of the Workmen's Compensation Fund, as would be paid to private hospitals for similar treatment. West Virginia Code Ann. (1932), Sec. 2645

3. Financial Provisions (Cont'd)

Limitation of Funds: (Cont'd)

FAIRMONT EMERGENCY HOSPITAL

From Collections (no limitation as to expenditure) 56/	\$ 25,500
Personal Services	28,892
Current Expenses	38,814
Equipment	4,796
Total	\$ 98,002

7. Superintendents of Weston, Spencer, and

Huntington State Hospitals

and Lakin State Hospital 57/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

(1) The Superintendent of the hospital to whom application is made by the County Mental Hygiene Commission must on receipt of such application carefully consider the same, and if he is of the opinion that the person named is a proper one to be admitted to his institution and there is room for him therein, he must without delay cause such person to be brought to his hospital by one of the attendants thereof. If there is no room in the hospital to which the application is made the Superintendent must communicate the fact to the Board of Control and transmit the commitment papers to the Board of Control whose duty it is to ascertain whether there is room in any one of the other hospitals, and if there is, to cause such person to be admitted thereto. 58/

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56. All monies collected from paying patients and the Workmen's Compensation Commissioner must be paid into the State Treasury through the State Board of Control, the Workmen's Compensation Commissioner paying to the Emergency Hospitals for treatment the same fees and expenses, out of the Workmen's Compensation Fund, as would be paid to private hospitals for similar treatment. West Virginia Code Ann. (1932), Sec. 2645
57. The Lakin State Hospital is used for the care and treatment of colored persons. West Virginia Code Ann. (1932), Sec. 2648
58. West Virginia Code Ann. (1932), Sec. 2667

4627. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(2) The Superintendent and one other physician, constituting the examining board of such institution, must when a committed person is received in a hospital, carefully examine such person. If such person is found not to be a proper person to be received in such hospital, or if in the opinion of the examining board such person is not insane, the Superintendent must cause him to be returned by an attendant to the sheriff of the county from which he was received. 59/

(3) The Superintendent must give notice to the clerk of the court and deliver to the proper officer upon the order of the court, any person confined in a State hospital, charged with crime and subject to be tried therefor, or convicted of crime and subject to be punished therefor, who is restored to sanity. 60/

(4) The Superintendent must give any patient restored to sanity a certificate of restoration and discharge him from custody. Any patient out on parole or on bond or otherwise temporarily released from a hospital, who has been restored to sanity, may present himself to the Superintendent and if after examination the Superintendent finds him sane, he must give him a certificate of restoration and a discharge. 61/

59. West Virginia Code Ann. (1932), Sec. 2668

60. Ibid, Sec. 2674

61. Any person who has been found insane by a County Mental Hygiene Commission or any other board or tribunal other than a circuit court, and any person who is confined in any hospital or other place of confinement or otherwise restrained of his liberty in violation of law, or a patient who has been restored to sanity and to whom the Superintendent of the hospital refuses to give a certificate of restoration and discharge, may present a petition in his behalf to the circuit court of the county in which the hospital is located in case of a patient denied certificate of restoration, and in other cases to the circuit court of the county in which the person is so confined or is in custody, stating the facts. The courts must treat such petition as an application for a writ of habeas corpus, so far as applicable and necessary, and cause such process to issue as the court may deem proper. If the person is found sane or found to be held in custody in violation of law, he shall be discharged. West Virginia Code Ann. (1932), Sec. 2675.

1. General Powers and Duties (Cont'd)

(b) State Board of Control

(1) The Board of Control has the authority to prepare, prescribe, and have printed forms to be used in committing patients to any of the State insane hospitals; and in order to make provisions in cases of scarcity of rooms, to divide into classes patients to be admitted thereto, so that admission is according to the relative need of patients for medical care and treatment; and, for the same reason, to cause to be returned to relatives, or to the counties from which they came, patients who are harmless and incurable, including dotards, feeble-minded, imbeciles, and idiots. 62/

(2) The State Board of Control has the authority to make and adopt rules and regulations not contrary to law, regulating the admission of patients to the State hospitals, the care, maintenance and treatment of patients therein, and the release, parole and discharge of patients therefrom. 63/

(3) Any resident of the State who is in the early stages of insanity or believes himself about to become insane, or any epileptic who is not insane, or any other person so afflicted as to believe that treatment in one of the said hospitals would be beneficial to him, may make application to the Board of Control for the benefit of treatment in one of the State Hospitals, as a voluntary patient. The Board of Control may require the certificate of one or more physicians and such other evidence of the mental and bodily condition of the applicant as the Board may think proper; and it may admit him for treatment in any State Hospital upon such terms and conditions and with such security for the payment of the price agreed upon for treatment and maintenance therein as the Board may deem proper. A voluntary patient may be discharged upon the certificate of the Superintendent of the Hospital because he is cured or because further treatment is unnecessary or undesirable. A voluntary patient has the right to leave the Hospital at any time if, in the judgment of the Superintendent, he is in fit condition and it is prudent for him to go at large, by giving five days notice of his desire to do so. 64/

62. West Virginia Code Ann. (1932), Sec. 2652

63. West Virginia Code Ann. (1932), Sec. 2651

64. Any relative or friend of any such person may make application to the Board of Control for his treatment in a State Hospital and the Board of Control may take such action, as far as applicable, as though the application were made by the person himself. West Virginia Code Ann. (1932), Sec. 2669.

4629. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(b) State Board of Control: (Cont'd)

(4) The Governor and the Board of Control each have the authority to have anyone of the said hospitals inspected or investigated by an expert or experts at any time either may think necessary. 65/

(5) The Board of Control must take proper steps to cause aliens committed or detained as inmates of a hospital to be deported and cause any non-resident of the State so detained or committed to be taken to the state, territory, or place of his residence and delivered to the proper authorities thereof. 66/

2. Composition and Appointment of Governing Body

The Superintendent of the Lakin State Hospital must be a legally qualified physician of at least six years experience in the practice of his profession and a person of good executive ability. 67/

The Superintendent of the Weston State Hospital and the Superintendent of the Huntington State Hospital each receives \$4,000 per annum. The Superintendent of the Spencer State Hospital receives \$3,600 per annum. 68/

3. Financial Provisions

The State Insane Hospitals are financed by appropriations from the State general fund.

Amount of Appropriation:

The sum of \$562,266 is appropriated to Weston State Hospital for the period from July 1, 1935 to June 30, 1937.

For the same period there is appropriated to Spencer State Hospital \$332,587; likewise, the sum of \$424,023 is appropriated to Huntington State Hospital.

The sum of \$145,774 is appropriated to Lakin State Hospital for the period from July 1, 1935 to June 30, 1937. 69/

65. West Virginia Code Ann. (1932), Sec. 2653

66. Ibid, Sec. 2672

67. Ibid, Sec. 2650

68. West Virginia Code Ann. (1933 Supp.), Sec. 331 (4)

69. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

3. Financial Provisions (Cont'd)

Limitation of Funds:

WESTON STATE HOSPITAL 70/

From Collections (no limitation as to expenditure) 71/	\$ 43,000
Personal Services	211,036
Current Expenses	297,728
Equipment	10,502
Total	\$562,266

SPENCER STATE HOSPITAL

From Collections (no limitation as to expenditure) 71/	\$ 50,000
Personal Services	85,000
Current Expenses	160,187
Building	7,400
Equipment	30,000
Total	\$332,587

HUNTINGTON STATE HOSPITAL

From Collections (no limitation as to expenditure) 71/	\$120,200
Personal Services	117,021
Current Expenses	171,638
Equipment	15,164
Total	\$424,023

LAKIN STATE HOSPITAL

From Collections (no limitation as to expenditure) 71/	\$ 15,000
Personal Services	47,928
Current Expenses	80,296
Equipment	2,550
Total	\$145,774

4631. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

3. Financial Provisions (Cont'd)

Limitation of Funds (Cont'd)

70. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

71. Actual expenses incurred in the transportation of patients to the State hospitals must be paid out of the proper fund of the hospital and repaid to the State by the county. West Virginia Code Ann. (1932), Sec. 2667.

Every county must pay into the State Treasury the sum of \$50 a year for every epileptic, idiot, imbecile, feeble-minded person, mental defective, or other incurable defective, heretofore or hereafter admitted as a patient or inmate to a State Hospital or Training School, but no county is required to pay the State for the maintenance of any insane person proper, any other provision to the law notwithstanding. Ibid, Sec. 2677. All such monies the County Court may recover within five years after payment of the same by the county or from the time the county became liable therefor. Ibid, Sec. 2678.

The guardian or committee of the patient or inmate must pay the county of which his ward is a resident, if he has sufficient estate in his hands to do so; if he has no estate, or it is insufficient, recovery is obtained from certain specified relatives. Ibid, Sec. 2678.

The County Court may exonerate from payment of the same or from a part thereof, the person liable to the county, if the Court deems it just and equitable or expedient under all circumstances of the case. Ibid, Sec. 2679.

8. Superintendent of Training School 72/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

(1) It is the duty of the Superintendent to refuse admission to the school to any person unless the requirements of the law in regard to admission have been complied with. 73/

72. Mental defectives: type of persons commonly classed as feeble-minded, including idiots, imbeciles, and morons, and any person with mental defectiveness from birth or an early age, so pronounced that he or she is unable to care for himself or herself and manage his or her affairs with ordinary prudence, and who because of mental defects is a menace to the happiness and welfare of himself or herself or of others in the community and requires care, training or control for the protection of himself or herself or of others, and yet who is not insane. If the school at any time is not able to accommodate all persons who are mental defectives, preference in admission must be given to children and women of child-bearing age. West Virginia Code Ann. (1932), Sec. 2685.

73. Mental defectives are admitted to the West Virginia Training School in the following manner:
The County Mental Hygiene Commission has jurisdiction of all applications for commitment of persons to said school. Any relative of a person affected may make application, by complaint under oath, to have the person adjudged a mental defective; but when the relatives of a mentally defective person either neglect or refuse to place such person in said school, or in some private institution of a like nature, and permit him or her to go at large, then any reputable citizen of the county may, by complaint under oath, make application to the Mental Hygiene Commission for such commitment. When application is filed for commitment of an alleged mentally defective person, the Commission appoints two physicians to examine such person and determine whether or not he is mentally defective. Where the court of the State has on trial before it a prisoner for an offense, and the judge has cause to believe that the prisoner is mentally defective, he may appoint two physicians to examine the prisoner, to ascertain whether or not he is in reality mentally defective; and, if such physicians pronounce the prisoner to be mentally defective, the judge may commit him to said school. (West Virginia Code Ann. (1932), Sec. 2686.)
When any person is found insane or to be a mental defective by any court or by the County Mental Hygiene Commission, or is committed to a State Hospital by the county court, the county court shall appoint a committee for him. (West Virginia Code Ann. (1932), Sec. 2689)

4633. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(2) When, in the judgment of the Superintendent, a patient or inmate of the school, under the treatment and training given therein, improves mentally and physically to such an extent as no longer to constitute a menace to himself or others, the Superintendent has the right and it is his duty to parole such person, under such rules and regulations as the Board of Control may prescribe. 74/

(3) The training and treatment of persons admitted to the school must be along such educational, medical and industrial lines as have proved most effective in approved institutions for mental defectives. The medical staff of the institution is authorized to administer such medical treatment and perform such surgical operations for the inmates of the school as may be necessary and expedient for the cure and prevention of mental defectiveness or disease. 75/

2. Composition and Appointment of Governing Body

The Superintendent must be a legally qualified physician, scientifically trained in mental medicine and of not less than five years experience in the treatment and care of insane persons and mental defectives. 76/

3. Financial Provisions

The West Virginia Training School is financed by appropriations from the State general fund.

Amount of Appropriation:

The sum of \$83,727 is appropriated to the Training School for the period from July 1, 1935 to June 30, 1937. 77/

Limitation of Funds:

From Collections (no limitations on expenditure) <u>78/</u>	\$ 7,600
Personal Services	27,200
Current Expenses	34,400
Buildings	8,375
Equipment	6,152
Total	<u>\$83,727</u>

74. West Virginia Code Ann. (1932), Sec. 2688

75. Ibid, Sec. 2687

76. Ibid, Sec. 2683

77. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

78. Every county must pay into the State Treasury at the rate of \$50 per annum for every mental defective or other incurable defective admitted as a patient or inmate to the Training School from such county. (West Virginia Code Ann. (1932), Sec. 2677) All expenses connected with the commitment of persons and the conveying of such mentally defective persons to the school must be borne by the county of which such persons are residents. (West Virginia Code Ann. (1932), Sec. 2686)

9. Superintendent of Industrial School for Boys 79/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified by statute.

(b) State Board of Control

(1) The State Board of Control has the authority to make such rules and regulations for the instruction, discipline, training, employment, and disposition of the boys of the school and their transportation to and from the school not contrary to law, as it may deem proper. 80/

79. The West Virginia Industrial School for Boys is exclusively charged with the care, training and reformation of white male youths committed to its custody. West Virginia Code Ann. (1932), Sec. 2697.

