

appointments may be made until a judge shall be procured who will act.

When state a party.

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.

Oath of special judges.

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 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.

In force from March 20, 1865.