

bonds of the township to pay such debt so created, which bonds shall run for a period not exceeding ten years, and which bonds shall bear interest at a rate not exceeding five per centum per annum, and which shall be sold by the trustee, with the assent of the advisory board, for not less than par, and such advisory board shall annually levy sufficient taxes to pay at least one-tenth of such township bonds, with the interest thereon, and the trustee shall apply the annual tax levy collected each year from such levy to the retirement of such bonds and the payments of interest thereon. In no event shall such a debt of the township be created except by the advisory board of the township, and in the manner herein specified, and any payment of any debt not so authorized from the public funds by a trustee shall be recoverable upon the bond of the trustee: *Provided, always, however,* That in no instance shall the aggregate of the principal debt or the aggregate principal of the bonds issued hereunder exceed an amount equal to one per cent of the total value for taxation of all the property within the township, subject to one-tenth of taxation, including that within such city.

Payment and Use of Proceeds of Bonds.

SEC. 4. The moneys provided by the creation of such debt and the sale of the bonds as provided by section 3 of this act shall, by the trustee of the township, be paid into the treasury of such hospital to be used by it only to provide new or additional buildings and funds for construction and equipment.

Trustee to Be Member Ex Officio of Association Board of Trustees.

SEC. 5. No township shall avail itself in the exercise of the powers under the provisions of this act, nor shall any moneys raised by taxation or raised by the incurring of a debt by the township, be paid over and delivered to any hospital as defined in this act except that the trustee of the township shall be and remain at least for and throughout the term of expenditure of all public moneys as herein provided a member ex officio of the board of trustees or other governing body of such hospital.

Emergency.

SEC. 6. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

CHAPTER 241.

AN ACT to provide for the sexual sterilization of inmates of state institutions in certain cases.

[S. 188. Approved March 11, 1927.]

Sexual Sterilization of Inmates of State Institutions in Certain Cases—Authorization.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That whenever the superintendent of any hospital or other institution of this state, or of any county in this state, which has the care or custody of insane, feeble-minded or epileptic persons, shall be of the opinion that it is for the best interests of the patient and of society that any inmate of the institution under his care should be sexually sterilized, such superintendent, if a lawfully licensed surgeon, is hereby authorized to perform, or cause to be performed by some capable physician or surgeon, an operation or treatment of sterilization on any such patient confined in such institution afflicted with hereditary forms of insanity that are recurrent, idiocy, imbecility, feeble-mindedness or epilepsy: *Provided,* That such superintendent shall have first complied with the requirements of this act.

Petition by Superintendent to Governing Board—Notice, Hearing, Order.

SEC. 2. Such superintendent shall first present to the governing board of such institution a petition stating the facts of the case and the grounds of his opinion, verified by his affidavit to the best of his knowledge and belief, and praying that an order may be entered by said board requiring him to perform or to have performed by some competent physician to be designated by him in his said petition or by said board in its order, upon the inmate of his institution named in such petition, the operation of

vasectomy if upon a male and of salpingectomy if upon a female; or any other more suitable operation or treatment having sure sterilizing results.

A copy of said petition shall be served upon the inmate together with a notice in writing designating the time and place in the said institution or elsewhere, not less than thirty days before the presentation of such petition to said board, when and where said board may hear and act upon such petition. Such inmate shall be produced before such board of such hearing.

A copy of the said petition and notice shall also be so served upon the legal guardian or next of kin of the said inmate, if such guardian or next of kin be known to the said superintendent, and if there be no such guardian or next of kin or if none such be known to the said superintendent, then the said superintendent shall apply to the circuit court of the county in which his said institution is situated, or to the judge thereof in vacation, who by a proper order entered in the order book of the said court shall appoint some suitable person to act as guardian ad litem of the said inmate during and for the purposes of proceedings under this act, to defend the rights and interests of the said inmate, and the guardian ad litem so appointed shall be paid by the said institution a fee of not exceeding twenty-five dollars as may be determined by the judge of the said court for his services under said appointment, and such guardian ad litem shall be served likewise with a copy of the aforesaid petition and notice. Such guardian may be removed or discharged at any time by the said court or the judge thereof in vacation and a new guardian appointed and substituted in his place.

If the said inmate be an infant having a living parent or parents whose names and addresses are known to the said superintendent, they or either of them as the case may be shall be served likewise with a copy of the said petition and notice.

