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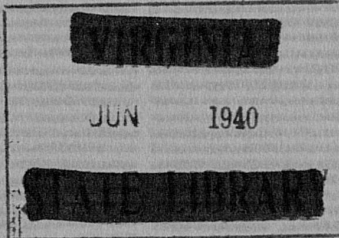
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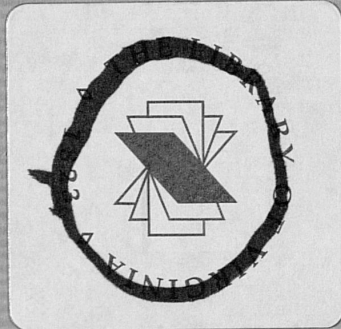
DIGEST OF PUBLIC WELFARE PROVISIONS

UNDER THE LAWS OF THE STATE OF

TENNESSEE

MARCH 30, 1936

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PREPARED BY ROBERT C. LOWE AND STAFF
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF
HENRY B. ARTHUR, ASSISTANT DIRECTOR
DIVISION OF SOCIAL RESEARCH

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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.

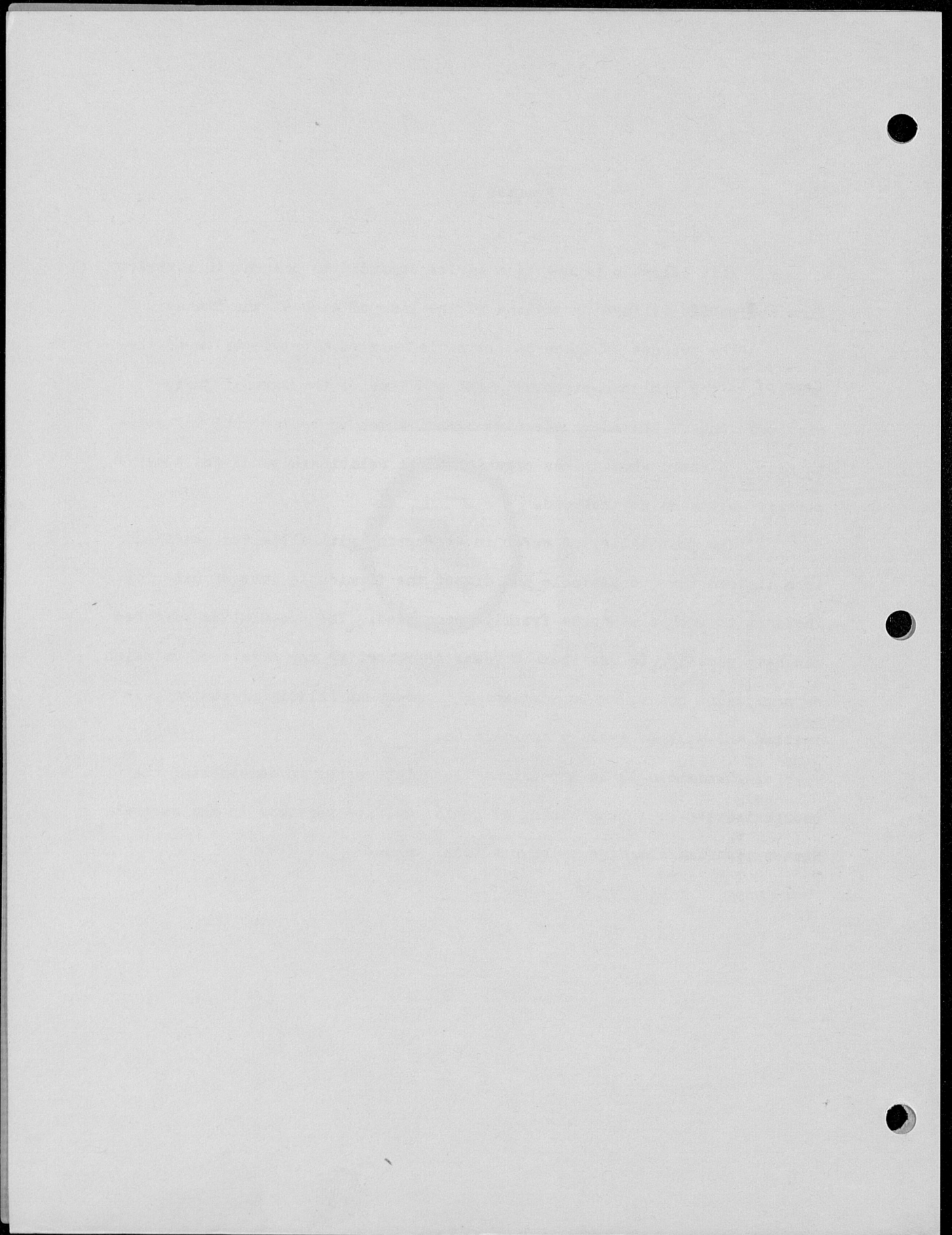
The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

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. 8

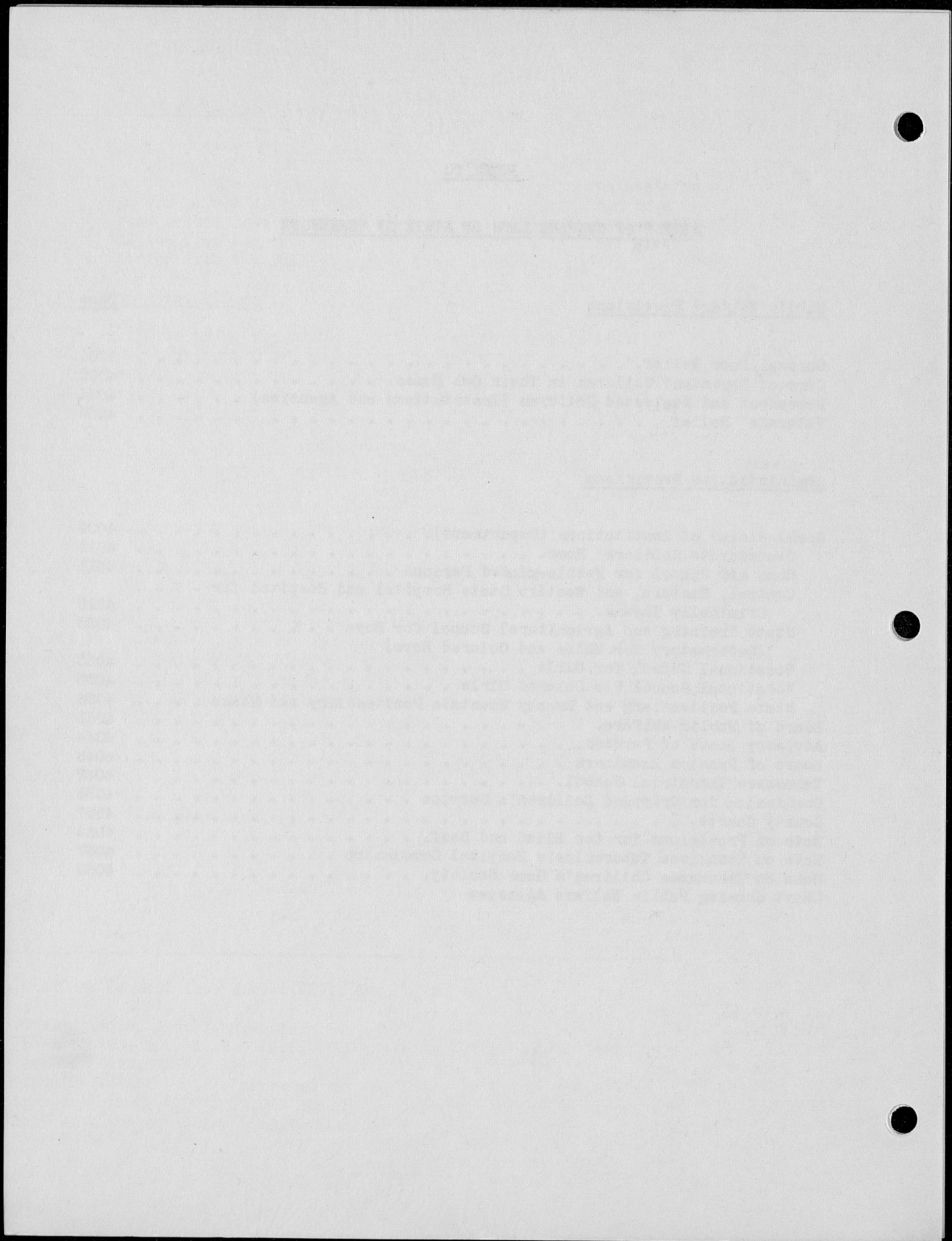
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DIGEST OF PUBLIC WELFARE PROVISIONS

GENERAL POOR RELIEF

(a) Description of class

Poor persons who may become chargeable as paupers. 1/

(b) Procedure for determining eligibility

The commissioners must examine all applicants for admission to the asylum, and admit or reject any applicant. If rejected, an applicant may appeal to the county court. 2/

(c) Measure of responsibility

Care in poorhouse, direct relief, apprenticing of orphans, hospitalization, and medical care. 3/

(d) Qualifications imposed

One year's residence in the county. 4/

(e) Incidence of financial responsibility

County. 5/ (Obligation mandatory)

(f) Taxes

No specific provisions. (County general fund. 5/)

(g) Administrative agencies

Commissioners of the Poor. 6/

Superintendent of the Asylum. 7/

County court. 8/

(h) Supervisory controls

The superintendent of the asylum is under the supervision of the Commissioners of the Poor. The Commissioners of the Poor are appointed by and report to the county court. 9/

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1. Code (1932), Sec. 4821.
 2. Ibid, Sec. 4807.
 3. Ibid, Sec. 4792, 4821, 4822, 4823, 4826.
 4. Ibid, Sec. 4808.
 5. Ibid, Sec. 4806, 4827.
 6. Ibid, Sec. 4798.
 7. Ibid, Sec. 4810.
 8. Ibid, Sec. 4816, 4817, 4821, 4822, 4823.
 9. Ibid, Sec. 4809, 4814, 4798.

CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES

(a) Description of class

Children of mothers whose husbands are dead or in the State Penitentiary, or of unmarried mothers, or of mothers who have been deserted by their husbands, or whose husbands are mentally or physically incapable of supporting such children, when such mothers are unable to support such children, and when such children are under the age of 17 years. 1/

(b) Procedure for determining eligibility

Allowance may be made after a public hearing by the judge of the juvenile court, or if there is none, then by the county judge or chairman of the county court. Where an allowance is made a judgment for it must be entered, and it is the right of any taxpaying citizen at any time to file a motion to set aside or modify such judgment. An appeal lies as in ordinary civil cases. 2/

(c) Measure of responsibility

Allowance must not exceed \$15 per month for one child and \$10 a month for each additional child. 3/

(d) Qualifications imposed

Child or children must be living with their mother. 4/

Allowance may be made only to prevent children suffering from improper care because of the inability of the mother to remain at home with them or properly provide for them. 4/

Applicant must have resided in State for at least 2 years and in the county 2 years. 4/

Child must have no property sufficient for his support. 4/

Mother must be a proper person, morally, physically, and mentally to bring up her child or children. 4/

Payments can be stopped by the juvenile or county judge or chairman for failure of the mother to report to them. 5/

(e) Incidence of financial responsibility

County general fund. 6/ (Obligation optional)

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1. Code (1932), Sec. 4926.
 2. Ibid, Sec. 4928, 4923.
 3. Ibid, Sec. 4927.
 4. Ibid, Sec. 4928.
 5. Ibid, Sec. 4930.
 6. Ibid, Sec. 4919.

CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)

(f) Taxes

The county court may levy a tax not to exceed one-half mill annually on each dollar of taxable property; or instead may make a direct appropriation out of the general fund, but not to exceed the amount a tax would raise; and the fund must be known as the "Mothers' Pension Fund" and must be kept separate from all other taxes. 7/

(g) Administrative agencies

Juvenile court, or if none, the county court. 8/

(h) Supervisory controls

No provision.

7. Code (1932), Sec. 4925.

8. Ibid, Sec. 4924.

DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)

(a) Description of class

Children under 17 years of age who for any reason are destitute, homeless, abandoned or dependent on the public for support, or have not proper parental care or guardianship or who are found begging or receiving or gathering alms, or living in any saloon, disorderly house, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty, drunkenness, or depravity is unfit. 1/

(b) Procedure for determining eligibility

Any reputable resident of the county may file a sworn petition with the clerk of the juvenile or county court. Thereupon a summons must issue to the person having custody of the child. Failure to answer summons is treated as contempt of court, and where necessary an attachment may issue. On return of the summons or attachment or other process the court must proceed to hear and dispose of the case in a summary manner. When the child is found to be dependent or neglected, the court may make an order of commitment. 2/

After the assumption of control by any orphan home, the parent or other person in whom legal custody would be, may file a petition in chancery to secure the custody of the child and may appeal from the order of the court. 3/

(c) Measure of responsibility

Commitment to institution, citizen, or association. 4/

(d) Qualifications imposed

No provision.

(e) Incidence of financial responsibility

State: General fund. (Obligation mandatory) 4/

Court costs are paid by county. 6/

-
1. Code (1932), Sec. 10269, 10270. However, Sec. 4712, describes the class as persons of either sex under 16 years of age.
 2. Code (1932), Sec. 10279, 10280, 10282, 10283, 10284, 10288.
 3. Ibid, Sec. 4584.
 4. Ibid, Sec. 10288.
 5. Ibid, Sec. 4758.
 6. Ibid, Sec. 10305.

DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES) (Cont'd)

(f) Taxes

No specific provisions. (State and county general funds. 7/)

(g) Administrative agencies

Juvenile or county court. 8/

(h) Supervisory controls

Department of Institutions. 9/

7. Code (1932), Sec. 4758, 10305.
8. Ibid, Sec. 10275.
9. Ibid, Sec. 4717.

VETERANS' RELIEF(a) Description of class

Disabled soldiers, Federal and Confederate, enlisted from the State of Tennessee in Tennessee regiments, or citizens of this State at the time of their enlistment in regiments of other States, who are residents of this State; or citizens of other States who enlisted in Tennessee or other States, but who are or have been resident citizens of this State for the requisite period. Their characters as soldiers must have been free from dishonor. 1/

All Confederate soldiers over 75 years of age who served 6 months or more as bona fide soldiers in the Confederate Army. 2/

All soldiers yet living in Tennessee, who were in the Mexican War who were soldiers in the war between the States, and who were honorably discharged. 3/

Colored men who acted as servants or cooks in the Confederate army in the War between the States. 4/

Widows of deceased soldiers of the War between the States, who married such soldiers prior to 1900. 5/

Confederate Soldiers' Home is for indigent and disabled soldiers who volunteered in the service of the State, or Confederate States, their widows and their orphan children. 6/

(b) Procedure for determining eligibility

Application is made to the Board of Pension Examiners. 7/

Application must set forth in an affidavit the applicant's army service and manner of discharge, and said affidavit, when supported by affidavits of 5 disinterested persons living in applicant's community who testify solely to the applicant's good character and to his repute for truth and veracity, must constitute a prima facie case and entitle him to a pension, unless said affidavit is rebutted or disproved in a hearing before the Pension Board. 8/

The Board must designate one of its members as a special pension examiner to investigate the pensioners. 9/

The Commissioner of Institutions must make due investigation concerning all applicants for benefits of the Soldiers' Home, and must admit none except those of good character, and who faithfully served as soldiers. 10/

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1. Code (1932), Sec. 4942.
 2. Ibid, Sec. 4943.
 3. Ibid, Sec. 4947.
 4. Ibid, Sec. 4948.
 5. Ibid, Sec. 4968, 4970.
 6. Ibid, Sec. 4977.
 7. Ibid, Sec. 4936.
 8. Ibid, Sec. 4944.
 9. Ibid, Sec. 4939.
 10. Ibid, Sec. 4981.

