

in any way a menace to health or comfort or is creating a nuisance, it shall issue an order to the proper officer, board, department or person having charge of or owning such system or plant, to secure such operating results as might be reasonably expected, which results shall be, and shall be produced within such time as shall be satisfactory to the State Board of Health. If the desired results be not produced within the time specified, the State Board of Health may order the proper officer, board, department or person having charge of or owning such system or plant, to appoint, within such time as it may specify, and pay the salary of, a competent person, to be approved by the State Board of Health, who shall take charge of and operate such system or plant, so as to secure the results demanded by the Board.

An. Code, 1924, sec. 333. 1912, sec. 274. 1914, ch. 810, sec. 6.

377. When the State Board of Health finds, upon investigation, that any water supply or sewerage system, or refuse disposal works, is in any way a menace to health or comfort, or is creating a nuisance, and conditions cannot be sufficiently improved, in the opinion of the Board, by mere change in the method of operation, the State Board of Health shall be empowered to issue an order requiring the owner of the system or plant to make such alterations or extensions to the system or plant, or to install such new system or plant, as the Board may determine necessary to correct improper conditions. The State Board of Health shall name in its order such date for the completion of the work as it may deem reasonable and proper.

An. Code, 1924, sec. 334. 1912, sec. 275. 1914, ch. 810, sec. 7.

378. When the State Board of Health finds, upon investigation, that any of the waters of the State are being, or are liable to become, polluted in a way dangerous to health, or so as to be in any way a nuisance, and such condition is due to the fact that there is no, or only a partial, system of public water supply, sewerage or refuse disposal in a certain County, municipality, district, sub-division or locality; or in case absence or incompleteness of a public system of water supply, sewerage or refuse disposal in any County, municipality, district, sub-division or locality is, in the opinion of the State Board of Health, sufficiently prejudicial to the health or comfort of that or any other County, municipality, district, sub-division or locality; then the State Board of Health may issue an order to the effect that a public system of water supply, sewerage or refuse disposal shall be installed and put into operation, or the existing system completed, in that County, municipality, district, sub-division or locality, within a specified time; or the Board may order the installation of such devices or the institution of such methods, and enforce such measures or regulations, as it may deem proper under the circumstances.

Act of 1914, ch. 810, is valid under the police power. While the construction of a sewerage system is in one sense a work of internal improvement, it is not such a work as is within the prohibition of art. 3, secs. 54 and 34, of the Md. Constitution. Since the case at bar in no wise affects Baltimore City, its debt-incurring power need not be considered; an act may be constitutional in part and unconstitutional in part. Act of 1914 does not attempt to invest state board of health with power to issue bonds, pledge credit of any county, incur indebtedness or levy any tax upon property in any county; this power rests solely with county commissioners. While the order of board of health is mandatory upon county commissioners, it is not so as to manner in which it shall be carried out or as to how its execution shall be paid for. While the reasonableness of exercise by state board of health of power conferred upon it by act of 1914 is always open to question, the action of the board in this case was not arbitrary or unreasonable. Case remanded. *Welch v. Cogan*, 126 Md. 10; *Ludwig v. Baltimore County*, 131 Md. 352.