

File No. 7320 Continued.

OPINION.

be required to investigate the cause of death.

It seems to me that the Ordinances are quite clear on these matters.

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Pielert's Code, Article 14, Section 181, provides that in all cases which do not come under the notice of the Coroner, "it shall be the duty of the physician who attended, during the last illness of such deceased person" to furnish the death certificate.

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Section 182 provides that in all cases which do come under the notice of the Coroner, it shall be the Coroner's duty to furnish the death certificate.

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Section 185 provides that in cases where a person dies without the attendance of a physician, or if the physician who had attended at the time of death, refuses or neglects to furnish a certificate, then it shall be the duty of the undertaker or other person acquainted with the facts, to report the same to the Commissioner of Health who is then authorized to give the certificate of death, unless the case be one for the consideration of the Coroner. When Section 181 requires a death certificate to be furnished by the physician who attended during the last illness of the deceased, I think it clearly contemplates a physician who attended or saw the deceased near enough to the time of actual death to be able to say, either from the sick person's condition when last seen, or the nature of his disease or otherwise, what the cause of death was. If the physician who attended

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the deceased prior to death is conscientiously and honestly able to do this, then he is, I think, required to make the death certificate, and ~~this obligation rests upon him whether he saw the deceased at the time of his death or one or more days prior to death, or even a longer time than that.~~ The point, in my opinion, is not whether the physician saw the deceased at or within a designated time before death, but whether, from the knowledge he had of the patient's malady, condition, &c., at the time he did see him, whenever that was, he is able to conscientiously certify to the cause of the death which subsequently occurred. If he is able to do this, then he must, I think, make out the certificate; if he is not able to do this because of the length of time which has elapsed since he last saw the patient, or because of suspicious circumstances which have come to his attention, or for any other good reason, then he cannot be required to make the certi-