Commitment to the Industrial School shall be by any juvenile or domestic relations court of competent jurisdiction or by any court of record of competent jurisdiction of the State or of the United States for the districts of West Virginia. No youth shall be committed to such school as an inmate thereof who is of unsound mind, or imbecile, or idiotic, or epileptic. West Virginia Code Ann. (1932), Sec. 2698.

The Judge of the Court, from which the boy is convicted, in his discretion, instead of sentencing such youth to be confined in the penitentiary or the County Jail may order him to be removed to and confined in the West Virginia Industrial School for Boys, there to remain until he shall have attained the age of 21 years, unless sooner discharged or paroled by the State Board of Control. Any male youth between the ages of 10 and 18 years of age convicted in any of the Courts of the United States for the district of West Virginia of any offense punishable by imprisonment may also be received in the said school upon such regulations and terms as to his maintenance and support as may be prescribed by the State Board of Control and assented to by proper authorities of the United States. West Virginia Code Ann. (1932), Sec. 2699.

80. Ibid, Sec. 2701

4635. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(b) State Board of Control (Cont'd)

(2) The State Board of Control has authority under such rules and regulations as it may prescribe to grant on the recommendation of the Superintendent a discharge or parole to any inmate of the Industrial School but while such inmate is on parole and until he is discharged according to law he must remain in the legal custody of the Board of Control and subject at any time to be returned to the Industrial School if in the judgment of the Board the interests of such paroled inmate are best served thereby. 81/

(3) In any case where a youth is committed to the Industrial School for an offense punishable by confinement in the penitentiary, and it is found by the State Board of Control that the Industrial School is unable to benefit such youth and that his presence is a detriment or menace to other youths in the institution, or to the general good of the school, he may be returned to the court by which he was committed to the school, and such court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it might have passed had it not committed him to the Industrial School. 82/

2. Financial Provisions

The Industrial School for Boys is financed by appropriations from the State General Fund.

The expense incurred in conducting a youth to the Industrial School, including transportation and other necessary traveling expenses of the youth and his conductor must be paid by the county from which the youth was committed to the school. 83/

Amount of Appropriation:

The sum of \$231,888.50 is appropriated to the Industrial School for the period from July 1, 1935 to June 30, 1937. 84/

The sum of \$22,578.50 is appropriated from unexpended balances for the fiscal year 1935-6 for the purpose of building a filtration plant. This appropriation however is contingent upon the Federal Government granting an equal or greater amount for the same purpose. 85/

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81. West Virginia Code Ann. (1932), Sec. 2702
82. Ibid, Sec. 2703
83. Ibid, Sec. 2700
84. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1
85. Ibid, Sec. 2

2. Financial Provisions (Cont'd)

Limitation of Funds: 86/

From Collections (no limitations as to expenditures)	\$ 34,000.00
Personal Services	84,280.00
Current Expenses	90,358.50
Buildings	13,800.00
Equipment	9,450.00
Total	\$231,888.50

10. Superintendent of

Industrial School for Colored Boys 87/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified by statute.

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86. The County Court of every county must pay into the State Treasury the sum of \$50 per year on account of each youth of the county who is received into the Industrial School on proper commitment but in all cases of youths received into such school the parent, if of sufficient means, or the guardian, where the youth has sufficient estate, must annually reimburse the county the amount paid into the State Treasury on account of such youth and the County Court of such county has the right to recover the same of such parent or guardian in any court of competent jurisdiction. West Virginia Code Ann. (1932), Sec. 2705.
87. The West Virginia School for Colored Boys is exclusively charged with the care, training, and reformation of colored male youths of the State committed to its custody. West Virginia Code Ann. (1932), Sec. 2708. Commitment to the Industrial School is made by any juvenile or Domestic Relations Court of competent jurisdiction or by any court of record of competent jurisdiction of the State or of the United States for the districts of West Virginia. No youth shall be committed to such school as an inmate thereof who is of unsound mind, or imbecile, or idiotic or epileptic. Ibid, Sec. 2698.

4637. West Virginia' - Abstract of
Administrative Provisions -
State Board of Control

1. General Powers and Duties (Cont'd)

(b) Board of Education:

The State and Negro Boards of Education are charged with the supervision and control over the educational affairs of the school. 88/

(c) Board of Control

(1) The State Board of Control has the authority to make such rules and regulations for the instruction, discipline, training, employment and disposition of the boys and the transportation to and from the school not contrary to law, as it may deem proper. 89/

(2) The State Board of Control has the authority, under such rules and regulations as it may prescribe, to grant, on the recommendation of the Superintendent, a discharge or parole to any inmate of the school; but while such inmate is on parole and until he is discharged according to law, he must remain in the legal custody of the Board of Control and subject at any time to be returned to the Industrial School, if in the judgment of the Board, the interests of such paroled inmate will best be served thereby. 90/

2. Financial Provisions

The Industrial School for Colored Boys is financed by appropriations from the State general fund.

Amount of Appropriation:

The sum of \$56,517 is appropriated to the West Virginia Industrial School for Colored Boys for the period from July 1, 1935 to June 30, 1937. 91/

88. West Virginia Code Ann. (1932), Sec. 2708

89. Ibid, Sec. 2701

90. Ibid, Sec. 2702

91. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1

2. Financial Provisions (Cont'd)

Limitation of Funds:

	<u>1936-37</u>
From Collections (no limitations as to expenditure) 92/	\$ 8,000
Personal Services	17,000
Current Expenses	30,000
Equipment	1,517
Total	\$56,517

11. Superintendent of the Industrial Home for Girls 93/

(Statutory Body)

1. General Powers and Duties

(a) Superintendent:

The powers and duties of the Superintendent are not specified by law.

92. The County Court of every County must pay into the State Treasury the sum of \$50 a year on account of each youth from the County who is received into the Industrial School on proper commitment, but in all cases of youths received into the school the parents, if of sufficient means, or the guardian, where the youth has sufficient estate, must annually reimburse the county the amount paid into the State Treasury on account of such youth and the County Court of such County has the right to recover the same from such parent or guardian in any court of competent jurisdiction. West Virginia Code Ann. (1932), Sec. 2708.
93. The home is exclusively charged with the care, training, and reformation of white girls between the ages of 12 and 18 years committed to its custody. West Virginia Code Ann. (1932), Sec. 2710 and 2711. Commitment to the home is made by any juvenile or domestic relations court of competent jurisdiction for any of the causes and in the manner as prescribed by law for dealing with delinquent children, or by any court of record of competent jurisdiction of the State or of the United States. However, no girl shall be committed to such home who is of unsound mind, or imbecile, or idiotic, or epileptic. Ibid, Sec. 2711. If, after the admission of any girl to the Industrial Home, it is discovered that she was pregnant, or had syphilis, gonorrhea, or any other infectious disease at the time of her commitment, or was otherwise ineligible for admission, or should she become incorrigible or unmanageable, such girl may be returned to the Court or Judge by whom she was committed to the home, or, at the discretion of the State Board of Control, may be transferred temporarily to some other institution for care or treatment, or otherwise disposed of as the Board may deem best. Ibid, Sec. 2716.

1. General Powers and Duties (Cont'd)

(b) State Board of Control:

(1) The State Board of Control has authority to make such rules and regulations for the instruction, discipline, training, employment, and disposition of the girls of the home, and their transportation to and from the home, not contrary to law, as it may deem proper. 94/

(2) The State Board of Control may make agreements for the maintenance of girls eligible for admission to the home who are admitted thereto at the instance of their parents, guardians or next friends. All such girls are subject to the same treatment, training and discipline as the other inmates of the home, and may be discharged or paroled only in such manner and under such rules and regulations as are provided for those who have been regularly committed. 95/

(3) The State Board of Control has authority to transfer any girl who is an inmate of the Industrial Home, who is insane, or an imbecile, or an idiot, to any State institution charged with the care and treatment of such persons; to transfer any girl in such home who is blind or deaf, or whose sight or hearing is so impaired as to make her transfer desirable to the schools for the deaf and blind; to transfer to the Fairmont or Welch Emergency or the Huntington State Hospital any girl infected with syphilis or gonorrhea; and to transfer to the Florence Crittendon Home any girl who is pregnant. 96/

(4) The State Board of Control has the authority under such rules and regulations as it may prescribe, to grant, on the recommendation of the superintendent, a discharge or parole to any inmate of the Industrial Home; but while any inmate of the Industrial Home is on such parole, and until she is finally discharged, she remains in the legal custody of the Board, and is subject to be returned to the home at any time when, in the judgment of the Board, the interests of such paroled inmate will best be served thereby. 97/

(5) The State Board of Control, upon finding that the home is unable to benefit a girl committed to it for an offense punishable by confinement in the penitentiary, and that her presence is a detriment or menace to the other girls in the institution, or to the general good of the home, may return such girl to the custody of the court by which she was committed to the home, and thereupon the court shall pass such sentence upon her as to confinement in the penitentiary as may be proper. 98/

94. West Virginia Code Ann. (1932), Sec. 2719

95. Ibid, Sec. 2718

96. Ibid, Sec. 2717

97. Ibid, Sec. 2720

98. Ibid, Sec. 2721

1. General Powers and Duties (Cont'd)

(b) State Board of Control: (Cont'd)

(6) The State Board of Control has the power to bind out such girls committed to the Industrial Home as apprentices, until they attain the age of twenty-one years, to learn some proper trade, business or calling, upon such terms as shall be advantageous to such girls; but such girls shall be bound only to those whose characters are above reproach, and who reside within the State. 99/

2. Staff

All officers, agents and servants for the internal management of the home must be women. 100/

3. Financial Provisions

This Home is financed by appropriations from the State general fund.

Amount of Appropriation: 101/

The sum of \$102,542 is appropriated to the West Virginia Industrial Home for Girls, for the period July 1, 1935 to June 30, 1937.

Limitation of Funds: 101/

From Collections (no limitation as to expenditure) <u>102/</u>	\$ 18,000
Personal Services	38,000
Current Expenses	42,962
Buildings	800
Equipment	2,780
Total	\$102,542

99. West Virginia Code Ann. (1932), Sec. 2728

100. Ibid, 2710

101. West Virginia Acts, (1935), Ch. 9, Title II, Sec. 1

102. The County Court of every county must pay into the State Treasury the sum of \$50 a year on account of each girl from the county who shall be received into the Industrial Home on proper commitment. But in all cases of girls received into the home, the parent, if of sufficient means, or the guardian, where the girl has sufficient estate, shall annually reimburse the county the amount paid into the State Treasury as prescribed above, on account of such girl, and the county court of such county shall have the right to recover the same of such parent or guardian in any court of competent jurisdiction. West Virginia Code Ann. (1932), Sec. 2725.

4641. West Virginia - Abstract of
Administrative Provisions -
State Board of Control

12. Superintendent of Industrial Home for
Colored Girls 103/

1. General Powers and Duties

(a) Superintendent:

Powers and duties of Superintendent not specified by statute.

(b) Boards of Education:

The State Board of Education and the Negro Board of Education sitting as one body are charged with the supervision and control of the educational affairs of the home. 104/

(c) State Board of Control:

(1) The State Board of Control has the authority to make such rules and regulations for the instruction, discipline, training, employment, and disposition of the girls of the home, and their transportation to and from the home not contrary to law as it may deem proper. 105/

103. The Home is exclusively charged with the care, training and reformation of colored girls between the ages of 12 and 25 committed to its custody. West Virginia Code Ann. (1932), Secs. 2711, 2732.

Commitment to the Home is made by any Juvenile Court or Domestic Relations Court of competent jurisdiction for any of the causes and in the manner prescribed by law for dealing with delinquent children, or by any court of record of competent jurisdiction of the State or of the United States for the districts of the State. However, no girl shall be committed to such home as an inmate thereof who is of unsound mind, or an imbecile, or idiotic, or epileptic. Ibid, Sec. 2711.

