

File No. 5741 Continued.

OPINION.

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I think it clear, that under the plain words of this Act, the Health Department may act not only upon the statement of the physician but upon the statement of any person having knowledge of the fact.

Dr. Bosley states the case of a nurse who reports a death as being due to consumption, and of the denial upon the part of the family that the death was due to consumption. Under these circumstances, I think that the Health Department would be amply justified in acting upon the statement of the nurse and fumigating the premises.

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Dr. Bosley also states the case of a nurse who has reported a death as being due to consumption, while the physician reports the same death as being due to bronchitis. Under these circumstances, the Health Department would have to exercise its own judgment as to which was the true cause of the death; and if in good faith, the Department reaches the conclusion that the death was due to consumption, then they will be justified in fumigating the premises.

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Under the Act in question, it is the duty of the Health Department to fumigate the premises whenever a death occurs from consumption, and they can receive information as to this either from the physician, the householder, or any other person who has knowledge of the facts. If with the facts before it, the Health Department reaches the conclusion that, in its judgment, the death was due to consumption, then the premises should be fumigated. I do not think that the evidence of the physician should be conclusive upon this point, although, of course, practically, the physician's statement would ordinarily be taken as true.

Yours very truly,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

OPINION.

File No. 5741.

LAW DEPARTMENT.

Baltimore, January 15, 1907.

James Bosley, M. D.,
Commissioner of Health.

Dear Sir:-

Replying to your letter of the 12th inst. asking me to advise you with reference to the fumigation of premises supposed to be infected with tuberculosis, I enclose herewith a report dated the 14th inst. from

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