

File No. 5366 Continued.

OPINION.

inated. A successful vaccination, Dr. Bosley says, is a vaccination which has taken, or in other words, which has left a scar. This, therefore, is the kind of vaccination which the statute contemplates and requires, and no other than a successful vaccination (in other words, one which leaves a scar) will answer the object of the legislature, or entitle a pupil to admission.

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It is true that the statute requires the admission of pupils who produce a certificate from a regular practicing physician, that the pupil has been successfully vaccinated, but I do not think it was intended that this certificate should be the final evidence of a pupil's right to admission; the obtaining of this certificate is merely one of the means of showing that a successful vaccination has been had, and that the pupil is therefore prima facie entitled to admission, but even though the certificate may state that the vaccination was successful, still if, as a matter of fact it was not, the pupil could not, in my opinion, be admitted; because to admit the pupil under these circumstances would result in an untrue certificate defeating the fundamental object of the law, which is, that only pupils who have been successfully vaccinated shall attend the schools.

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Since therefore no pupil can be admitted unless he has been successfully vaccinated, and since the physician's certificate is not, in my opinion, final on this point, it follows, I think, that the school authorities may take proper steps to ascertain whether the pupils admitted on the faith of a physician's certificate have really been successfully vaccinated or not. In Baltimore, I think, that the Health Department, through its vaccine physicians appointed under Section 77 to 78 of the Charter, is the proper department to ascertain whether or not the vaccinations were really successful, and in the discharge of this work, I think it entirely proper for the health authorities to pass upon the certificates of vaccination given pupils by private physicians, and if it turns out that these certificates are not correct and that the vaccinations were not successful, to then require a successful vaccination before allowing such pupils to continue to attend the schools.

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While, however, this is so, I do not think that the school authorities can refuse admission to pupils who present a certificate of successful vaccination from a regular physician on the ground, that that certificate has not been countersigned by the city health offi-