After the notice required by this act shall have been so given, the said board at the time and place named therein, with such reasonable continuances from time to time and from place to place as the said board may determine, shall proceed to hear and consider the said petition

and the evidence offered in support of and against the same: *Provided*, That the said special board shall see to it that the said inmate shall have opportunity and leave to attend the said hearings in person if desired by him or if requested by his guardian or parent or next of kin served with the notice and petition aforesaid.

The said board may receive and consider as evidence at the said hearing the commitment papers and other records of the said inmate with or in any institution as certified by the superintendent or superintendents thereof, together with such other legal evidence as may be offered by any party to the proceedings.

Any member of the said board shall have power to administer oaths to any witnesses at such hearing.

Depositions may be taken by any party after due notice and read in evidence if relevant.

The said board shall preserve and keep all record evidence offered at such hearings and shall have reduced to writing in duplicate all oral evidence so heard, to be kept with its records.

Any party to the said proceedings shall have the right to be represented by counsel at such hearings.

The said board may deny the prayer of the said petition or if the said board shall find that the said inmate is insane, idiotic, imbecile, feeble-minded or epileptic, and by the laws of heredity is the probable potential parent of socially inadequate offspring likewise afflicted, that the said inmate may be sexually sterilized without detriment to his or her general health, and that the welfare of the inmate and of society will be promoted by such sterilization, the said board may order the said superintendent to perform or to have performed by some competent physician to be named in such order upon the said inmate, after not less than thirty days from the date of such order, the operation of vasectomy if a male or of salpingectomy if a female, or any other more suitable operation or treatment having sure sterilizing results: *Provided*, That nothing in this act shall be construed to authorize the operation of castration nor the removal of sound organs from the body.

Appeal to Circuit Court—Stay of Proceedings.

SEC. 3. From any order so entered by the said board, the said superintendent or the said inmate or his guardian or parent or next friend shall within thirty days after the date of such order have an appeal as of right to the circuit court of the county in which the said institution is situated, which appeal may be taken by giving notice thereof in writing to any member of the said board and to the other parties to the said proceeding, whereupon the said superintendent shall forthwith cause a copy of the petition, notice, evidence and orders of the said board certified by the chairman or in his absence by any member thereof, to the clerk of the said circuit court, who shall file the same and docket the appeal to be heard and determined by the said court as soon thereafter as may be practicable.

The said circuit court in determining such appeal may consider the record of the proceedings before the said board, including the evidence therein appearing, together with such other legal evidence as the said court may consider pertinent and proper that may be offered to the said court by any party to the appeal.

Upon such appeal the said circuit court may affirm, revise or reverse the orders of the said board appealed from and may enter such order as it deems just and right and which it shall certify to the said board.

The pendency of such appeal shall stay proceedings under the order of the board until the appeal be determined.

Appeal from Circuit Court to Supreme Court.

SEC. 4. Any party to such appeal in the circuit court may within thirty days after the date of the final order therein, apply for an appeal to the supreme court, which supreme court may grant or refuse such appeal and shall have jurisdiction to hear and determine the same upon the record of trial in the circuit court and to order the circuit court to make in the matter such order as may to the supreme court seem proper. The pendency of an appeal in the supreme court shall operate as a stay of proceedings under any orders of the board or of the circuit court until the appeal be determined by the supreme court.

Liability of Persons Participating in Execution of Act's Provisions.

SEC. 5. Neither any of said superintendents nor any other person legally participating in the execution of the provisions of this act shall be liable either civilly or criminally on account of such participation but they shall not be exempt from such action for any illegal or criminal act which may be incidental or collateral to such participation.

Medical or Surgical Treatment, Effect of Act Upon.

SEC. 6. Nothing in this act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic reasons of any person in this state, by a physician or surgeon licensed by this state, which treatment may incidentally involve the nullification or destruction of the reproductive functions: *Provided*, That such treatment shall be that which is recognized as legal and approved after due process of law.

CHAPTER 242.

AN ACT discharging, releasing and absolving from all liability all persons, their estates and heirs at law, who were accepted, obligated and liable as freehold sureties on the bonds of county treasurers, in certain counties, between January 1, 1921, and December 31, 1924, and declaring an emergency.

[S. 123. Approved March 11, 1927.]

Freehold Sureties on Bonds of County Treasurers in Certain Cases—Discharge of Liability.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That any and all persons and the estates and heirs at law of any and all persons who were accepted, obligated and liable as freehold sureties on the bond or bonds of any county treasurer of any county having a population of not less than 18,800 and not more than 19,200, according to the last preceding United States census, at any time between the first day of January, 1921, and the thirty-first day of December, 1924, are hereby discharged, released and absolved from any and all liability on or on account of such bond or bonds.