

P13756

WEST VIRGINIA
INDUSTRIAL SCHOOL FOR BOYS
GRAFTON

ACT OF
STATE LEGISLATURE
REGULAR SESSION
1913

Changes in the Law

SEC. 1. IN THE NAME OF THE SCHOOL.

SEC. 2. YOUTH UNDER THE AGE OF TEN YEARS NOT TO BE COMMITTED TO THE SCHOOL FOR INCORRIGIBILITY OR VAGRANCY.

SEC. 4. INTERROGATORIES TO BE ANSWERED AND MADE PART OF THE PAPERS IN PROCEEDINGS FOR COMMITMENT.

SEC. 7. FIRST: PAPERS IN ALL CASES, WHEN IN DUE FORM, TO BE FORWARDED TO THE SUPERINTENDENT;

SECOND: NO YOUTH COMMITTED UNDER THE AGE OF TWELVE YEARS TO BE LODGED IN ANY JAIL OR LOCKUP;

THIRD: ALL YOUTH COMMITTED TO THE SCHOOL TO BE FETCHED THERETO BY AUTHORITY THEREOF.

SEC. 13. PROVISIONS FOR PAROLES.

LAW
ESTABLISHING AND GOVERNING

WEST VIRGINIA
INDUSTRIAL SCHOOL FOR BOYS
GRAFTON

COMPLETELY REVISED

ACT OF
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SCHOOL PRINT

WEST VIRGINIA INDUSTRIAL SCHOOL FOR BOYS

ACT OF STATE LEGISLATURE IN EFFECT
MAY 12, 1913, COMPLETELY REVIS-
ING THE LAW ESTABLISHING AND
GOVERNING THAT INSTITUTION.

Sec. 1. The West Virginia re-
form school, established by chap-
ter three of the acts of one thous-
and eight hundred and eighty-nine,
shall hereafter be known and des-
ignated as the West Virginia indus-
trial school for boys, and shall be
conducted in the buildings hereto-

fore and hereafter erected for that purpose at Pruntytown, in Taylor county. This school shall be exclusively charged with the care and training of male youth of the state, but white and colored shall be kept separate. It shall be managed, controlled and governed by the state board of control, as provided in chapter fifty-eight of the acts of one thousand nine hundred and nine.

Sec. 2. Any male youth under the age of eighteen, and not under the age of ten years, may be committed to and received into the West Virginia industrial school for boys for the reason and the manner following:

First: By a justice of the peace of the county in which he resides; on complaint under oath and due proof made to him by the parent, guard-

ian or other person having the custody and control of such youth, that by reason of incorrigible or vicious conduct of such youth has rendered his control beyond the power of the parent, or guardian or such other person, and made it manifestly requisite that, from regard for the morals and future welfare of such youth and the peace and order of the society, he shall be placed in said school.

Second: By the same authority, upon complaint under oath, and due proof before the justice that such youth is vagrant, incorrigible or vicious in disposition and conduct, and that his parents, guardian, or other person having custody of or authority to control him, are depraved or otherwise unfit, unwilling or unable to exercise care or discipline over such youth.

Third; By the several courts of this state, as provided in the next section.

Sec. 3. Whenever any male youth, under the age of eighteen, years shall be convicted in any of the courts of this state of felony or misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the industrial school as a place of correction and not of punishment, instead of sentencing said youth to be confined in the penitentiary or county jail may order him to be removed to, and confined in the said industrial school, to remain until he shall have arrived at the age of twenty-one years unless sooner discharged by the state board of control. Male youths under eighteen years of age, convicted in any of the courts of the

United States for the districts of West Virginia, of any offense punishable by imprisonment, may also be received into said industrial school upon such regulations and such terms as to their maintenance and support as may be prescribed by the state board of control, and assented to by the proper authorities of the United States.

Sec. 4. It shall be the duty of the justice of the peace when committing a youth to the industrial school under the first and second clauses of section two of this chapter, in addition to the commitment, to annex to said commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the judication was found, together with full answers to such interroga-

tories, respecting the history of the case and the mental and physical health of the youth, as shall be prescribed by the state board of control, and furnished in printed form, on application, by the superintendent of the industrial school.

Sec. 5. In all proceedings before justices of the peace for commitment of youth to the industrial school under the first and second clauses of section two, of this chapter, the justice shall appoint some discreet and disinterested person guardian ad litem for such youth, whose duty it shall be to represent the interest of the youth and see that no injustice is done him; and the guardian ad litem or the youth shall have the right to demand a jury of twelve men to try the truth of the charges made against the

youth, and the jury shall be selected, and the trial shall be conducted in the same manner as is provided by law for the trial of criminal cases before justices by juries. And the guardian ad litem or the youth shall have the same right of appeal from any final decision rendered against the youth in any such proceedings, whether upon a trial by jury or otherwise, as is allowed by law in other criminal cases tried before justices.

Sec. 6. Justices, constables and jurors shall receive the same fees in a proceeding for committing a youth to the industrial school as are allowed by law for similar services in misdemeanor cases, and such fees shall be paid in like manner as fees of such officers and persons are paid in misdemeanor cases.

