

CHAP. 68. fied forthwith to appoint a proper person to try such cause.

In cases of State being a party, State's attorney may consent to appointment of proper person. SEC. 4. And be it enacted, That in all cases in which the State shall be a party to any cause, it shall and may be lawful for the State's attorney for the county or city, as the case may be, in which such case shall be for trial, to consent for and on behalf of the State to the appointment of a proper person to try such cause.

Oath. SEC. 5. And be it enacted, That every person who shall by consent of parties or under the provisions of this act, be appointed to try any cause (unless he shall be one of the judges of this State) shall, before he proceeds to try said cause, take the following oath: A. B. } In the Circuit Court for _____ county, vs. } (or Court of Common Pleas, &c.) C. D. } I, _____, do hereby swear (or affirm,) that I will try the case between the above parties, without partiality or prejudice, to the best of my ability.

Sworn to in open court.

Which oath shall be filed among the papers in the cause.

Person appointed to possess all the powers appertaining to such court. SEC. 6. And be it enacted, That the person appointed, as aforesaid, while hearing, trying and deciding such cause, shall be considered to be holding the Circuit Court for the county, Court of Common Pleas, Criminal Court for the county, or Superior Court of Baltimore city, as the case may be, and shall possess all the powers and discharge all the duties appertaining to such court; and the parties to such cause shall have the same rights and be subjected to the same consequences and incidents as if the regular judge was sitting and was not disqualified.

Per diem allowed. SEC. 7. And be it enacted, That any person appointed as aforesaid, and who shall consent to act in pursuance thereof, unless he shall be one of the judges of the State, shall be paid out of the treasury of the State a per diem of ten dollars for every day he shall be necessarily engaged therein.

Expenses of travelling. SEC. 8. And be it enacted, That any judge of this State who shall be appointed to try any cause as aforesaid, shall be paid out of the State treasury the expenses incurred by him in travelling to or from the place of trial, and while sojourning there.

In force. SEC. 9. And be it enacted, That this act shall take effect from its passage.

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