

specified in such notice, or if the nuisance, although abated since the service of the notice, is likely to recur on the same premises, the State board of health may, through its proper officers, make or cause a complaint relating to such nuisance, to be made to any judge of the circuit court for the county in which such nuisance shall exist, or to the judge of the circuit court of Baltimore city, as the case may be; and such judge shall thereupon issue a summons, requiring the party or parties on whom the notice was served, to appear before him, and if satisfied, after hearing said party or parties, or *ex parte*, in case of the default of any of them to appear, that the alleged nuisance exists, or, although abated, is likely to recur on the same premises, he shall make an order on such person, firm or corporation, requiring him or them to comply with any or all the requisitions of the notice, or otherwise to abate the nuisance, within a time specified in the order, or an order both requiring abatement and prohibiting the recurrence of the nuisance, as far as practicable.

1886, ch. 12, sec 3.

37. Whenever the nuisance is created or maintained by more than one person, firm or corporation, the said judge may make such order with reference to the abatement of the same, and the person or persons by whom the same shall be executed, and by whom and in what proportions the cost of such abatement or work shall be paid, as to him may seem reasonable; provided, that the said judge may suspend his final determination, on condition that the person, firm or corporation, complained of, shall undertake to adopt within a reasonable time such means as the said judge may deem practicable and may order to be carried into effect for abating such nuisance, or for mitigating or preventing any effluvia prejudicial to health which may arise therefrom.

Ibid. sec. 4.

38. Any person, firm or corporation, not obeying an order made by any one of the aforesaid judges, to comply with the requisitions of the State board of health, or otherwise, to abate the nuisance complained of, shall, if all due diligence has not been used to carry out such order, be liable to a penalty not exceeding ten dollars per day during his or their default;