Sec. 7. As soon as is practicable

after a youth, on any account, is committed to the industrial school, the papers in the case shall be mailed to the superintendent, and such youth shall remain in the custody of the court pronouncing such commitment until he be delivered to an officer of the industrial school, who shall be sent without delay, and duly authorized by the superintendent, to conduct such youth, by the most direct and convenient route, to the said school; but no youth committed to the industrial school shall be lodged in any jail or lockup, if he be under the age of twelve years. The superintendent shall, in so far as is consistent with the safe conveyance of youth to the school, cause as many youth from the same or several counties to be conducted to the school at the same time. The expense incurred in con-

ducting a youth to the industrial school, including transportation and other necessary traveling expenses of the youth and of his conductor, shall be paid by the county court out of the treasury of the county from which the youth was committed to the school, and a written statement of such necessary expenditures, fully itemized and sworn to by the officer making such expenditures, and attested by the superintendent of the school, when presented to any county court, shall be a bill against such court, to be paid to the industrial school, and credited to that fund of the school from which the original expenditure was made; but when two or more youths shall be so conducted from more than one county, the necessary expenditure on the personal account of the conductor shall be ap-

portioned among the counties concerned in due proportion to the mileage traveled by the youth from the respective counties.

Sec. 8. If any person shall entice or attempt to entice away from the industrial school any youth legally committed to the same; or shall aid or abet any youth to escape from the industrial school; or shall harbor, conceal, or aid or abet in harboring or concealing, any youth who shall have escaped therefrom; or shall, without the permission of the superintendent, give or sell, or aid or abet any other person to give or sell, to any youth in the industrial school, whether on the premises of such institution or otherwise, any money, firearms, intoxicating drink, tobacco, cigarets, or other article whatsoever; or shall in any way cause or influence, or attempt to

cause or influence or aid or abet therein, any youth in the industrial school to violate any rule of the institution or to rebel against the government of said school in any particular; or shall receive by the hands of any such youth anything of value, whether belonging to the state or otherwise; such person shall be deemed guilty of a misdemeanor, and, upon conviction therefore shall be fined not less than ten, nor more than one hundred dollars, or be confined not more than twelve months in the county jail, or both fined and imprisoned as aforesaid, as the court may deem proper.

And the superintendent, or any of his assistants or any one authorized in writing by him, or any sheriff, constable, policeman, or other peace officer, shall have power, and it is hereby made his duty,

to arrest any youth, when in his power to do so, who shall have escaped from said school, and return him thereto.

Sec. 9. In any case where a youth is committed to the industrial school for an offence 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 securely returned to the court which sent him, and said court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it should have done had it not sentenced him to the industrial school. And the governor shall

have power, when in the judgment of the warden of the penitentiary and the superintendent of the industrial school it is advisable, to remit the penalty of any offender under eighteen years, confined in the penitentiary, to a commitment to the industrial school.

Sec. 10. The county court of every county shall pay into the state treasury the sum of fifty dollars a year on account of each youth from the county who shall be received in said school of the first, second or third classes mentioned in section two. But in all cases of youths received in said school of the first class mentioned in section two, the parent, if of sufficient means and the guardian where the youth has sufficient estate, shall annually reimburse the county the amount paid into the

state treasury, by virtue of this section, on account of such youth mentioned in the first class of section two, and the county court of such county shall have a right to recover the same of such parent or guardian in any court of competent jurisdiction.

Sec. 11. The superintendent of said school shall before the tenth day of January in each year make out and certify to the auditor and the state board of control each a list by counties of all such youth as are mentioned in the preceding section, who are kept in the school during the preceding year or any part of it, showing as to each youth what part of the year he was so kept in the school, and to which class he belonged. On receiving such list the auditor shall charge to each county fifty dollars on account of

each youth who was kept in such school during the preceding year and a proportionate amount on account of each youth kept in school for any part of such year less than the whole.

Any money in the treasury of the state to the credit of any such county from whatever source arising and not appropriated to pay any other debt of the county to the state, shall be applied, so far as necessary, to the payment of the sums so charged; if any sum in the treasury due the county shall not be sufficient to pay the whole amount so charged against it, such sum shall be applied as a credit on the amount charged, and the balance shall remain a charge against the county.

Sec. 12. Within ten days after receiving such list the auditor shall

certify to the county court of such county a list of the youth from the county in such school, stating the class to which each belongs, the length of the term during the year he was in such school, as shown by the list certified by the superintendent. and the amount due from the county on his account and the total amount due on account of all. He shall credit on such statement whatever amount has been applied as a payment thereon from any funds of the county in the treasury.

Such statement shall be a receipt to the county for any amount so credited, and shall be a bill for any amount still appearing to be due from the county. Unless the bill shall have been paid by the application of funds of the county in the state treasury, the county court shall at its next levy term provide for the

payment of the same, or such part as may not have been paid, and cause the amount to be paid into the state treasury.

If the amount so due from any county be not paid in a reasonable time after such levy term, the auditor, may, in the name of the state, apply to the circuit court of the county for a mandamus to require the county court to provide for and to pay the same, or he may proceed in the name of the state by any other appropriate remedy to recover the same.

Sec. 13. The state board of control shall have authority, under such rules and regulations as they may prescribe, to grant, on recommendation of the superintendent, a parole to any inmate of the industrial school; but while said inmate is on such parole, and until he is

discharged according to law, he shall remain in 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. The written order of said board, certified by the superintendent, shall be sufficient warrant for any officer named therein to arrest and return to the school said paroled inmate, and it is hereby made the duty of any peace officer, or other person, so named, to make such arrest and return such youth to the industrial school. All actual expenses incurred in returning to the school paroled inmates shall be paid out of funds appropriated for the maintenance of the industrial school.

Sec. 14. That all acts and parts of acts inconsistent with this act are hereby repealed.



