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THE LAW  
OF  
WEST VIRGINIA  
CONCERNING  
INSANE PERSONS AND  
MENTAL DEFECTIVES  
AND THE  
Rules and Regulations  
OF THE  
STATE BOARD OF CONTROL

TRIBUNE PRINTING CO., CHARLESTON, W. VA.





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**STATE BOARD OF CONTROL**

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**403 Capitol Street,**

**Charleston, W. Va.**

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## PREFACE

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This pamphlet contains the New Insanity Law of West Virginia, as amended in 1921, being chapter 58 of the Code, and chapter 131, Acts 1921, establishing the West Virginia Training School for Mental Defectives.

It also contains the Rules, Regulations, and Suggestions of the State Board of Control. These are tentative, and may be changed without notice. No doubt omissions will be found and amendments will be made from time to time. The Board invites from members of County Mental Hygiene Commissions and others, suggestions of improvement, all of which will receive careful consideration.

Enough copies of this pamphlet have been printed and a sufficient number furnished to county clerks for each member of the County Commission in every County of the State.

A supply of printed blanks and forms has also been furnished to county clerks.

STATE BOARD OF CONTROL,



## CHAPTER 58 OF THE CODE

### INSANE PERSONS

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§ 1. **State hospitals**—The West Virginia hospital for the insane, at Weston, shall hereafter be known as the Weston state hospital; the second hospital for the insane, at Spencer, shall hereafter be known as the Spencer state hospital; and the West Virginia Asylum, at Huntington, shall hereafter be known as the Huntington state hospital. Each of the said hospitals shall remain at their respective locations, and shall be managed, governed and controlled by the state board of control (hereinafter called the state board) as provided in chapter fifty-eight of the acts of one thousand nine hundred and nine, and further as provided in this chapter. (Code 1916, c. 58.)

§ 2. **Definition of lunatic**—The word "lunatic," wherever it occurs in this chapter, shall be construed to include every insane person who is not an idiot. (Code 1916, c. 58.)

§ 3. **Management of hospitals**—The state board shall have authority to make and adopt rules and regulations, not contrary to law, for the government and control of each of said hospitals; prescribing the powers and duties of the officers and employees thereof; regulating the admission of patients thereto, and the release, parole and discharge of patients therefrom; and providing for the care, maintenance and treatment of the patients therein. Said board shall also have authority to transfer patients from any one of said hospitals to another, and to transfer any inmate from any institution under its control and management to any one of said hospitals, and from any one of said hospitals to any of said institutions (except the penitentiary); to prepare, prescribe and have printed forms to be used in committing patients to any of said hospitals; in order to make provision in cases of scarcity of room, to divide into classes patients to be admitted thereto, so that admission shall be according to the relative need of patients for medical care and treatment in a hospital; and, for the same reason, to cause to be returned to their relatives, or to the counties whence

they came, patients who are harmless and incurable, including dotards, feeble-minded, imbeciles and idiots.

The governor and the state board shall each have authority to have any one of said hospitals inspected or investigated by an expert or experts, at any time either may think necessary. And the governor, when done upon his order, may pay the expense thereof out of the civil contingent fund; and the state board, when done upon its order, may pay the same out of the current expense fund of the institution inspected or investigated. (Code 1916, c. 58.)

§ 4. **Mental hygiene commission**—There is hereby established in each county a mental hygiene commission, to be composed of the president of the county court, the prosecuting attorney and the clerk of the county court, who shall serve as such without compensation, except for traveling or other necessary expenses incurred in the discharge of their duties as members of the commission, which expenses shall be audited by the county court and paid out of the county treasury; **provided**, that if the president of the county court shall not reside conveniently to the county seat and for that reason, or for other reason, shall desire not to serve as a member of the commission, the county court may choose one of its other members as a member of said commission. The president of the county court, or other member thereof chosen in his stead, as above provided, shall be the chairman of the commission. In his absence, the prosecuting attorney shall act as such chairman, the clerk of the county court shall be the clerk of the commission, and shall keep in a proper book provided for the purpose the full and careful proceedings of all the acts, orders and resolutions of the commission. Two members of the commission shall be a quorum thereof. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 5. **Commitments to hospitals**—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, and deliver the same to the clerk of the county court, whose duty it shall be to issue a warrant ordering the person so suspected and named in such complaint 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 his county, whom he shall suspect to be a lunatic. All such warrants shall be signed by the clerk of



the county court and have impressed thereon the seal thereof; and may be addressed to the sheriff of the county or to any constable of any district thereof, or to a special constable appointed for the purpose and named therein, but if any relative or friend of the person so suspected will serve such warrant and cause such suspected person to be brought before the commission, he may be allowed to do so. All meetings of the commission shall be held at the county seat, unless it shall be thought best by the commission to meet at some other place, as in the case of an insane person whose condition makes it advisable to meet at or near his residence. The officer or person to whom the warrant is addressed shall take the suspected person into his custody and bring him before the commission at the time and place named therein. Before proceeding with the hearing of such suspected person, the commission shall appoint a guardian **ad litem** for him, who shall be present at the hearing and manage the case on behalf of the person suspected. Such witnesses as shall appear necessary shall be summoned by the commission to testify in the hearing. Among the witnesses there shall be included two reputable physicians, duly authorized to practice medicine in this state, who shall separately make a physical and mental examination of the suspected person, and each physician shall make out a certificate of the result of such examination in the form required by the state board, which certificate shall be sworn to by the physician, and shall be considered as evidence by the commission. The substance of the evidence of each witness shall be reduced to writing. If the commission finds as a result of the hearing that the person suspected is a lunatic and should be confined in a hospital, and that he is not a resident of another county of this state, they shall order him to be committed to the nearest hospital unless some relative or friend of such person 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 of West Virginia, 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 the person found to be a lunatic is not dangerous to himself or to the lives or property of others, or is found harmless and incurable, he may be delivered to any relative or friend who will agree to take proper care of him, without such bond, if in the judgment of the commission in any case the same may be proper. (Code 1916, c. 58.)

