from the time of its organization, and promptly thereafter to close its business."

Journal of the Constitutional Convention, page 959.

From this historical background of Section 10 of Article 11 we gather that it was not the intention of the Constitutional Convention to circumscribe the provisions of this Section within the narrow limits of being applicable only to incorporated companies. This is evidenced in that in the first draft of the section the Convention was so strongly imbued with this spirit that it provided that the section should apply to associations. Further it is significant that the committee charged with the duty of expressing the intention of the Constitutional Convention reported the Section back in such a manner that it embraced not only banking companies but all banks; and it is also significant that the language which would have led to the conclusion that only incorporated companies and associations were to be dealt with was eliminated and a broad generic term substituted.

It is significant to note that the history of the decade immediately preceding the Constitutional Convention and the public policy which undoubtedly gave rise to the insertion of the language of Section 10 of Article 11 into the Constitution of the State leads one to the conviction that such public policy could only be achieved if the provisions of the Section were applicable not only to incorporated bodies but to all banks operating within the State.

HEALTH, DIVISION OF PUBLIC: Indigents—Payment of water bill by township trustee.

Verne K. Harvey, M. D.,
Director, Division of Public Health,
State House Annex,
Indianapolis, Indiana.

June 8, 1936.

Dear Sir:

This is in answer to your recent request for an opinion based upon the following inquiry:
"Is it mandatory that a township trustee pay the water bill of indigents in his township?"

This question requires an interpretation of a law enacted by the General Assembly in 1933 entitled:

"AN ACT concerning the payment of water service by the overseers of the poor of certain townships."


The Act reads as follows:

"Section 1. Be it enacted by the general assembly of the State of Indiana, That the overseer of the poor of any township in this state is hereby authorized to pay any bills for water services incurred by and rendered to any indigent person having a legal settlement in such township, or any other person who, in the judgment of the township trustee, is in a destitute condition or who is unable, for any reason, to pay such bills for water service as they fall due and are rendered by the public utility furnishing such service. The amount so paid by the overseer of the poor and charged for such water service so supplied shall in no case exceed the minimum rate charged for such service as fixed by the public service commission. Any such payment made by such overseer of the poor for water supplied to any person or family not otherwise receiving aid from said township, shall be charged by said overseer of the poor to the account of 'water furnished in the interest of public health.' All payments so made shall be made out of the poor fund of such township, in the interest of public health." (Emergency section omitted.)

Acts 1933, Chapter 46, p. 370; Burns Indiana Statutes, 1933, Section 54-140.

In my opinion the payment of a minimum water bill as provided in the above Act, is not mandatory in the sense that the township trustee must in all cases of indigent persons assume the payment of such bills.

In a sense, it is a mandatory duty of a township trustee, as an overseer of the poor, to provide necessities for indigent
persons, but of course each case must be considered on its merits, and the trustee must be allowed a reasonable discretion in his decisions. I can conceive of cases where the surroundings of an indigent family might be such that it would be inexcusable neglect for the trustee, as overseer of the poor, to refuse payment of a water bill. This would depend upon the housing, the sanitary arrangements, the number in the family, and other conditions in the case. That part of the statute which allows the water bill, under certain conditions, to be charged to the public health account, is an acknowledgment of the fact that there are cases where the use of water from a public water system is necessary, not only for the health of the indigent family, but for the community where the family resides.

It is my opinion, therefore, that while a trustee may not arbitrarily decline to pay or assume a bill for water service which the statute authorizes him to pay, the duty is not a mandatory one.

PUBLIC SAFETY, DIVISION OF: Safety glass—Use of in doors, windows and windshields of motor vehicles.

June 11, 1936.

Hon. Don F. Stiver, Director,
Department of Public Safety,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter calling attention to Chapter 41 of the Acts of 1935, entitled "An Act concerning the use of safety glass in the doors, windows and windshields of motor vehicles, and prescribing penalties for the violation thereof." Section 1 of said Act provides as follows:

"That on and after January 1, 1936, and except as hereinafter otherwise provided, it shall be unlawful to operate, on any public highway or street in this state, any motor vehicle which is registered in the State of Indiana and which shall have been manufactured or assembled on or after January 1, 1936, unless such motor vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields."