

CHAPTER 68. CHAP. 68.

AN ACT to provide for carrying into effect the twenty-second section of the fourth Article of the Constitution. Passed April 1, 1852.

SECTION 1. Be it enacted by the General Assembly of Maryland, That in order to carry into effect the twenty-second section of the fourth article of the constitution, it is hereby declared, that any of the judges referred to in the said section who is connected with a party in controversy by consanguinity within the fourth degree, counting down from the common ancestor to the more remote, or by affinity within the like degree, shall be disqualified from sitting in such cause, nor shall any judge of any Circuit Court, or of any of the courts for Baltimore city, sit in any cause at the trial whereof it may be, in his opinion, improper for him to preside, by reason of his relation to, or connection with, any of the parties to such cause. Disqualification of judges declared.

SEC. 2. And be it enacted, That whenever the judge of any Circuit Court shall not sit in any cause by reason of the happening of any of the contingencies mentioned either in the said section of the constitution or in the first section of this act; then, unless the parties to such cause shall by consent appoint some proper person to try the same before the next term, after the announcement of such contingency, the clerk of such court shall notify the judge of any adjoining judicial circuit thereof, who shall forthwith appoint a proper person to try such cause. Proper person to be appointed, either by parties or judge of adjoining circuit.

SEC. 3. And be it enacted, That whenever the judge of the Court of Common Pleas, or the judge of the Criminal Court of Baltimore city, shall not sit in any cause by reason of the happening of any said contingencies referred to in the second section of this act, then, unless the parties to such cause shall, by consent, appoint some proper person to try the same before the next term, after the announcement of said contingency, the clerk of such court shall notify the judge of the Superior Court of Baltimore city thereof; and whenever the judge of said Superior Court shall not sit in any cause by reason of the happening of any of said contingencies, then, unless the parties to such cause shall, by consent, appoint some proper person to try the same before the next term, after the announcement of such contingency, the clerk of said Superior Court shall notify the judge of the Court of Common Pleas thereof; and it shall be the duty of the judge so noti- In any contingency referred to, proper person to be appointed.

See 1852 Chap 68