

Jan 23, 1908

AN ACT TO AMEND SECTIONS 968 AND 969 OF THE KENTUCKY STATUTES OF THE EDITION COMPILED BY HON. JOHN D. CARROLL, AND ISSUED IN ONE THOUSAND NINE HUNDRED AND THREE, AND TO REPEAL SECTIONS 970 AND 971 OF SAID STATUTES.

Be it enacted by the General Assembly of the Commonwealth of Kentucky that Section 968 of the Kentucky Statutes compiled and edited by Hon. John D. Carroll and issued in One Thousand Nine Hundred and Three, be and the same is hereby revised and amended so as to read as follows:

When from any cause the judge of the Circuit Court cannot properly preside in an action, proceeding or prosecution pending in said court the parties, if none of them are under disability except coverture, may elect one of the attorneys of the court having all the qualifications of a circuit judge to preside on the trial of the action, proceeding or prosecution. But if the parties cannot agree upon an attorney to act as judge who is present, or if any of the parties to any action, proceeding or prosecution are non-residents of this State and have not appeared thereto, or are under any disability except coverture, the Governor, upon that fact being made known to him by the Clerk of the Court, shall appoint as circuit judge an attorney having the qualification of a circuit judge to try the case, proceeding or prosecution, or he may direct a circuit judge of some other judicial district to try the case, proceeding or prosecution, and the judge so appointed or directed shall have all the powers of the regular judges and receive ten cents per mile in going to and returning from the court, and he may, if necessary, hold a special term to try any case after such notice or order as required when a special term is held.

When from any cause the judge of the circuit court fails to attend on the first day of the term, or if at any time during the term he be absent from the court without having first adjourned the court, or if from illness he be unable to hold the court the