VETERANS' RELIEF (Cont'd)

(c) Measure of responsibility

Illness and burial expenses. 11/

Confederate soldiers are paid \$40 a month. 12/

Colored servants and cooks are paid \$10 per month. 13/

Widows are paid \$20 per month. 14/

Care in Soldiers' Home. 15/

(d) Qualifications imposed

It must appear that recipient is not entitled to a pension under the laws of the Federal government (except soldiers of the Mexican War), or of any other State. 16/

A soldier over 75 years of age is not entitled to a pension if he owns property assessed at \$10,000 or over. 17/

Applicant must have a residence of 3 years provided that one year shall be sufficient for a resident or former Tennessean who has returned from another State. 18/ Temporary absence not exceeding 6 months does not affect his right to a pension. 19/

A widow must be a bona fide citizen of the State and an actual resident for 3 years before filing application. 20/

A widow must not be drawing a pension from another source. 21/

A widow's husband must have had an honorable record as a soldier and be pensionable if living. She must not have married since the death of her soldier husband, and must be of good moral character. 22/ Remarriage forfeits pension. 23/ The Board has power to appoint a guardian or trustee for an incapable widow. 24/

(e) Incidence of financial responsibility

Services and pensions - State general fund. 25/ (Obligation mandatory)

Soldiers' Home - nearly self-sustaining, aided by State general fund. 15/ (Obligation optional)

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|---|----------------------------|
| 11. Code (1932), Sec. 4941, amended by Public Acts (1935), Ch. 117. | |
| 12. Code (1932), Sec. 4946. | 19. Ibid, Sec. 4952. |
| 13. Ibid, Sec. 4948. | 20. Ibid, Sec. 4973. |
| 14. Ibid, Sec. 4972. | 21. Ibid, Sec. 4968. |
| 15. Ibid, Sec. 4977. | 22. Ibid, Sec. 4969. |
| 16. Ibid, Sec. 4942. | 23. Ibid, Sec. 4974. |
| 17. Ibid, Sec. 4943. | 24. Ibid, Sec. 4975. |
| 18. Ibid, Sec. 4945. | 25. Ibid, Sec. 4955, 4966. |

VETERANS' RELIEF (Cont'd)(f) Taxes

No specific provisions. (State general fund. 26/)

(g) Administrative agencies

Board of Pension Examiners. 27/

Superintendent of Soldiers' Home. 28/

(h) Supervisory controls

Commissioner of Institutions supervises the Soldiers' Home 29/,
and is assisted by an advisory board representing the affiliated United
Daughters of the Confederacy. 30/

26. Code (1932), Sec. 4955, 4966.

27. Ibid, Sec. 4956.

28. Ibid, Sec. 4980.

29. Ibid, Sec. 4978.

30. Ibid, Sec. 4984.

ABSTRACT OF ADMINISTRATIVE PROVISIONSCOMMISSIONER OF INSTITUTIONS

(DEPARTMENT)

(Statutory Body)

I. General Powers and Duties

(1) The Commissioner of Institutions has immediate charge of the management and government of the institutions under the Department of Institutions, i.e., all penal, reformatory, and charitable institutions of the State as follows: 1/

- (a) Confederate Soldiers' Home
- (b) Home and School for Feeble-minded Persons
- (c) State Hospitals for the Insane
 - (1) Central State Hospital
 - Hospital for the Criminally Insane
 - (2) Eastern State Hospital
 - (3) Western State Hospital
- (d) State Training and Agricultural Schools for Boys
- (e) Vocational School for Girls
- (f) Vocational School for Colored Girls
- (g) State Penitentiary
Brushy Mountain Penitentiary and Mines

(2) The Commissioner of Institutions must make rules for the prosecution of his powers, and may require the performance of additional duties by the officers of the several institutions. In case of an apparent conflict between the powers conferred by law upon any warden or superintendent and those conferred by this Article upon the Commissioner, the presumption is in favor of the Commissioner. 2/

(3) The Commissioner, after conferring with the managing officer of each institution, determines the number of officers and employees to be appointed therein and fixes their salaries and wages in accordance with the scale set by the Commissioner of Finance, when not otherwise fixed by statute. 3/

(4) The Commissioner must approve all contracts covering the sale or disposal of the output of the State mines, factories, or industries, at which time such contracts will become effective. 4/

(5) The Commissioner may make such investigations as he may deem necessary in the performance of his duties, and to that end he has the same power as a justice of the peace to administer oaths and to enforce the attendance and testimony of witnesses and the production of books and papers. He must keep a thorough record of investigations. 5/

1. Code (1932), Sec. 371, as amended by Public Acts (1935), Ch. 186, and Code, Sec. 376.

2. Code (1932), Sec. 386.

3. Ibid, Sec. 380.

4. Ibid, Sec. 388.

5. Ibid, Sec. 417.

I. General Powers and Duties (Cont'd)

(6) The Commissioner receives, for criticism and suggestion, all plans for new jails, public infirmaries, and hospitals before adoption of same by the county or city authorities. 6/

(7) The Department of Institutions must receive into State guardianship all children committed to the State Training and Agricultural School for Boys, the Vocational School for Girls, or any other State institutions under the authority and management of the Department. Such children are wards of the Department, and must be properly cared for, definitely classified, and reassigned or dismissed, at the option and under the direction of the Department or its accredited agents. 7/

(8) The Department may file a certificate with the Secretary of State for the issuance of a license by the Secretary of State to any corporation organized as a child-caring agency, society, or institution. All such agencies, societies, and institutions must obtain annually from the Department a certificate of approval authorizing their work. It is the duty of the Department, by its agents, to inspect and supervise all such institutions at regular intervals, and it may recommend the suspension or revocation of an institution's license for failure to correct abuses, derelictions, or deficiencies. Children in any of these institutions may not be adopted or reared in private homes without application to and examination by the Department of Institutions. 8/

(9) The Commissioner, or the secretary under his direction, must keep a record of the transactions of the Department. 9/

(10) The Commissioner must tabulate statements prepared by the superintendents and wardens, concerning the financial needs of the institutions for the next appropriation period, and must submit the tabulation to the General Assembly with his recommendations. 10/

(11) The Commissioner must keep in his office a private record, complete and detailed, of every inmate, patient, or pupil in the several institutions of the Department. These and such other facts as the Commissioner may, from time to time, require, must be furnished by the managing officer of each institution within 10 days after the commitment, entrance, death, or discharge of an inmate, patient, or pupil; and the managing officer must make a special report within 24 hours thereafter, giving the circumstances as fully as possible. 11/

II. Composition and Appointment of Governing Body

The Commissioner of Institutions is appointed by the Governor to serve for a term coeval with that of the Governor, or until his successor is appointed and qualified, at a salary of \$5,000 per annum, plus traveling expenses incurred in official business and itemized and approved by the Governor. The Commissioner, in order to qualify for office, must have been

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5. Code (1932), Sec. 4571.
 7. Ibid, Sec. 4717.
 8. Ibid, Sec. 4719, 4723, 4743, 4727.
 9. Ibid, Sec. 377.
 10. Ibid, Sec. 406, 407.
 11. Ibid, Sec. 393.

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

a resident and citizen of the State for at least 5 years prior to the time of his appointment, must not be less than 30 years of age, and must be a man of good character, with training and experience in institutional operation and management in similar activities. 12/

III. Reports

Whenever the accounts, contracts, books, and other records of the various institutions under the Department are examined and audited, which examination and auditing must take place at least once a year, reports must be made in duplicate, one copy of which must be filed with the Governor, and the other with the Comptroller of the Treasury. 13/

A report of any investigation by the Department of Institutions, upon order of the Governor, must be made to the Governor and then submitted by him, with his suggestions, to the General Assembly. 14/

Every public and child-caring agency, or institution, must make an annual report of its work to the Department, in such manner as the Department may prescribe. And, from such annual reports and reports of the Department's inspectors and visitors, the Department must prepare a comprehensive biennial report of child welfare work within the State, accompanied by special comments and recommendations, and such reports must be published at State expense for the information of the Legislature and for distribution among the people. 15/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

An Assistant Commissioner is designated by the Commissioner to act as Commissioner when such vacancy of office occurs and until it is filled. The Assistant Commissioner serves within the Department as an officer, or as the head of one of the divisions within the Department. His salary is fixed by the Commissioner upon authority of the Department of Finance and Taxation and with the approval of the Governor. 16/

Such superintendents, supervisors, and mechanical engineers as may be deemed necessary for the various institutions under the Department are appointed and their salaries and titles are fixed by the Commissioner. He may also employ an architect or architects skilled in methods of sanitation and the preparations of plans, specifications, estimates, and details for buildings, betterments, and such items of equipment as may be required in any of the institutions. 17/

12. Code (1932), Sec. 372, 373, 374.

13. Ibid, Sec. 394.

14. Ibid, Sec. 4572.

15. Ibid, Sec. 4744, 4745, 4746.

16. Ibid, Sec. 261, 263.

17. Ibid, Sec. 391.

V. Staff (Cont'd)

A secretary and stenographer and such other employees as may be necessary to enable the Department to efficiently discharge its duties are appointed by the Commissioner. Each receives a salary. 18/

VI. Financial Provisions

The Department of Institutions is financed by appropriations out of the State Treasury. 19/

Amount of Appropriation:

The sum of \$29,008 is appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 19/

Limitation of Funds: 19/

<u>Commissioner's Office</u>	<u>Biennial Expenditures</u>
Salaries and wages	\$ 21,264
Supplies and materials	612
Communication and transportation	3,798
Printing, binding, and advertising	280
Repairs and replacements	42
Rents and insurance	8
Total	\$ 26,004
 <u>General Welfare</u>	
Salaries	\$ 1,800
Supplies and materials	75
Communications and transportation	1,109
Heat, light, and water	10
Rents and insurance	10
Total	\$ 3,004
Grant Total	\$ 29,008

18. Code (1932), Sec. 378.

19. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

The State Treasurer has charge of all funds under the jurisdiction of the Department of Institutions. Moneys collected from various sources such as the sale of goods, farm products, and all miscellaneous articles produced in the several institutions must be transmitted to the State Treasurer, and a detailed statement of such collections made to the general manager by each managing officer. Code (1932), Sec. 405.

SUPERINTENDENT
OF THE
CONFEDERATE SOLDIERS' HOME
(Statutory Body) 20/

I. General Powers and Duties

(a) Superintendent:

The Superintendent of the Confederate Soldiers' Home has charge of the farm and must look after the welfare and comfort of the inmates and, in addition, he must perform such duties as he may be called upon to perform by the Commissioner. 21/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions must devise and put into execution the most available, effective, and economical plan of providing for deserving persons who come under the jurisdiction of the Confederate Soldiers' Home. 22/

(2) The Commissioner must make due investigation concerning all applicants for benefits to the Soldiers' Home, and he may admit none except those of good character who faithfully served as soldiers. 23/

(3) The Commissioner must operate the farm and all appurtenances to its full capacity in the cultivation of crops. And for this purpose inmates of the penitentiaries may be employed under such rules, regulations, and conditions as the Commissioner may prescribe. 24/

(4) The Commissioner has power to construct all roads that may be found necessary or of value to the property, and to construct, build, or repair buildings and appurtenances which, in the opinion of the Commissioner, may be necessary or proper in the conduct of the Home. 24/

II. Composition and Appointment of Governing Body

See "Composition and Appointment of Governing Body" under "Commission of Institutions"

20. The property belonging to the State of Tennessee known as the "Hermitage", consisting of a farm of about 500 acres, less that conveyed in trust to the Board of Trustees of the Ladies Hermitage Association, is conveyed in trust for a term of 45 years to the Department of Institutions to be used for a Soldiers' Home. Code (1932), Sec. 4976.

The Legislature can terminate the trust at any time when its purpose is accomplished. Code (1932), Sec. 4983.

21. Code (1932), Sec. 4980.

22. Ibid, Sec. 4979.

23. Ibid, Sec. 4981.

24. Ibid, Sec. 4978.

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

An Advisory Committee, consisting of 5 members representing the affiliated United Daughters of the Confederacy, is created to advise and cooperate with the Commissioner of Institutions in the management of the Home and in the expenditure of such appropriations as are made by the State for maintaining the Home. The function of the Committee is to serve only in an advisory capacity. Members serve 6-year terms and their successors are appointed by the Governor. 25/

III. Reports

The Commissioner of Institutions must make annual reports to the Governor on the first day of January of each year giving a full statement of the progress and operation of the Home and accounting for all receipts and expenditures, implements, stock, and materials. 26/

IV. Executive

The Superintendent is selected by the Commissioner of Institutions and receives a salary of \$1,200 per annum. 27/

V. Staff

See "Department of Institution", "General Powers and Duties", #3.

VI. Financial Provisions

The Confederate Veterans' Home is financed by appropriations out of the State Treasury. 28/

Amount of Appropriation:

The sum of \$15,156 is appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 28/

Limitation of Funds: 28/

Biennial Expenditures

Two nurses at \$54 each per month	\$ 2,592
Twelve soldiers at \$425 per annum	10,200
Burial expenses of 12 soldiers not to exceed \$75 each	900
Religious services	400
Upkeep cemetery	200
Monthly allowance, \$3 each per month for 12 soldiers	864
Total	<u>\$15,156</u>

25. Code (1932), Sec. 4984, 4985, 4986.
 26. Ibid, Sec. 4982.
 27. Ibid, Sec. 4980.
 28. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

SUPERINTENDENT
OF THE
HOME AND SCHOOL FOR FEEBLE-MINDED PERSONS
(Statutory Body)

I. General Powers and Duties

(a) Superintendent:

(1) The Superintendent, who is the exclusive head of the Home and School for Feeble-minded Persons, has the direct management and control of the institution, under the supervision and general management of the Commissioner of Institutions. 29/

29. Code (1932), Sec. 4525.

Commitment: Eligibility - Any person with such a degree of mental defectiveness from birth or early age that he is unable to care for himself and manage his affairs and is a menace to the happiness or safety of himself or of others in the community is considered feeble-minded under the provisions of this law. No patient or inmate may be received under the age of 7 years or over the age of 50 years. No feeble-minded person accused of a crime, felony, or misdemeanor may be committed to any institution in the State other than the Home and School for Feeble-minded Persons, provided this section is not applicable to any person charged with murder or rape. Code (1932), Sec. 4505, 4519, 4534.

Application - The father or mother, if living together, or the guardian, any health officer, school official, court, or whoever has custody of the child may apply to the Commissioner of Institutions or Superintendent of the Home for the admission of any child, male or female, to the Home, supplying such data as the Superintendent and the Commissioner require, if, in the judgment of the applicant, the child is feeble-minded. Relatives may make application to have a person adjudged feeble-minded, but if they neglect to and allow the person to go at large, then any reputable citizen may do so. Ibid, Sec. 4506, 4510.

Hearing - The chancery, circuit, county, and probate courts have concurrent jurisdiction in all cases of legal inquiry in regard to feeble-mindedness and applications for commitment of persons to the Home must be filed with the clerk of any of these courts. When application is filed, the judge or chairman of the county court must appoint 2 physicians to examine the case and certify their findings to him. The clerk of the court issues a summons to the parent, or parents, nearest of kin, guardian, or other persons having custody, control, or supervision to appear with the person. In any case where no counsel is employed, the court must appoint some member of the bar to represent and protect the interest of the person alleged feeble-minded. When the judge or chairman finds that the person is feeble-minded, he issues an order in duplicate for the commitment of the person to the Home, or if there is no room in the institution, to some private institution. Ibid, Sec. 4510, 4512, 4514, 4518.

The Home and School for Feeble-minded Persons provides for separate maintenance of white and colored races, and for the confinement and separation of persons convicted of felony, and for the complete segregation of the sexes. Ibid, Sec. 4523.

I. General Powers and Duties (Cont'd)(a) Superintendent: (Cont'd)

(2) It is the duty of the Superintendent to plan and organize the agricultural, horticultural, dairying, and other interests of the institution, with a view to provide wholesome occupation for every inmate and to make the institution as nearly self-supporting as possible. 30/

(3) The Superintendent must arrange for instruction, in as many arts as he may deem expedient, to provide articles necessary for the domestic consumption of the Home. 31/

(4) The Superintendent must discharge at any time any inmate who is not feeble-minded. When in the judgment of the Superintendent it is proper to parole an inmate, not under conviction for a crime, he may do so if he is satisfied that the inmate will be properly cared for. 32/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions has supervision and general management of the Home and School for Feeble-minded Persons. 33/

(2) The Commissioner of Institutions is empowered to remove any patient or patients in State hospitals to the Home and to remove inmates of the Home to State hospitals. 34/

(3) The Commissioner must distribute among the several counties, in accordance with the population thereof by the Federal census, the patients or inmates to be received and cared for at the Home, but in no event are more than 500 to be maintained at one time; provided that the Commissioners may receive patients over the quota of a county if there is a vacancy in the Home. 35/

(4) The Commissioner receives applications from all persons wishing to maintain boarding houses for feeble-minded persons, or boarding or day schools for feeble-minded children, and the Commissioner or his authorized officer must visit the applicant and inspect the proposed school or home. If the inspector is satisfied, the Secretary of State must issue a license for one year. 36/

(5) The Commissioner must furnish, from time to time, the labor necessary for the erection of buildings and other work incident to the repair of the Home. 37/

II. Composition and Appointment of Governing Body

See "Commissioner of Institutions".