§ 6. **Commitment of non-resident of county**—If the person so found to be a lunatic by the commission is a resident of another county of this state, the commission shall make up and transmit to the sheriff of its county a copy of the evidence taken on the examination of such person, and shall find and certify to the sheriff the following facts concerning such person, namely: His name, color, age and sex, and the county of which he is a resident, giving the name of the city, town or postoffice of such residence, if known. Such certificate and copy of the evidence shall be signed by the chairman and clerk of the commission, attested by the seal of the county. Upon receipt of such certificate and copy of evidence, the sheriff shall thereupon remove such person to the county of which he is a resident and deliver him into the custody of the clerk of the county court; or, in his absence, to the sheriff, and take a receipt in writing for him, which shall show the name of such insane person, the date of delivery, the person who delivered him and the person receiving him. The sheriff shall make due return to the clerk of the county court of his county, showing the manner in which he removed such insane person, making the above mentioned receipt part of such return. Such return shall be entered by the county clerk in the record of the proceedings of the county mental hygiene commission. The expenses necessarily incurred in effecting such removal, including the compensation to the person making the same, not to exceed three dollars per day, and one guard when necessary, not to exceed one dollar and a half per day, for each day actually so employed, shall be paid out of the county treasury, and shall be refunded to the county paying the same by the county court of the county to which such lunatic was removed and of which he was a resident. The mental hygiene commission of the last named county shall proceed in the case of such lunatic as in the case of a person brought before them charged with being a lunatic, and in such case may consider the evidence and certificate delivered to them by the commission of the other county. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 7. **Transfer of patient to hospital**—When a person has been committed to a hospital, as hereinbefore provided, the clerk of the commission shall immediately communicate with the superintendent of the proper hospital, and forward to him the commitment papers. In the meantime the commission may deliver such insane person into the custody of the sheriff for

safe keeping until he is taken to the hospital, or may provide for his safe keeping for such time by any relative or friend who may agree to do so, upon such terms as may be agreed upon. No such insane person shall be confined in any jail, lockup, or other similar place, unless by reason of his violent or dangerous condition the same shall be necessary; and it shall be the duty of the commission to have all such persons admitted to a hospital where they can receive proper treatment, as speedily as possible. In any case the clerk of the county court may communicate with the superintendent of the hospital by telegraph or telephone. All expenses incurred in the arrest, hearing, and transportation of any insane person to a hospital, including any such telegraphing or telephoning, shall be certified to the county court by the clerk thereof, and shall be paid out of the county treasury. (Code 1916, c. 58.)

§ 8. **Admission to hospital**—The superintendent of the hospital to whom application is made as hereinbefore provided, shall, on receipt of such application, carefully consider the same, and if he be 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 shall, without delay, cause such person to be brought to his hospital by one of the attendants thereof, the actual expenses whereof shall be paid out of the proper fund of the hospital, and repaid to the state by the county as hereinafter provided. If there be no room in the hospital to which the application is made, the superintendent thereof shall immediately communicate the fact to the state board, which he may do when deemed necessary by telegraph or telephone, and transmit the commitment papers to the state board, whose duty it shall be to ascertain whether there is room in any one of the other hospitals, and if there is, to cause him to be admitted thereto, and the superintendent thereof to send attendant for such person; **provided**, that any reputable and trustworthy relative or friend of such insane person may be allowed by the county mental hygiene commission to deliver him to the hospital if such relative or friend will do so, without expense to the county or state. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 9. **Treatment or rejection at hospital**—When a person committed to a state hospital is received therein he shall be carefully examined by the superintendent and the assistant thereof, who are hereby constituted the examining board of such institution. Such examination shall be made as soon after such person

is received in the hospital as may be prudent; and, if from such examination (or from a subsequent examination, if the first one be not satisfactory to the examining board) he is found to be insane and a proper person to be received therein, he shall be registered as an inmate of such hospital, and receive maintenance, treatment and care therein; but if he is not a proper person to be received in such hospital, or if in the opinion of the examining board such person be not insane, the superintendent shall cause him to be returned by an attendant to the sheriff of the county from which he was received. On receiving any such person it shall be the duty of the sheriff immediately to notify the clerk of the county court thereof; and it shall be the duty of the mental hygiene commission of such county promptly to consider and dispose of such case. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 10. **Commitment fees**—The county court of any county may make contract with two or more competent physicians respecting the compensation to be paid to them for their services in examining lunatics and other persons brought before the mental hygiene commission of the county, the county court, or the circuit court, or confined in jail. The compensation of physicians, of all witnesses, and of all other persons and officers whose compensation is not fixed in this chapter or by any other law, employed in examination of such persons, or for their care and maintenance, or for other services in connection therewith, unless the same shall have been agreed upon before or at the time such service was performed, or is fixed by law, shall be such as may be prescribed by the county court of the county, and shall be paid out of the county treasury. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 11. **Voluntary patients at hospitals; feeble-minded persons**—Any resident of this 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 said hospitals would be beneficial to him, may make application to the state board for the benefit of treatment in one of the state hospitals, as a voluntary patient. The application must be in writing, in such form as the state board may prescribe, and be signed by the applicant, who shall acknowledge his signature before a justice or a notary public. The state board may require the certificate of one or more physicians and such other evidence of the mental and bodily condition of the applicant as they may think proper; and the board may

admit him for treatment in any state hospital upon such terms and conditions, and with such security for payment of the price agreed upon for treatment and maintenance therein, as the board may deem proper. A voluntary patient may be discharged upon certificate of the superintendent of the hospital, because he is cured or because further treatment therein is unnecessary or undesirable. A voluntary patient shall have 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. Any relative or friend of any such person, may make application to the state board for his treatment in a state hospital, and the board may take such action thereon as is provided above in this section, all the provisions of which shall apply to such case, so far as applicable, as when the application is made by the person himself. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 12. **Who admitted to Huntington hospital**—There shall also be admitted to the Huntington state hospital such patients as the state board may deem eligible; but in no case to include tubercular, cancerous or leprous persons. Such persons shall be committed by county courts, or in such other manner as the state board may prescribe, and according to regulations prescribed by said board. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 13. **Discharge from hospital**—When any patient in any state hospital is restored to sanity the superintendent shall give him 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. If after examination the superintendent shall find him sane, he shall give him a certificate of restoration and a discharge. 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 his petition, or any relative or friend 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 the certificate

of restoration, and in other cases to the circuit court of the county in which the person is confined or is in custody, stating the facts. The courts shall 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, and fix a time for the hearing of the case, which may be heard by the court either with or without a jury, as the court may order; and if the person is found sane, or it is found that he is held in custody in violation of law, he shall be discharged. In cases of patients who have been denied certificates of restoration and discharge by the superintendent of a hospital, or in which it is alleged that a patient is held in custody illegally in any state hospital, the superintendent shall have at least five days' notice of the time and place of the trial in the circuit court. In all such cases the prosecuting attorney shall represent the sheriff or other county officer or the commission who shall be a defendant in such proceedings; and the attorney general shall represent the superintendent of any hospital who is a defendant. In case the decision shall be against the applicant, he or his bondsmen (if any), or the person signing the petition, shall pay the costs of the proceeding. In any case in which a court may find a person sane upon an inquest or trial respecting his sanity, he shall be discharged and entitled to a certified copy of the order of the court made in the case. Nothing in this section shall be construed as applying to patients charged with or convicted of crime, as provided in section fifteen hereof. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 14. **Release of criminal insane**—When 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, shall be restored to sanity, the superintendent shall give notice thereof to the clerk of the court by whose order he was confined, and deliver him to the proper officer upon the order of the court. (Code 1916, c. 58.)