If, after the admission of any girl to the Home it is discovered that she was pregnant, or had syphilis, gonorrhea, or any other infectious disease at the time of her commitment or was otherwise ineligible for admission, or should she become incorrigible or unmanageable, such girl may be returned to the Court or Judge by whom she was committed to the Home, or at the discretion of the State Board of Control may be transferred temporarily to some other institution for care or treatment or otherwise disposed of as said Board may deem best. Ibid, Sec. 2716

104. West Virginia Code Ann. (1932), Sec. 2732

105. Ibid, Sec. 2719

1. General Powers and Duties (Cont'd)

(c) State Board of Control (Cont'd)

(2) The State Board of Control may make agreements for the maintenance of girls eligible for admission to the home who are admitted thereto at the instance of their parents, guardians, or next friends. All such girls are subject to the same treatment, training, and discipline as the other inmates of the home and shall be discharged or paroled only in such manner and under such rules and regulations as are provided for those who have been regularly committed. 106/

(3) The State Board of Control has authority to transfer any girl, who is an inmate of the Industrial Home, who is insane or an imbecile or an idiot, to any of the institutions charged with the care and treatment of such persons; to transfer any girl in such home who is blind and deaf, or whose sight or hearing is so impaired as to make desirable a transfer to the School for the Colored Deaf and Blind; to transfer to Fairmont Emergency Hospital, Huntington State Hospital or Welch Emergency Hospital, any girl infected with syphilis, gonorrhea, or any other infectious disease, and to transfer to the Florence Crittenden Home any girl who is pregnant. 107/

(4) The State Board of Control has the authority under such rules and regulations as it may prescribe to grant on the recommendation of the Superintendent, a discharge or parole to any inmate of the Industrial Home for Colored Girls; but while any inmate is on such parole and until she is finally discharged she must remain in the legal custody of the Board and is subject to being returned to the home at any time when, in the judgment of the Board, the interests of such paroled inmate will best be served thereby. 108/

(5) The State Board of Control, upon finding that the home is unable to benefit a girl committed to it for an offense punishable by confinement in the penitentiary, and that her presence is a detriment or menace to the other girls in the institution, or to the general good of the home, may return such girl to the custody of the court by which she was committed to the home, and thereupon the court shall pass such sentence upon her as to confinement in the penitentiary as may be proper. 109/

(6) The State Board of Control has the power to bind out such girls committed to the Industrial Home as apprentices, until they attain the age of twenty-one years, to learn some proper trade, business or calling, upon such terms as are advantageous to such girls; but such girls may be bound only to those whose characters are above reproach, and who reside within the State. 110/

106. West Virginia Code Ann. (1932), Sec. 2718

107. Ibid, Sec. 2717

108. Ibid, Sec. 2720

109. Ibid, Sec. 2721

110. Ibid, Sec. 2728

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Administrative Provisions -
State Board of Control

2. Staff

All officers, agents and servants for the internal management of the Home must be women. 111/

3. Financial Provisions

Funds are appropriated for the Industrial Home from the general fund of the State. 112/

Amount of Appropriation:

The sum of \$27,042 is appropriated to the West Virginia Industrial Home for Colored Girls for the period from July 1, 1935 to June 30, 1937; the sum of \$3,000 is appropriated from collections. 112/

Limitation of Funds:

	<u>1936-37</u>
From Collections (no limitations as to expenditure) <u>113/</u>	\$ 3,000
Personal Services	9,432
Current Expenses	14,670
Equipment	2,940
Total	<u>\$30,042</u>

111. West Virginia Code Ann. (1932), Sec. 2733

112. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1

113. The County Court of every county must pay into the State Treasury the sum of \$50 a year on account of each girl committed from the county who is received into the Industrial Home for Colored Girls on proper commitment, but in all cases of girls received into the Home, the parent, if of sufficient means, or the guardian where the girl has sufficient estate, must annually reimburse the County the amount paid into the State Treasury as specified on account of such girl and the County Court of such County has the right to recover the same of such parent or guardian in any court of competent jurisdiction.
West Virginia Code Ann. (1932), Sec. 2725.

13. Warden of State Penitentiary

(Statutory Body)

1. General Powers and Duties

(2) Warden:

(1) The Warden has charge of the internal police and management of the penitentiary, and provides for feeding, clothing, working, and taking care of the convicts, subject to the control of the State Board of Control. 114/

(2) The Warden must promptly enforce all orders, rules and regulations made by the Board of Control, enforce strict discipline among the convicts, protect and preserve the property of the State, and may for that purpose punish the convicts, or cause them to be punished, in the manner authorized by the Board of Control. He has custody and control of all the real and personal property at the penitentiary, subject to the orders of the Board of Control. 114/

(3) Convicts not hired out by the State Board of Control may be employed by the Warden, under the direction of the Board, in the manufacture of articles used by the State in conducting the penitentiary, or articles used by any other State institution, or such other articles as the Board may designate; and for such work the Board of Control may allow to the convicts such compensation as it may deem just. 115/

(4) The Warden may hire a sufficient number of convicts as domestics, on terms to be agreed upon between him and the Board of Control. 116/

(5) The Warden may, with the written approval of the Governor, allow, in addition to that now permitted by law such good time to convicts, except life prisoners, working outside the wall of the penitentiary, and as domestic help for the Warden at the penitentiary, as he may deem proper. 117/

(6) It is the duty of the Warden to notify the Clerk of the County Court in which county the penitentiary is located, of the time of discharge of a lunatic from the penitentiary, or that such convict is considered hopelessly insane before his term of sentence has expired. 118/

114. West Virginia Code Ann. (1932), Sec. 2736

115. Ibid, Sec. 2742

116. Ibid, Sec. 2743

117. Ibid, Sec. 2760 (1)

118. In such case the Clerk must take action necessary for the commitment of the person to a hospital for the insane. West Virginia Code Ann. (1932), Sec. 2764.

1. General Powers and Duties (Cont'd)

(b) Governor:

The Governor has authority, under such rules and regulations as he may prescribe, to issue a parole, 119/ or permit to go at large, to any convict who now is, or hereafter may be imprisoned in the penitentiary of the State, under sentence other than a life sentence, 120/ and who has not previously served two terms of imprisonment in any penal institution for felony. Full power to retake and return any such paroled convict to the penitentiary is expressly conferred upon the Governor, whose written order, when attested by the Secretary of State, is a sufficient warrant authorizing all officers named therein to return any such paroled convict to actual custody in the penitentiary, and it is the duty of all officers to execute such order the same as an ordinary criminal process. 121/

(c) Board of Control:

(1) The Board of Control has general control of the penitentiary, and directs all needed improvements and repairs and all manufacturing operations carried on therein, and makes such rules and regulations as it may deem best as to the treatment of the convicts, their discipline, punishment, diet, clothing, social intercourse, the kind and amount of labor required each day, the trades and mechanic arts to be taught, the manner and duration of solitary confinement, and other punishments, and the conditions when and on which persons may visit the interior of the building. 122/

(2) The State Board of Control makes such rules and regulations as it may deem advisable for the care of infants born in the penitentiary, and must, as soon as practicable, cause such infants to be removed from the penitentiary. Female convicts shall be kept in a separate part of the penitentiary. 123/

119. There must be no provisions for parole officers on the payroll.
West Virginia Code Ann. (1933 Supp.) Sec. 331 (4)

120. Every convict sentenced to the penitentiary for a definite term, and not for life, who faithfully complies with all rules and regulations of the penitentiary during his term of confinement is entitled to a deduction of his sentence. West Virginia Code Ann. (1932), Sec. 2760

121. Ibid, Sec. 2761

122. Ibid, Sec. 2735

123. Ibid, Sec. 2741

1. General Powers and Duties (Cont'd)

(c) Board of Control:

(3) The State Board of Control, in accordance with proper rules and regulations to be made by said Board, may hire any or all convicts 124/confined in the penitentiary, to the State Road Commission, the County Court of any county, or to contractors engaged in the construction of roads in the State for work on such roads, and/or in the preparation or manufacture of materials therefor. 125/

(4) It is the duty of the Board of Control to provide a sufficient number of suitable convicts and a suitable building within the enclosure of the penitentiary to furnish to the State Road Commission for the establishment and operation of a plant for the manufacture of license plates to be used upon motor vehicles for operation in the State and road signs or markers for State roads. 126/

(5) The State Board of Control may let and hire the labor of unemployed convicts in such branches of manufacturing or business as in its judgment will best accomplish the ends and subserve the interests of the State. Such letting and hiring must be advertised by the Board, and certain specified and desired information must be given. 127/

124. While so employed, such convicts are subject to the rules and regulations governing the prison camps to which they may be assigned. All contracts for the labor of such convicts must have the approval of the Governor. West Virginia Code Ann. (1932), Sec. 2742.

125. Only such contracts may be renewed, or new contracts made, between the State and individuals for the employment of convicts confined in the State penitentiary, as may be necessary to employ all convicts not otherwise employed under the provisions for a State convict road force. Ibid, Sec. 1482. On the convict road force each prisoner must be paid for such time in excess of nine hours per day at the contract rate paid by the State Road Commission for such prisoner's labor. Ibid, Sec. 1479.

126. West Virginia Code Ann. (1934 Supp.), Sec. 2741 (1)

127. West Virginia Code Ann. (1932), Sec. 2744.

Each bid must be accompanied with a bond in an amount and with sureties satisfactory to the Board and conditioned that the bidder will comply with the terms of his bid if it is accepted, and the bid must be sealed and addressed to the Board of Control and indorsed "bid for labor". West Virginia Code Ann. (1932), Sec. 2746. The State furnishes no machinery or tools other than the steam power required to run the machinery put in by the contractors, and the shafting and pulleys. Ibid, Sec. 2752. The convicts must labor for the contractors not to exceed nine hours a day during the year, Sundays and legal holidays excepted. Ibid, Sec. 2753.

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Administrative Provisions -
State Board of Control

2. Composition and Appointment of Governing Body

The Warden for the penitentiary receives a salary of
\$4,000 per annum. 128/

The Warden must give bond in such sum as the Board of Control may require. 129/

No person must be appointed to any office in a penitentiary on behalf of the State who is in any way connected with or interested in the contracting business; and such connection or interest is cause for his removal. 130/

No officer must receive, directly or indirectly, any other compensation for his services than that provided by law, or by the State Board of Control before his appointment. 131/

3. Staff

No person may be employed in a penitentiary on behalf of the State who is in any way connected with or interested in the contracting business; and such connection or interest is cause for his removal. 130/

No officer or employee may receive, directly or indirectly, any other compensation for his services than that provided by law or by the State Board of Control before his appointment. 131/

The Warden of the penitentiary appoints a deputy Warden as ex officio captain of the guards, whose duties are fixed by the Warden. In the absence of the Warden the deputy Warden must give bond in such sum as the Board of Control may require, in the same manner and under the same conditions as required of the Warden. 132/

128. West Virginia Code (1933 Supp.), Sec. 331 (4)

129. West Virginia Code Ann. (1932), Sec. 2736

130. Ibid, Sec. 2755

131. He must not receive compensation, directly or indirectly, for any act or service which he may perform for any contractor, or agent or employee of a contractor. Ibid, Sec. 2756

132. Ibid, Sec. 2737

4. Financial Provisions

The Penitentiary is financed by appropriations from the
State general fund. 133/

Amount of Appropriations:

The sum of \$703,630 is appropriated to the West Virginia
Penitentiary for the period from July 1, 1935 to June 30, 1937.

Limitation of Funds:

Personal Services <u>134/</u>		\$ 261,630
Current Expenses		374,000
Equipment		<u>68,000</u>
Total		\$ 703,630

133. It is implied that revenue is derived from letting and hiring of
convicts. West Virginia Code Ann. (1932), Sec. 2744
134. West Virginia Acts, (1935), Chapter 9, Title II, Sec. 1

STATE BOARD OF EDUCATION

(Statutory Body)

1. General Powers and Duties

(a) The State Board of Education, subject to and in conformity with the Constitution and laws of the State, determines the educational policies of the State, except as to West Virginia University, and makes rules for carrying into effect the laws and policies of the State relating to education, including rules relating to the physical welfare of pupils, the education of feeble-minded and physically disabled or crippled children of school age, retirement fund for teachers, school attendance, evening and continuation or part-time day schools, school extension work, the classification of schools, the issuing of certificates upon credentials, the purchase, distribution and care of free textbooks by the district boards of education, and of school trustees, teachers, principals, supervisors and superintendents, and such other matters pertaining to the public schools in the State as may seem to the board necessary and expedient.^{1/}

(b) The State Board of Education has general control, supervision and management of the educational affairs of Marshall College, Fairmont State Normal School, West Liberty State Normal School, Glenville State Normal School, Shepherd College State Normal School, Concord State Normal School, West Virginia State College, Bluefield Colored Institute, New River State School, Potomac State School, West Virginia Schools for the Deaf and Blind, West Virginia School for the Colored Deaf and Blind, and all State educational institutions except West Virginia University.^{2/}

(c) The State Board of Education must hold at least six meetings in every year at such times and places as it may prescribe.^{3/}

2. Composition and Appointment

The Board consists of seven members, of whom one shall be the State Superintendent of Schools, ex-officio. The other six members are appointed by the Governor, by and with the advice and consent of the Senate, from the two dominant political parties for six year terms, one member being appointed each year. The members must be citizens of the State, and not more than four appointive members shall be of the same

1. West Virginia Code Ann. (1928), Sec. 1730

2. Ibid, Sec. 1738

3. Ibid, Sec. 1728

2. Composition and Appointment (Cont'd)

political party. No appointee of the Board shall serve on the Board. 4/

Any vacancy on the Board shall be filled by the Governor for the unexpired term. 5/

Each appointive member of the Board is entitled to receive a salary of \$1,000 annually, and is reimbursed for all expenses incident to the performance of duty. 6/

The President and Vice President are elected from the membership of the Board at its first regular meeting in every year. 7/

3. Reports

The State Board of Education must from time to time, as may be necessary, make a report to the auditor. 8/

The State Board of Education, through the State Superintendent of Schools, on the first day of October of each year, or as soon thereafter as practicable, must make to the Governor a full report concerning the State educational institutions under its control and management (a copy whereof shall be filed with the State Board of Control at the same time). The Board may make recommendations respecting legislation needed to promote the welfare of such institutions. 9/

4. Executive

The State Superintendent of Schools, an elected official is the chief executive officer of the Board. 10/

A Secretary is appointed by the Board and his salary fixed at a sum not to exceed \$4,800 per year. 10/

5. Staff

Not specifically provided for by Statute.

