

able by reason of sickness, or any other cause, to hold any regular law or equity term of his court, or to sit in any cause or causes, civil or criminal, pending in his court, it shall be the duty of the Clerk of such court to certify said inability, and the cause thereof to any Judge of the Court of Appeals, who on the receipts of such certificate shall appoint a proper person as a special Judge, to hold such term and try all cases in said court, whether civil or criminal, which by the rules thereof, are or may be ready for trial at such term, and any special Judge so appointed, shall have full power to summon grand and petit jurors, and to do all things necessary to the holding of such term or the trial of such causes.

In case of vacancy.

78. If any Special Judge shall die, resign, or refuse to act, another may be appointed in his place, and appointments may be made until a Judge shall be procured who will act.

State's Attorney may consent to an appointment.

79. In all cases in which the State shall be a party to a cause, the State's Attorney for the county or city in which the case may be for trial, may consent for and on behalf of the State to the appointment of a person to try the same.

Special Judge to take oath.

80. Every person who shall be appointed a Special Judge under any of the aforesaid provisions before he acts as such shall take an oath before the Clerk of the court, that he will try the cases he is appointed to try without partiality or prejudice, to the best of his ability, which oath shall be entered by the Clerk on his test book, and signed by the Judge taking the same, but if the Judge appointed to try any equity case does not reside in the county in which the Circuit Court is held, where said case is pending, he may take such oath before the Clerk of the county in the county where such Special Judge resides, which oath shall be signed by him and filed in the cause before he proceeds to act in or try the same.

Compensation.

81. Every person appointed a Special Judge under any of the foregoing provisions, shall be allowed ten dollars per day, for every day he shall be necessarily engaged in hearing, trying, continuing, or otherwise disposing of such cause or causes as he may be appointed to try, and ten cents per mile for every mile he shall travel by the