§ 15. **Commitment of criminal insane**—If any person charged with or convicted of crime, be found in the court before which he is so charged or was convicted to be insane, and if such court shall order him to be confined in one of the state hospitals, he shall be received and confined in it if there be room therein for him. The sheriff or other officer of the court by which the order is made, shall immediately proceed in the manner directed by

section seven of this chapter, to ascertain whether such vacancy exists in a state hospital; and until it is ascertained that there is a vacancy, such person shall be kept in the jail of such court. (Code 1916, c. 58.)

§ 16. **When commitment fees disallowed**—No officer shall be allowed anything for carrying a lunatic or other person to or from a hospital, whether for himself, his guard, or the lunatic, unless he shall have previously ascertained that there is room therein for such lunatic. (Code 1916, c. 58.)

§ 17. **Escape from hospital**—If any person confined in a state hospital escape therefrom, the superintendent thereof shall issue a notice, giving the name and description of the person escaping, and requesting his apprehension and return to the hospital; and may offer such reward for the return of such person as the state board may authorize. The superintendent may issue a warrant directed to the sheriff of the county, commanding him to arrest and carry such escaped person back to the hospital, which warrant the sheriff may execute in any part of the state. If such person flee to another state, the superintendent shall notify the state board thereof, and the board shall take such action as it may deem proper in the premises for the return of such person to the hospital. The sheriff or other person making such arrest shall be paid such compensation as is provided for like services in other cases, and such additional compensation in any case as the state board may think reasonable and just. (Code 1916, c. 58.)

§ 18. **Inmates of jails**—When any person is confined in any jail as an insane person, or an epileptic, or an idiot, or other incurable defective, the jailer shall certify the fact to the circuit court of the county at the next ensuing term, and the court shall thereupon cause such person to be examined, if yet in jail, by two competent physicians, who shall report the result thereof to the court. The court shall then make such provision for the care and maintenance while in jail of such person as it may deem proper; **provided, however:** that the allowance to the jailer for such care and maintenance shall not exceed one dollar per day, except in special and extraordinary cases, when the court may allow a larger sum. A reasonable allowance may be made for clothing for such person. No such allowance shall be ordered or paid, unless it appear in the certificate that the jailer proved to the court that, immediately

after the commitment of such person, and at least once in each ten days thereafter, application was made to a state hospital for admission, and that such application was refused for want of room, or that applications were not continued because the admission of such person had been refused for some other cause than from want of room, and it further appears in such certificate that the jailer made report in due time to the circuit court of the county, as provided in the first part of this section. (Code 1916, c. 58.)

§ 19. **Discharge from jail**—If any reputable person present to the clerk of the county court of a county wherein a person is confined as a lunatic, other than one charged with or convicted of crime, or other than one confined in a state hospital, or a duly licensed private hospital, an application in writing for the discharge of such lunatic on the ground that he has been restored to sanity, the mental hygiene commission for the county must consider the same, and may proceed to make an inquest upon such lunatic as is hereinbefore provided. If the commission find that such person has been restored to sanity, they shall set him at liberty, if they have authority to do so; and if they have not such authority, they shall give a certificate of their finding to the person making the application, who may present it to the proper court. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 20. **Appointment of guardian or committee**—When a person is found insane or to be mentally defective, by the county mental hygiene commission, or be committed to a state hospital by the county court, the county court shall appoint a guardian or a committee for him; and when a person is found insane by the circuit court, such court shall appoint a guardian or committee for him. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 21. **Qualification of such representative; appraisement of estate**—The court making the appointment of such guardian or committee shall take from him a bond in such penalty and with such surety as it shall deem sufficient, with condition that the person so appointed will well and truly account for and pay over to the persons entitled thereto all property and moneys which may come into his hands by virtue of such appointment, and with such other conditions as the court may require. When such appointment is made by a circuit court, the clerk thereof shall, without delay, certify to the clerk of the county court the appointment so made,



and shall transmit the bond given, and it shall be recorded by the clerk of the county court as other bonds are recorded. The county court shall appoint three disinterested persons to appraise the property, both real and personal, of any such person, which appraisers before entering upon their duties shall take and subscribe an oath that they will fairly and impartially perform their duties as such appraisers; and they shall return a list of all the property owned by such person or to which he may be entitled, by separate items, setting forth the true and actual value of each item of such property and the aggregate value thereof. The report of the appraisers shall be returned to the clerk of the county court, and recorded in his office, as is provided by law for the recordation of the appraisal of the property of deceased persons. If any person so appointed as guardian or committee refuse the trust, or shall fail, at or before the term succeeding his appointment, to give bond as aforesaid, the court, on the motion of any party interested, or at its own instance, may appoint some other person guardian or committee, taking from him bond as above provided, or may commit the estate of such person to the sheriff of the county, who shall act as such guardian or committee, and he and the sureties on his official bond shall be liable for the faithful performance of the trust. (Code 1916, c. 58.)

**§ 22. Powers and duties of guardian or committee—**  
The guardian or committee of any such person shall be entitled to the custody and control of his person when he resides in the state and is not confined in a state hospital or in jail, and shall take possession of his estate, and may sue and be sued in respect thereto, and for the recovery of debts due to and from such person. He shall preserve such estate and manage it to the best advantage; shall apply the personal estate or so much thereof as may be necessary, to the payment of the debts of such insane person, and the rents and residue of his estate, real and personal, or so much as may be necessary, to the maintenance of such person, and of his family, if any; and shall surrender the estate, or as much as he may be accountable for, to such person in case he shall be restored to sanity, or the real estate to his heirs or devisees, and the personal estate to his executors or administrators, in case of his death without having been restored to sanity. (Code 1916, c. 58.)