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4. West Virginia Code Ann. (1928), Sec. 1726
 5. Ibid, Sec. 1726
 6. Ibid, Sec. 1728
 7. Ibid, Sec. 1729
 8. Ibid, Sec. 1738
 9. Ibid, Sec. 1739
 10. Ibid, Sec. 1729

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Administrative Provisions -
State Board of Education

6. Financial Provisions

The State Board of Education is financed by appropriations from the general school fund. 11/

Amount of Appropriation:

The sum of \$125,142.20 is appropriated to the State Board of Education for the period July 1, 1935 to June 30, 1937. 11/

Limitation of Funds:

Personal Services	\$ 63,610.20
Current Expenses	\$ 60,982.00
Equipment	\$ 550.00
Total	\$125,142.20 <u>12/</u>

From the total appropriated for the period the following sums are allocated for the purpose of cooperating with the Federal Government.

For Rehabilitation Work	\$ 28,000.00
For Vocational Education	\$ 60,000.00
State Aid for Negro Students	\$ 14,000.00

11. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1
12. Ibid, Sec. 1

NEGRO BOARD OF EDUCATION

(Statutory Body)

1. General Powers and Duties

The Negro Board of Education and the State Board of Education, sitting as one body when considering the affairs of Negro schools, has general control, management, and supervision of West Virginia State College, Bluefield State Teachers College, West Virginia Schools for the Colored Deaf and Blind, and of any other State educational institutions which are for Negroes which may be created by law. 1/

2. Composition and Appointment of Governing Body

The Negro Board of Education consists of the State Supervisor of Colored Schools, two board members of the Negro race, together with the State Superintendent of Schools, who is ex officio member of the said Board. The Governor, by and with the advice and consent of the Senate, appoints the two members of the Negro race to act as the members of the Negro Board of Education. All appointments are for a term of four years, and the members take office on the first day of July. 2/

The State Supervisor of Negro Schools is secretary of the Negro Board of Education. The two appointive members of the Board are each entitled to receive the same salary as paid each appointive member of the State Board of Education, the sum of \$1000 per annum, and must be reimbursed for any necessary expenses incident to the performance of duty. 1/

3. Reports

On the first day of October of each year, or as soon thereafter as practicable, the said joint boards of education, through the State Superintendent of Schools, make to the Governor a full report concerning the State educational institutions under their control and management. The said joint boards may make recommendation respecting legislation needed to promote the welfare of such institutions. 3/

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1. West Virginia Code (1933 Supp.), Sec. 1740 (1)
 2. Ibid, Sec. 1727
 3. Ibid, Sec. 1740 (2)

4653.

West Virginia - Abstract of
Administrative Provisions -
Negro Board of Education

4. Executive

See "Composition and Appointment of Govern-
ing Body."

5. Staff

No provision.

6. Financial Provisions

See "State Board of Education."

The two appointive members of the Board
receive their salaries from the general school fund, and
are reimbursed from said fund for any necessary expenses
incident to the performance of duty. 4/

4. West Virginia Code (1933 Supp.), Sec. 1727

PRINCIPAL OF SCHOOLS FOR THE DEAF AND BLIND 1/

(Statutory Body)

1. General Powers and Duties(a) Principal:

(1) It is the duty of the principal to keep a record of the names of all applicants with the dates of their admission and discharge, their ages, post office addresses, the names of their parents or guardians, and the degree, cause and circumstances of their deafness or blindness. 2/

(2) The principal may, after all applicants between the prescribed ages have been admitted, if there are additional accommodations, admit other deaf and blind persons who may be of suitable age to receive any advantage from the institution, upon such terms as the State Board of Education may prescribe. But it must be understood that such persons shall withdraw from the institution in the order of their admission to make room for any applicants between the prescribed ages. 3/

(3) The principal must communicate with all deaf and blind persons of suitable age with a view to their admission as pupils in the school. 4/

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1. The Schools for the Deaf and Blind are maintained for the care and training of the white deaf and blind of the State. West Virginia Code Ann. (1932), Sec. 1898. All white deaf and blind youths between the ages of eight and twenty-five must be admitted to the schools without charge for board or tuition. When not otherwise provided with clothing, they must be furnished therewith by the institution while they are pupils therein, and the principal must make out an account therefor in each case against the county where the pupil resided when entering the school, in an amount not to exceed \$40 per annum per pupil. Ibid, Sec. 1899 and 1900. The pupils of the schools may continue therein for five years and as much longer as, in the discretion of the State Board of Education and the principal, their condition and progress seem to justify. Ibid, Sec. 1901.
 2. West Virginia Code Ann. (1932), Sec. 1899
 3. Ibid, Sec. 1901
 4. The assessors of the State are required to register the names of all the deaf and blind persons in their counties and forward list of same to State Auditor who must forward such lists to the principal of the schools. Ibid, Sec. 1903

West Virginia - Abstract of
Administrative Provisions -
Principal of Schools for
the Deaf and Blind

1. General Powers and Duties (Cont'd)

(b) State Board of Education:

(1) The educational affairs of the schools are under the control, supervision and management of the State Board of Education. 5/

(2) The courses of instruction in the schools are prescribed by the State Board of Education, with the advice of the principal, and must be as extensive, both in the intellectual, musical and mechanical departments, as the capacities and interests of the pupils may require. 6/

(c) State Board of Control:

The State Board of Control has charge of the financial and business affairs of the school. 5/

2. Composition and Appointment of Governing Body

The principal of the schools is employed by the State Board of Education. The yearly or monthly salary to be paid the principal is fixed by the State Board of Education, subject to the approval of the State Board of Control. 7/

The State Board of Control has the authority to cause the principal of the West Virginia Schools for the Deaf and Blind, to give bond, in such penalty as the Board may deem proper.

8/

3. Reports

See "West Virginia Board of Control."

4. Executive

See "Principal" under "Composition and Appointment of Governing Body."

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5. West Virginia Code Ann. (1932), Sec. 1898
 6. Ibid, Sec. 1902
 7. Ibid, Sec. 1738
 8. Ibid, Sec. 2589

5. Staff

The State Board of Education employs professors, teachers, and other employees; and fixes the yearly or monthly salaries to be paid to each person so employed, subject to the approval of the State Board of Control. 9/

The State Board of Control has the authority to cause any officer of the West Virginia Schools for the Deaf and Blind, to give bond, in such penalty as the Board may deem proper, conditioned for the faithful performance of the duties of his office, and to account for and pay over all money and other property of the State which shall come into his hands or control by virtue of his office. 10/

6. Financial Provisions

The West Virginia Schools for the Deaf and Blind are financed by appropriations from the general fund of the State. 11/

Amount of Appropriation:

The sum of \$341,000 is appropriated to the West Virginia Schools for the Deaf and Blind for the period July 1, 1935 to June 30, 1937. 11/

Limitation of Funds:

From Collections (no limitation as to expenditure).....	\$5,000
Personal Services.....	170,000
Current Expenses.....	120,000
Equipment.....	<u>46,000</u>
Total.....	\$341,000

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9. West Virginia Code Ann. (1932), Sec. 1738
10. West Virginia Code Ann. (1932), Sec. 2589
11. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1.

PRINCIPAL OF SCHOOL FOR THE COLOREDDEAF AND BLIND 1/

(Statutory Body)

1. General Powers and Duties(a) Principal:

(1) It is the duty of the principal to keep a record of the names of all applicants with the dates of their admission and discharge, their ages, post offices addresses, the names of their parents or guardian, and the degree, cause and circumstances of their deafness or blindness. 2/

(2) The principal may, after all applicants between the prescribed ages have been admitted, if there are additional accommodations, admit other deaf and blind persons who may be of suitable age to receive any advantage from the institution, upon such terms as the State and Negro Boards of Education may prescribe. But it must be understood that such persons shall withdraw from the institution in the order of their admission to make room for any applicants between the prescribed ages. 3/

(3) The principal must communicate with all the colored deaf and blind persons of suitable age and condition, with a view to their admission as pupils in the school. 4/

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1. The school is maintained for the care and treatment of colored deaf and blind of the State. West Virginia Code Ann. (1932), Sec. 2589.
All deaf and blind people between the ages of 18 and 25 must be admitted to the school without charge for board and tuition. When not otherwise provided with clothing, they must be furnished therewith by the institution while they are pupils therein and the principal must make out his account therefor in each case against the county where the pupil resided when entering the school, in an amount not to exceed \$40 per annum per pupil. Ibid, Sec. 1900. The pupils of the school may continue therein for 5 years and as much longer, as in the discretion of the State and Negro Boards of Education and the principal, their condition of progress seems to justify. Ibid, Sec. 1901.
 2. Ibid, Sec. 1899
 3. Ibid, Sec. 1901
 4. The assessors of the State are required to register the names of all colored deaf and blind persons in their counties and forward list of same to State Auditor who must forward such lists to the principal of the school. Ibid. Sec. 1903.

1. General Powers and Duties (Cont'd)

(b) State and Negro Boards of Education:

(1) The State Board of Education and the Negro Board of Education sit as one body when considering the affairs of the negro schools; and they have general control, management and supervision of the West Virginia School for the colored deaf and blind. 5/

(2) The courses of instruction in the institution are prescribed by the State and Negro Boards of Education with the advice of the principal, and must be as extensive both in the intellectual, musical and mechanical departments as the capacities and interests of the pupils may require. 6/

(c) State Board of Control:

(1) The State Board of Control has charge of the financial and business affairs of the school. 7/

2. Composition and Appointment of Governing Body

The principal of the School is employed by the Negro Board of Education, subject to the approval of the State Board of Education. 8/

The salary of the principal is fixed by the State Board of Education and the Negro Board of Education jointly. 8/

The principal must be a member of the Negro Race, a graduate of a reputable college, must have at least six years of experience as a teacher, and must be a person with good executive ability. 9/

The State Board of Control has the authority to cause the Principal to give bond in such penalty as the Board may deem proper. 10/

3. Reports

See "West Virginia Board of Control and Negro Board of Education."

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5. West Virginia Code (1933 Supp.), Sec. 1740 (1)
 6. West Virginia Code Ann. (1932), Sec. 1902
 7. Ibid, Sec. 2581
 8. West Virginia Code (1933 Supp.), Sec. 1740, (1)
 9. Ibid, Sec. 1904
 10. West Virginia Code Ann. (1932), Sec. 2589

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Administrative Provisions -
Principal of School for the
Colored Deaf and Blind

4. Executive

See "Principal" under "Composition and
Appointment of Governing Body."

5. Staff

The Negro Board of Education employes pro-
fessors, teachers and other employees, subject to the approval
of the State Board of Education and the joint boards fix the
yearly or monthly salary to be paid to each person so employed. 11/

The State Board of Control has the authority to
cause any officer of the School to give bond in such penalty as
the Board may deem proper. 12/

6. Financial Provisions

The School is financed by appropriations from
the general fund of the State. 13/

Amount of Appropriation:

The sum of \$54,000 is appropriated to the West
Virginia School for the Colored Deaf and Blind for the period
July 1, 1935 to June 30, 1937. 13/

Limitation of Funds: 14/

Personal Services	.\$27,000
Current Expenses	.\$24,000
Equipment	.\$ 3,000
Total	.\$54,000

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11. West Virginia Code (1933 Supp.) Sec. 1740 (1)
12. West Virginia Code Ann. (1932), Sec. 2589
13. West Virginia Acts (1935), Chap. 9, Title II, Sec. 1.
14. Ibid, Sec. 1.

