

such suit, the court shall be of opinion that the county surveyor is in any manner interested or prejudiced against either of the parties, or is incapacitated by reason of ill-health or from any other cause to perform his official duties in connection with the case then pending, or if either of the parties shall make oath that he believes the county surveyor is interested or prejudiced, or otherwise by affidavit satisfy the court that the county surveyor is not a suitable person to lay out and locate the lands in dispute, the court may appoint some competent person to lay out, locate or survey said lands and plat the same.

See art. 91, "Surveyor," etc.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 11. 1827, ch. 44, sec. 2.

11. The person so appointed, before he proceeds to act, shall take an oath before some justice of the peace that he will faithfully, without favor, affection or prejudice, perform the service for which he was appointed by the court; which oath shall be certified by the justice and shall accompany such return as the surveyor shall make to the court in the case.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 12. 1827, ch. 44, sec. 1.

12. The person so appointed shall receive such fees as are allowed by law to the county surveyor for like services.

See art. 36, sec. 32.

Inspection of Records.

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 13. 1817, ch. 119, secs. 7-9. 1866, ch. 26. 1904, ch. 71.

13. It shall be the duty of the judges of the several courts of law and equity, at every term, to inspect the records and papers of the offices attached to their respective courts relating to lands, tenements or other real estate, and examine the condition thereof and see whether the clerk of such court has performed the duties required of him by law relating to the recording of judgments, decrees, executions and proceedings, and whether he has entered and transcribed the docket entries as required by law. And if it should appear on such examination that any of the records have become so dilapidated and worn as to require them to be transcribed, they shall order and direct the clerk to transcribe the same into new record books which the clerk shall procure for that purpose; and such new records, when so transcribed, shall be carefully examined and certified by said clerk, and when so examined and certified shall be substituted for and become the records of said court in lieu of the worn out records; and the mayor and city council of the city of Baltimore, and the county commissioners of the several counties, respectively, shall levy such sum of money as they shall deem a fair compensation for the labor of the clerk in making such new records. This section not to apply to Montgomery county, as to which a special law exists.

Last portion of this section applies only to an index that is dilapidated and not to a new one, though prepared under order of court. *Peters v. Prettyman*, 62 Md. 573.