**§ 23. Petition for mortgage, lease or sale of real estate—**  
If the personal estate of such insane person or mentally defective be insufficient for the discharge of his debts, or if such estate or

the residue thereof after payment of the debts, and the rents and profits of his real estate, be insufficient for his maintenance, and that of his family, if any, the guardian or committee of such person may petition the circuit court of the county in which he was appointed, for authority to mortgage, lease or sell so much of the real estate of such insane person as may be necessary for the purposes aforesaid, or any of them; setting forth in the petition the particulars and the amount of the estate, real and personal, the application which may have been made of any personal estate, and an account of the debts and demands existing against the estate. (Code 1916, c. 58; Acts 1921, c. 131.)

**§ 24. Investigation of such petition by commissioner—**

On the presentation of such petition, it shall be referred to a commissioner in chancery, to inquire into and report upon the matters therein contained; whose duty it shall be to make such inquiry, to hear all parties interested in such real estate, and report thereon with all convenient speed. (Code, 1916, c. 58.)

**§ 25. Order for mortgage, lease or sale of realty—**

If, upon the coming in of the report and examination of the matter, it shall appear to the court to be proper, an order shall be entered for the mortgage, leasing or sale (on such terms and conditions as the court may deem proper) of so much of the said real estate as may be necessary. But no conveyance shall be executed until the sale shall have been confirmed by the court. The proceeds of any such sale shall be secured and applied under the order of the court. (Code 1916, c. 58.)

**§ 26. Committee for lunatic suspect—**

If a person residing in this state, but not so found, be suspected to be insane, the circuit court of the county of which such person is an inhabitant shall upon the application of any person interested, and after five days notice to the person suspected, proceed to examine into his state of mind, and if satisfied that he is insane, shall appoint a committee for him. If a person residing out of this state, but having property therein, be suspected to be insane, the circuit court of the county wherein the property or a greater part of it is, shall, upon like application and being satisfied that he is insane, appoint a committee for him. (Code 1916, c. 58.)

**§ 27. Who deemed resident; disposition of non-resident--**

For the purposes of this chapter no person shall be considered a resident of this state unless he is a citizen of the United States

and has been a **bona fide** resident of this state for at least one year, and was not insane when he came into this state. And as among the counties, no person shall be considered a resident of a county who is not a resident of the state as above defined, and has been a resident of the county for at least sixty days, and was not insane when he came into the county. In the inquest on a person before them suspected of insanity, the county mental hygiene commission, if it appear that he is not a resident of this state, shall make diligent inquiry to ascertain his residence, and if it be ascertained, shall state in the commitment papers as definitely as their information shall justify, the city, town or other place, as well as the state or country, of which he is a resident. When a person who is a non-resident of the state is sequestered as an inmate of a state hospital, the superintendent thereof shall immediately report the fact to the state hospital board. The board shall take proper steps to cause such a person to be deported if an alien; or, if otherwise a non-resident of this state, to be taken to the state, territory or place of his residence and delivered to the proper authorities thereof. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 28. **Private hospitals**—No private hospital for the care and treatment of the insane or mental defectives for compensation shall be established unless a permit therefor shall be first obtained from the state board. The application for such permit must be accompanied by the plan of the premises to be occupied, and with such other data and facts as the board may require, who may make such terms and regulations in regard to the conduct of such hospital as it may think proper and necessary. The state board, or any member thereof, or any person by the board authorized to do so, shall have full authority to investigate and inspect such private hospital; and the state board may revoke the permit of any such hospital for good cause, after reasonable notice to the superintendent or other person in charge thereof. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 29. **Malicious medical certificate or complaint as to sanity**—Any physician who shall sign a certificate respecting the sanity of any person without having made the examination as provided for by this chapter, or shall make any statement in any such certificate maliciously for the purpose of having such person declared insane, and any person who shall maliciously make

application to any mental hygiene commission or other tribunal for the purpose of having another person declared insane, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both fined and imprisoned at the discretion of the court. Not more than one physician of any firm or association of physicians practicing medicine together, shall sign a certificate provided for in this chapter respecting the mental or bodily condition of any person suspected of insanity. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 30. **Offenses**—If any person shall entice any patient from any of said hospitals who has been legally committed thereto, or attempt to do so; or shall counsel, cause or influence or assist, or attempt to do so, any such patient to escape or attempt to escape therefrom, or harbor or conceal any such patient who has escaped therefrom; or shall without permission of the superintendent of any such hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any money, firearms, intoxicating drink, drugs, cigarettes, tobacco, or any other article whatever; or, shall receive from the hands of any such patient any thing of value, whether belonging to state or not; or shall cause or influence, or attempt to cause or influence, any such patient to violate any rule or to rebel against the government or discipline of such institution; or shall tease, pester, annoy, or molest any such patient, he shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or be imprisoned not exceeding six months, or, in the discretion of the court, be both fined and imprisoned. If any person shall aid or abet the commission of any of the foregoing offenses or aid or abet an attempt to commit the same, he shall be guilty the same as if he were the principal, and be punished as above provided. In the trial of an indictment for committing any of the above named offenses, the accused may be found guilty of an attempt to commit the same, or of aiding or abetting another in committing or in an attempt to commit the same. If any person, not her husband, shall have sexual intercourse with any female patient who is an inmate of any of said hospitals he shall be guilty of a felony, and on conviction thereof, shall be confined in the penitentiary not less than ten nor more than fifteen years; and if such female patient be under sixteen years of age, he shall be imprisoned not less than ten nor more than twenty years. (Code 1916, c. 58.)

§ 31. **Trespass on hospital grounds**—The inclosed premises and the lands adjoining the same belonging to any one of said state hospitals, are hereby declared private grounds; and if any person be found thereon without authority or permission or good excuse, he shall be deemed a trespasser and, on conviction thereof, shall be fined not exceeding twenty-five dollars; and if it shall appear that he was thereon for any unlawful or immoral purpose, in addition to being so fined, he shall be imprisoned not exceeding sixty days. (Code 1916, c. 58.)