30. Code (1932), Sec. 4528.

31. Ibid, Sec. 4529.

32. Ibid, Sec. 4531, 4532.

33. Ibid, Sec. 4525.

34. Ibid, Sec. 4530.

35. Ibid, Sec. 4534.

36. Ibid, Sec. 4520.

37. Ibid, Sec. 4524.

III. Reports

The Superintendent of the Home and School must report to the Commissioner of Institutions, within 24 hours, the commitment, entrance, death, or discharge of a patient. He must both keep a record of and report to the Commissioner all appointments, resignations, and discharges of officers and employees. 38/

The Superintendent must make to the Commissioner a monthly statement showing the entire amount received from all sources, and all expenditures during the month for which the report is made, such report to be made on forms prepared by the Commissioner and a copy thereof to be filed with the State Comptroller. 39/

For the purpose of proper regulation, recording, and auditing the various expenditures of the Home, the managing officer must prepare and present to the general manager in triplicate, not less than 15 days before the first day of each month, and on forms furnished by the Commissioner, a detailed estimate of all supplies, materials, improvements, and money needed during the month. 40/

IV. Executive

The Superintendent of the Home and School for Feeble-minded Persons is appointed by the Commissioner of Institutions for such term as he considers necessary. The Superintendent must be a graduate of a reputable medical college, a man of good moral character, and he must have had experience in the practice of his profession. 41/

V. Staff

Such offices and positions as are deemed necessary to properly manage and control the inmates of the Home and to carry on its work are created by the Commissioner of Institutions. The selection of the different officers, attendants, and laborers is made by the Superintendent and their salaries and wages fixed by the Commissioner. 42/

VI. Financial Provisions

The Home and School for Feeble-minded Persons is financed by appropriations out of the State Treasury 43/, but the institution is partially self-supporting. 44/

38. Code (1932), Sec. 380, 393.

Case histories of all inmates must be carefully filed and the following data kept: Physical examination, personal physical history, family history, educational history, industrial history, civil and social relations, and mental development. Code (1932), Sec. 4527.

39. Code (1932), Sec. 395.

40. Ibid, Sec. 396.

41. Ibid, Sec. 4522.

42. Ibid, Sec. 4525.

43. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

44. Code (1932), Sec. 4528.

VI. Financial Provisions (Cont'd)

Amount of Appropriation:

The sum of \$230,594 is appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 45/

<u>Limitation of Funds: 45/</u>	<u>Biennial Expenditures</u>
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Salaries and wages	\$ 68,970
Supplies and materials	128,000
Communication and transportation . .	13,392
Printing, binding, and advertising .	200
Heat, light, and water	10,818
Repairs and replacements	8,000
Rents and insurance	214
Equipment	<u>1,000</u>
Total	\$ <u>230,594</u>

45. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

There is appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$208 per annum for each inmate of the Home. Code (1932) Sec. 4521.

The inmates of the Home whose estates are sufficient, or relatives liable in law for their support, whose estates are sufficient, are required to pay in whole or in part for the maintenance of such inmates. Ibid, Sec. 4508.

All expenses connected with maintaining before commitment and for conveying a poor person found to be feeble-minded and committed to the Home must be borne by the county in which the court committing him was held. Ibid, Sec. 4518.

SUPERINTENDENTS OF
CENTRAL STATE HOSPITAL AND HOSPITAL FOR THE CRIMINALLY INSANE
EASTERN STATE HOSPITAL, WESTERN STATE HOSPITAL

(Statutory Bodies) 46/

I. General Powers and Duties

(a) Superintendent:

(1) It is the duty of the Superintendent of each Hospital, under orders of the Commissioner of Institutions, to exercise a general superintendence over all matters relating to the Hospital, and to visit the patients therein at least twice a week, or oftener if necessary. 47/

(2) It is the duty of the Superintendents to deposit all moneys coming into their hands in some one of the banks designated as State depositories, for safe keeping, until drawn out from time to time for the benefit of the Hospitals. 48/

(3) The Superintendents have the authority to administer oaths. 49/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions has the authority to make and adopt rules and regulations, in accordance herewith, for the government, management, and supervision of each of these Hospitals, and to prescribe the powers and duties of the officers and employees thereof. 50/

46. The Central State, Eastern State, and Western State Hospitals for the insane are established near Nashville, Knoxville, and Bolivar, respectively, and each is a body politic and corporate. Code (1932), Sec. 4433.

The Hospital for the Criminal Insane is located upon the grounds and property belonging to the State, which at present constitutes a part of the grounds of the Central State Hospital known as the Bealafel Farm. The Hospital for the Criminal Insane is established for the purpose of holding in custody, and caring for, the insane persons held under other than civil processes, such as may be committed to State institutions by the Commissioner of Institutions, and for such persons as may be declared insane while undergoing sentences of imprisonment by the courts or while their cases are pending therein. Ibid, Sec. 4500.

47. Code (1932), Sec. 4449.

48. Ibid, Sec. 4450.

49. Ibid, Sec. 4446.

50. Ibid, Sec. 4442.

I. General Powers and Duties (Cont'd)(b) Commissioner of Institutions: (Cont'd)

(2) The Commissioner regulates the admission of the patients to the State Hospitals and provides for the care, maintenance, and treatment of the patients therein. 51/

51. Code (1932), Sec. 4442.

Eligibility: Patients must be citizens and residents, and, for the purpose of this law, no person may be considered a resident of this State unless he is a citizen of the United States and has been a bona fide resident of the State for at least one year and was not insane when he came into the State; and as among the counties, no person may be considered a resident of a county who is not a resident of the State as above defined and who has not been a resident of the county for at least 60 days, and was not insane when he came into the county. Those eligible for admission to the Hospital for the Criminally Insane are the criminally insane now committed to the 3 insane Hospitals of the State and such inmates of the 2 State penitentiaries and the State Training and Agricultural School as may be transferred thereto by the Commissioner of Institutions, after being adjudged insane by the Superintendent and by the physician of the institution from which they are transferred; and, also such criminals as may become insane while being held for trial. Code (1932), Sec. 4490, 4502.

Commitments: All inquisitions of lunacy for the purpose of committing a person to a State hospital are held by the county judge or chairman of the county court of the county of which the person is a resident; but in counties having a probate judge or probate court, such inquisitions of lunacy are held by the probate judge or court. Judges of the various criminal courts are authorized to commit and sentence to the Hospital for the Criminally Insane those adjudged criminally insane. Judges have the right to summon such witnesses as are necessary and to administer oaths and hear testimony as in other cases. Among the witnesses there must be included at least 2 reputable physicians, who are duly authorized to practice medicine in the State and who must have had at least 3 years' actual practice, each of whom must be required to make separately a personal physical and mental examination of the suspected person. Each physician must make and swear to a certificate of the examination. Superintendents of institutions to which certification is made are authorized to make further investigations. When a person has been ordered committed to a Hospital, the clerk of the county court must immediately communicate with the Superintendent of the Hospital in the district of which that county is a part and forward to him the commitment papers, together with a copy of the order of the court and a personal and family history of the patient. Ibid, Sec. 4451, 4458, 4462, 4474, 4502, 4463, and Public Acts (1935), Ch. 145.

Segregation: Separate buildings on the grounds of the several Hospitals for the insane are provided for the colored insane. Code (1932), Sec. 4434.

Discharges: When a patient in any State Hospital is discharged, whether recovered or otherwise, a certificate setting forth the facts must be filed by the Superintendent of the Hospital with the clerk of the county court which committed the person. Ibid, Sec. 4473.

Paroles: The Superintendent is also authorized to parole or temporarily release patients from the Hospital when deemed best and advisable by him to do so, and when such person is so released, and when released because of recovery, the Superintendent must furnish to him a certificate of restoration and discharge. Ibid, Sec. 4473.

I. General Powers and Duties (Cont'd)

(b) Commissioner of Institutions: (Cont'd)

(3) The Commissioner may make such alteration in the Hospitals, and in the grounds attached to them, as may be necessary to insure such a separation of the different classes of the insane as is essential to their proper treatment, medical as well as moral. 52/

(4) The Commissioner may place such of the insane as may be benefited by it, in the opinion of the respective Superintendents, at such employments as will tend to their restoration or to make them serviceable in defraying the expenses incident to the management of the institutions, or in making proper improvements, either in the grounds or buildings. 52/

(5) The Commissioner may make all necessary provisions to insure to patients such means of bodily exercise and of amusement and recreation as constitute a proper part of the treatment of such patient; and, in every instance where the pecuniary resources of the patient will justify it, to make the benefit of such means of exercise, amusement, and recreation the subject of an extra charge in rendering the account of the lunatic who is permitted to enjoy them. 52/

(6) For the purpose of more properly caring for patients afflicted with tuberculosis or other diseases for which special equipment and facilities are required, the Commissioner has authority to transfer such patients from one district to another so that they may receive special care and treatment suited to their needs. 53/

II. Composition and Appointment of Governing Body

See the "Commissioner" under "Department of Institutions".

III. Reports

The Commissioner of Institutions must report to the General Assembly such regulations as he may have adopted for the government of the State Hospitals and a detailed statement of their receipts and expenditures. The Commissioner must report annually to the Governor and biennially to the General Assembly the true history and condition of the Hospitals. The report on regulations must be published with the biennial report and distributed throughout the State for the information of the people and sent to similar institutions in the United States and elsewhere, as the Superintendent may think proper. 52/

The county court clerks are directed to report to the Superintendents of the several Hospitals the names and amounts in value of the estates belonging to insane persons provided for in this Act, and the Superintendents are empowered to demand a receipt for any moneys belonging to the insane persons so reported, the same to be credited on their sustenance account. 54/

52. Code (1932), Sec. 4499.

53. Ibid, Sec. 4445.

54. Ibid, Sec. 4485.

III. Reports (Cont'd)

The Superintendents must file monthly financial statements with the Commissioner and the State Comptroller. 55/

For the purpose of proper regulation, recording, and auditing the various expenditures of each institution, the managing officer must prepare and present to the general manager, in triplicate and on forms furnished by the Commissioner, a detailed estimate of the supplies, materials, improvements and money needed during each month. 56/

IV. Executive

Superintendents for the Central, Eastern, and Western State Hospitals, respectively, are appointed by the Commissioner of Institutions for 4-year terms of office. Each Superintendent must be a graduate of a reputable medical college, of good moral character, and possessing skill, ability, and experience in his profession. Salaries of the Superintendents are fixed by the Commissioner and are payable monthly. It is also provided that Superintendents must live in the Hospital with which they are connected and that they may receive food supplies for themselves and families from the regular supplies of the institution. Superintendents may be removed from office by the Commissioner for want of moral character, incompetency, neglect of duty, or malfeasance. The Superintendents act as treasurers of their respective institutions without any additional compensation. 57/

The Hospital for the Criminally Insane is under the supervision of the Superintendent of the Central State Hospital, with a physician in immediate charge of it who must possess all of the qualifications of an assistant superintendent of a State Hospital for the insane, but who is to be known as Superintendent of the Hospital for the Criminally Insane. The compensation of said Superintendent is \$2,500 a year, payable as are other official salaries, and in addition thereto he is entitled to his maintenance and support at the institution. 58/

V. Staff

The Superintendents, under the control of the Commissioner of Institutions, select and appoint the necessary employees, attendants, nurses, and servants of their respective Hospitals, and assign to each his place and duty, and may discharge them. 59/

All officers and employees must reside in the institutions, if there are facilities for them, and, in addition to their salaries, each such officer and employee who is required to live in the institutions may receive food supplies for himself and for the dependent members of his family. 60/

55. Code (1932), Sec. 395.

56. Ibid, Sec. 396.

57. Ibid, Sec. 4446, 4448.

58. Ibid, Sec. 4501.

59. Ibid, Sec. 380.

60. Ibid, Sec. 385.

V. Staff (Cont'd)

Superintendents, with approval of the Commissioner, have authority to fix the compensation of white male and female attendants at an amount ranging from \$25 to \$40 a month for male attendants, and from \$20 to \$35 a month for female attendants, according to the qualifications and experience of the attendants. 61/

The night watchman of all State hospitals and the fireman and the engineer are vested with police powers and authority. 62/

The Commissioner may appoint dentists to do the necessary dental work for the patients confined in the Hospitals for the insane, such dentists to receive compensation as fixed by the Commissioner, subject to the approval of the Department of Finance and Taxation, and also traveling expenses and room and board at the institutions. 63/

VI. Financial Provisions

The State Hospitals for the Insane are financed by biennial appropriations out of the State Treasury. 64/

Amount of Appropriation:

The sum of \$1,787,568 is appropriated to these Hospitals for the biennium beginning July 1, 1935 and ending June 30, 1937. 64/

Limitation of Funds: 64/

Biennial Expenditures

	<u>Eastern State Hospital</u>	<u>Central State Hospital</u>	<u>Western State Hospital</u>
Salaries and wages	\$ 171,072	\$ 188,000	\$ 194,000
Supplies and materials	285,100	310,000	417,604
Communication and transportation	25,576	34,100	17,626
Printing, binding, and advertising	450	1,000	700
Heat, light, and water	12,684	27,000	
Repairs and replacements	14,000	6,000	12,000
Rents and insurance	500	700	3,552
Equipment	12,478	14,000	31,000
Building improvements and land	922		
Other accounts	2,000	4,000	1,504
Total	\$ 524,782	\$ 584,800	\$ 677,986
Grand Total	\$1,787,568		

- 61. Code (1932), Sec. 4497, amended, Public Acts (1933), c-81.
- 62. Code (1932), Sec. 4495.
- 63. Ibid, Sec. 4567, 4568, 4570.
- 64. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

Financial classification of patients: First class patients are State pay patients; second class patients are county pay patients, paid for by the county at same rate that the Legislature authorizes for maintenance of State paying patients; and third class patients are private pay patients, who are admitted (Footnote forwarded)

VI. Financial Provisions (Cont'd)

(Footnote #64 continued)

to State Hospitals only after execution of a contract between the State by the Superintendent of such Hospital and the person obligated for the maintenance of the patient, binding and obligating the person to pay the expense for the maintenance of the patient in accordance with the rules and regulations of the Hospital. Code (1932), Sec. 4438, 4439, 4440.

The cost necessarily incurred in determining the question of the sanity or insanity of a poor person, including the fees allowed to the physicians called in each case, and all other necessary expense incident to the hearing and in securing the admission of such person into any of the State Hospitals for the insane, including all of the expense before placing him in such Hospital of providing nursing, care, medical attention, food, and other expenses, and traveling expenses to the Hospital, must be paid by the county from which such person is committed. Ibid, Sec. 4460.

If the person sought to be committed is not a poor person, as herein defined, the cost and expense of the proceedings to determine the insanity, and all expenses for care, nursing, food, clothing, traveling expenses to the State Hospital, and all expense up to the entrance into the Hospital must be paid from the estate of such person or from the person or persons legally liable for his maintenance in the Hospital, and the same is a charge upon the estate of such person or persons liable and the cost of the proceedings or commitment so taxed by the county judge or chairman, and collectible as all other costs. Ibid, Sec. 4460.

If any person charged with or convicted of crime be adjudged by the court before which he is so charged or convicted to be insane, and if such court orders him to be confined in one of the State Hospitals, he must be received and confined in it at State expense, if he be a poor person, as herein defined, and he must be charged to the quota of that county if there be a vacancy. If there be no vacancy in the quota of that county, he must be received anyway, but if such person so received has an estate of his own, the expense of his maintenance and care in the hospital must be paid from said estate as other pay patients. Ibid, Sec. 4476.

SUPERINTENDENTS

OF

STATE TRAINING AND AGRICULTURAL SCHOOL FOR BOYS

(REFORMATORY FOR WHITE BOYS)
(REFORMATORY FOR COLORED BOYS)

(Statutory Bodies)

I. General Powers and Duties

(a) Superintendents:

(1) The Superintendents have charge, control and supervision of their respective reformatories (i. e., for white boys and colored boys), and their employees and inmates, except as hereinafter provided, under the Commissioner of Institutions. 65/

(2) The Superintendents must, under the direction of the Commissioner, govern and control the education, conduct, and employment of those committed to the Schools, except as otherwise provided. 65/

(3) The Superintendents must use their utmost efforts for the moral, physical, and mental development of inmates so that they may be molded into good men and useful citizens. 65/

(4) The Superintendents receive and make to the Commissioner recommendations for the discharge of all inmates, subject to the provisions of this chapter. 65/

(5) Subject to the Departments of Finance and Institutions, the Superintendents make all contracts for supplies, clothing and maintenance. 65/

(6) Any boy out on probation is subject to the command and control of the Superintendent of the respective reformatory schools and he may be ordered back to such reformatory when the Superintendent deems it to the best interest of the State or of such boy. 66/

(7) The Superintendents must keep complete records of the inmates, their conduct, character, and aptitudes. Each must keep a set of account books in which all expenses of the institution are entered, and he must sign all vouchers. 67/

65. Code (1932), Sec. 4668.

Commitments: All boys under the age of 18 who have been convicted of an offense punishable by confinement in the State Penitentiary must be sentenced and confined in the State Training and Agriculture School for Boys. Ibid, Sec. 4670.

