

ARTICLE XXIX.

Courts.

SPECIAL JUDGES.

Chapter 66 repeals sections 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and enacts the following in lieu thereof:

SEC. 1. If the judge of any Circuit Court or any court in Baltimore city, is connected with a party in controversy by consanguinity or affinity within the fourth degree, counting down from the common ancestor to the more remote, he shall be disqualified from sitting in such cause, nor shall he sit in any cause wherein he may be interested, or in which he shall have been of counsel, nor in any case where in his opinion it would be improper for him to sit, by reason of his relation to, or connection with any of the parties to such cause; and where any judge is so disqualified, a special judge shall be appointed in his place, in the manuer herein provided.

2. Whenever the judge of any Circuit Court, or of any court in the city of Baltimore, shall be disqualified by any of the causes aforesaid from sitting in any cause, civil or criminal, or in any case or proceeding pending in his court, (cases in equity excepted,) the clerk of the court, unless the parties to such cause or proceeding, by consent, shall appoint a person to try the same within two months after the announcement of the disqualification of the judge, shall notify such disqualification to any judge of the Court of Appeals, who shall forthwith appoint a proper person as a special judge to try the same, and the person so appointed shall proceed to the trial thereof at the next regular term of said court after his appointment, and at such time during the term of said court as the judge thereof may not be engaged in the trial of any cause or proceeding in his said court, and for the purpose of such trial, he shall have all the power and authority pertaining to the judge of the said court.