DEPARTMENT OF PUBLIC WELFARE

(Statutory Body)

1. General Powers and Duties

(a) It is the duty of the director to provide a division for crippled children, a division for dependent and neglected children, and a division for veterans' affairs within the department, and each division is charged specifically with the conduct of its own affairs. 1/

(b) The director is authorized to provide such additional divisions as he may deem necessary by reason of the participation of his department jointly with the federal government in matters of public welfare. 1/

(c) The director has the power to make such rules and regulations not inconsistent with law as he may deem best for the administration of the department and the care and treatment of wards of the State under his supervision. 2/

(d) Divisional Duties:

Division of Veterans' Affairs - Through the Division of Veterans' Affairs the Department of Public Welfare has the following duties:

(1) To assist all veterans who have participated in any of the wars of the United States of America as soldiers, sailors or marines, or who have an honorable discharge from the armed forces of the United States of America, in properly presenting their claims before the United States Veterans' Bureau or before any other bureaus or departments of the United States government, the State, or any of the several states of the United States, when such claims arise out of such service with the said armed forces. 3/

(2) To contact all veterans' organizations which are engaged in welfare and relief work in the State and render all possible assistance to veterans and families of veterans within the State and to furnish to such veterans and families of veterans information on compensation, insurance, rehabilitation, hospitalization and allowances, provided by the United States government, the State, or other states. 3/

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1. West Virginia Code Ann. (1935 Supp.), Sec. 2829 (3)
 2. West Virginia Code Ann. (1932), Sec. 2829 (1)
 3. Ibid, Sec. 2829 (5)

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Administrative Provisions -
Department of Public Welfare

1. General Powers and Duties (Cont'd)

(d) Divisional Duties (Cont'd)

(3) To make careful inquiry into all claims presented for payment to the State Treasurer from any appropriation made for the relief of sick, disabled or indigent soldiers, sailors or marines, residing in the State, who served in the armed forces of the United States during the World War. 4/

(4) To provide forms and determine eligibility and amounts to be allotted for the education of children 5/, of those who were killed in action or died from other cause from April 6, 1917 to July 2, 1921, while serving in the army, navy or marine corps of the United States, or died as a result of such service. 6/

Division for Dependent and Neglected Children -

Through the Division for Dependent and Neglected Children, the Department of Public Welfare must perform the following duties: 7/

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4. West Virginia Code Ann. (1932), Sec. 2829 (5)
 5. To be eligible for the benefits, said children must be at least sixteen years of age, and not more than twenty-two, and have had their domiciles in the State for at least twelve months preceding their application for said benefits. The yearly amount allotted shall not exceed \$150 and preference shall be given those who are financially unable to secure said educational opportunities and to those whose parent was domiciled in this State during the period of such parent's war service.
West Virginia Code Ann. (1935 Supp.), Sec. 1905 (2)
No tuition fees may be charged such applicants attending any State educational or training institution and the funds appropriated shall be expended by the Department of Public Welfare only for matriculation fees, board, room, rent, books, supplies and other necessary living expenses of such children.
West Virginia Code Ann. (1935 Supp.), Sec. 1905 (3)
 6. West Virginia Code Ann. (1935 Supp.), Sec. 1905 (1) (2)
 7. The term "Board of Children's Guardians" shall be taken and deemed to mean the Department of Public Welfare, and, the powers and duties delegated by law to the Board of Children's Guardians shall be performed by and through the Division for Dependent and Neglected Children of the Department of Public Welfare. West Virginia Code Ann. (1932), Sec. 2829 (6)

1. General Powers and Duties (Cont'd)

Division for Dependent and Neglected Children (Cont'd)

(1) Upon its own initiative or that of any reputable person, petition the circuit court or other court exercising jurisdiction over juveniles, and the court may deliver into the custody of said department or such other custody as the court or judge may deem proper, such children, until a hearing can be had upon such petition, and, if the facts set forth in such petition constituting dependency and neglect are on the hearing, maintained, the court may order such children to be committed to the care of the department. 8/

(2) Upon application to the court, secure an order for maintenance of a poor, but otherwise worthy parent or guardian and child to be a charge against the county in which such parent and child reside. 9/

(3) Provide for a physical and mental examination of all children before being committed to the department, and after considering the results of the examination, may accept or refuse to accept any child for commitment. 10/

(4) May place any children in its custody in any orphan asylum or children's home that is incorporated under the laws of the state 11/, or in suitable private homes. 12/

(5) Have supervision and control of all children surrendered to the care or committed to the custody of the Department of Public Welfare, until they are received into an orphan asylum or children's home, or other suitable home, or until otherwise ordered by the circuit or other court exercising jurisdiction in juvenile cases. 13/

(6) Upon the request of the State Board of Control, investigate, visit, and report to the State Board of Control regarding any children paroled from the State industrial homes for girls, the State industrial schools for boys, or the State colored children's home, or the home or homes to or in which children from said institutions are about to be or have been paroled or placed 14/, and also, upon the request of the State Board of Control make family case work investigations of children who are mentally defective. 15/

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8. West Virginia Code Ann. (1932), Sec. 4823
 9. West Virginia Code Ann. (1932), Sec. 2826
 10. West Virginia Code Ann. (1935 Supp.), Sec. 4827
 11. West Virginia Code Ann. (1932), Sec. 4833
 12. West Virginia Code Ann. (1935 Supp.), Sec. 4834
 13. West Virginia Code Ann. (1932), Sec. 4831
 14. Ibid, Sec. 4837
 15. Ibid, Sec. 4836

1. General Powers and Duties (Cont'd)

Division for Dependent and Neglected Children (Cont'd)

(7) Issue annual certificates, following the proper inspection and investigation, to all institution, hospitals, lying-in or maternity homes, or associations receiving children for care, training or placing in other institutions, other than State institutions subject to the management of the State Board of Control. 16/

(8) Gather statistics and study legislation and problems connected with dependent, delinquent, neglected and defective children, and publish the results from time to time. 17/

(9) Make available, as far as practicable, to officials, institutions, and associations dealing with these problems, and with such classes of children, such literature as shall tend to increase the efficiency of such officials, institutions, and associations. 17/

Division for Crippled Children - Through the Division for Crippled Children the Department of Public Welfare must:

(1) Coordinate the work done under existing statutes relating to the care, cure and education of physically handicapped children, inquire into the number, distribution and conditions of physically handicapped children throughout the State, upon existing educational hospital and professional facilities, and legal provisions for promoting the care, treatment, education and general welfare of such children, and recommend means more adequately to meet their needs. 18/

(2) In formulating such administrative policies and making such inquiry, confer with and use the services of the State Department of Health, the State Department of Education, the Division for Dependent and Neglected Children, the State Board of Control, the representatives of the civic bodies and other voluntary organizations and groups which have made special study of physically handicapped children, and all local public officials who are in a position to render assistance to the division. 18/

16. West Virginia Code Ann. (1932), Sec. 4838

No association whose objects embrace the caring for, training or placing in institutions or private homes delinquent, dependent or neglected children may be incorporated, unless the proposed articles of incorporation have first been submitted to and examined by the Department of Public Welfare.

Ibid, Sec. 4839.

17. West Virginia Code Ann. (1932), Sec. 4842

18. Ibid, Sec. 4900

1. General Powers and Duties (Cont'd)

Division for Crippled Children (Cont'd)

(3) Report on the number, distribution and conditions of physically handicapped children throughout the State, upon existing educational, hospital and professional facilities, and legal provisions for promoting the care, treatment education and general welfare of such children, and recommend means more adequately to meet their needs. 19/

2. Composition and Appointment of Governing Body

The Director of the Department is appointed by the Governor with the advice and consent of the Senate, to serve a four-year term coterminous with that of the Governor. He must be a person qualified to administer the Department, namely, to promote efficiency and effectiveness in the expenditure of state funds for public welfare by the coordination of the activities, personnel and the sources of all State Public Welfare agencies. He receives a salary of \$4800 per annum. 20/

The Advisory Council consists of the President and three Vice Presidents of the West Virginia Crippled Children's Society, the head of each veterans' organization in the state, the President and Vice President of the State Organization of County Welfare Boards, and the President and two Vice Presidents of the West Virginia Federation of Women's Clubs; which Council serves without pay. 21/

The Director of the Department must confer with the Advisory Council on matters of major policy. 22/

3. Reports

The Division for Dependent and Neglected Children reports semi-annually to the Governor. Such report must cover fully all its work, investigations, needs, and recommendations. 23/

The Division for Crippled Children reports semi-annually to the Governor within thirty days of the convening of each regular session of the legislature, and may accompany such report with such recommendations and legislative proposals as it may deem necessary or proper. 24/

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19. West Virginia Code Ann. (1932), Sec. 4904
20. Ibid, Sec. 2829 (1)
21. West Virginia Code (1935 Supp.), Sec. 2829 (3)
22. West Virginia Code Ann. (1932) Sec. 2829 (2)
23. West Virginia Code Ann. (1932), Sec. 4820
24. Ibid, Sec. 4904

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Department of Public Welfare

4. Executive

See "Director" under "Composition and Appointment of Governing Body."

5. Staff

The Director of the Department is authorized to secure the services and fix the salaries of such employees as are necessary for carrying out the duties of the Department. 25/

On the recommendation of the West Virginia Crippled Children's Society, the Director must appoint an advisory staff of three orthopedic surgeons who, while acting in such advisory capacity, serve without pay, for the purpose of examining the credentials and recommending the appointment of orthopedic surgeons to be engaged in the Department. 26/

6. Financial Provisions

The Department is financed by an appropriation from the general fund of the State.

Amount of Appropriation:

Sum of \$383,238 is appropriated to the Department for the period from July 1, 1935 to June 30, 1937. 27/

Limitation of Funds:

Personal Services	\$ 82,860
Current Expenses	\$297,278
Equipment	<u>\$ 3,100</u>
Total	\$383,238

There is appropriated for each of the fiscal years beginning July 1, 1935 to July 1, 1942 (inclusive) the sum of \$1800 for the education and training of children of deceased veterans attending a State educational or training institution. 28/

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25. West Virginia Code Ann. (1932), Sec. 2829 (2)
26. West Virginia Code Ann. (1935 Supp.), Sec. 2829 (3)
27. West Virginia Acts (1935), Chapter 9, Title II, Sec. 1
28. West Virginia Code Ann. (1935 Supp.), Sec. 1905 (1) (2)

COUNTY WELFARE BOARDS

(Statutory Body)

1. General Powers and Duties

(a) The duties of a County Welfare Board are to advise and cooperate with and assist the Division for Dependent and Neglected Children of the Department of Public Welfare in its work in the county and to make such visitations and reports as the State Department of Public Welfare may request; to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of poor funds and social conditions generally. 1/

(b) The secretary of the Board, when so directed by the judge having juvenile jurisdiction, performs the duties of juvenile probation officer, aids in the investigation and supervision of county allowances to mothers under the Mothers' Pension law, investigates and reports on all applications for poor relief, supervises the distribution of the poor fund and cooperates with the State labor inspectors in the furtherance of their duties. 2/

2. Composition and Appointment of Governing Body

A County-Welfare Board consists of not less than six nor more than twelve members, of whom the president of the county court and the judge having juvenile jurisdiction, when a resident of the county, are ex-officio members, and the other members must be residents of the county. They are appointed by the county court from a list of eligible citizens from the various districts of the county submitted by the State Department of Public Welfare, and all members serve without pay. At least three members of the Board must be women. 3/ All appointments are for a term of two years. 4/ The travelling and other necessary expenses of the several members of the County Welfare Board, when acting officially as members thereof, and similar expenses of the Secretary while employed in the business of the board, are paid by the county. 5/

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1. West Virginia Code Ann. (1932), Sec. 4875
 2. Ibid, Sec. 4877
 3. Ibid, Sec. 4872
 4. Ibid, Sec. 4873
 5. Ibid, Sec. 4879

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County Welfare Boards.

3. Reports

Reports to State Department of Public Welfare
as requested. 6/

4. Executive

The County Board may, subject to the approval of
the Department of Public Welfare, appoint a secretary properly
qualified in education, training and experience, which welfare
secretary is secretary of the County Board and receives such
salary as the Board determines with the approval of the county
court. 7/

5. Staff

No provision. 8/

6. Financial Provisions

Expenses of the secretary, and travelling expenses
of the members of the Board must be paid by the county court,
on presentation to it of itemized accounts. 9/

The salary of the secretary may be paid, not more
than one half by the State Department of Public Welfare, and
the remainder by the county. 10/

6. West Virginia Code Ann. (1932), Sec. 4875

7. Ibid, Sec. 4876

8. It is the duty of all county agricultural agents, local
health officers, school teachers and county superintend-
ents of schools to report to the County Welfare Board
all cases which come to their knowledge that need atten-
tion by the County Welfare Board. Ibid, Sec. 4878.