66. Code (1932), Sec. 4679.

67. Ibid, Sec. 4681.

I. General Powers and Duties (Cont'd)

(b) Manager of Experiment Station:

The Manager of the Agriculture and Horticulture Experiment Station of the Tennessee Reformatory, has charge of, directs, and controls this Station, which is established to provide maintenance for the Reformatories and employment for the boys confined there. 68/

(c) Commissioner of Institutions:

(1) The Commissioner is authorized, subject to the approval of the Governor, to erect all buildings necessary for the proper maintenance of the inmates of the reformatories and to purchase all things for the proper equipment of the reformatories and Experiment Station under appropriations made from time to time. 69/

(2) The Commissioner has authority to introduce and carry on any branch of mechanical, industrial, or agricultural pursuit that he may deem to be for the best interest of the inmates. 70/

(3) Whenever the Commissioner finds that any inmate of the reformatories is incorrigible and that it will not be for the best interest of the boy or to the interest of the other inmates if such boy should longer remain in the Reformatory, the Superintendent of that Reformatory must issue a mittimus and deliver the boy to the proper officer, to be returned to the court by which he was sentenced for further disposition. 71/

(4) The Commissioner may also put any inmate out in the service of any moral and upright citizen of the State, on probation when he deems it to be for the best interest of the boy, subject to return to such Reformatory. 72/

(5) Whenever, in the opinion of the Commissioner, a boy is reformed, he must certify that fact to the Governor, who, if he thinks such action should be taken, issues a pardon to the boy. 73/

(6) The Department of Institutions, through the Commissioner, is empowered to transfer from the State Training and Agricultural Schools for Boys to the Tennessee Penitentiary all boys committed thereto who have been convicted of first degree murder or rape when such boy has reached the age of 18 years; and when so transferred the boy must serve the balance of his time in the Penitentiary as though he had been sentenced there in the first instance. 74/

68. Code (1932), Sec. 4683.

Labor to operate the Station is done by the boys confined in the reformatories and the Commissioner may furnish additional help when necessary. Ibid, Sec. 4684.

69. Code (1932), Sec. 4686.

70. Ibid, Sec. 4663.

71. Ibid, Sec. 4667.

72. Ibid, Sec. 4676.

73. Ibid, Sec. 4677.

74. Ibid, Sec. 4671.

I. General Powers and Duties (Cont'd)(c) Commissioner of Institutions: (Cont'd)

(7) Authority is given for the imprisonment of boys under the age of 18 years who may be convicted of an offense against the United States in any district court of the United States within the State, and sentenced by that court to the reformatories; and to that end the Commissioner must enter into a contract with the Attorney General of the United States for the imprisonment subsistence, and proper employment of such juvenile offenders and the rate of compensation to be paid for the use of the institutions by the United States therefor. 75/

(8) The Commissioner is empowered, if, in his judgment the best interest of the State and of the inmates of the institutions affected would be best served thereby, to remove the State Training and Agricultural Schools for Boys from the present location in Davidson county to the State owned property in Bledsoe, Cumberland, White, and Van Buren counties, known as the "Herbert Domain". 76/

(9) The reformatory must be thoroughly examined in all its departments by the Department of Institutions, and recommendations made to the Commissioner of Institutions and the Governor. 77/

II. Composition and Appointment of Governing Body

See "Commissioner" under "Department of Institutions".

III. Reports

The Superintendents of the reformatories must report to the Commissioner sales of products raised at the reformatories and at the Experiment Station. They must also make quarterly reports to the Commissioner on the income and expenditures of the reformatories, number of inmates, their terms, names, ages, and conduct. 79/

The managing officer must prepare and present to the general manager of the State, in triplicate, not less than 15 days before the first day of each month, a detailed estimate of the supplies, materials, improvements, and money needed during each month. 80/

The Superintendent must keep a record of and report to the Commissioner all appointments, resignations, and discharges of officers and employees; and he must report to the Commissioner, within 24 hours, the commitment, entrance, death, or discharge of an inmate. 81/

75. Code (1932), Sec. 4672.

76. Ibid, Sec. 4666.

77. Ibid, Sec. 4682.

78. Ibid, Sec. 4687.

79. Ibid, Sec. 4681.

80. Ibid, Sec. 396.

81. Ibid, Sec. 380, 393.

IV. Executive

The Superintendents of the reformatories and the Manager of the Agriculture and Horticulture Experiment Station, neither of whom has any jurisdiction or control over the other, are appointed by the Commissioner. Each Superintendent must be a man skilled in the management of boys, of good moral character, and must reside on the premises. The Manager of the Station must be learned and skilled in scientific agriculture and horticulture. Salaries, not otherwise fixed by statute are fixed by the Commissioner in accordance with the scale set by the Commissioner of Finance. 82/

V. Staff

See "Department of Institutions", "General Powers and Duties", # 3.

All officers and employees must reside in the institutions, if there are facilities therefor, and, in addition to their salaries, each such officer or employee required to live there may receive food supplies for himself and dependent members of his family. 83/

The Commissioner may appoint dentists whose duty it is to do the necessary dental work for those confined in the Training and Agricultural Schools for Boys. His compensation is fixed by the Commissioner, subject to the approval of the Department of Finance and Taxation. He also receives traveling expenses, and is provided with board and room, and a suitable place with equipment. 84/

VI. Financial Provisions

The State Training and Agricultural Schools for Boys are financed by appropriations out of the State Treasury. 85/

Amount of Appropriation:

The sum of \$202,890 for the Reformatory for White Boys and the sum of \$132,400 for the Reformatory for Colored Boys are appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 85/

82. Code (1932), Sec. 4667, 4668, 4669, 381.

83. Ibid, Sec. 385.

84. Ibid, Sec. 4567, 4568, 4570.

85. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

The cost of transporting boys to and from the State Reformatories is paid by the State. Code (1932), Sec. 4670.

VI. Financial Provisions (Cont'd)

	<u>Biennial Expenditures</u>	
	<u>Reformatory for White Boys</u>	<u>Reformatory for Colored Boys</u>
Salaries and wages.	\$ 60,000	\$ 33,680
Supplies and materials.	112,570	72,230
Communications and transportation	12,000	6,000
Printing, binding, and advertising. . . .		
Heat, light, and water.	12,000	10,000
Repairs and replacements.	320	10
Replacing power house		8,000
Rents and insurance	2,000	2,400
Equipment	<u>4,000</u>	<u>80</u>
Totals.	\$202,890	\$132,400

86. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

The cost of transporting boys to and from the State Reformatories is paid by the State. Code (1932), Sec. 4670.

SUPERINTENDENT OF VOCATIONAL SCHOOL FOR GIRLS

(Statutory Body)

I. General Powers and Duties

(a) Superintendent:

The governing authorities of the School are authorized to employ the inmates in some useful and remunerative occupation so as to teach a trade or pursuit; provided, that the employment does not interfere with the carrying on of proper training and education of the girls. 87/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions must prepare and adopt a system of government for the Vocational School for Girls, embracing all such rules and regulations as may be deemed necessary for preserving order and enforcing discipline, for imparting instruction for preserving health, and for the proper intellectual and moral training of the inmates; provided, that the School is conducted on the cottage plan, in which there must be a thorough domestic training and education in every branch of household work. 88/

(2) Any girl who has, in the opinion of the Commissioner, been improperly committed to the School must be returned by him to the county from whence she was committed. 89/

II. Composition and Appointment of Governing Body

See "Commissioner" under "Department of Institutions".

87. Code (1932), Sec. 4694.

Commitments: All girls under the age of 18 years convicted of an offense punishable by imprisonment in the penitentiary must be sentenced to and confined in the Vocational School for Girls; also, girls who are guilty of habitually associating with vicious and immoral persons and frequenting places of disrepute, or who are guilty of habitual drunkenness, must be so sentenced and confined. The jurisdiction of any judge or court committing any girl terminates when the girl so committed, and the judge or court does not thereafter have authority to order her release. Ibid, Sec. 4692.

Transportation: Girls sentenced to the School are transported at the expense of the State. The sheriff must deputize a woman of good moral character to convey the girls from the counties in which they were committed or sentenced to the School. And in the event the sheriff does not find in the county a suitable woman available, the Vocational School must provide a proper and suitable escort for the girl. This escort is paid from the allowance provided for the sheriff, such fees to be the same as are allowed by law for carrying prisoners to the State Penitentiary. Ibid, Sec. 4693.

88. Code (1932), Sec. 4690.

89. Ibid, Sec. 4695.

III. Reports

The Superintendent must make to the Commissioner a monthly statement showing the entire amount received by him from all sources, and all expenditures during the month for which the report is made; a copy of this report must be filed with the State Comptroller. 90/

The managing officer must prepare and present to the general manager of the State, in triplicate, not less than 15 days before the first day of each month, and on forms furnished by the Commissioner, a detailed estimate of the supplies, materials, improvements, and money needed during each month. 91/

The Superintendent must report to the Commissioner within 24 hours, the commitment, entrance, death or discharge of an inmate; and he must keep a record of and report to the Commissioner all appointments, resignations, and discharges of officers and employees. 92/

IV. Executive

The Superintendent of the Vocational School for Girls is appointed by the Commissioner to hold office for one year, unless removed. Her duties are prescribed and her salary fixed by the Commissioner, in accordance with the scale fixed by the Commissioner of Finance and Taxation, unless otherwise set by statute, and it may not be changed during the term of office. 93/

V. Staff

Such employees as are necessary to carry on the work of the School are appointed by and their duties prescribed by the Commissioner. All officers and employees must reside in the School, if there are facilities therefor, and, in addition to their salaries, each officer or employee who is required to live there may receive food supplies for himself and for the dependent members of his family. 94/

The Commissioner must appoint a dentist to do the necessary dental work for the inmates of the School, such dentist to receive compensation as fixed by the Commissioner, subject to the approval of the Department of Finance and Taxation, traveling expenses, and board and room at the School and a suitable place and equipment. 95/

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90. Code (1932), Sec. 395.
91. Ibid, Sec. 396.
92. Ibid, Sec. 393, 380.
93. Ibid, Sec. 4689, 381.
94. Ibid, Sec. 4689, 385.
95. Ibid, Sec. 4567, 4570, 4568.

VI. Financial Provisions

The Vocational School for Girls is financed by appropriations out of the State Treasury. 96/

Amount of Appropriation:

The sum of \$87,574 is appropriated to the Vocational School for Girls for the biennium beginning July 1, 1935 and ending June 30, 1937. 96/

Limitation of Funds: 96/

	<u>Biennial</u> <u>Expenditures</u>
Salaries and wages	\$32,000
Supplies and materials	38,000
Communications and transportation	2,770
Printing, binding, and advertising	
Heat, light, and water	3,200
Repairs and replacements	8,600
Rents and insurance	120
Equipment	2,884
Total	\$87,574

96. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

SUPERINTENDENT OF VOCATIONAL SCHOOL FOR COLORED GIRLS

(Statutory Body)

I. General Powers and Duties

(a) Superintendent:

(1) The Superintendent has direct supervision and immediate control of the Vocational School for Colored Girls, and it is his duty to carry into effect the orders of the Commissioner. 97/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions must make and promulgate rules and regulations for the acceptance and reception of colored girls as inmates and for his control and supervision of the School for Colored Girls. 98/

(2) The Commission enforces discipline, provides for imparting instruction in the common school branches and in the arts or trades suitable and adaptable to the inmates, safeguards their health, and furnishes them proper mental, moral, and physical training. The inmates must receive training in household and domestic work, sewing and other needle work, and otherwise have a practical education to fit them for the duties of life. Special attention must be given to the health of the inmates, and if any should be afflicted with a contagious or infectious disease, such person must be kept apart from the other inmates, so far as practicable. 98/

97. Code (1932), Sec. 4708.

98. Ibid, Sec. 4699.

Commitments: Judges of the criminal, county, juvenile, and city courts are empowered, in their discretion, either when presiding in term or at chambers, to hear all complaints lodged against colored girls under the age of 18 years, and to determine the same without a jury; provided, that in all cases such accused, either in person or by counsel, has the right to a jury trial, which in no case may be denied, if demanded. Ibid, Sec. 4700.

No judge may sentence to the Vocational School for Colored Girls any idiot, insane person, or feeble-minded person, or one afflicted with an incurable disease. Ibid, Sec. 4707.

The judges of such courts may, if in their judgment the welfare of the girl and society makes it advisable so to do, commit her to the institution for a definite or indeterminate term, but in no case to extend beyond the arrival of the girl at the age of 21 years. In no case where the offense is punishable under the general law by death or life imprisonment may she be committed to the School; but in all other cases of felony, she must be so committed. Ibid, Sec. 4701, 4702.

In all cases of occasional petty violations of city ordinance or misdemeanor statutes, it is the duty of the judge to put such girl on probation for any reasonable period of time, in an effort to reclaim her. And after having exhausted all reasonable means of reclamation without avail, then the judge may commit her to the School. Ibid, Sec. 4704. (Footnote forwarded)

I. General Powers and Duties (Cont'd)(b) Commissioner of Institutions: (Cont'd)

(3) The Commissioner has the power, within his discretion, and under his reasonable rules and regulations, to return any such girl to the county committing her, or when it appears that she has reformed to parole her to her family or to any other respectable person or family, preference being given always to one of her own race. In no case may any such girl be placed in a home or in the care of any person where there is reasonable ground to believe she will not be given kind treatment and an opportunity for an education. It is the duty of the Commissioner and Superintendent to place such girls in good homes, preferably the homes from which they originally came. When so placed they are on parole, subject to the orders of the Commissioner, for a term of the sentence of the court, and may be returned to the School at any time the Commissioner may deem proper. 99/

(4) The Commissioner may, after a full investigation, transfer to the State Penitentiary any girl over 15 years of age who was regularly convicted of a felony, who is incorrigible to such an extent that she cannot be controlled in the School and is a menace to the peace and order of the School. But when so transferred, she is entitled to benefit of the parole law. The Commissioner also has the power to transfer an inmate from this institution to the institution for the feeble-minded or to the proper hospital for the insane, when the facts so warrant the transfer. 99/

II. Composition and Appointment of Governing Body

See "Commissioner" under "Department of Institutions".

III. Reports

Same as "Reports" under "Vocational School for Girls".

IV. Executive

The Superintendent, who must be a colored woman of education and experience in such work, is appointed by the Commissioner for a term of 4 years. Her salary, unless otherwise provided by statute, is fixed by the Commissioner in accordance with the scale fixed by the Commissioner of Finance and Taxation, before the appointment of each superintendent, and it must not be changed during the term of office. 100/

(Footnote #98 Continued)

Transfers: If practicable, a colored woman must be designated by the court trying the case, to carry the prisoner to the School; and where this cannot be done, then the School may send for the prisoner, or the sheriff may carry her, after waiting a reasonable time for the School or Commissioner to send for her. The usual fees in such cases are allowed, to be paid as other costs in the case, either by the State or county. Code (1932), Sec. 4706.

