

File No. 8829 Continued.

CORRESPONDENCE.

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to amend Article 4, City of Baltimore, of the Code of Public General Laws of Maryland, by repealing and re-enacting with amendments subsection "Sewers" of Section 6, title "General Powers", which says in part on page 189, Laws of Maryland, 1906, beginning at the end of line 7---"to be issued only to any person duly qualified to do such work". That is to say, an applicant for a permit to do such work, must be "duly qualified".

I wrote to the former City Solicitor, Mr. W. Cabell Bruce, asking him to inform me who is to be considered as "duly qualified". His reply was to the effect that any one who was licensed by the Maryland State Board of Commissioners of Practical Plumbing. I accordingly gave the order that no permit would be issued except to such a qualified person. Subsequently, I was instructed by the President of the State Board, Mr. Trainor, that only "Master Plumbers" were to be considered as "duly qualified"; since which time only those holding Master Plumbers' certificates were given permits, until Mr. F. O. Singer, who is not licensed by the State Board, made an application through a journeyman plumber who was licensed as a journeyman by the State Board, to do certain plumbing work. The permit was refused, but Mr. Singer had the work done without a permit.

About this time a new Building Code Ordinance was passed by the City Council, and before the Mayor signed it, former City Solicitor W. Cabell Bruce, on June 19th, sent a communication to His Honor, the Mayor, advising him to sign the ordinance because of the importance of the Building Code Ordinance, further stating "I feel it my duty nevertheless to note the following defects and blemishes in it, etc." This communication from Mr. Bruce, dated June 19th, I enclose, and you will find on page 7, "certain defects and blemishes" pointed out.

In that portion of the Ordinance referring to Plumbing and Drainage, I call your particular attention to the one marked "Section 28-30-34, also 40-41" in which Mr. Bruce says that the word "Master" should be stricken out.

Doctor Jones, Assistant Commissioner of Health, called on Mr. Bruce, and explained to him that a portion of the Building Code Ordinance referring to Plumbing and Drainage, were really portions of the regulations of the Health Department, which were constructed according to the powers given to the Commissioner of Health, and that from our standpoint, it was very important that the word "Master" should be retained for the reason that there is a distinct difference in the ability and standing of plumbers when they were classified as masters and journeymen, and that in our judgment no one but a master was fitted for plumbing construction work.

Mr. Bruce informed Doctor Jones, however, that such a regulation or ordinance was in conflict with Section 511 of the City Charter, and that while it was true that the Commissioner of Health should issue permits to no one except those qualified by the State Board of Practical Plumbers, yet the State Board did not have the right to distinguish between masters and journeymen.

This Department did not interfere with Mr. Singer, although he had no permit from this Department to do the work, because we expected that a further consideration of this matter would soon be made by Mr. Bruce representing the City, and Mr. Lyons representing the State Board of Practical Plumbing, but nothing has been done up to the present.

The letter enclosed from Mr. Trainor, with the opinion of Mr. Lyons, having just been received, I respectfully refer the whole matter to you for a final settlement as soon as possible.

Please return the three enclosures (the letter of Mr. Trainor, the opinion of Mr. Lyons, and the communication of Mr. Bruce to His Honor) with your opinion.

Yours respectfully,  
(Signed) James Bosley, M. D.  
Commissioner of Health.