While, as I have above indicated, the duty of such wardens and custodians to receive persons arrested by the state police is clear, as a matter of practice and policy, I think it wise that resort to this procedure not be taken save in cases of emergency. I offer this suggestion for the reason that, in the ordinary run of arrests, the proper place for detaining such arrested persons is the county jail of the county in which they are apprehended.

It might be helpful to point out that already existing procedure permits the removal of arrested persons from county jails to Michigan City or Pendleton upon a showing that such county jail is unsafe or inadequate.

LIBRARY, INDIANA STATE: Commission of public records —manner of destruction of records.

February 1, 1938.

Hon. C. B. Coleman,
Director, Indiana State Library,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of January 28 in which you ask as to the right of the commission on public records to sell obsolete records for waste paper.

In reply to this question, your attention is directed to section 3, chapter 219, Acts of 1935, which reads as follows:

"Sec. 3. All public records which, in the judgment of the commission, have no official or historical value, and which occupy space to no purpose in the offices and store rooms of the state, shall be destroyed or otherwise disposed of. No such records shall be destroyed until a period of at least three years shall have elapsed from the time when they were originally filed, and no public record shall be destroyed within a period of three years if the law provides that they shall be kept for a longer period of time, or if the law prohibits their destruction."

The phrase "destroyed or otherwise disposed of" is exceedingly broad. The word "destroy" means generally to render unfit for further use.
It is my opinion, therefore, that the commission on public records has authority to make such disposition of records which they deem to have no official or historical value as in their judgment will make them of no further use or benefit to the state. Selling for waste paper is, in my opinion, one means of disposal that is authorized by this statute.

HEALTH, STATE BOARD OF: Tuberculosis hospitals—care for indigent—same act does not permit county officials to contract with tuberculosis hospitals out of state.

February 1, 1938.

Hon. Verne K. Harvey, M. D.,
Director, Indiana State Board of Health,
Indianapolis, Indiana.

Dear Sir:

Your request for an official opinion, dated January 29, 1938, is as follows:

"Can counties in Indiana contract with sanatoriums in another state for the care of their tuberculosis patients in the same manner as they contract with county sanatoriums in the state? The question has arisen in a section of the state where no state sanatorium or county sanatorium is at all close in Indiana, but there is one quite close in another state."

What is hereafter said pertaining to tuberculosis patients and their admission to county sanatoriums pertains to charity or indigent patients only.

Section 22-3238, Burns’ Indiana Statutes Annotated 1933 (sec. 19, ch. 144, Acts of 1917), provides:

"Indigent Tubercular Persons.—The board of county commissioners of any county where no suitable provision has been made for the care of its indigent tubercular residents may contract with the board of hospital trustees of any public hospitals for the care of such persons in the sanatorium department of said hospital, upon such reasonable terms as may be agreed upon."