99. Code (1932), Sec. 4707.

100. Ibid, Sec. 4708, 381.

V. Staff

The Superintendent appoints, subject to the approval of the Commissioner, such colored women as teachers and assistants as may be necessary for the proper management and conduct of the School. Their compensation is fixed by the Commissioner in the same manner as in the other institutions of like character in the State. 101/

All officers and employees must reside in the School, if it has facilities therefor, and, in addition to their salaries, each may receive food supplies for himself and dependents. 102/

VI. Financial Provisions

The Vocational School for Colored Girls is financed by appropriations out of the State Treasury. 103/

Amount of Appropriation:

The sum of \$21,554 is appropriated to the School for Colored Girls for the biennium beginning July 1, 1935 and ending June 30, 1937. 103/

Limitation of Funds: 103/

	<u>Biennial</u> <u>Expenditures</u>
Salaries and wages	\$ 9,000
Supplies and materials	9,400
Communication and transportation	1,340
Printing, binding and advertising	20
Heat, light, and water	780
Repairs and replacements	740
Rents and insurance	10
Equipment	264
Total	\$21,554

There is also appropriated for the maintenance of the School the sum of \$200 for each inmate. 104/

101. Code (1932), Sec. 4708.

102. Ibid, Sec. 385.

103. Public Acts, Extra Session, (1935), Ch. 19, Sec. 1.

104. Code (1932), Sec. 4697.

WARDENS OF THE STATE PENITENTIARY AND
THE BRUSHY MOUNTAIN PENITENTIARY AND MINES

(Statutory Body)

I. General Powers and Duties

(a) Wardens:

(1) The Warden has the charge and custody of the Penitentiary, with the land, buildings, tools, implements, and every other species of property within the precincts thereof, or appertaining thereto; under the direction and control of the Commissioner of Institutions. 105/

(2) The Warden is charged with the duty of treating the prisoners with humanity and kindness, and with protecting them from harsh and cruel treatment and overwork. 106/

(3) The Warden may, with the consent and advice of the Commissioner, make such repairs and improvements, and build such additional cells, as may be necessary, using for the purpose the labor of the convicts as far as practicable. 107/

(4) The Warden must cause the clothes of the convicts, when received into the Penitentiary, to be washed and carefully put away, to be returned to convicts on their discharge; or, if the convicts prefer, to dispose of them to the best advantage and retain the money. 108/

(5) It is lawful for the Warden of the Penitentiary, acting under and subject to the power of the Commissioner, to take charge of any property in the possession of any of the prisoners at the time of their entering the prison, and, on the application of the prisoner, to sue for and receive any goods, chattels, or money due or belonging to such prisoner, and to keep a correct account thereof. 109/

105. Code (1932), Sec. 12081.

106. Ibid, Sec. 12094.

All convicts under the age of 21 years, except such as may be employed in clerical service or other light work, and kept separate from other convicts, must be kept at the main prison, separate and apart from older and more hardened criminals, and must not be permitted to work in company with, or in any manner come into contact with, any other convicts, except such as are, or may be, confined for the lower grades of offenses, and whose good conduct and example, are such as to warrant the expectation that their presence would not have a contaminating effect upon such minors. Ibid, Sec. 12103.

107. Code (1932), Sec. 12083.

Any Warden or guard who, by misconduct or negligence, allows, permits, or suffers any convict to escape, is discharged at once, and forfeits all salaries or wages that may be due for services, at the discretion of the Commissioner. Ibid, Sec. 12096.

108. Code (1932), Sec. 12091.

109. Ibid, Sec. 12088.

I. General Powers and Duties (Cont'd)

(a) Wardens: (Cont'd)

(6) All registers, returns, and other documents relating to the affairs of the Penitentiary are public documents, and must remain therein; and the Warden must preserve official copies of his correspondence with the Governor, Commissioner, or other public officers, and of any communication he may receive from them. 110/

(7) The Warden, or the physician, or any guard or other employee, at either the main or branch prisons, must not buy from or sell to any convict or trade with any convict, and in the event any one of said officials do buy, sell, trade, or traffic with the convicts, he must be discharged by the Commissioner. 111/

(8) Whenever the physician reports to the Warden of the Penitentiary that any convict is insane and ought, on that account, to be removed to the hospital, the Warden must cause such insane convict to be removed accordingly, there to remain until discharged by the physician. 112/

(b) Commissioner of Institutions:

(1) The Commissioner of Institutions may remove the convicts in the Penitentiary to such place of security in this State as he may think best, if, in his opinion, the prevalence of any epidemic, infectious, or contagious disorder, or other urgent occasion, render it expedient and proper. 113/

(2) The Commissioner or his agent must once a month, or oftener if he think it necessary, visit the Penitentiary for the purpose of inspection, and to ascertain whether the laws, rules, and regulations relating thereto are duly observed, and that the officers are competent, vigilant, and faithful, and that the convicts are properly governed. 114/

(3) The buildings, shops, and other property belonging to the State, connected with the Penitentiary, may be insured by the Commissioner. 115/

110. Code (1932), Sec. 12087.

111. Ibid, Sec. 12093.

112. Ibid, Sec. 12102.

113. Ibid, Sec. 12076.

114. Ibid, Sec. 12067.

115. Ibid, Sec. 12068.

I. General Powers and Duties (Cont'd)

(b) Commissioner of Institutions (Cont'd)

(4) The Commissioner is authorized to make contracts for the sale of coal and coke of the State mines, and to dispose of all articles manufactured by the convicts for the State, to the best interests of the State, and to pay the proceeds into the State Treasury. 116/

(5) The Commissioner is authorized to sue and to prosecute suits in his own name as Commissioner, with reference to all matters pertaining to the penitentiary affairs of the State at the main prison, the Brushy Mountain Coal Mines, and for the enforcement of all contracts made by him or by his authority, and for the collection of all debts or demands due the prison department, and to protect the property of the State in his charge in said department. 117/

II. Composition and Appointment of Governing Body

See "Commissioner" under "Department of Institutions".

III. Reports

It is the duty of the Warden to keep a correct account of all moneys received or disbursed by him for the Penitentiary, and to lay before the Commissioner, monthly, a detailed statement thereof. 118/

116. Code (1932), Sec. 12069.

Industrial Division: The Industrial Division of the Department of Institutions is charged with the duty of operating the prison industries of the State and there is transferred to the Division the unexpended balance remaining as of July 1, 1935, to the credit of the Industrial Fund. All non-convict labor and material or commodities may be paid for out of said Industrial Fund, all such expenditures being subject to the Governor's approval. The proceeds derived from the sale of manufactured products and the funds arising from the labor may be used for the actual operating expenses of the Industrial Division and overhead of the retail commissary at the main prison; provided, that all sums are paid to the Treasurer and credited to the general fund of the State, and in no event expended by the prisons or other institutions. Public Acts, Extra Session (1935), Ch. 19, Sec. 12.

Free Coal Administration: All the surplus coal taken from State mines is appropriated to the mayors of the various cities of the State for distribution by them to worthy objects of charity and persons in need because of unemployment. The duty to so ship the surplus coal is vested in the Commissioner, and a director is named to provide for its distribution. The municipalities or charitable organizations in the counties and cities must pay all freight charges and the costs and expense of distributing the coal to needy persons. Ibid, Ch. 1.

117. Code (1932), Sec. 12070-12071.

118. Ibid, Sec. 12084.

III. Reports (Cont'd)

The mining engineer and other officials in charge of the mines prisoners, and convicts must make monthly reports to the Commissioner of all expenses, receipts and transactions connected with the same; and the Commissioner must make full and complete detailed reports of everything transpiring or connected with the State mines, prisons, and convicts, every 3 months, to the Commissioner of Finance and Taxation, and also make, at the same time, full settlements with the Commissioner of Finance and Taxation for all moneys received, or which should have been received, by him and other State officials or agents connected with the State mines, prisons, or convicts. 119/

The Commissioner must report to the Governor, forthwith, all violations of law or omissions or neglect of duty by the Warden or other officers and employees about the Penitentiary. 120/

The Commissioner must transmit to the General Assembly, at each regular session of that body, and during the first week of the session, a report in full of the transactions of the Penitentiary during the preceding 2 years, and showing, among other things: the number of convicts confined therein; the offenses for which committed; their ages, previous occupation, birthplace, and residence; their respective periods of imprisonment, the different kinds of business in which they are employed; how many employed in each; and the profit or loss. 121/

The Commissioner may require stated reports, in writing, from the Warden, physician, and other officers, as to the condition of the establishment and its inmates. 122/

The Warden must, through the Commissioner, make a report to the Legislature, during the first week of its session, of the names of all convicts pardoned, discharged, or who have died during the preceding 2 years, stating particularly the crimes for which they were convicted, the date of their conviction and of their pardon, discharge, or death; the period of time for which they were sentenced, the counties in which they were convicted, their age, sex and color, the conduct of the convict in prison, and, in case of death, the disease of which he was supposed to have died. 123/

The Warden at the main prison or any branch prison or mine, where any convict may meet with sudden death, or physical injury, by means of violence or accident, must, within 10 days after the occurrence of such death or physical injury, report the same to the Commissioner, together with a detailed statement under oath of all the facts and circumstances bearing upon the same. The Warden must also report to the Commissioner and to the Governor, biennially, the number of escaped convicts, and the particular facts and circumstances attending the escape of each convict. 124/

119. Code (1932), Sec. 12073.

120. Ibid, Sec. 12074.

121. Ibid, Sec. 12075.

122. Ibid, Sec. 12066.

123. Ibid, Sec. 12085.

124. Ibid, Sec. 12086, 12087.

IV. Executive

The Wardens of the Penitentiary and its branches are appointed or employed, controlled, dismissed, or discharged, by the Commissioner of Institutions, subject to the approval of the Governor, and subject also to the employment regulations established by the Department of Finance and Taxation. The Warden must reside constantly within the precincts of the Penitentiary, sufficient apartments for the accommodation of himself and family being furnished. 125/

V. Staff

The deputy wardens, chaplains, physicians, stewards, matrons, watchmen, and other officers and employees are appointed or employed, controlled, dismissed, or discharged in the same manner and subject to the same regulations as are the Wardens. 125/

The matron of the State Penitentiary is appointed for a term of 4 years, and she receives a salary, payable monthly upon the warrant of the Comptroller. It is her duty to look after the moral conduct and general welfare of the female convicts, and to perform such other duties as may be required by the Commissioner. 126/

The number of guards is regulated by the Warden, acting under the Commissioner, and, in all cases, the guards must be sufficient for the safekeeping of the convicts. They are appointed and discharged by the Warden, through the Commissioner. 127/

The Commissioner, with the consent of the Governor, is authorized to employ attorneys to prosecute all suits. 128/

The Commissioner must appoint a physician and a chaplain for each of the State prisons. The physicians are appointed for the term of 4 years and receive a salary of not more than \$1800 per annum, payable monthly upon the warrant of the Comptroller. The chaplains are also appointed for terms of 4 years, and each receives a salary, payable monthly, on the warrant of the Comptroller. 129/

125. Code (1932), Sec. 12063, 12079.

126. Ibid, Sec. 384.

127. Ibid, Sec. 12105, 12106.

128. Ibid, Sec. 12072.

129. Ibid, Sec. 382, 383.

It is the duty of the physicians to give medical attention to the inmates of the said institutions, to look after and control the prison hospitals, and to have general supervision over the sanitary condition of the prisons; provided, however, that the Commissioner makes all rules necessary to have efficient medical, hospital, and sanitary service from the prison physician. It is the duty of the chaplains to see that religious services are conducted in the prison chapels on Sundays, to visit the sick and to render such services in connection with the prison library and the prison schools and to perform such other duties for the moral improvement of the inmates as may be required by the Commissioner. Ibid, Sec. 382, 383.

VI. Financial Provisions

The State Penitentiary and the Brushy Mountain Penitentiary and Mines are financed by appropriations out of the State Treasury. 130/

Amount of Appropriation:

The sum of \$827,750 for the State Penitentiary and the sum of \$485,838 for the Brushy Mountain Penitentiary and Mines are appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 130/

Limitation of Funds: 130/

	<u>Biennial Expenditures</u>	
	<u>State</u> <u>Penitentiary</u>	<u>Brushy Mountain</u> <u>Penitentiary</u>
Salaries and wages	\$216,372	\$166,322
Supplies and materials	387,092	252,612
Communications and transportation	90,000	23,904
Printing, binding and advertising		1,300
Heat, light, and water	8,000	1,800
Repairs and replacements	50,060	16,000
Rents and insurance	11,476	900
Equipment	31,000	15,000
Other accounts	33,750	8,000
Total	<u>\$827,750</u>	<u>\$485,838</u>

130. Public Acts, Extra Sess. (1935), Ch. 19, Sec. 1.

The Warden of the State Penitentiary and the Warden of the Brushy Mountain Penitentiary must transmit on or before Monday of each week to the State Treasurer all the moneys collected by them from every source and must forward to the Commissioner a detailed statement of such condition. Code (1932), Sec. 413.

The Treasurer must credit the moneys thus received to separate accounts kept in the name of the institutions. The funds thus deposited may be used by the Commissioner for the payment of duly authorized purchases used in the maintenance or operation of the institutions and for the payment of salaries, of employees and also for the purchase of live stock and equipment for the farms and for new machinery and repairs, for building repairs, and for all necessary and legitimate expenses connected with the operation of these institutions. But any new building or new equipment that will exceed \$1000 in cost must be authorized in writing by the Commissioner before the expenditures can be made. Only the surplus after payment of all salaries, wages, and expenses may pass into the general funds of the State and be available for its debts, expenses, and uses. Ibid, Sec. 414, 415, 416.

The expenses of keeping the convicts, over the value of their work, are taken out of any property turned over to the Warden upon entering the Penitentiary. (Ibid, Sec. 12089) The funds so received by the Warden are subject to the satisfaction of any judgment for fine and costs rendered against the convict upon pronouncing sentence, and to the expense of keeping him, if any, over and above his labor. (Ibid, Sec. 12092) If no demand is made for such money by the convicts, or a legally authorized agent or personal representative, within 6 months after such convict's death or discharge, the amount on hand must be paid by the Warden through the Commissioner into the Treasury of the State. (Ibid, Sec. 12090)

BOARD OF PUBLIC WELFARE

(Executive Order)

I. General Powers and Duties

(1) The Board of Public Welfare is charged with the full responsibility of providing aid for those in need within the intent of Chapter 175 of Public Laws of Tennessee (1935), providing funds for emergency relief. 1/

(2) The Board is authorized to cooperate with the political subdivisions of the State in the establishment of local administrative units for providing relief and to develop rules and regulations for the guidance of such units. 1/

(3) The Board is authorized to cooperate with the Federal Government in the development of its program for providing employment, resettlement and rehabilitation in Tennessee. 1/

(4) In the event that the Federal authority desires to use the State machinery hereby created for intake, certification, investigation, or any other welfare service connected with its employment, resettlement, or rehabilitation programs, the Board of Public Welfare is authorized to develop in consultation with the Federal authorities such administrative methods and personnel qualifications as may be mutually satisfactory and for the best interests of the State. 1/

II. Composition and Appointment of Governing Body

The Board of Public Welfare consists of 5 persons appointed by the Governor to serve at his pleasure and without compensation, except for necessary traveling expenses incurred in the performance of their official duties. 1/

III. Reports

No provision.

IV. Executive

An executive director may be employed by the Board. 1/

V. Staff

Such assistants as may be necessary to perform the required services may be appointed by the Board. 1/

1. Executive Order of the Governor, November 29, 1935.

VI. Financial Provisions

The Funding Board, composed of the Governor, Comptroller, Treasurer, Secretary of State, and Commissioner of Finance and Taxation, is authorized and empowered to sell not to exceed \$1,500,000 of interest bearing coupon bonds of the State of Tennessee, for the purpose of providing for emergency relief, to be expended as the Governor directs for the purpose of providing funds for emergency relief. 2/

All expenditures by the Board of Public Welfare from the funds made available by the above provision, or from any other source, must be made in accordance with a budget prepared by the Board and its executive staff, and approved by the Governor. 3/

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2. Public Acts (1935), Ch. 175, H. B. No. 1605, app. Apr. 22, 1935.
 3. Executive Order of the Governor, November 29, 1935.

ADVISORY BOARD OF PARDONS

(Statutory Body)

I. General Powers and Duties

(a) Advisory Board of Pardons

It is the duty of the Advisory Board of Pardons, and it has the authority to hear and examine into all applications for pardons, to advise with and make recommendations to the Governor, to summon witnesses, administer oaths, and to make such rules and regulations for pardons as may to it seem advisable. Before hearing and disposing of an application for pardon, the Board must notify the district attorney and trial judge in whose court the case was tried and request of such officials a report of the facts as they appeared in the cases at the trial. 1/

(b) Commissioner of Institutions

(1) The Commissioner of Institutions, who is chairman of the Advisory Board of Pardons, has the power to cause to be released on parole any person sentenced to confinement in the Penitentiary who has served his minimum term; provided, that no convict serving a life sentence may be paroled until he has served for 25 years, less diminution for good conduct had his sentence been for 20 years. 2/

(2) It is the duty of the presiding judge where the execution of sentence and judgment has been suspended to immediately transmit to the Commissioner a copy of the indictment or presentment together with his reasons for suspending the sentence and judgment. And it is the duty of the Commissioner, through the State Parole Officer, to look after the welfare of and have charge of and keep in communication with the said prisoner thus on parole under suspended sentence, and also to keep in touch with his employers. 3/

(3) When it satisfactorily appears to the Commissioner that the prisoner has led an exemplary life for such period of time as to lead the Commissioner to believe that he is reliable and trustworthy and that his final release is not incompatible with the welfare of society, the Commissioner may, in his discretion, parole the prisoner for such period of time as he deems best or recommend to the Governor that he grant a pardon and final discharge. 4/

(4) In case the Commissioner recommends to the Governor that the prisoner be pardoned and finally discharged, he must file his papers and recommendations with the Governor. When the Governor acts he must communicate his decision to the Commissioner, who must at once transmit the action of the Governor to the judge of the court where the case against the prisoner is pending. 5/

1. Code (1932), Sec. 11817. Nothing in this law may be construed in any way as intended to modify or abridge the pardoning power of the Governor. Ibid, Sec. 11818.