9. Ibid, Sec. 4879

10. Ibid, Sec. 4875

DIRECTOR OF THE BUREAU OF NEGRO WELFARE AND STATISTICS

(Statutory Body)

1. General Powers and Duties

The duties of the Director are:

(a) To study the economic condition of the Negro throughout the State;

(b) to inspect Negro hotels, restaurants, pool rooms and barber shops and to report to responsible officials conditions that are not conducive to the health and morals of the community;

(c) to encourage the ownership of homes and farms in the State by Negroes, and to furnish such information to persons and corporations interested in securing homes and farms for Negroes in the State as may be requested;

(d) to stimulate and encourage thrift, industry and economy among Negroes and to promote the general welfare and uplift of the Negro race in the State;

(e) to consider all questions pertaining to the Negro that may be referred to him by any and all departments of the State government and recommend a solution of any and all problems so submitted;

(f) to prepare and keep records of the number of Negroes employed in the several industries, trades, professions, and upon the farms of the State, and of the number and location of Industries, businesses, plants, homes and farms owned and operated by Negroes, with the number and sex of persons employed by them;

(g) to promote and encourage friendly and harmonious relations between the white and Negro races. 1/

2. Composition and Appointment of Governing Body

The Director of the Bureau of Negro Welfare and Statistics must be a member of the Negro race, and appointed by the Governor, by and with the advice and consent of the Senate to hold office for four years, unless sooner removed according to law. 2/

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1. West Virginia Code. (1932), Sec. 2831
 2. Ibid, Sec. 2830

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Administrative Provisions -
Director of the Bureau of
Negro Welfare and
Statistics

2. Composition and Appointment of Governing Body (Cont'd)

The Director receives \$3,600 per annum and actual necessary traveling expenses. 3/

3. Reports

The Director of the Bureau of Negro Welfare and Statistics must report to the legislature through the Governor, all his acts and doings, and make such recommendations for the solution of any problem or problems affecting the Negro as he may deem advisable. 2/

4. Executive

See "Composition and Appointment of Governing Body."

5. Staff

The Board of Public Works provides such clerical assistants as may be necessary. 4/

6. Financial Provisions

The Bureau of Negro Welfare and Statistics is financed by appropriations from the State general fund. 5/

Amount of Appropriation:

The sum of \$12,000 is appropriated for the period from July 1, 1935 to June 30, 1937. 5/

Limitation of Funds:

Personal Services	\$9,240
Current Expenses	2,360
Equipment	<u>400</u>
Total	\$12,000

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2. West Virginia Code (1932), Sec. 2831
3. West Virginia Code Ann. (1932), Sec. 2832
4. Ibid, Sec. 2833
5. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1

COUNTY COURT

(Constitutional Body)

1. General Powers and Duties

(only those powers and duties relating to welfare are included)

(a) The County Court of every county may purchase land for the use of the poor and sell and convey land acquired for that purpose. It may receive, hold, use and dispose of according to rules of law and the intent of the instrument conferring title, any gifts, grants, devise or bequest made for the use of the poor under its jurisdiction and may provide stock and implements of husbandry on any such lands and use such lands as a place of general reception for the poor. Such court may also provide a county infirmary, workhouse, and other implements necessary for the use and benefit of the poor. The County Commissioners of two or more adjoining counties may in like manner jointly establish a place of reception for the poor of their several counties and contribute to the expense of establishing, furnishing and supporting the same in such portions or under such regulations as may be agreed upon, but such common place of reception shall be under the management and direction of the county court of the county in which it is situated, unless it be otherwise agreed between the courts of the counties concerned. 1/

(b) The Commissioners of any county may unite with any city located in the county in the erection, management, and maintenance of a workhouse for the joint use of such county and city and the Commissioners are authorized to levy and collect necessary funds therefor from the taxable property of the County, provided that the Commissioners shall not collect and expend a greater amount than shall be collected and expended by such county for the same purpose. The question of erecting such workhouse must first be submitted to a vote of the people of such city and county desiring the same and must be ratified by three-fifths of all votes for and against the question at an election to be held for that purpose. The aggregate of all indebtedness, including the amount for such workhouse, must not exceed 5% of assessed value of real estate of the city and county erecting the same. 2/

(c) It is the duty of the investigators of the poor to make a general and special investigation of the condition and needs of the poor of the county in such manner and pursuant to rules and regulations prescribed by the Secretary of the Welfare Board and to report to the Secretary thereon. 3/

1. West Virginia Code Ann. (1932), Sec. 593

2. Ibid, Sec. 424

3. West Virginia Code Ann. (1933 Supp.), Sec. 592

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Administrative Provisions -
County Court

1. General Powers and Duties (Cont'd)

(d) It is the duty of the County Commissioners of each county to make quarterly visits and inspections of the institutions within their county which are housing and caring for the poor, to inspect jails and to investigate the conditions of the poor within their county not housed within such institutions; and to visit detention homes for children within their counties. 4/

(e) The Superintendent of the County Infirmary or place of general reception for the poor of the county may receive persons into the infirmary to be supported therein only on the order in writing of the overseer of the poor. He must keep a register of all such persons showing the name and age of each person, the date admitted whether he was admitted upon the order of the County Court or an overseer and, if the latter, the name of the overseer on whose order he was admitted. 5/

The County Court administers the following:

1. General Poor Relief. 6/
2. Aid to Dependent Children in Their Own Homes. 7/
3. Old Age Assistance. 8/
4. Veterans' Burials. 9/

2. Composition and Appointment of Governing Body

The county court consists of three commissioners elected by the voters of the county for six-year rotating terms. 10/

Vacancies in the office of Commissioner and clerk of the County Court are filled by the County Court until the next general election. 11/

No two commissioners may be elected from the same magisterial district. 12/

The president of the court is annually elected from its membership. 12/

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4. West Virginia Code Ann. (1934 Supp.), Sec. 359
 5. West Virginia Code Ann. (1932), Sec. 594
 6. Ibid, Sec. 599 et seq.
 7. Ibid, Sec. 618 et seq.
 8. Ibid, Sec. 626 et seq.
 9. Ibid, Sec. 616 and 4300
 10. West Virginia Constitution, Art. 8, Sec. 22 and 23.
 11. Ibid, Sec. 30
 12. Ibid, Sec. 23

2. Composition and Appointment of Governing Body (Cont'd)

The commissioners must hold four regular sessions each year and special sessions may be called by the president, with the concurrence of at least one commissioner, whenever the public interests may require it. 13/

Each commissioner receives two dollars per day for his services in court. 12/

There must be allowed and paid out of the county treasury to each county commissioner of each county (except as otherwise provided by law for the County of Ohio) for services performed for such county relating to the visiting of the poor, inspection of places of housing and caring for the poor, inspection of jails, bridges and bridge approaches, visiting detention homes for children in their counties and other county business other than their services in court, a sum specified by law, the amount determined by the population of the county, ranging from \$15 to \$175 per month. 14/

Every commissioner must give bond with good security, approved by the circuit court, the penalty being not less than \$5,000 or more than \$10,000, the amount of which is fixed by the county circuit court. 15/

3. Reports

Every county officer, except the prosecuting attorney, must on the first day of December of each year, file with the County Court and with the State Tax Commissioner an itemized, sworn statement of the amount expended by him including compensation, emoluments and other outlay of money or thing of value for the twelve months next preceding the time of filing such reports, for the services of his several deputies, assistants and other employees. 16/

4. Executive

A clerk of the County Court is elected for a term of six years. The annual compensation of the clerk is determined by the population of the county and ranges from \$1,100 to \$3,600 per annum. 17/

13. West Virginia Constitution, Art. 8, Sec. 22 and
West Virginia Code Ann. (1932), Sec. 356

14. West Virginia Code Ann. (1934 Supp.), Sec. 359

15. Ibid, Sec. 283

16. West Virginia Code Ann. (1932), Sec. 412

17. West Virginia Constitution, Art. 8, Sec. 26 and
West Virginia Code Ann. (1933 Supp.), Sec. 400

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County Court

4. Executive (Cont'd)

The clerk must give bond with good security, approved by the County Court, the penalty of which is fixed at not less than \$3,000 nor more than \$ 10,000. 15/

5. Staff

The overseers of the poor are appointed by the County Court; and must reside in the county and district for which they are appointed. 18/

Such overseer must be an intelligent and discreet voter and hold office during the will and pleasure of the court. 19/

The County Court must allow each overseer such sum as it may deem reasonable for his services not exceeding \$1.50 each day necessarily employed by him in the duties of his office. 19/

In all counties having a population of 100,000 or more the County Court may appoint, in lieu of the said overseers of the poor, two intelligent and discreet voters as Investigators of the Poor, to be under the supervision of the Secretary of the Welfare Board of the County. The persons so appointed as investigators, serve as such during the pleasure of the court so appointing them; and must be paid a salary not to exceed \$150 each per month. 19/

The County Court of any county, may appoint a superintendent to have charge of the county infirmary or place of general reception for the poor of the county, who is at all times under the control of the County Court and must observe the rules and regulations prescribed by it. 20/

The County Court may employ managers, physicians, nurses and servants to take care of the poor or any of them under its charge and prescribe regulations regarding the place in which the poor are kept, and the discipline and order to be observed and enforced at the same. 21/

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18. West Virginia Constitution, Article 9, Sec. 2
19. West Virginia Code Ann. (1933 Supp.), Sec. 592
20. West Virginia Code Ann. (1932), Sec. 594
21. Ibid, Sec. 595

5. Staff (Cont'd)

The County Court of any county having a population of 35,000 or more may in its discretion appoint some reputable and discreet person to be known as "County Pension Agent", and fix the salary of such County Pension Agent in an amount not to exceed \$250 per month. Such County Pension Agent holds the appointment at the will and pleasure of the County Court and may be removed at any time with or without cause. He may be allowed reasonable actual expenses incurred in and about the performance of his duty. 22/

Every officer or other person appointed or employed by the County Court, holds his office or employment at its pleasure and receives for his services such compensation as it may deem reasonable within the limits prescribed for overseers. 23/

6. Financial Provisions

The expenses incurred by the County Court are paid from county tax levies. 24/

22. West Virginia Code Ann. (1932), Sec. 626 (11)
23. West Virginia Code Ann. (1933 Supp.), Sec. 596
24. West Virginia Constitution, Art. 8, Sec. 24.

JUVENILE COURT

(Statutory Body)

1. General Powers and Duties

(1) The Juvenile Court has original jurisdiction in all cases involving delinquent, dependent or neglected children. 1/

1. West Virginia Code Ann. (1932), Sec. 4788 and 4789

The term "delinquent child" means any male or female child who, while under the age of eighteen years, violates any law of the State or any ordinance or regulation of any subdivision thereof or who is guilty of conduct not befitting a child of his years. Ibid, Sec. 4784.

The term "dependent child" means any boy under the age of sixteen years or any girl under the age of eighteen years, who is dependent upon public charity or who is destitute, homeless, or abandoned. Ibid, Sec. 4785.

The term "neglected child" means any boy not over sixteen years of age, or any girl not over eighteen years of age, who has not proper parental care or guardianship, or who habitually begs or receives alms; or whose home by reason of neglect, cruelty or disrepute on the part of the parents, guardians, or other persons in whose case it may be, is an improper place for a child to live; or whose environment is such as to warrant the State in the interest of the child in assuming its guardianship. Ibid, Sec. 4786.

Any reputable person being a resident of the county, may file, with the clerk of the court of such county exercising juvenile jurisdiction, a petition in writing setting forth that a certain child, as named, within his county, is delinquent, and that it is for the interest of the child and the State that the child be taken from its parents, custodian or guardian, and placed under the guardianship of some suitable person to be appointed by the court; and that the parents, custodian or guardian of such child are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, correct, control, or discipline such child, or that the parents, custodian or guardian consent that such child may be taken from them. Ibid, Sec. 4795

When in any county where a juvenile court is held, a male or female child under the age of eighteen years is arrested, such child may, instead of being taken before a justice of the peace or a police magistrate, be taken directly before such court, or if the child is taken before a justice of the peace or police magistrate, such justice or magistrate shall inquire into such case, and unless he be of the opinion that no sufficient foundation exists for the charge of delinquency, it is the duty of such justice of the peace or police magistrate to transfer the child to the circuit or other court having jurisdiction of juvenile cases, and it is the duty of the

1. General Powers and Duties (Cont'd)

(2) It is the duty of the Clerk of every court to notify, if practicable, the chief probation officer of his county when any child is brought before the court, and when so notified, or when such probation officer otherwise obtains knowledge of such fact, it shall be the duty of such probation officer, or one of his assistants, to make investigation of such case, to be present in court, or before such judge, to represent the interests of the child when the case is heard, to furnish such information and assistance as the court or judge may require, and to take charge of any child before or after the trial, as may be directed by the court or judge. 2/

(3) At any time after the filing of the petition and pending the final disposition of the case, the court or judge may continue the hearing from time to time, and may allow such child to remain in the possession of its custodian, or in its own home, subject to the friendly visitation of a probation officer, or it may order such child to be placed in the custody of a probation officer of the court, or of any suitable person appointed by the court to be kept in some suitable place provided by the city or county authorities, but in no event, except under order of the court, to be held in the county jail or city lockup. 3/

1. (Cont'd)

officer having the child in charge to take the child before such court, and the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition. In every such case, the court must require notice to be given and the facts to be fully inquired into as in other juvenile cases. Ibid, Sec. 4809.

No court or magistrate shall commit a child under sixteen years of age to a jail or police station; and no sheriff, constable, jailer, police officer, probation officer shall hold or keep any such child in any jail or police station; but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who must keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child is confined in any institution in which adult prisoners or convicts are confined, it shall be unlawful to confine such child in the same building with such adult prisoners or convicts, or to confine such child in the same yard or enclosure with such adult prisoners or convicts or to bring such child into any yard or building in which adult prisoners or convicts may be present. West Virginia Code Ann. (1932), Sec. 4810.

2. West Virginia Code Ann. (1932), Sec. 4793
3. Ibid, Sec. 4801

1. General Powers and Duties (Cont')

(4) If the court finds any male or female child under the age of eighteen years to be delinquent, the court may allow such child to remain at its home subject to the friendly visitation of a probation officer, and may require such child or its parents, guardian of its person, or custodian to report to the court or probation officer as often as the court may deem proper, with such record of the child's conduct in its home or school as the court may direct. 4/

(5) If the parent, guardian or custodian consent thereto, or if the court shall further find either that the parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the best interest of such child to be taken from the custody of its parents, custodian or guardian, the court may appoint some proper person or probation officer, guardian over the person of such child and permit it to remain at its home, or order such guardian to cause such child to be placed in a suitable family home, if provision is made by voluntary contribution or otherwise for the payment of its board; or the court may commit such child to any institution incorporated under the laws of the State to care for delinquent children, or to any institution that has been provided by the State, county, city, town, or village suitable for the care of delinquent children, including a detention home or school, or to some association that will receive it, that embraces in its objects the care of delinquent children, and that has been duly accredited as provided by law. 5/

(6) Whenever it appears to the court, before or after the appointment of a guardian or after commitment to any institution or association, that the home of a child or of its parents, former guardian or custodian is a suitable place for such child, or that such child could be permitted to remain in, or be ordered to be returned to, its home consistent with the public good and the good of such child, the court may enter an order that such child remain in or be returned to its home on probation, parole or otherwise. No such order shall be entered without first giving ten days' notice to the guardian, institution or association to whose care such child has been committed, unless such guardian, institution or association consents to such order. 6/

4. West Virginia Code Ann. (1932), Sec. 4802

5. Ibid, Sec. 4802

6. Ibid, Sec. 4803

1. General Powers and Duties (Cont'd)

(7) In any case of a delinquent child the court may in its discretion permit such child to be proceeded against with the laws that may be in force in the State governing the commission of crimes or violation of city, village or town ordinances and in such case the petition filed with said court must be dismissed. 7/

(8) The court may when the health or condition of any child found to be neglected, dependent or delinquent requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution that will receive it for like purposes without charge to the public authorities. 8/

(9) The court may, from time to time cite into court the guardian, institution or association to whose care a delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it is the duty of such guardian, institution or association, within ten days after such citation to make such report in writing verified by affidavit, or verbally under oath in open court, or otherwise as the court directs; and upon the hearing of such report, with or without further evidence, the court may, if it sees fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian. 9/

2. Composition and Appointment of Governing Body

The circuit courts of the State have original jurisdiction in all cases involving delinquent, dependent or neglected children, except that in counties where a domestic relations court, or where a court of common pleas or intermediate court having chancery jurisdiction, has been or may be created, or if there is no such court, if there is a criminal court, then the proceedings must be in such domestic relations court, court of common pleas, intermediate court, or criminal court, with the right of appeal to the circuit court of such county. 10/

7. West Virginia Code Ann. (1932), Sec. 4804

8. Ibid, Sec. 4805

9. Ibid, Sec. 4808

10. Ibid, Sec. 4789

3. Reports

The clerks of all courts exercising juvenile jurisdiction must annually submit to the Department of Public Welfare a report in writing showing separately the number and disposition of delinquent, neglected and dependent children brought before such court, together with such useful information regarding such cases and the parentage of such children, and the character of their delinquency as may reasonably be obtained at the trials or hearings thereof in such courts and which may be required by the Department. A copy of such report must be filed with the county court of every county, and such courts must also be furnished such information regarding such matters as may be requested. The name or identity of any child or parent must not be disclosed in any such report. 11/

4. Executive

Judge of the Juvenile Court.

5. Staff

The courts which have and exercise juvenile jurisdiction have the authority to appoint any number of discreet persons of good moral character to serve as probation officers during the pleasure of the court so appointing. Such probation officers shall receive no compensation from the county treasury except as specifically provided. 12/

One or two paid probation officers may be appointed by the court, depending on the size of the county, their salaries ranging from \$100 to \$3000 per year. Expenses not to exceed \$100 per year may be allowed such probation officers. 12/

The appointment of all probation officers who are to receive compensation from the county must be approved by a board consisting of the County Superintendent of Schools and the County Commissioners, who investigate the competency of any person to act as such probation officer. 12/

The judge may appoint any number of persons as probation officers that are willing to serve without pay. 12/

11. West Virginia Code Ann. (1932), Sec. 4815

12. West Virginia Code Ann. (1934 Supp.) Sec. 283

6. Financial Provisions

Salaries of the circuit judges are paid out of the state treasury and may be increased by the payment of additional compensation from the county treasury. 13/

The probation officer and the clerk of the court are paid from the county treasury. 14/

13. West Virginia Code Ann. (1932), Sec. 328
14. Ibid, Sec. 406 and 4792

SUPERINTENDENT OF COUNTY DETENTION HOME 1/

(Statutory Body)

1. General Powers and Duties

The Superintendent or Matron of a County Detention Home must receive and detain temporarily, or until the further order of the court, all children who are committed to the Home by the circuit or other court of the county; and must keep a complete record of all children committed to the Home. 2/

1. When it appears to the county court that a necessity exists for the establishment of a detention home for the temporary care and custody of delinquent, truant, dependent, or neglected children, the county court may submit the question of providing, establishing, maintaining, and supporting such detention home, and of levying a tax to cover the cost of such home to the legally qualified voters of the county. West Virginia Code Ann. (1932), Sec. 4863.

The submission to the voters of the proposition to establish and maintain a detention home, and to levy a tax to pay the cost of its establishment and maintenance, is mandatory upon the county court when there is presented to the county court a petition for such submission, signed by a number of legal voters, who are freeholders of such county, equal to 1 per cent of the total number of registered voters of such county. West Virginia Code Ann. (1932), Sec. 4868. If it is the court's opinion or the petition of 1 per cent of the legally registered voters that the home be discontinued, the proposition may be presented to the voters for the discontinuance of the detention home. West Virginia Code Ann. (1932) Sec. 4869.

In counties having a population of 40,000 or more it is the duty of the proper authorities to provide and maintain at public expense a house separated and removed from any jail or lockup, with a matron or other person of good moral character in charge thereof, in which house all children as herein provided for, must when necessary, before or after trial, be detained either for securing attendance of such child at any hearing or trial of any cause, or for such disciplinary purposes as may seem necessary to the court for the best interests of such child and of the State. West Virginia Code Ann. (1932), Sec. 4810.

2. West Virginia Code Ann. (1932), Sec. 4866.

2. Composition and Appointment of Governing Body

The home is managed by a discreet woman of good moral character who is designated "Superintendent and Matron", or by a man and woman of good moral character, who are designated respectively as "Superintendent" and "Matron". The Superintendent and Matron must reside in the home and at least one of them must be competent to teach and instruct children in all branches of education that are embraced in the curriculum of the public schools of the county up to and including the eighth grade. 3/

The Superintendent and Matron are designated and appointed by the county court to serve during the pleasure of the court, and must receive such salary as the county court may provide and fix. 4/

3. Reports

An annual report must be made to the county court by the Superintendent or Matron on the first day of June in each year, and such Superintendent or Matron must file a copy of the report with the clerk of the county court. The report must contain an itemized statement of all expenses necessary to maintain the home, together with the number of inmates during each month. 5/

4. Executive

See "Superintendent" and "Matron", under "Composition and Appointment of Governing Body", above.

5. Staff

All necessary employees for the conduct, care, and maintenance of the Home are elected, named, and appointed by the county court and receive such salaries as are fixed and provided by the county court. 4/

6. Financial Provisions

The county court has the power and authority, in addition to taxes levied and collected for other county purposes in the county, to levy a tax not exceeding 1 mill on the dollar valuation upon all property within the county for the purpose of maintaining the Detention Home. 6/

3. West Virginia Code Ann. (1932), Sec. 4864.

4. Ibid, Sec. 4865.

5. Ibid, Sec. 4866.

6. Ibid, Sec. 4867. The court committing the child to the Home, must require the parents or parent of the child to pay into the county treasury, monthly, a sum equal to the cost of keeping such child so long as it may be confined in the Home. If any such parent shows to the court by satisfactory evidence, that he or she is unable to pay such amount, then the court may remit such charge. West Virginia Code Ann. (1932), Sec. 4870.

COUNTY MENTAL HYGIENE COMMISSION

(Statutory Body)

1. General Powers and Duties

(a) It is the duty of the Clerk of the County Court to issue a warrant ordering a person suspected and named in a complaint as being insane 1/ to be brought before the Commission at a time and place named therein, that his sanity may be inquired into. Any member of the Commission without such complaint may have such warrant issued for any person found in this county whom he suspects to be a lunatic. All such warrants must be signed by the Clerk of the County Court. 2/

(b) The Commission must appoint a guardian ad litem for such suspected person, and such guardian must be present at the hearing and manage the case on behalf of the person suspected. 3/

(c) The Commission may summon such witnesses as are necessary to testify at the hearing. 4/

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1. If any resident of a county suspect any person therein to be a lunatic, he may make complaint under oath to the Clerk of the County Court, giving such information and stating such facts therein as may be required. West Virginia Code Ann. (1932), Sec. 2656.
 2. Warrants may be addressed to the sheriff of the county or to any constable of any district thereof, or to a specially appointed constable, but if any relative or friend of the suspected person will serve the warrant, he may be allowed to do so. The person to whom the warrant is addressed must take the suspected person into custody and bring him before the Commission at the time and place named therein. Ibid, Sec. 2656.
 3. West Virginia Code Ann. (1932), Sec. 2657.
 4. Two reputable physicians, authorized to practice medicine in the State, must be included among the witnesses, who must separately make a physical and mental examination of the suspected person and make out a certificate of the result in the form required by the Board of Control, which certificate is considered as evidence by the Commission. Not more than one physician of any firm or association of physicians practicing medicine together may sign such certificate. Ibid, Sec. 2658.

1. General Powers and Duties (Cont'd)

(d) If the person suspected of insanity is a resident of said county and, as a result of the hearing, is found to be a lunatic and should be confined in a hospital, the Commission must order him to be committed to the nearest hospital, unless some relative or friend will agree to take care of him; in which case the commission may deliver him to such person and take from such relative or friend a bond in the penalty of at least five hundred dollars, with sufficient security, to be approved by the commission, payable to the state, with condition to restrain and take proper care of such insane person until the cause of confinement shall cease, or until he is delivered to the Commission to be proceeded with according to law; but if such insane person is found to be harmless or incurable, he may be delivered to any relative or friend without such bond, if in the judgment of the Commission it is deemed proper. 5/

(e) The Commission must make up and transmit a copy of the evidence taken on the examination of a person found to be a lunatic by the Commission, who is a resident of another county of the state, to the sheriff of its county, and must find and certify to the sheriff certain specified facts concerning such person. 6/

After removing said person and delivering him to the Clerk of the County Court of his county (or, in the absence of the Clerk to the sheriff), the sheriff must make due return to the Clerk of the county Court of his own county, showing the manner in which he removed such insane person. Such return must be entered by the County Clerk in the record of the proceedings of the County Mental Hygiene Commission. 6/

(f) The Commission must make diligent inquiry to ascertain the residence of the person under examination for insanity who appears not to be a resident of the State, and must state in the commitment papers as definitely as possible the city, town, or other place, as well as the county or province, and the State or county of which he is a resident. 7/

5. West Virginia Code Ann. (1932), Sec. 2659

6. Ibid, Sec. 2660

7. Ibid, Sec. 2661

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County Mental Hygiene
Commission.

1. General Powers and Duties (Cont'd)

(g) The Clerk of the County must immediately communicate with the Superintendent of the proper hospital upon the commitment of a person to said hospital, and forward to him the commitment papers. In the meantime the Commission may deliver such insane person for safe keeping until taken to the hospital into the custody of the sheriff, or any relative or friend upon such terms as may be agreed upon. 8/

(h) The Clerk of the County Court must keep a full and careful record of all the acts, orders and resolutions of the Commission. 9/

(i) The Commission must have all such persons admitted to a hospital where they can receive proper treatment as speedily as possible. 8/

2. Composition and Appointment of Governing Body

The Mental Hygiene Commission in each county is composed of the President of the County Court 9/ who acts as chairman of the Commission; the prosecuting attorney, who acts as Chairman in the absence of the President; and the Clerk of the County Court, who is Clerk of the Commission.

The members receive no compensation except for travelling or other necessary expenses incurred in the discharge of their duties as members of the Commission. 9/

Two members constitute a quorum. 9/

8. No such insane person must be confined in any jail, lockup, or other similar place, unless by reason of his violent or dangerous condition the same shall be necessary. Ibid, Sec. 2662.

