servitation. Further, the discretion granted to such department should be confined within certain limits prescribed in the act itself, and provision should be made for due notice by publication of findings made or regulations issued.

The State of Michigan has a law similar to the one proposed. (Sections 6138-6143, Compiled Laws of 1929.) Its constitutionality was attacked and upheld in the case of People v. Soule, 238 Mich. 130. I call it to your attention as a possible guide to be followed in drafting appropriate legislation in this state.

RICHMOND STATE HOSPITAL: Insane: law as to disposition of unclaimed body of insane patient in state hospital for the insane.

November 8, 1933.

Richard Schillinger, M. D.,  
Medical Superintendent,  
Richmond State Hospital,  
Richmond, Indiana.

Dear Sir:

I have before me your letter in which you request an opinion as to the proper disposition of the bodies of persons dying in the hospital.

Section 13730 of Burns Annotated Indiana Statutes 1926, makes it the duty of every public officer, agent, and servant of every county, township, city, village or other municipality, and of any and every almshouse, poorhouse, prison, morgue, hospital, asylum, jail, lockup, station house, workhouse or other public institution, and every charitable or benevolent institution supported in whole or in part at public expense, having in his or their possession, charge or control, the dead body of any person not claimed by any relatives or legal representatives, which body may be required to be buried at public expense or at the expense of the institution, excepting only the dead bodies of such persons as shall have died with smallpox, diphtheria or scarlet fever—under such circumstances said section makes it the duty of such agent or officer to notify the anatomical board or such person as may be designated by the board.

Said section further provides that the notice shall be given in writing and forwarded to said anatomical board within
twenty-four hours after said officer or agent comes into pos-
session of said body for burial. It is provided, however, that
no body shall be delivered to the anatomical board if before
actual delivery, any person claiming to be a relative of the
decayed or a duly authorized representative thereof, shall claim
the said body for burial. The section also provides, that the
above provisions shall not apply if the deceased person was
a traveler who died suddenly, except a traveler belonging to
that class commonly known as tramps. The same section pro-
vides, that if the anatomical board makes application for such
a body, it is to be delivered to the board without fee or re-
ward. The succeeding sections provide for the disposition
of such bodies by the anatomical board or by medical or dental
colleges which may ultimately receive them.

The above act was enacted in 1903. In 1927, there was a
further act enacted, entitled "An act concerning insanity in-
quests, the procedure in adjudging persons insane, the com-
mitment of insane persons to hospitals for insane, their care
pending admission, their discharge therefrom, the apprehen-
sion and return of insane patients, and prohibiting the kid-
napping or aiding the escape of insane persons." (Acts 1927,
p. 179.)

Section 17 of this act provides that: "In case of the death
of any patient at any of the hospitals for insane, whose funeral
charges are not otherwise supplied, such funeral charges shall
be paid by the superintendent of the hospital, who shall make
out an account therefor in each case against the county from
which such patient was admitted."

While the above act apparently does not deal specifically
with the disposition of dead bodies, it seems to me that with
respect to patients who die in the insane hospital, it conflicts
with the provisions of the 1903 act, and to that extent the
provisions heretofore referred to of the 1903 act, is impliedly
repealed. It is my opinion, therefore, that in the case of pa-
tients at the insane hospitals, funeral charges, unless otherwise
provided by the estate of the deceased or by relatives of the
decayed, are required to be paid by the superintendent of the
hospital and the account collected from the county from which
the patient was received into the hospital as provided by law.