2. Code (1932), Sec. 11815, 11771.

3. Ibid, Sec. 11823, 11827.

4. Ibid, Sec. 11828.

5. Ibid, Sec. 11829, 11830.

I. General Powers and Duties (Cont'd)

(c) State Parole Officer

(1) The State Parole Officer must perform all duties imposed upon him by law and by rules and regulations of the Commissioner. 6/

(2) The State Parole Officer must keep in communication as far as possible with all prisoners who are paroled. 6/

(d) County Parole Board

It is the duty of the County Parole Board to keep in touch with all prisoners in its county and to report to the Commissioner of Institutions. 7/

II. Composition and Appointment of Governing Body

The Advisory Board of Pardons consists of the Commissioner of Institutions, who is chairman of the Board; a secretary who is appointed by the Commissioner, with the approval of the Governor; and the State Parole Officer. The Governor is an ex officio member of the Board. 8/

III. Reports

No provision.

IV. Executive

A secretary of the Board who must be a lawyer is appointed by the Commissioner. He must devote all of his time to the duties of his office. He receives a salary of \$3600 and traveling expenses not exceeding \$650 annually, to be paid as other officials' salaries are paid. 9/

V. Staff

The Commissioner of Institutions must appoint, on recommendation of the State Parole Officer, not more than 3 persons in each county to act as the County Board of Parole. They serve without compensation. 7/

VI. Financial Provisions

No provision.

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6. Code (1932), Sec. 11835, 11837.
 7. Ibid, Sec. 11836.
 8. Ibid, Sec. 11815.
 9. Ibid, Sec. 11816.

BOARD OF PENSION EXAMINERS

(Statutory Body)

I. General Powers and Duties

(1) The Board of Pension Examiners is invested with full power to hear and determine all applications for pensions under the provisions of this article, to prescribe such rules and regulations touching the applications as it may deem necessary, to hear evidence touching the applications at such time and places and in the manner it may desire, and to allow or refuse pensions according as justice and law may require. The Board is invested with full power over the entire pension roll at all times and it is its duty to strike from the roll such names as may be improperly thereon. After proper notice and hearing, its decision is final. 1/

(2) The Board has the power, with the consent of the Trustees of the Confederate Soldiers' Home, in case of applicants having no families, to allow them a support in the Confederate Soldiers' Home in lieu of the pension, or such applicants may elect to have a pension instead of support in the Home. 2/

(3) It is the duty of the Board to withhold a pension from any pensioner who may habitually waste the State's bounty in dissipation or other dishonorable manner. 3/

(4) The Board must keep a book in which are recorded the names of each pensioner, company, and regiment; date, place, and nature of wound received; date and place where paroled or discharged; and date of granting pension. 4/

II. Composition and Appointment of Governing Body

The Board of Pension Examiners consists of the Comptroller, Secretary of State, Commissioner of Finance, State Librarian, Attorney General, 3 ex-Confederate soldiers of the State, and one representative of a Chapter of the United Daughters of the Confederacy of the Tennessee Division. 5/

The 3 ex-Confederate soldiers are selected, one from each grand division of the State, and appointed by the Governor upon the recommendations of the camps and bivouacs of the respective grand divisions. The representative of the United Daughters of the Confederacy is appointed by the Governor to hold office for 2 years. 5/

1. Code (1932), Sec. 4936.

Beneficiaries under this Article include disabled soldiers, Federal and Confederate, who enlisted from Tennessee; and widows and servants of Confederate soldiers. Ibid, Sec. 4942, 4943, 4948, 4968.

For additional qualifications concerning beneficiaries under this Article see "Soldiers' and Sailors' Relief" under "Public Welfare Provisions".

2. Code (1932), Sec. 4964.

3. Ibid, Sec. 4965.

4. Ibid, Sec. 4959.

5. Ibid, Sec. 4934, and Public Acts (1931), Ch. 25.

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

Members of the Board, other than State officials, receive as compensation \$5 per diem, and actual expenses incurred while attending meetings of the Board in the Pension office; provided, that no compensation or expense is allowed for more than 20 days at any one meeting of the Board, and not for more than 4 meetings in any one year. 6/

III. Reports

The Special Pension Examiner must make a written report of his investigation to the Board. 7/

IV. Executive

The Board is empowered to elect a president, who must be a member of the Board, to hold office for a term of 2 years. 8/

V. Staff

A secretary may be elected by the Board to serve for a term of 2 years at a salary of \$150 per month, to be paid on the warrant of the Comptroller. The secretary must be an ex-Confederate soldier and not a member of the Board, but should there not be an ex-Confederate soldier available for the position of secretary, then there must be elected the son of an ex-Confederate soldier. 9/

The Board must designate one of its members as a special pension examiner, whose duty it is to fully investigate the pensioners on the roll. The examiner of the Board is paid \$166.66 per month, and actual expenses for his services, same to be paid on his sworn statement by the warrant of the Comptroller out of the Pension appropriation. 7/

VI. Financial Provisions

The Board of Pension Examiners is financed by appropriations out of the State Treasury. 10/

Amount of Appropriation:

The sum of \$1,214,500 is appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 10/

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6. Code (1932), Sec. 4935.
 7. Ibid, Sec. 4939.
 8. Ibid, Sec. 4937.
 9. Ibid, Sec. 4937, 4938, 3937, amended by Public Acts (1935), Ch. 61.
 10. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

The Board is to spend the sum of \$750 annually for the necessary printing, postage, etc. Code (1932), Sec. 4940.

VI. Financial Provisions (Cont'd)Limitation of Funds: 11/

<u>Pension Board</u>	<u>Biennial Expenditures</u>
Salaries and wages	\$ 8,760
Supplies and materials	780
Communication and transportation	4,940
Printing, binding, advertising	<u>20</u>
Total.	\$ 14,500

Confederate Pensions

Soldiers	\$ 192,000
Widows	1,001,160
Colored servants	<u>6,840</u>
Total.	\$1,200,000

Grand Total. \$1,214,500

Each Confederate soldier, under this Act, receives \$50 per month as pension. 11/

11. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

The Board is to spend the sum of \$750 annually for the necessary printing, postage, etc. Code (1932), Sec. 4940.

SUPERINTENDENT OF THE TENNESSEE INDUSTRIAL SCHOOL

(Statutory Body)

I. General Powers and Duties

(1) The Superintendent has the executive control and management of the Tennessee Industrial School, subject to the rules and regulations of the Department of Education and the provisions of this law. 1/

(2) The officers and managers of the School must receive and take in all children committed by competent authority and they must cause all children in the School to be instructed in such branches of useful knowledge as may be suited to their years and capacities. 2/

1. Code (1932), Sec. 379, amended by Public Acts (1935), Ch. 186.
2. Code (1932), Sec. 4655.

Commitments: Each county, in proportion to its scholastic population, is entitled to the benefits of the School, and the officers of the School must, from time to time, as vacancies occur, notify the county court of each county of the number of places in the School to which it is entitled. The basis of representation for scholars is 1,100 scholastic population between 6 and 17 years of age and majority fraction thereof for each scholar, but each county is entitled to at least one scholar. Ibid, Sec. 4660.

No child under 8 or over 16 years of age in case of females, and under 8 and over 18 in case of males, may be committed to the School. Children of white and colored races who may be committed must be kept entirely separate and apart from each other in every way, and the sexes must have separate apartments. Whenever any child is committed to the School, the effect is to commit until he or she is 21 years of age, unless sooner discharged by the officers of the School. Ibid, Sec. 4653, 4658, 4654.

The county judges and chairman of the county courts are empowered to have brought before them all children between the ages of 3 and 15 years whom they know or who are reported to them to live in notorious resorts of bad character, and if any such judge or chairman is satisfied from the proof offered that the child is not being properly cared for and that its moral, mental, or physical welfare is being neglected to the extent that it will probably grow up in pauperism, lewdness, and crime, the judge or chairman is empowered to take charge of the child, and if there is no vacancy in the School for his county or in a county reformatory, he must find a home for the child, and place it in such family as in his judgment will look after its moral, mental and physical welfare. Ibid, Sec. 4648.

The Industrial School may receive any child placed in its care and keeping by its parent or parents without the authority of any court, and the School may keep and care for such child until it is 21 years of age, unless sooner taken away by the request of its parent or parents, and released under the authority and by-laws of the School. Ibid, Sec. 4649.

The parent or parents, and guardians other than parents must, may invoke the authority of the county court when they desire to commit any child to the School on the ground that said parent or parents or guardian, or those having the child in charge, is unable to control the child; but the School must not receive any child under this or the preceding section until its parents or parents or guardians, or persons having the child in custody, do satisfactorily agree with the officers of the School to supply sufficient funds for the maintenance of the child therein during its stay, and do further agree to abide by all rules, by-laws, and requirements of the School. Ibid, Sec. 4650.

I. General Powers and Duties (Cont'd)

(3) From the time of the lawful reception of any child into the School, and during its stay, the School has exclusive care, custody, and control of the child until it is discharged. 3/

(4) The management of the School has authority to find homes for any abandoned or dependent inmates, but only for those who are abandoned or entirely dependent. It is the duty of the Superintendent to enter into a contract with the party taking such child, to be conditioned as required by rules and regulations made by the Commissioner of Education, including proper and reasonable supervision and reports so as to secure proper care and attention to the child. 4/

II. Composition and Appointment of Governing Body

The Commissioner of Education, who has immediate charge and management of the Industrial School, is appointed by the Governor for a term of 2 years, to serve at an annual salary of \$3,600. The Commissioner must be a person of literary and scientific attainments and of skill and experience in school administration. He must also be qualified to teach in the school of the highest standing over which he has authority. (The Commissioner of Education is the chief executive officer of the Department of Education). 5/

III. Reports

The Superintendent must report to the Commissioner of Institutions within 24 hours the commitment, entrance, death, or discharge of an inmate. 6/

The Superintendent must also keep a record of and report to the Commissioner of Education all appointments, resignations, and discharges of officers and employees. 7/

It is the duty of the Superintendent to make to the Commissioner of Education a monthly statement showing the entire amount received by him from all sources, and all expenditures during the month for which the report is made; such report to be made on forms prepared by the Commissioner, and a copy thereof to be filed with the State Comptroller. 8/

3. Code (1932), Sec. 4652.

4. Ibid, Sec. 4663, 4664, amended by Public Acts (1935), Ch. 186.

5. Code (1932), Sec. 2312, 2310, 2311, and Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

6. Code (1932), Sec. 393, amended by Public Acts (1935), Ch. 186.

7. Code (1932), Sec. 380, amended by Public Acts (1935), Ch. 186.

8. Code (1932), Sec. 395, amended by Public Acts (1935), Ch. 186.

III. Reports (Cont'd)

For the purpose of proper regulation, recording, and auditing the various expenditures of the School, the managing officer must prepare and present to the general manager in triplicate, not less than 15 days before the first day of each month, a detailed estimate of the supplies, materials, improvements, and money needed during each month. 9/

IV. Executive

The Superintendent of the Tennessee Industrial School is appointed by the Commissioner of Education, with the approval of the Governor. His salary is fixed by the Commissioner of Education in accordance with the scale fixed by the Commissioner of Finance and Taxation, before appointment and it shall not be changed during the term of office. 10/

V. Staff

The necessary employees, teachers, attendants, nurses, and servants are selected and appointed, assigned to their respective places and duties, and discharged, when necessary, by the Superintendent, under the control of the Commissioner of Education. 11/

All officers and employees must reside in the School, if there are facilities for them, and, in addition to their salaries, those who are so required to live at the school may receive food supplies for himself and for the dependent members of his family. 12/

The Commissioner of Education must appoint a dentist whose duty it is to do the necessary dental work for the inmates of the School. The Superintendent must provide him with a suitable room and all necessary equipment. The compensation of the dentist is fixed by the Commissioner, subject to the approval of the Department of Finance and Taxation. He also receives necessary traveling expenses and is provided with room and board. 13/

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9. Code (1932), Sec. 396, amended by Public Acts (1935), Ch. 186.
 10. Code (1932), Sec. 379, 381, amended by Public Acts (1935), Ch. 186.
 11. Code (1932), Sec. 380, amended by Public Acts (1935), Ch. 186.
 12. Code (1932), Sec. ~~385~~, amended by Public Acts (1935), Ch. 186.
 13. Code (1932), Sec. 4567, amended by Public Acts (1935), Ch. 186,
Sec. 4568, 4570.

VI. Financial Provisions

The Tennessee Industrial School is financed by appropriations out of the State Treasury. 14/

Amount of Appropriations:

The sum of \$227,280 is appropriated for the biennium beginning July 1, 1935 and ending June 30, 1937. 14/

Limitation of Funds: 14/

	<u>Biennial Expenditures</u>
Salaries and wages.\$ 28,080
Operating expenses.	<u>199,200</u>
Total\$227,280

Provided, that all receipts of the Tennessee Industrial School arising from the sale of products, donations, or otherwise, together with such Federal funds as may be available, may be used for the benefit of the School in addition to appropriations above set out, with the approval of the Commissioner of Education.

14. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

Source of Funds: The expense of the School must be paid, as follows, to wit: For each inmate of the School who may be lawfully committed under the pro rata to which each county is entitled, the State will pay the sum per annum duly appropriated, quarterly, upon the sworn statement of the Superintendent of the School, showing the number of children in the School, the county from which sent, and the number to which the county is entitled. Any child committed to the School as a pay ward must be paid for by the party committing it at the same rate per annum, payable monthly or quarterly in advance, as may be agreed upon by the officers of the School when the child is committed. Code (1932), Sec. 4657.

COMMISSION FOR CRIPPLED CHILDREN'S SERVICE

(Statutory Body)

I. General Powers and Duties

(1) In order to provide care, suitable and approved medical and surgical treatment, and education when necessary, as provided in this chapter for physically handicapped or crippled children, whose parents or guardians or other persons in whose care they may be, fail, or are financially unable in whole or in part to provide the same, the Commission for Crippled Children's Service is empowered to receive into its temporary custody or guardianship such physically handicapped children for the purpose of providing care, treatment, and education. 1/

(2) It is the duty of the Commission, upon receipt of papers from the proper judge or county court chairman authorizing temporary guardianship and custody of a crippled child by the Commission, to accept such guardianship and custody of the child, when able to do so under this law, and as funds and facilities become available. 1/

(3) The Commission must exercise close supervision over children while under its guardianship or custody and it may at any time for sufficient cause terminate any contracts for their care, treatment, and education by written notice, if it appears to be for the best interest and welfare of such children. 1/

1. Code (1932), Sec. 4749, amended by Public Acts (1935), Ch. 135.

Commitments: Applications for the commitment of any crippled child to the temporary custody or guardianship of the Commission must be made to the judge or chairman of the county court of the county wherein the child has its legal residence, by a parent, guardian, or some other properly interested person. If the judge or chairman is of the opinion that the child is in need of such care, treatment, or education, and is convinced that the parent or guardian or other person in charge of the child fails or is financially unable in whole or in part to provide it, he must make a finding to that effect and forward at once to the Commission for Crippled Children's Service a certified copy of his decree or a commitment of temporary guardianship or custody, together with a statement of the facts. The court must arrange for the child's conveyance to the place designated by the Commission; provided that the child may be temporarily surrendered to the Commission by his parent or guardian. Code (1932), Sec. 4749, amended by Public Acts (1935), Ch. 135.

For the purposes of this chapter a physically handicapped or crippled child is one under 21 years of age, who, by reason of a physical defect or infirmity other than blindness, deafness or dumbness, whether congenital or the result of accident, injury, or disease, is or may be totally or partially incapacitated for the receipt of a normal education or for self-support. Code (1932), Sec. 4748.