§ 32. **Payment of expenses of transfer to hospital**—Immediately after the close of each fiscal year, after the year ending June thirtieth, one thousand nine hundred and fifteen, the superintendent of each of said hospitals shall make out and certify, in duplicate, a list showing the following facts and such others as the state board shall require, namely: The name, color, sex and age of each inmate cared for and maintained in his hospital for any part of the preceding fiscal year; the name of the county of which he was a resident at the time of his admission; the date of his admission, the length of time during the preceding fiscal year he was an inmate; all payments made by or on behalf of any such inmate, by whom paid, and the date and amount of each of such payments. Said list shall also give the amount paid by the institution or by the state for transportation of each inmate thereto, including transportation for any inmate returned thereto who was out on parole. One of said lists the superintendent shall deliver to the state board within ten days after the close of each fiscal year, after the fiscal year ending June thirtieth, one thousand nine hundred and fifteen, and the other he shall file among the records of his institution. (Code 1916, c. 58.)

§ 33. **Maintenance of lunatics by counties**—Every county shall pay into the state treasury at the rate of fifty dollars per annum for every epileptic, idiot, imbecile, or such other incurable defective heretofore or hereafter admitted as a patient or inmate to a state hospital or training school from such county, but the counties shall not be required to pay at said rate of fifty dollars per annum or any other sum to the state for the maintenance of any insane person proper, anything in this act or any provision of the laws of this state to the contrary notwithstanding. At every levy term of each county court it shall estimate for and levy a sufficient amount to meet all such expenses. The super-

intendent of said hospital, on or before the tenth day of January of each year, shall certify to the auditor a list of all the patients in the said hospital during the whole or any part of the preceding year for which the counties are to pay, showing on such list under the name of the county, the number from each county and the length of time he was in said hospital during the year, and showing the amount due from each county for each patient, and the total amount due from each county for the year. As soon as such list is received by the auditor he shall charge to each county the amount appearing to be due from the certificates of the said superintendent. Within ten days after the receipt of such certificate the auditor shall make out a copy thereof for each county and certify the same to the county court thereof, which list shall show the name of each patient in said hospital from the county during the year, the length of time he was in such hospital during the year, the amount charged for each patient, and the total amount charged on account of all such patients from the county; and said total amount shall constitute a debt against the county due the state. Whenever there is in the state treasury a sum of money due any county from any source the same shall be at once applied on the debt aforesaid against the county, and the fact of such application of such fund shall be reported by the auditor to the county court of the county, which report shall be a receipt for the amount therein named. All moneys paid into the state treasury by counties as herein provided shall be credited by the auditor to the current expense or maintenance fund of said hospital, and shall be subject to be drawn out of the state treasury on the requisition of the state board of control for the current expenses of the said hospital, and all such moneys are hereby appropriated for that purpose. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 34. **Reimbursement for such maintenance from estate or relatives of lunatic**—All moneys which any county shall pay or become liable for under the provisions of this chapter on account of any inmate from the county in any state hospital or training school, the county court of the county may recover, within five years after payment of the same by the county or from the time the county became liable therefor, from the persons and in the manner following, namely: If the inmate be a minor, from his guardian; or, if he have no estate, or it be insufficient, from his father; or, if he have no father or his estate be insufficient, from his mother. If the inmate be an adult, from his or her estate;

but if such estate be insufficient, and inmate be a wife, from the estate of her husband; or, if his estate be insufficient, from the estate of her children, or such of them as have sufficient estate. If the inmate be a husband, and his estate be insufficient, from the estate of his wife; or, if her estate be insufficient from the estate of his children, or such of them as have sufficient estate. It shall be the duty of the guardian or committee of any such inmate to pay to the county of which his ward is a resident, if he have sufficient estate in his hands to do so, the money so due to the county from his ward. The county court may order its clerk to make out a bill against any such inmate for the sum so due to the county, which bill shall show the different items and the amount of each, and be certified by the clerk as correct, and by him delivered to the sheriff for collection. The clerk shall charge against the sheriff the amount of each of such bills, showing the date when delivered to the sheriff. It shall be the duty of the sheriff to collect the same from the proper person, or the guardian or committee of such inmate. Within sixty days after receiving any such bill, or at the next session of the county court held after the expiration of such sixty days, the sheriff shall make a report to the county court of his acts in respect thereto and return all such bills he has been unable to collect. The county court may re-deliver any of such bills to the sheriff for collection, and in respect thereto the sheriff shall make report as above provided. (Code 1916, c. 58; Acts 1921, c. 131.)

§ 35. **Remedies of county; exoneration from reimbursement**—All moneys which any county shall pay or become liable for under the provisions of this chapter the county court of the county may recover, within five years after payment of the same by the county or from the time the county became liable therefor, from the persons and in the manner following, namely: if the inmate be a minor, from his guardian; or, if he have no estate, or it be insufficient, from his father; or, if he have no father or his estate be insufficient, from his mother. If the inmate be an adult, from his or her estate; but if such estate be insufficient, and the inmate be a wife, from the estate of her husband; or if his estate be insufficient, from the estate of his children, or such of them as have sufficient estate. If the inmate be a husband, and his estate be insufficient, from the estate of his wife; or, if her estate be insufficient, from the estate of his children, or such of them as have sufficient estate.

It shall be the duty of the guardian or committee of any such inmate to pay to the county of which his ward is a resident, if he have sufficient estate in his hands to do so, the money so due to the county from his ward. The county court may order its clerk to make out a bill against any such inmate for the sum so due to the county, which bill shall show the different items and the amount of each, and be certified by the clerk as correct, and by him delivered to the sheriff for collection. The clerk shall charge against the sheriff the amount of each of such bills, showing the date when delivered to the sheriff. It shall be the duty of the sheriff to collect the same from the proper person, or the guardian, or committee of such inmate. Within sixty days after receiving any such bill, or at the next session of the county court held after the expiration of such sixty days, the sheriff shall make a report to the county court of his acts in respect thereto and return all such bills he has been unable to collect. The county court may re-deliver any of such bills to the sheriff for collection, and in respect thereto the sheriff shall make report as above provided. In the recovery of moneys due the county under the provisions of this chapter, in addition to the provisions of this chapter all the provisions of sections fifteen, sixteen, seventeen and eighteen of chapter forty-six of said code shall apply as far as they may be applicable; and the county court may proceed according to said provisions without first placing the claim in the hands of the sheriff for collection; **provided:** that as to any person liable to the county for any money under the provisions of this chapter, the county court may, if it find he is unable to pay the same, or that the payment of the same would work a hardship upon him or his family or others dependent upon him, exonerate him from the payment of the same or from a part thereof, or make any other order in the matter that the county court shall deem just and equitable or expedient under all the circumstances of the case. (Code 1916, c. 58.)



**RULES, REGULATIONS AND SUGGESTIONS OF STATE  
BOARD OF CONTROL RESPECTING INSANE  
PERSONS.**

**1. Hospital districts**—Colored patients will be received at the Weston Hospital only.

There will be received at the Huntington Hospital only such patients as the State Board of Control may deem eligible. All insane persons proper will be received only at Weston and Spencer.

The State is divided into two hospital districts, as follows:

**Northern Hospital District**—This district consists of the counties of Barbour, Berkeley, Braxton, Brooke, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Nicholas, Ohio, Pendleton, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Upshur, Webster and Wetzel.

All the insane, including colored insane, from these counties will go to the Weston Hospital.

**Southern Hospital District**—This district consists of the remaining counties, namely: Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Pleasants, Putnam, Raleigh, Roane, Summers, Tyler, Wayne, Wirt, Wood and Wyoming.

All the insane, except the colored insane, from this district will go to Spencer. The colored insane from this district will go to the Weston Hospital.

**2. Record of proceedings**—The clerk of each county mental hygiene commission (the clerk of the county court) is required by section four to keep "the full and careful proceedings of all the acts, orders and resolutions of the Commission." It is deemed impracticable to have any printed forms in this record book. The kind of record book to be obtained is left to each commission, whether it shall be a loose-leaf book, a regular full bound record book, or other kind. It is presumed that each county will want a book of a size to correspond with the size of the other record books of the county. It should be sufficiently large and paged, with a good index, and labeled "Record of Mental Hygiene Commission of

..... County, No. 1." While the substance of the evidence of each witness, except that of the physicians (who make their own certificates), should be taken down by the clerk, it will not be necessary to enter this evidence in the record book. It and the complaint, warrant and other papers in the case should be placed in a proper sized envelope or other receptacle, with proper endorsement, and filed in the county clerk's office. Each case before the commission should be indexed in the name of the person charged with being a lunatic, and it would be well also to index it in the name of the person making the complaint in each case.

The following is suggested as a form of record to be made in an ordinary case:

**Inquisition on** .....

Place..... Date.....  
 State of West Virginia vs....., Defendant.  
 Inquisition in Lunacy, before the mental hygiene commission of.....  
 County, State of West Virginia.  
 Upon complaint and information on oath, made on the.....  
 day of....., 192....., by.....  
 a resident of said county, that.....  
 is a lunatic, on the..... day of....., 19.....,  
 in pursuance of said complaint, the clerk of the said commission issued a warrant,  
 directed to....., sheriff of said county  
 (or a constable of said county, or....., who is  
 hereby appointed as a special constable for the purpose, or.....,  
 a relative or friend of said.....), commanding him to  
 apprehend said defendant and bring him before said Commission on the.....  
 day of....., 192..... Said warrant was  
 executed by bringing before the said Commission, on the..... day of  
 ....., 192....., of....., in said county,  
 the above named defendant. And all the members of the said commission being  
 present,..... was appointed guardian **ad**  
**item** on behalf of said defendant, who was present and represented said defendant  
 before said commission. And said commission having then and there held  
 inquisition and examination touching the sanity of said defendant, and having  
 heard the testimony of the following named witnesses, namely:.....  
 M. D., and....., M. D., and.....  
 witnesses, whereupon, as a result of the said hearing and the evidence produced  
 before them, the said commission doth find and adjudge that.....  
 the defendant aforesaid, is a lunatic and should be confined in a state hospital,  
 and it further appearing that he is not a resident of another county of this state,  
 and that no relative or friend of such defendant will agree to take care of him,  
 or give bond as required by law to take proper care of said defendant, therefore  
 it is hereby ordered that the said.....  
 the defendant aforesaid, be and he is hereby committed to.....  
 State Hospital, and that he be delivered into the custody of the sheriff of this  
 county, who is hereby commanded to properly and safely keep said.....

....., and deliver him to the superintendent of the said hospital or to his representative. And it is further ordered that the clerk of this commission do make out, sign and seal a commitment accordingly.

The costs of the hearing were as follows:

To.....	sheriff,	\$.....
To.....	constable,	\$.....
To.....	physician,	\$.....
To.....	physician,	\$.....
To.....	witness,	\$.....
To.....	chairman, for expenses	\$.....
To.....	prosecuting attorney, for ex-	\$.....
	penses,	\$.....
To.....	clerk county court, for expenses	\$.....
To.....	sheriff, for delivering said de-	\$.....
	fendant to the authorities of	\$.....
	.....County,	\$.....

Mental Hygiene Commission of.....County.

(SEAL) By....., Chairman.  
By....., Clerk.

This form will be varied to suit circumstances. If the defendant is found not to be a lunatic, an epileptic, idiot or imbecile needing care in a state hospital, he will be dismissed. If he is found to be a resident of another county of this state, that fact should be stated and the record show that he was placed in the custody of the sheriff, with orders to deliver him to the proper authorities of that county. If he is an epileptic, or an imbecile, or an idiot, that fact will be stated. If he is found to be a lunatic or an idiot or an imbecile and some relative or friend will agree to care for and maintain him, and the commission deems it prudent to commit the defendant to the care of such relative or friend, either with or without bond, the record will show that fact.

**3. Issuing warrant**—When complaint is made on oath (Form No. 1300), the clerk will issue the warrant (Form No. 1301). This warrant may be directed to the sheriff, or to any constable, or to any person whom the clerk may deputize as a special constable for the purpose, or to any relative or friend. The clerk should use some discretion in issuing warrants upon complaint. The complainant must be a resident of the county and presumably a reputable citizen. If the clerk does not know the complainant to be such, it would be well for him before issuing the warrant to make some inquiry or investigation, so as to satisfy himself that the warrant should be issued. When the warrant is issued to a friend or relative, it might be well for the clerk to direct it "To....., a relative (or friend) of....."

