

79. If the judge in an equity case shall be disqualified to sit, and any of the defendants are non-residents, and such defendants shall not appear in compliance with an order of publication within ten days after the time fixed by said order for their appearance, the clerk shall certify the fact of their not appearing and the inability of the judge to sit to some other judge, who shall appoint a judge to try said case.

80. Every person who shall be appointed a special judge to try cases in which the judge of the court is unable to sit, before he acts as such shall take an oath before the clerk of such 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.

81. Every person appointed a special judge under 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 each mile he shall travel by the usual route in going to and returning from the place where such cause or causes may be for trial, the said per diem and mileage to be paid out of the treasury.

ARTICLE XXX.

Crimes and Punishments.

ADULTERY.

SEC. 1. Any person who shall commit adultery shall, upon conviction thereof in any of the Circuit Courts for the counties in this State or the Criminal Court of Baltimore, be fined ten dollars.

ARSON AND BURNING.

2. Every person convicted of the crime of arson, or as being accessory thereto, shall, at the discretion of the court, suffer death, or be sentenced to the penitentiary for not less than five nor more than twenty years.