

reformatory, or bind him over to the grand jury under the general criminal laws.”

From the foregoing, it is clear that the juvenile court has exclusive jurisdiction over those children under the age of eighteen years who are charged with a violation of the arson statutes; in those cases in which a penitentiary sentence is fixed as a penalty for violation, such court may, at its discretion, refer them to the Common Pleas Court for such disposition as that court is authorized to make for like acts committed by adults.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

727.

DEATH—INDIGENT—WHERE NO PHYSICIAN IN ATTENDANCE—LOCAL HEALTH OFFICER SHOULD SIGN DEATH CERTIFICATE—AUTOPSY—AUTHORIZED ONLY WHERE DEATH SURROUNDED BY UNLAWFUL OR SUSPICIOUS CIRCUMSTANCES—PROSECUTING ATTORNEY—CORONER—ENTITLED TO FEES—WHEN REQUIRED TO SIGN DEATH CERTIFICATE.

SYLLABUS:

1. *Upon the death of an indigent person and where there has been no physician in attendance, the death certificate is signed by the local health officer; if this officer cannot act, the registrar shall make the certificate, and a physician's certificate is not required.*

2. *An autopsy is authorized only in case of death occurring in an unlawful or suspicious manner and upon request of the prosecuting attorney of the county in which the body was found. The coroner is not entitled to fees for performing an autopsy unless the autopsy is so authorized.*

3. *The coroner is not required to sign the death certificate where death is not supposed to have been caused by unlawful or suspicious means.*

COLUMBUS, OHIO, June 9, 1939.

HON. LLOYD JONES, *Prosecuting Attorney, Delaware, Ohio.*

DEAR SIR: I am in receipt of your recent request for my opinion, which reads as follows:

“Upon the death of a person in indigent circumstances and where there has been no physician in attendance, by whom is the

death certificate, required by Section 210, to be signed? If required to be signed by a physician, how shall the expense of same be paid?

Where a post mortem examination or autopsy is necessary to determine the cause of such death and such death is *not* 'supposed to have been caused by unlawful or suspicious means' (Section 2856), how shall the expense of same be paid?

Is the coroner entitled to act in such cases and receive the fee provided by Section 2856-3? Is the coroner required to perform an autopsy or sign a death certificate in cases where death is not 'supposed to have been caused by unlawful or suspicious means?' "

Section 212 of the General Code reads as follows:

"In case of death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and, when so notified, the registrar shall inform the local health officer, and refer the case to him for immediate investigation and *certification*, prior to issuing the permit. When the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the *registrar shall make the certificate* and return from the statement of relatives or other persons having adequate knowledge of the facts."

(*Italics the writer's.*)

According to the provisions of this section, upon the death of any person (indigent or not), where no physician has been in attendance, the death certificate required by Section 210, General Code, is signed by the local health officer. If this official cannot act, the registrar shall sign the certificate. Because of these specific directions in the statute, I am of the opinion that the signature of a physician is not required on the death certificate where there has been no physician in attendance.

The only provision for a post mortem examination or autopsy is found in Section 2856, General Code, which provides:

"When informed that the body of a person whose death is supposed to have been caused by unlawful or suspicious means has been found within the county, the coroner shall appear forthwith at the place where the body is. * * * A report shall be made from the personal observation of the corpse; statements of relatives, or other persons having adequate knowledge of the facts, and such other sources of information as may be available or by autopsy *if such autopsy is authorized by the prosecuting attorney of the county.*" (*Italics the writer's.*)

The language of this section states that when death is supposed to have been caused by unlawful or suspicious means, the coroner may perform an autopsy if such autopsy is authorized by the county prosecutor. Your letter states that death was not caused in such manner and there is no reference to the prosecuting attorney; under these facts it is apparent that no post mortem examination or autopsy is authorized by Section 2856.

The sentence of Section 2856-3, General Code, pertinent to coroner's fees, reads:

"For his services in the performance of an autopsy under Section 2856 of the General Code, the coroner shall receive a fee of \$20.00 and for decomposed and infected bodies \$40.00 to be paid from the county treasury in the same manner as other fees of the office."

Payment, according to this section, is made only when the coroner's services are performed under authority of Section 2856. Inasmuch as the case cited in your letter cannot be classified as one of those designated in Section 2856 of the General Code, I am of the opinion that the coroner cannot receive the fee provided in Section 2856-3 of the General Code.

Signatures required on certificate of death, when death is not supposed to have been caused by unlawful or suspicious means, are governed by Sections 210 and 212 of the General Code. Section 212 has been quoted, supra, and provides for the signature by the local health officer or the registrar in the event that the person died without medical attendance. The pertinent part of Section 210 is:

"The medical certificate shall be made and signed by the physician, if any, last in attendance."

These sections contain no provision for signature by the coroner and I am therefore of the opinion that the coroner's signature is not required for a death certificate.

Very truly yours,

THOMAS J. HERBERT,
Attorney General.