4. **Care of committed patients**—Sec. 7 provides that when a person is committed to state hospital and while awaiting transportation thereto, he shall be committed to the custody of the sheriff, or the commission may provide for his safe keeping by any relative or friend upon such terms as may be agreed upon. The law distinctly provides that no insane person shall be confined in any jail, lock-up or other similar place unless by reason of his violent or dangerous condition the same shall be necessary. The law further provides that all haste will be had in getting insane persons into one of the hospitals. This is very important, because in cases of acute insanity the delay of one day may prevent a cure. Experts tell us that there are many persons in our hospitals, who are now incurable, who could have been cured and restored to society and their relatives and friends and families, if they had had prompt treatment in the beginning. Of course in case of an idiot or an imbecile such haste is not necessary, unless he be violent or dangerous. If the patient needs medical attention the commission will see that he has it, and should make arrangements for the proper care of all insane patients whom they commit to a hospital until they are taken thereto.

If the patient is confined to bed, the commitment must be deferred. No commitment should be considered if death is impending.

5. **Clothing, money, jewelry, etc.**—The commission should see that the patient is properly and adequately clothed.

All the jewelry, money, and other valuables found on the person of the patient should be taken from him and list of same made in duplicate. These articles or valuables may be delivered to the committee, guardian, relatives or to any person whom the commission would deem proper to receive them, the commission taking a receipt therefor. If these articles and other valuables are delivered to the attendant or other person conveying the patient to the hospital the commission will cause such attendant or other person to receipt for these articles upon the list made out, and mail the receipt and list to the superintendent of state hospital receiving the patient.

6. **Residence**—The place of residence of the defendant is very important. If he is a non-resident of this state and a resident of another part of the United States, ascertain, if possible, not only the state of which he is a resident, but his postoffice address, or the town or city from which he came. If he is an alien, ascertain, if

possible, of what country he is a native, and of what country he was last a resident. See sec. 27.

**7. Lunatics resident of another county**—When a person suspected of lunacy is brought before a county mental hygiene commission, they should first ascertain whether he is a resident of the county or not; and if not, whether he is a resident of another county of the State. If he be found to be a resident of another county, then inquiry should proceed as to whether he is a lunatic or not. If it be found that he is a lunatic, then he is to be delivered into the custody of the sheriff to be taken and delivered to the clerk of the county court of that county, or to the sheriff thereof. Use Form No. 1307 for this purpose. The return of the sheriff removing such person to the other county is required by section 6 to be entered in the record of the proceedings of the commission. The expenses incurred in effecting such removal should be itemized in a statement, verified by the clerk of the county court, and sent to the clerk of the county court of the other county, and it is the duty of the county court of that county to repay the first county for all such expenses. See Sec. 6.

The mental hygiene commission of the county of which the defendant is a resident and to which he is removed will proceed as in the case of a person brought before them charged with being a lunatic, except of course that no complaint need be made. The commission of such county will consider the findings of the commission of the first county, and a copy of the evidence attested by the chairman and clerk of the commission including the certificates of the physicians. Of course the commission of the second county can take such further evidence as they may think proper. If the said last-named commission finds the person a lunatic and commits him to a hospital, they will send all the evidence before them, including the physicians' certificates, with the commitment.

**8. Physicians certificates**—The physicians' certificates are very important; and every question and point of information asked therein should be answered and given as far as possible. Therefore physicians should be allowed to ask questions of witnesses, and witnesses should be summoned before the commission who can give the information required, if they can be had.

The original certificates of the physicians, properly verified, must accompany each commitment.

9. **Transportation of patients to hospital**—Sec. 8 provides that the superintendent of the hospital shall send attendants for patients committed to his institution. It is also provided that any reputable and trustworthy relative or friend of an insane person may be allowed by the county commission to deliver him to the hospital, if such relative or friend will do so without expense to the county or state. It happens in some cases that a relative or friend, such as the husband in case of the wife, or the father in case of the child, prefers to take them to the hospital themselves. When the county commission is satisfied that this can be done safely and properly they may allow it. But in cases of a female patient, another female should accompany her unless she is accompanied by her father, husband, son, brother, or some other near relative. She should not be put in custody of a strange male person alone. If any person other than a hospital attendant takes a patient to a state hospital, the superintendent should be advised of the expected time of their arrival by wire.

Attention is especially called to the fact that, after the Commission has adjudged a person insane and ordered that he or she be committed to a State Hospital, before sending said patient to the hospital the clerk of the Commission shall communicate with the superintendent of the proper hospital and forward to him the commitment papers, including the physician's certificates and evidence. The superintendent will then examine the papers and if he finds that the patient is eligible for admission and there is room for said patient, he will notify the clerk of the Commission and have the patient brought to the hospital by one of the attendants thereof, unless otherwise provided as in the preceding paragraph.

10. **Return of Person from hospital to county**—If a person is returned to the county, as provided in Sec. 9, because the examining board of the hospital is of opinion that he is not insane, or for other lawful reason, while it is not in the province of this Board to make any rule or regulation in the matter as to what then shall be done with him, it is the suggestion of this board that every such person, if an indigent one and no person will care for or maintain him, be delivered by the Commission to the proper authorities of the county for the care and maintenance of the poor.

11. **Contracts with physicians; fees and costs**—Sec. 10 provides that the county court may make contracts with two or more competent physicians as to the compensation to be paid

them for services in examining lunatics, etc.; and that the county court shall have authority to fix the compensation of physicians, of all witnesses, and of all persons and officers whose compensation is not fixed by law.

Of course the County Commission will see that all expenses and costs incurred by it are promptly and properly reported to the county court for allowance for payment.

**12. Who admitted to Huntington hospital**—As before stated, there will be admitted to the Huntington State Hospital only such patients as the State Board may deem eligible. The law (sec. 12) provides that such persons may be committed by county courts or in such other manner as the State Board may prescribe and according to its rules and regulations. The Board hereby prescribed that such persons shall be committed by the county commissions in the same manner as insane persons are committed to the other hospitals, and according to the regulations governing the same.

**13. Voluntary patients**—In cases of voluntary patients, as provided in Sec. 11, information will be furnished by the State Board of Control upon application to it.

**14. Appointment of committees or guardians**—Sec. 20 provides that when a person is committed to a state hospital by a county mental hygiene commission, the county court of the county shall appoint a guardian or committee for him. In order that the county court may do this (and it is important that it be done), the clerk of the commission should promptly report to the county court the name of each person committed by the commission to a state hospital.

**15. Parole of Patients**—The superintendent of each hospital for the insane is authorized to parole patients on bond, with sufficient security, who in his judgment have improved mentally and physically to such an extent as no longer to constitute a menace to themselves and others, a condition of the bond requiring that in the event the parole is revoked, or it is desired to return the patient for any cause or reason, the guardian or bondsman shall return the patient to the hospital free of expense to that institution or the State.