If a person is suspected to be insane but has not been found to be insane by the County Mental Hygiene Commission, the Circuit Court of the County must, upon the application of an interested person, proceed to examine the mental condition of the suspected person; if satisfied that he is insane, or mentally defective, the Court shall so adjudicate. Under like conditions, a person residing out of State but having property therein shall be treated by the court in like manner. Such finding in either case shall be authority for the appointment of a committee for such person by the County Court. West Virginia Code Ann. (1932), Sec. 2666.

9. If the President of the County Court does not desire to serve as a member of the Commission, the County Court may choose one of its other members as a member of the Commission. West Virginia Code Ann. (1932), Sec. 2654

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County Mental Hygiene
Commission.

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3. Reports

No provisions.

4. Executive

See "Composition and Appointment of Governing
Body."

5. Staff

No provisions.

6. Financial Provisions

The County Mental Hygiene Commission is financed
through County Funds.

County Funds are used for all expenses incurred in
the arrest, hearing, and transportation of any insane person
to a hospital. 10/

Funds paid out of the County Treasury for expenses
incurred in the removal of a lunatic who is a county non-
resident are refunded to the county by the County Court of the
county to which such lunatic is removed and of which he is a
resident. 11/

Expenses incurred by an attendant from a State
hospital while bringing a committed person thereto are paid
out of the State Treasury. 12/

10. West Virginia Code Ann. (1932), Sec. 2662

11. Ibid, Sec. 2660

12. Ibid, Sec. 2664

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County Mental Hygiene
Commission.

3. Reports

No provisions.

4. Executive

See "Composition and Appointment of Governing
Body."

5. Staff

No provisions.

6. Financial Provisions

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Expenses incurred by an attendant from a State
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out of the State Treasury. 11/

10. West Virginia Code Ann. (1932), Sec. 2662

11. Ibid, Sec. 2664

STATE DEPARTMENT OF HEALTH

(Statutory Body)

1. General Powers and Duties

(Only those provisions relating to welfare or institutions under State Board of Control considered.)

(a) The State Department has advisory medical supervision of the Hopemont, Pinecrest, and Denmar Sanitariums. 1/

2. Composition and Appointment of Governing Body

The State Department of Health consists of a Commissioner of Health, a Public Health Council of which the Commissioner is an ex officio member, directors of divisions, and other employees of the Department. 2/

The Commissioner is appointed by the Governor by and with the consent of the Senate, and must be a physician, a graduate of a reputable medical college with at least five years' experience in the practice of medicine, skilled in sanitary science, and experienced in public health administration. Such Commissioner serves a four-year term at a salary of \$4,000 per annum, and is eligible for re-appointment. 3/

The Public Health Council consists of the Commissioner of Health and seven other members appointed by the Governor by and with the advice and consent of the Senate. Six members must be graduates of reputable medical colleges and must have had at least five years' experience in the practice of medicine. The other member must be a graduate of a reputable dental college and a member of the West Virginia State Dental Society, and must have had at least five years' experience in the practice of dentistry. He must have the recommendation of the West Virginia State Dental Society. The members serve four-year terms and are eligible for re-appointment.

Each member of the Council, other than the Commissioner, receives \$10 for each day actually spent in attending the sessions of the Council or of its committees, and in necessary travel not to exceed sixty days in any one calendar year. They are also reimbursed for all actual necessary traveling, incidental and clerical expenses incurred in the discharge of their duties.

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1. West Virginia Code Ann. (1932), Sec. 1272
 2. Ibid, Sec. 1265
 3. Ibid, Sec. 1266; (1933 Supp.), Sec. 331 (4)

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Administrative Provisions -
State Department of Health

2. Composition and Appointment of Governing Body (Cont'd)

The Council elects a President from its own membership for a two-year term. The Commissioner of Health is Secretary of the Council. The Council must hold at least two meetings each year and at such other times as it may prescribe by rule, or upon the request of the Commissioner of Health. Four members constitute a quorum. 4/

3. Reports

Commissioner must report annually to the Governor on the operations of the Department, with any recommendations he may have to make. The report must be printed and distributed in the same manner as other public documents. 5/

4. Executive

The Commissioner of Health is the administrative head of the State Department of Health. 5/

5. Staff

Commissioner, with approval of the Public Health Council, appoints, removes, and fixes the compensation of the Directors of the division and other employees, but said compensation must not exceed the appropriation therefor. 6/

6. Financial Provisions

The State Department is financed by appropriations from the general fund and from collections of fees for examining, licensing, or registering applicants for license, or registration. Such collections are paid into the State Treasury. 7/

Amount of Appropriation:

The sum of \$262,150 is appropriated to the State Department of Health for the period from July 1, 1935 to June 30, 1937. 8/

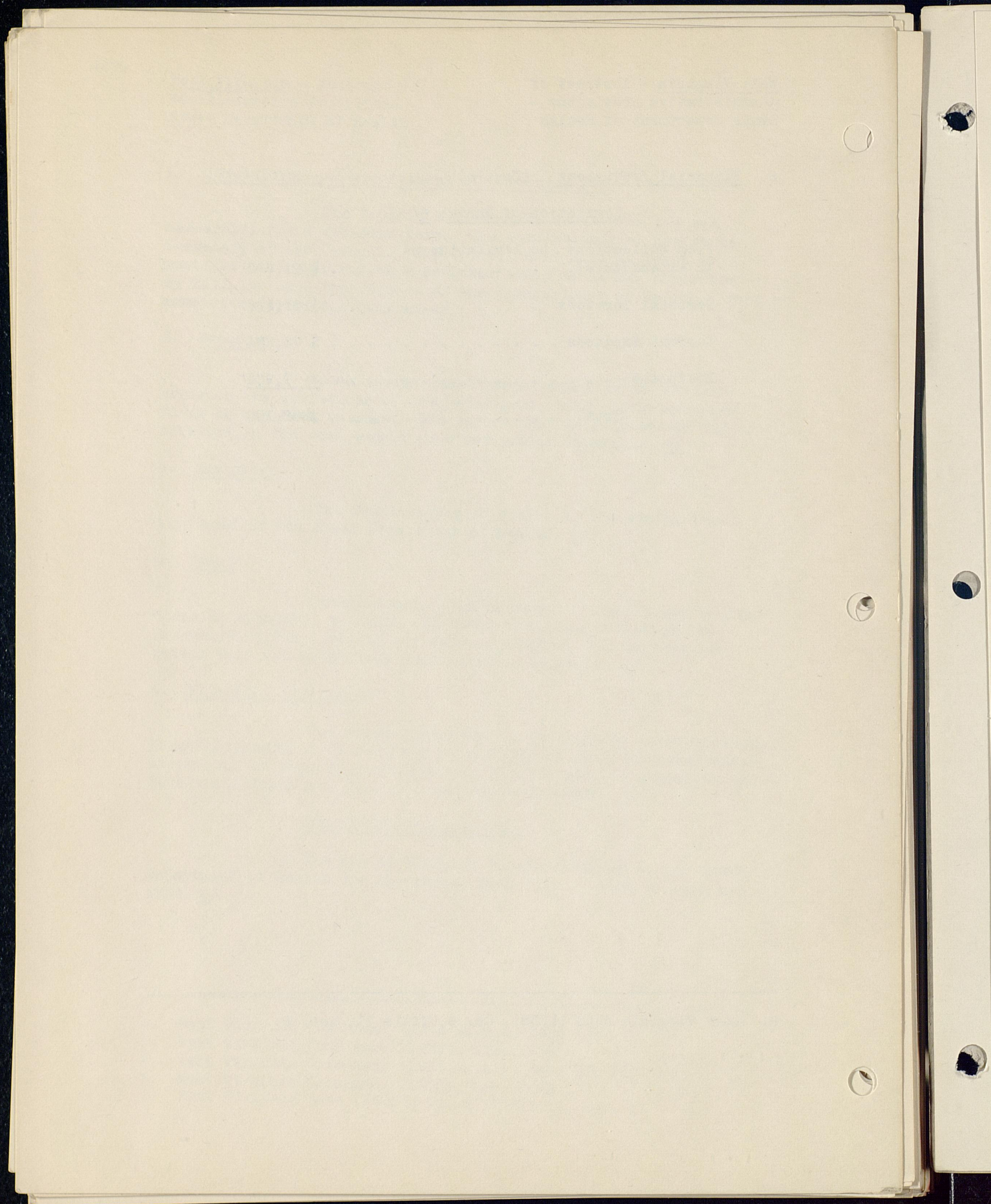
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4. West Virginia Code Ann. (1933 Supp.), Sec. 1267
 5. West Virginia Code Ann. (1932), Sec. 1266
 6. West Virginia Code Ann. (1933 Supp.), Sec. 331 (4)
 7. West Virginia Code Ann. (1932), Sec. 1275
 8. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1

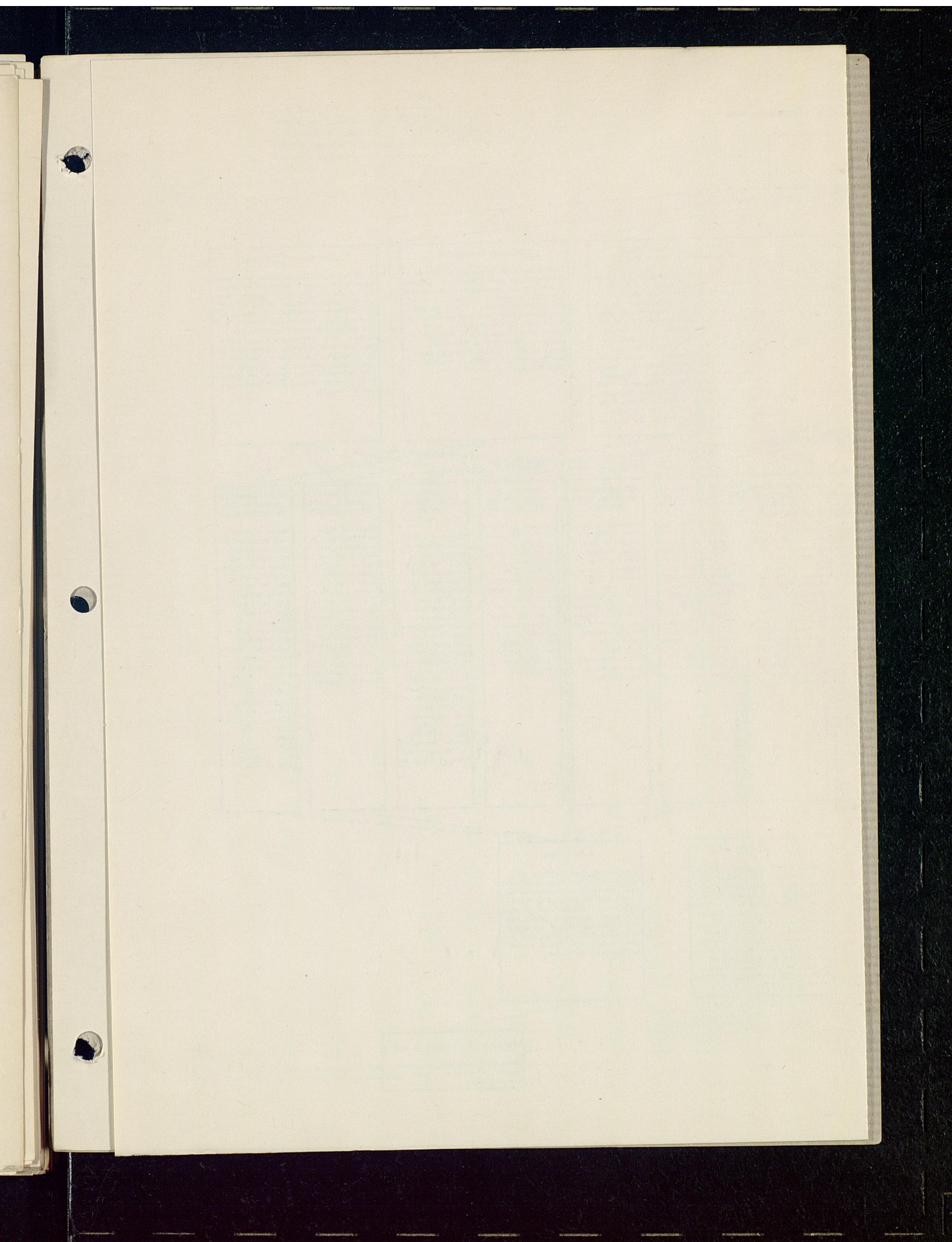
6. Financial Provisions (Cont'd)

Limitation of Funds: 8/

From Collections (no limitation as to expenditure).	\$ 21,600
Personal Services	\$157,280
Current Expenses	\$ 73,284
Equipment	<u>\$ 9,986</u>
Total	\$262,150

8. West Virginia Acts (1935), Ch. 9, Title II, Sec. 1





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