I. General Powers and Duties (Cont'd)

(4) The Commission must arrange for the care and treatment herein provided for crippled children at such crippled children's homes, orthopedic or other hospitals, institutions, schools, or homes, public or private, as may be approved by the Department of Health, and which will contract to do so. 2/

II. Composition and Appointment of Governing Body

The Commission for Crippled Children's Service is a part of the Ex-Service Men's Bureau in the Department of the Adjutant General. 3/

The Commission consists of 7 members to be appointed by the Governor, 4 of whom serve for terms of 4 years, and 3 of whom serve for terms of 2 years. At least one member of the Commission must be from each grand division of the State. Members must be individuals who are outstanding in their work for crippled children, or who represent organizations interested in the Crippled Children's Service. They serve without compensation. 3/

2. Code (1932), Sec. 4751, amended by Public Acts (1935), Ch. 135.

Department of Health: In order to provide care, advice, and approved medical and surgical treatment for physically handicapped and crippled children, the Department of Health is empowered to organize and conduct local public diagnostic and operative clinics for such children, in cooperation with local lawful authorities, medical societies, social welfare, public health, or private agencies, designed to give to such crippled children expert diagnosis and advice near their homes. The diagnosis and advice must be rendered by orthopedic surgeons and other experts in the different parts of the State who have been approved and designated by the Department of Health. The Department of Health is further empowered to include and carry on a State program of convalescent care and follow-up work, providing after-care for the health of such children as part of its general program of health work. Code (1932), Sec. 4747.

Department of Education: The Department of Education must furnish to the Department of Health a list of all persons enumerated in the school census who are physically handicapped or crippled. The Department of Education is empowered to provide and to cooperate with other school authorities in providing special schools and special classes in the public elementary and high schools, in private schools, in hospitals, in convalescent institutions, and also home and bedside instruction, and transportation to and from school for physically handicapped and crippled children. Ibid, Sec. 4754, 4755.

3. Public Acts (1935), Ch. 135.

III. Reports

No provision.

IV. Executive

The Commission is authorized to employ a Supervisor to carry out the purpose of this law; provided, that the Supervisor is a person who has had special training in social service and experience in social welfare and rehabilitation work. 4/

V. Staff

The Commission is authorized to employ such assistants as are necessary, subject to the above provision regarding the Supervisor. 4/

The Commission is also authorized to appoint local representatives who are willing to serve without compensation, to act as volunteer agents, to assist in local service designed to seek out physically handicapped or crippled children, in diagnostic or operative clinics, in transportation and making investigation for the Crippled Children's Service, or for the courts in relation to physically handicapped or crippled children. 4/

VI. Financial Provisions

The Crippled Children's Service is financed by appropriations out of the State Treasury. 5/

Amount of Appropriation:

The sum of \$30,000 is appropriated to the Department of the Adjutant General Ex-Service Men's Bureau for the Crippled Children's Service for the biennium beginning July 1, 1935 and ending June 30, 1937. 5/

4. Public Acts (1935), Ch. 135.

5. Public Acts, Extra Session (1935), Ch. 19, Sec. 1.

Such part of the sums appropriated for the administration and maintenance of the general work of the Department of Health and of the Department of Education as may be necessary for the carrying out of the duties imposed on these departments by this law are made available for the carrying out of the purpose thereof. Code (1932), Sec. 4757.

The necessary expenses of such care and treatment of crippled children must be borne in whole or in part by the parents or guardian if financially able, or, as funds are available by the Commission; provided, that the Commission is authorized to charge one-half of such respective amounts to the county in which the physically handicapped or crippled child legally resides, exclusive of the administration cost. Ibid, Sec. 4750, amended by Public Acts (1935), Ch. 135.

The Commission is authorized and empowered to:

(1) Accept gifts, donations, or bequests from either public or private sources made or placed in trust to assist in carrying out the purposes of this law; provided, that such funds are placed in the care of the State Treasurer and designated as the "Special Private Fund for Physically Handi- (Footnote forwarded)

VI. Financial Provisions (Cont'd)

<u>Limitation of Funds:</u>	<u>Biennial Expenditures</u>
Salaries and wages	\$ 4,800
Supplies and materials	300
Communication and transportation	2,400
Printing, binding, and advertising	50
Repairs and replacements	400
Rents and insurance.	50
State aid.	<u>22,000</u>
Total	\$30,000

(Footnote #5 Continued)

capped or Crippled Children", and provided that any donation or gift, if expressly specified by the donor, may be used to supplement the salary of any person engaged in work for physically handicapped or crippled children, whether such person be an employee of the State of Tennessee or not.

(2) Collect payments, in cooperation with local courts and specially appointed local representatives, from parents or guardians who are able to pay, in whole or in part, for the care of their children and wards.

(3) Pay the costs for the children placed by the Department of Institutions for care and treatment out of the funds made and to be made available for that purpose through legislative appropriations, or gifts or donations, or funds paid in by parents or guardians, or by counties, as reimbursements; provide, that no part of the funds coming by way of gift donation, bequests, or reimbursements may be used for administration, unless given expressly for that purpose.

(4) Charge to the proper fiscal officers of counties in which such certified or committed children respectively have their legal residences one-half of the costs paid out by the Commission from funds appropriated by the General Assembly, exclusive of the cost of administration. Code (1932), Sec. 4753, amended by Public Acts (1935), Ch. 135.

Any funds heretofore appropriated for crippled children must not revert to the general fund of the State, but must be carried forward and added to the funds hereafter available, for such; likewise, any funds appropriated to the Department of Institutions for Crippled Children's Service must be transferred to and be available for the purposes herein set out. Public Acts (1935), Ch. 135.

COUNTY COURTS

(Statutory Bodies)

I. General Powers and Duties(a) Re: Juvenile Courts

(1) When a child under 17 years of age is found to be dependent or neglected, the juvenile court (the county judge or chairman of the county court) of such county may make an order committing the child to the care of some suitable State institution or to the care of some reputable citizen or to some suitable association willing to receive it. If the child is convicted of an offense punishable by imprisonment in the State penitentiary, the child, if a male, must be committed to the State Training and Agriculture School for Boys; and, if a female, to the Tennessee Vocational School for Girls. The court may set aside, change, or modify its order; and it may cause the child to be placed in a public hospital if necessary. 1/

(2) It is the duty of the clerk of the juvenile court, if practicable, to notify a probation officer, to be designated by the court, when any child is to be brought before the court; and it is the duty of such probation officer to make investigation of the case, to be present in court, to represent the interest of the child, to furnish such information and assistance as the court may require, and to take charge of the child before and after the trial, as may be directed by the court. A probation officer has, as to any child committed to his care, the powers of a peace officer. The probation officer may at any time bring such child before the court committing it for further action by the court. It is also the duty of all probation officers to investigate all cases of alleged delinquency, and to make complaints to the court. The court may appoint a board of visitation to visit all agencies receiving children from the juvenile court. 2/

(3) A docket must be kept by the court which is to be known as the "juvenile docket". A special record book must be kept, upon which the proceedings of this title must be entered, which record is to be called "the juvenile record", and for convenience the court must be called "the juvenile court". 3/

(b) Re: County Tuberculosis Hospitals

(1) Each quarterly county court has the power to establish a county hospital for the care and treatment of persons suffering with tuberculosis, and, when the court deems it advisable and when the State Department of Health approves, a county may maintain more than one county tuberculosis hospital. 4/ Each such tuberculosis hospital is under the general superintendence, management, and control of a board of managers appointed by the quarterly county court. 5/ And the board of managers of each hospital appoints a

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1. Code (1932), Sec. 10288.
 2. Ibid, Sec. 10287, 10302.
 3. Ibid, Sec. 10278.
 4. Ibid, Sec. 4831, 4864.
 5. Ibid, Sec. 4837, 4833.

I. General Powers and Duties (Cont'd)(b) Re: County Tuberculosis Hospitals

superintendent to serve as chief executive, to receive patients, to equip the hospital, to supervise records, accounts and buildings, to examine and provide for treatment of patients, to temporarily discharge patients for good cause, and to collect and receive money due the Hospital. The superintendent, with the consent of the board, appoints the staff members whose salaries are fixed by the board. 6/

(2) It is lawful for any quarterly county court to contract with any regularly incorporated society or municipality maintaining a tuberculosis hospital for the care and treatment of any or all the tuberculous residents of the county, upon such terms and conditions as they may determine by agreement. Where a municipality maintains a hospital for tubercular patients, it is the duty of the county wherein it is situated, if requested by the city, to maintain in such municipal hospital the tubercular patients resident in the city, and make payment to the city for such care and maintenance. 7/

(c) Re: County Asylums for the Poor

(1) There must be provided, at the expense of every county, an asylum for the poor consisting of a parcel of land of such size, and of buildings thereon of such dimensions and constructions, as the county court may consider necessary and proper, a majority of the justices being present. 8/ The county court appoints a board of 3 commissioners for each poor asylum, such commissioners having the power to prescribe rules and regulations for the management of the farm and treatment of inmates, to prescribe living conditions of inmates, to examine applicants for admission, and to keep accounts of finances. 9/ A superintendent, who overlooks and manages the asylum and its inmates, may be removed for good cause and the vacancy filled by the commissioners. 10/

(2) County courts may unite in the establishment of joint homes, hospitals, almshouses or poor farms for the care of the indigent or the chronic sick of the respective counties. The county court, by majority vote at any regular session, may sell or otherwise dispose of the property owned by the county and used for such purposes, and may contract with one or more other counties for the joint ownership, construction, control, and operation of a common institution, or it may contract with one or more other counties for the care of its indigent or chronic sick persons in institutions owned, controlled, and operated by other counties or county. 11/

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6. Code (1932), Sec. 4835, 4842, 4847, 4843, 4844, 4848, 4849, 4850, 4845, 4836.
 7. Ibid, Sec. 4866.
 8. Ibid, Sec. 4792.
 9. Ibid, Sec. 4794, 4809, 4807, 4803, 4804.
 10. Ibid, Sec. 4810, 4811.
 11. Ibid, Sec. 4795.

I. General Powers and Duties (Cont'd)(c) Re: County Asylums for the Poor (Cont'd)

(3) For the purpose of caring for indigent sick or injured persons the county courts may enter into contract with any reputable hospital for the care and treatment of such persons, and make annual contracts with the hospitals for a right, on the part of the county, to the use of one or more beds in the hospital in which the county will have the right to place patients for hospital treatment to be rendered by the hospital, such patients to be so committed upon an order issued to the hospital by the county judge or chairman. 12/

(4) In the event any county court fails to make such an annual contract, or in case all the beds contracted for are at any time filled, and it appears to the satisfaction of the county judge or chairman that a sick or injured person is unable on account of poverty to procure necessary care and medical attention, the county judge or chairman may contract with such hospital to take charge of and render to such person the care and medical attention necessary during the illness. 13/

(5) The county court may let out the support of the poor, with the use and occupancy of the poorhouse and farm, for a period not exceeding 3 years. The court may also contract with any person for the support of any or all the poor of the county, upon such terms as may be deemed reasonable, for a period not exceeding one year. Such contractors may employ a poor person in any work for which his age, health, and strength are competent, but subject to the supervision of the commissioners of the poor, and, in the last resort, of the county court. 14/

(6) The county court has the power, upon good cause shown, to set aside any contract, making proper allowances for the time it has been in operation. 15/

(7) The court may exempt from working on public roads and paying poll tax any person unable, by manual labor or physical exertion, to make a living, whenever it appears to be just and right so to do. 16/

(8) The court may, in its discretion, allow and pay to poor persons who may become chargeable as paupers, and who will probably be benefited thereby, such sums or such annual allowance, to be paid according to the direction of the court, as will not exceed the charge of their maintenance in the ordinary mode. 17/

12. Code (1932), Sec. 4823, 4824.

13. Ibid, Sec. 4825.

14. Ibid, Sec. 4816, 4817, 4818.

15. Ibid, Sec. 4819.

16. Ibid, Sec. 4820.

17. Ibid, Sec. 4821.

I. General Powers and Duties (Cont'd)

(c) Re: County Asylums for the Poor (Cont'd)

(9) The county court may bind out as apprentices suitable orphan children, or the children of any person unable to provide for their support, until the age of 21 years, if a male; and of 18 years, if a female. 18/

(d) Re: Local Reformatories

Counties, through their quarterly county courts, and cities and towns, through their governing boards, have the power, and it is their duty, when, in their discretion, the condition of their finances and the population justify it, to establish, erect, and maintain reformatory institutions for the reformation, correction, employment, instruction, and education of neglected, evil disposed, vicious, or incorrigible youths of both sexes; and such reformatory institutions must be established whenever an order to that effect is made in any county court or by the council of any city or town. 19/ The Board of Trustees of each county reformatory consists of 5 members, 4 of whom are appointed by the concurrent action of the judges of the circuit and chancery courts of the county, and the fifth of whom is the judge or chairman of the county court, or the mayor of the city or town, by which the reformatory is established, who is ex officio a member of the board. 20/ The board of trustees makes rules and regulations for the government and control of the reformatory, its officers, and inmates; purchases and receives property and materials, places infants at employment and causes them to be instructed in branches of useful knowledge, provides for the industrial education of inmates; and establishes a place for the accommodation of female inmates, separate from the boys' institution, to be known as the girls' industrial department or home. 21/ The board appoints, fixes the salary and duties, and removes the superintendent of the reformatory, such superintendent to have the control and management of the institution, subject to the rules and regulations of the board. The board also appoints staff members and fixes their salaries and duties. 22/

(e) Re: Mothers' Aid

(1) The county judge or chairman or juvenile judge may appoint a supervisor and assistant supervisor of the mothers' pensions to carry out the provisions of this law and to supervise the distribution of the mothers' aid fund; provided, that nothing in this law may be construed to prohibit the juvenile or county judge or chairman in the counties having a county probation officer from appointing such probation officer, supervisor, or assistant supervisor. 23/

(2) The allowance for mothers must be determined by the county judge or chairman or by the juvenile court udge.24/

18. Code (1932), Sec. 4822.

19. Ibid, Sec. 4585, 4587.

20. Ibid, Sec. 4586.

21. Ibid, Sec. 4593, 4589, 4625, 4609, 4622, 4626.

22. Ibid, Sec. 4592, 4596.

23. Ibid, Sec. 4930.

24. Ibid, Sec. 4927.

I. General Powers and Duties (Cont'd)(e) Re: Mothers' Aid (Cont'd)

(3) The juvenile court or the county judge or chairman may, in his discretion, at any time before the child reaches the age of 17 years, discontinue or modify the allowance to any mother and for any child. 25/

(4) Should the funds authorized for this purpose be insufficient to permit an allowance to only a part of the persons coming within the provisions of this law, the court must select those cases in most urgent need of such allowance. 26/

(5) In each case where an allowance is made to any woman under the provision for mothers' aid, a judgment to that effect must be entered upon the records of the juvenile or county court making the allowance. The court must hear motions to set aside such allowances, if such motions are properly filled. 27/

II. Composition and Appointment of Governing Body

The county court consists of the justices of the peace of the county and is divided into a quarterly and a monthly court, the first being held by all justices or such as are necessary to transact business and the latter by the chairman or the judge of the county court. Justices of the peace are elected by the qualified voters of the county district. They must be 21 years of age. Justices are allowed to demand and receive fees and they are allowed a per diem of \$1.50 and mileage. 28/

Chairman: The justices of the peace of the county court, three-fifths of all the justices in the county being present, at their first term in every year, except in counties where a judge is provided for, must elect a chairman, who holds office for one year, and until his successor is appointed. The chairman presides over the deliberations of the court and performs such other duties as are assigned to him by law. 29/

Judge: In the several counties authorized to have a county judge, the quorum court is abolished and the judge has and may exercise all the jurisdiction and powers that belong to the quorum court. County judges are elected by the qualified voters of the county, but if a vacancy occurs the office may be filled by the Governor's appointment until the next regular August election. The appointee must be a person learned in the law and legally qualified to discharge the duties of the office. Each county judge is entitled, when not otherwise stipulated by law, to receive \$5 per day during the sitting of the monthly and quarterly courts, and such additional compensation as the several quarterly courts may appropriate in payment for his services, to be paid out of the county treasury upon his own warrant. 30/

25. Code (1932), Sec. 4920.

26. Ibid, Sec. 4921.

27. Ibid, Sec. 4923.

28. Ibid, Sec. 10193, 10200, 681, 10690, 673

29. Ibid, Sec. 10202.

30. Ibid, Sec. 10221, 10679; and 641, amended by Pub. Acts (1933), Ch. 141.

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

Juvenile court: The county judge or chairman of the county court has original and exclusive jurisdiction of all cases coming within the terms of this title (juvenile court), except in those counties otherwise specially provided for by statute. 31/

III. Reports

County Tuberculosis Hospitals:

The superintendent of each county tuberculosis hospital must make to the county quarterly court, annually, at such times as the court may direct, a detailed report of the operations of the hospital during the year and a full detailed estimate of appropriations required during the ensuing year for all purposes. 32/

The superintendent must see that business records and accounts are correctly made up for the annual report to the county quarterly court and present the same to the **board of managers**, who must incorporate them in its report to the county court. 33/

County Asylums for the Poor:

The commissioners of the poor must report to the county court, at its January session every year, the condition of the asylum, making the superintendent's annual report to the commissioners on the condition of the asylum a part of their own. 34/

The commissioners are required, if any poor of the county are bound or farmed out, as provided, to examine and report upon the manner in which they are kept and treated; to prescribe the manner in which they must be maintained and provided for, and to report the result of the examination in the premises, and their conduct, to the county court. 35/

Local Reformatories:

The board of trustees of a local reformatory must cause a quarterly statement to be made of all receipts and expenditures and submit same, properly certified, to the county court or council for examination and approval. 36/

The superintendent must account to the treasury of the board of trustees on finances. 37/

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31. Code (1932), Sec. 10275.
 32. Ibid, Sec. 4841.
 33. Ibid, Sec. 4846.
 34. Ibid, Sec. 4813, 4812.
 35. Ibid, Sec. 4814.
 36. Ibid, Sec. 4595.
 37. Ibid, Sec. 4635.