The County Mental Hygiene Commission also has authority to parole a person found to be insane, to a friend or relative of the said person, instead of committing him or her to a hospital, taking from such friend or relative a bond in the penalty of not less than \$500.00 with sufficient security (use S. B. C. Form No. 1305), with condition to restrain and take proper care of said person until the cause of confinement shall cease or until he is delivered to the Commission again to be dealt with according to law. The Commission also has power, instead of committing to a hospital, to parole a harmless and incurable patient to a friend or relative of said patient without bond, if it may seem proper.

### **Treatment of Drug Addicts**

Section 68-b of Chapter 1, of the extraordinary session of the legislature of 1921, appropriated \$5,000.00 a year for two years, for the care and treatment in State and other hospitals, of drug addicts residents of West Virginia, who may become public charges, subject to such rules and regulations as may be prescribed by the State Board of Control.

It has been decided by this Board that such patients may be received at Huntington, Spencer and Weston State Hospitals. A form has been prepared (S. B. C. Form No. 1325) and a supply furnished to the County Court of each County in the State, to be used by drug addicts in making application for admission to a State Hospital. This application must be signed and certified to by the patient and approved by the County Mental Hygiene Commission of the county from which the patient is admitted.

This application is what is known as a "Voluntary Commitment for Drug Addicts," which, when properly signed and approved must be sent direct to the superintendent of the hospital named, accompanied by a physician's certificate (State Board of Control Form No. 1303) filled out and certified to by a qualified physician. This certificate should show whether or not the applicant has albumen or sugar in urine, and the amount of drug used per day.

These drug addicts must be delivered to the hospital free of expense to the State.

STATE BOARD OF CONTROL,  
By J. S. LAKIN, President.



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**CHAPTER 58A OF THE CODE**

**WEST VIRGINIA TRAINING SCHOOL  
FOR MENTAL DEFECTIVES**

(At the time of the issuance of this pamphlet the West Virginia Training School for Mental Defectives has not been located for the reason that the legislature which established it made no appropriation for the purchase of land.)

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§ 1. **Establishment and management of school**—There is hereby established for the treatment and training of mental defectives a state institution to be known as the "West Virginia Training School." It shall belong to that class of institutions mentioned in section three, chapter fifteen-m of the code, and shall be managed and controlled as provided in said chapter, all the provisions whereof shall be applicable to said school except as in this act provided. The chief executive officer thereof shall be a superintendent, who shall 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, and who shall be appointed by the governor with the advice and consent of the senate. (Acts 1921, c. 131.)

§ 2. **Buildings and equipment; control of educational affairs of school**—As soon as practicable hereafter the state board of control shall select and acquire a suitable site and adequate lands, construct the necessary buildings and purchase the necessary equipment for said school. The state board of education shall have general control and management of the educational affairs of said school when established and shall employ professors and teachers for said school and shall fix a yearly and monthly salary to be paid to each person so employed, to be approved by the state board of control, according to law. (Acts 1921, c. 131.)

§ 3. **Who admitted to school**—There shall be admitted to said school 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 defect is a menace to the happiness and welfare of himself or herself or of others in the community, and therefore requires care, training or control for the protection of himself or herself or of others, and yet who is not insane. This type of persons, commonly classed as feeble-minded, including idiots, imbeciles and morons, shall be known and designated as mental defectives for the purposes of this act. Should the school at any time not be able to accommodate all persons of such class offered for admission, preference in admission shall be given to children and women of child-bearing age. (Acts 1921, c. 131.)

§ 4. **Mode of admission**—Mental defectives shall be admitted to said school in the following manner:

(a) The county mental hygiene commission shall have jurisdiction of all applicants 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 said person in said school, or in some private institution of a like nature, and shall 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; and said complaint shall not be subject to exception for defects of form. When application is filed for commitment of an alleged mentally defective person, the commission shall appoint two physicians to examine such person and determine whether or not he is mentally defective. Both of these physicians shall be selected as being the most capable physicians available because of knowledge of and training in mental medicine, and neither of them shall be related in any wise to the person sought to be committed.

(b) Where any court of the state has on trial before it a prisoner for an offense, and the judge shall have cause to believe that the prisoner is mentally defective, he may appoint two physicians as aforesaid to examine the prisoner, to ascertain whether or not he is in reality mentally defective; and if said physicians shall pronounce said prisoner to be mentally defective, the judge may commit him to said school.

In either of the cases named above, the physicians making the examination shall be required to make such examination com-

plete and thorough, both mentally and physically, and shall be required to make to the commission or court appointing them certification as to their findings in the matter. This certification shall be in the form prescribed by the state board of control, and shall be made in duplicate, one copy of the same being sent with the patient when committed to the school, and the other copy being filed with the commission or court committing such person; and it shall be the duty of the superintendent of said school to refuse admission to any person unless he or she shall present a copy of said certification.

The commission or court, by order, shall designate some reputable person to convey such mentally defective person to the school and to protect such person until such time as he or she can be conveyed to the institution. In the case of a female being taken to the school, a female attendant must be provided.

All expenses connected with the commitment of persons hereunder and conveying of such mentally defective person to the school shall be borne by the county in which said person has legal settlement.

(c) The relative, guardian or friend of any inmate of any state institution shall have the right and power to apply to the mental hygiene commission for an order directing an examination of said inmate, in the manner aforesaid, to determine whether or not he or she is mentally defective, then the said commission shall have the right to remove him or her from the institution in which said inmate may be, and commit him or her to the "West Virginia Training School"; **provided**, that this clause shall apply only to those who might in the first instance have been committed to said school. (Acts 1921, c. 131.)

§ 5. **Training and treatment of inmates**—The training and treatment of persons admitted to the school shall be along such educational, medical and industrial lines as have proved most effective in approved institutions for mental defectives. The medical staff of such institution, and the medical staffs of Weston, Spencer and Huntington state hospitals, are hereby authorized to administer such medical treatment and perform such surgical operations for the inmates therein as may be necessary and expedient for the cure and prevention of mental defectiveness or disease. (Acts 1921, c. 131.)

§ 6. **Parole of inmates**—When, in the judgment of the superintendent of the school, a patient or inmate thereof shall,

under the treatment and training given therein, improve mentally and physically to such an extent as no longer to constitute a menace to himself or others, the superintendent shall have the right and it shall be his duty to parole such person, under such rules and regulations as the board of control may prescribe.



