

to work at the plumbing business or to do plumbing work, however the same may be designated, or that certain appointments shall be given to or certain duties shall be performed by one qualified to do plumbing work, or any other reference is made to one qualified to do work which shall be included under the term "plumbing work," however the same shall be designated, then such general or local laws shall be held to refer only to one qualified to work at the plumbing business under his own direction; that is, one holding a certificate authorized to be called a "master plumber's certificate," and shall not be held to refer to a journeyman plumber or to an apprentice. Said commissioners may revoke any certificate or permit which, after notice to the holder and hearing they may determine has been obtained by fraud or misrepresentation, or has been issued by mistake or inadvertence, and said commissioners may revoke or suspend for such time as they may deem proper the operation of any certificate or permit when the said commissioners, after notice to the holder and a hearing, shall determine that the holder thereof has used such certificate or permit contrary to the provisions of this sub-title, or to any rules or regulations of said commissioners adopted in pursuance of the provisions of this sub-title, or contrary to the limitations contained in said certificates or permit, or has violated any of the provisions of this sub-title. Nothing in this sub-title shall be construed to prevent incorporated gas companies from making connections of gas appliances for domestic purposes.

#### Undertakers.\*

1902, ch. 160, sec. 1. 1904, ch. 389, sec. 1.

**230.** A board composed of eight members is hereby created and established, to be known as the state board of undertakers of Maryland, and the powers and duties of the said board prescribed.\*

\*This book had gone to press before the decision of the court of appeals of Maryland in *State v. Rice*, argued at the January term, 1911, was published—see *Daily Record*, September 16, 1911. That case holds section 8 of the act of 1908, ch. 496—see section 237 of this article—unconstitutional and void, and section 7 of the same act—see section 236 of this article—inoperative. The *Rice* case also holds the amendment to the original act of 1902, ch. 160, by the act of 1908, ch. 496, section 14 A—see section 244 of this article—extending the provisions of said original act as amended, to eight counties (in addition to Baltimore city, to which alone it was applicable under the original act of 1902), inoperative. The alleged offense in *State v. Rice*, was committed prior to the passage of the act of 1910, ch. 399 (p. 401), amending sections 7 and 14 A of the act of 1908, ch. 496—see sections 236 and 244 of this article—and of the act of 1910, ch. 444 (p. 403), amending section 8 of the act of 1908—see section 237 of this article. Hence the acts of 1910 were not passed upon in the *Rice* case. Since chapter 444 (acts 1910) contains the same provision which (in *State v. Rice*) was held to render section 8 of the act of 1908 unconstitutional, it is believed that the act of 1910, ch. 444, is also unconstitutional, and that the reasoning in *State v. Rice* leads to the further conclusion that chapter 399 of the acts of 1910 (amending sections 7 and 14 A of the act of 1908), is also inoperative, thus leaving this sub-title "Undertakers" a purely local law applicable to Baltimore city, as it was originally. However, in view of the fact that the acts of 1910, chs. 399 and 444, have not been judicially passed upon, it is thought best to allow the codification of the law (prior to the decision in the *Rice* case) to stand, appending, however, this explanatory note.