

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 manner herein provided.

1865, c 66
Appointment of
special judges
in civil and
criminal causes

11. Whenever the judge of any Circuit Court for the counties 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.

1865, c 66
In cases in
equity

12. Whenever the judge of any Circuit Court shall be disqualified as aforesaid from sitting in any equity cause or causes pending in his court, the clerk of the court, unless the parties by consent shall appoint a person to try the same within one month after the announcement of such disqualification, shall certify such disqualification to any judge of the Court of Appeals, who shall forthwith appoint a person as special judge to try such causes, and the person so appointed shall proceed to act therein until their final settlement in the same manner as the judge of the said court could have acted but for such disqualification; and in case any of the parties to any such cause are infants, or otherwise incompetent to consent to the appointment of a person to try the same, then the notification and appointment of special judge, as before directed, shall be made immediately, and in like manner the notification and appointment of a special judge shall be made immediately, whenever any such judge shall be disqualified as aforesaid to sit or act in any case of an application for an injunction or the appointment of a receiver.

1865, c 66
When defend-
ants in equity
are non-resi-
dent.

13. If any of the defendants in any equity cause wherein the judge shall be disqualified, as aforesaid, are non-residents, and shall not appear in compliance with an order of publication, within ten days after the time fixed by said order for their appearance, the clerk shall certify the fact of their not appearing, and the disqualification of the judge, to any judge of the Court of Appeals, if the case be pending in any of the Circuit Courts, who shall appoint a proper person as a special judge to try the same, as directed in the preceding sections.

1865, c 66
When a judge
is unable to sit
from sickness,
etc

14. Whenever a judge of any Circuit Court for the counties, shall be unable, by reason of sickness, or any other cause, to hold any regular law or equity term of his court, or to sit in any cause or causes, civil or criminal, pending in his court, it shall be the duty of