III. Reports (Cont'd)

Local Reformatories: (Cont'd)

In cases of commitment to the reformatory, the judge or court ordering such commitment must furnish to the trustees or officers of the institution a true statement in writing of the age of the infant and reason for commitment. 38/

The committee of visitors for the girls' industrial home must report to the board of trustees, with its recommendations, the results of its visits to the industrial home. 39/

Mothers' Aid:

It is the duty of any mother receiving aid under the provisions relating to mothers' aid to report at the end of each 3 months or as often as the court may require, directly or through a member of the county court, to the juvenile or county judge or chairman. 40/

IV. Executive

See "Composition and Appointment of Governing Body".

V. Staff

See provisions under "Powers and Duties".

VI. Financial Provisions

General provision:

Each quarterly county court is required at the first term of every year to impose and to provide for the collection of a tax for county purposes, and to fix the rate thereof; but, if the members of the court omit such duty at the first term, it must be performed at the April or any subsequent quarterly session. 41/

Re: Juvenile Court:

See "General provisions" above.

38. Code (1932), Sec. 4607.

39. Ibid, Sec. 4627.

40. Ibid, Sec. 4930.

41. Ibid, Sec. 10202.

VI. Financial Provisions (Cont'd)

Re: County Tuberculosis Hospitals:

The county tuberculosis hospitals are financed through the power given the respective county quarterly courts to cause to be assessed, levied, and collected such sums of money by taxation of real and personal property as they may deem necessary for suitable lands, buildings, and improvements for the hospitals, their maintenance, and all other necessary expenditures; and to borrow money for the erection of such hospitals and for the purchase of sites therefor, on the credit of the county, and to issue county obligations for same in the forms of interest bearing, negotiable time warrants or bonds. 42/

Re: County Asylums for the Poor:

For the purpose of enabling counties to contribute and participate in joint homes, hospitals, almshouses or poorfarms, the county courts are given full power to levy taxes and to appropriate county funds. 43/ The county court may apply any county moneys in the treasury that it may deem proper to the use of the asylum. 44/

42. Code (1932), Sec. 4832.

The superintendent of the hospital has the power to collect money from the estate of the patient or his relatives legally liable for his support, but, if such patient or relatives are unable in whole or in part to so pay, the patient becomes a county charge. Ibid, Sec. 4860, 4861.

Any municipality is authorized to issue bonds or make appropriations of money out of the general funds for the purpose of purchasing property and for erecting and equipping buildings for tuberculosis hospitals, not to exceed \$30,000. Such bonds may be issued only upon the passage of an ordinance, approved by the mayor, specifying the purpose for which the bonds are to be issued. Ibid, Sec. 4867, 4872.

43. Code (1932), Sec. 4797.

44. Ibid, Sec. 4806.

When money is to be drawn from the county treasury for expenses in regard to the county asylum, it must be done upon an order of the commission for the poor; and whenever any hospital has entered into a contract with a county, the monthly statements and accounts therefor must be approved by the county judge or chairman before payment. Ibid, Sec. 4802, 4827.

VI. Financial Provisions (Cont'd)

Re: Local Reformatories:

A tax is levied and collected for the expense of maintaining and administering the affairs of the reformatory, above the receipts of the institution, as a part of the ordinary expenses of the county or municipality. 45/

Any county, through its county court or any town or city through its city council, may appropriate such sums of money as the court or council may deem proper for the purpose of erecting and maintaining a reformatory institution and levy a tax to meet such appropriation. 46/

Re: Mothers' Aid:

The county court has the authority to provide out of the general fund of the county treasury an amount sufficient to meet the purposes of this law. 47/

The county court may levy a tax not to exceed one-half mill annually on each dollar of taxable property in that county. Such tax must be levied and collected in the same manner as are the general taxes of the county; or in lieu of such tax levy, the county may make a direct appropriation out of the general county funds of such an amount as the quarterly county court may deem proper, but in no case to exceed the amount which would arise by the tax levy herein provided for, and the fund must be known as the mothers' pension fund and kept separate from all other taxes. 48/

45. Code (1932), Sec. 4614.

46. Ibid, Sec. 4640.

The expense of maintaining an infant at a county reformatory is paid by the county, municipality, or parent or guardian committing the infant, as the case may be, such charge to be determined by the trustees of the reformatory. Ibid, Sec. 4613.

47. Code (1932), Sec. 4919.

48. Ibid, Sec. 4925.

Any money collected under the provisions of this law and not appropriated for its purpose, must, at the end of the fiscal year, be turned into the county school fund, or county general fund, if so ordered by the county court. Ibid, Sec. 4932.

NOTE ON PROVISIONS FOR THE BLIND AND DEAF

The Tennessee School for the Blind and the Tennessee School for the Deaf, under the control and management of the Department of Education, are not included in this digest because they are primarily educational and supplement the public school system. The Commissioner of Education provides also for such children as are not eligible to attend the School for the Blind. 1/

The powers and duties of the Tennessee Commission and Workshop for the Blind and the appropriations therefor are administered by the division of civilian, vocational, and rehabilitation administration in the Department of Education. There are no provisions in the statutes regarding the Tennessee Commission and Workshop for the Blind except Public Acts (1935), Chapter 186, Section 2, providing for an appropriation of \$64,025.

1. Provisions for the Blind and Deaf:

- (a) Commissioner of Education, Blind Aid, Code (1932), Sec. 2310, 2314.
- (b) Institution for the Blind, Code (1932), Sec. 4535, 4555, amended by Public Acts (1935), Ch. 186.
- (c) Institution for the Deaf, Code (1932), Sec. 4556, 4565, amended by Public Acts (1935), Ch. 186.

NOTE ON TENNESSEE TUBERCULOSIS HOSPITAL COMMISSION

The Tennessee Tuberculosis Hospital Commission, a body consisting of 11 members including the Commissioner of Public Health and the Commissioner of Institutions, is not included in this digest because its functions are primarily related to health and to the Department of Health, rather than to welfare. 1/

The Commission is vested with the power and obligation to make surveys from time to time and compile data therefrom as to the situations and conditions within the State regarding the prevalence and diffusion of tuberculosis, and the methods of combatting same, to the end that effective measures may be adopted for the prevention, treatment, and cure thereof; and, when the means are available, providing, establishing, building, locating, supervising, and maintaining hospitals for the treatment, prevention, and cure of tuberculosis. 1/

Members of the Commission serve without compensation, except their necessary and actual expenses incurred in the discharge of their duties. 1/

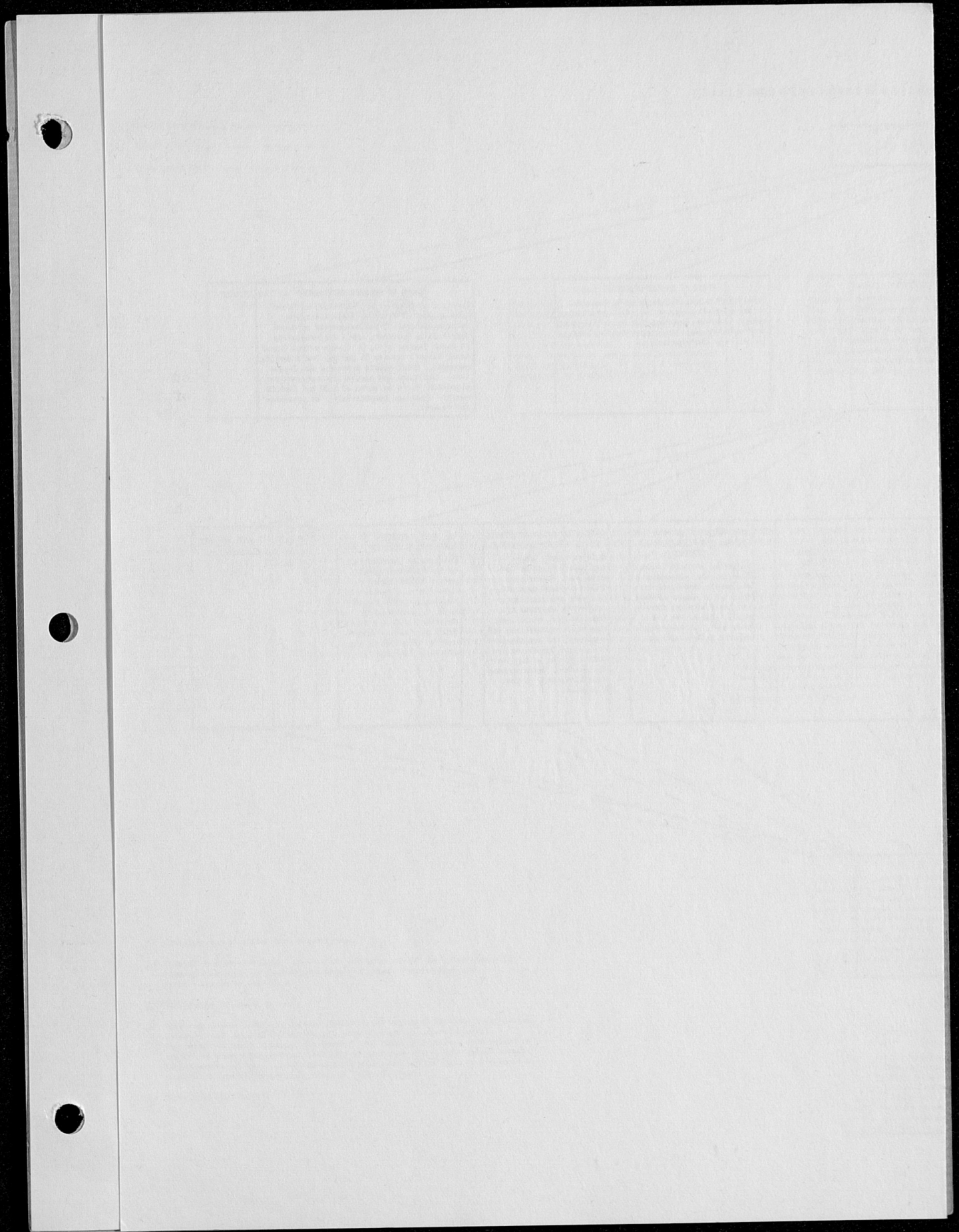
1. Code (1932), Sec. 4874, 4912.

NOTE ON TENNESSEE CHILDREN'S HOME SOCIETY

The Tennessee Children's Home Society, an institution in which the State may place children, subject to the approval of the management of the Home and the regulations prescribed by the Commissioner of Institutions, and with a proper certificate as to the health and condition of the child, is not included in this digest, as are other welfare institutions, because the Home Society is a State-aided charitable corporation organized and existing under the laws of the State. The corporation provides for the support, care, and welfare of white children under the age of 7 years who are admitted to the custody of the Home. 1/

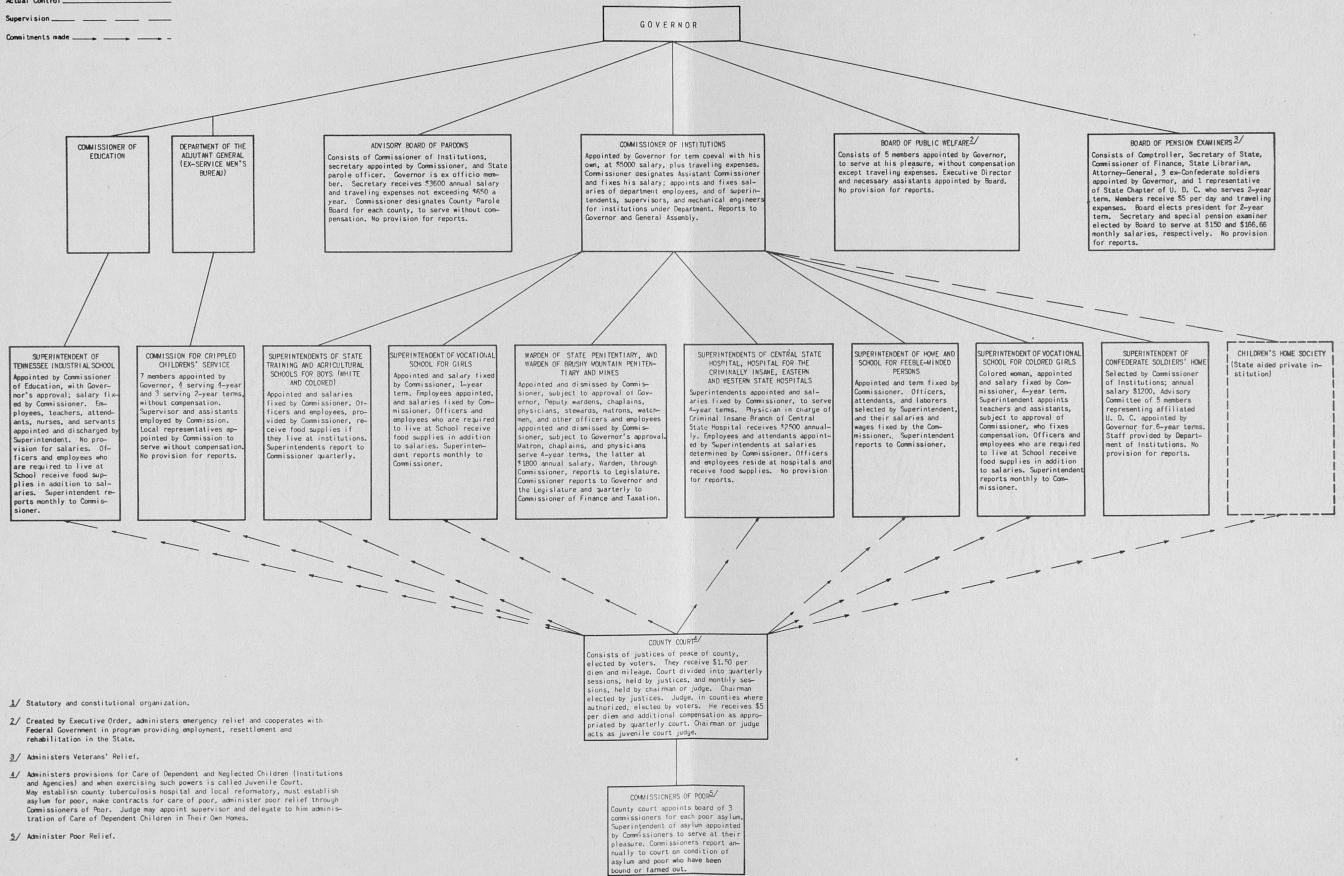
The sum of \$35,000, annually, upon conditions herein fixed, is appropriated to the Tennessee Children's Home Society out of the funds of the State for the purpose of maintaining the Home. 2/

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1. Code (1932), Sec. 4758, 4759.
 2. Ibid, Sec. 4758.



TENNESSEE PUBLIC WELFARE AGENCIES / APRIL 1, 1936

Actual Control _____
 Supervision _____
 Commitments made _____



- 1/ Statutory and constitutional organization.
- 2/ Created by Executive Order, administers emergency relief and cooperates with Federal Government in program providing employment, re-education and rehabilitation in the State.
- 3/ Administers Veterans' Relief.
- 4/ Administers provisions for Care of Dependent and Neglected Children (Institutions and Agencies) and when exercising such powers is called Juvenile Court. May establish county tuberculosis hospital and local reformatory, must establish asylum for poor, make contracts for care of poor, administer poor relief through Commissions of Pardon. Judge may appoint supervisor and delegate to him administration of Care of Dependent Children in Their Own Homes.
- 5/ Administer Poor Relief.

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