

and faithfully perform all the duties of the office of ———, on which I am about to enter. So help me God." (k)

Judges or Justices of the peace may not preside in certain cases.

13. No Judge of any Court or Justice of the peace shall sit or preside in any cause to which he is a party, or in which he is interested, or in which he would be excluded from being a juror by reason of interest, consanguinity, or affinity to either of the parties; nor shall he entertain any motion in the cause other than to have the same tried by a competent tribunal.

Judge shall retire of his own motion.

14. The Judge or justice so incompetent shall retire of his own motion, and without waiting for an application to that effect; that any and all judgments, decrees and orders, made by a Judge or Judges so incompetent shall be of no force or validity, and are hereby declared to be null and void, except an order for the trial of the cause as hereinbefore provided. (l)

Judgments rendered by incompetent tribunals void.

15. From and after the passage of this act each and every justice of the peace shall be ex officio coroners of their respective counties, and shall perform all the duties pertaining to the same.

16. For all services performed as such they shall be entitled to the fees now prescribed by law. (m)

Before whom to be taken.

17. When any justice of the peace shall be appointed, and there shall be no Judge or justice of the peace convenient, before whom he can take the oath or affirmation prescribed by law, it shall be lawful for such justice of the peace to take the oath or affirmation before any person named by the Governor. (n)

Powers under criminal laws.

18. The said justices shall be conservators of the peace throughout the counties for which they may be appointed respectively, and may issue warrants against persons violating the criminal laws of the State, and commit the offenders to jail, or recognize them to appear before the Circuit Court of the county, at the next ensuing term thereof, to answer to any indictment which may be preferred against them, or discharge them from custody, according to the circumstances of the case, and may require surety of the peace when the same has been violated or threatened.

Contempts.

19. The said Justices, respectively, shall have power to fine and imprison for contempts offered them while acting in their judicial capacity: *Provided*, That the fine shall in no case exceed the sum of five dollars, nor the imprisonment four hours.

Resignation or removal, duties in case of.

20. Hereafter, whenever any justice of the peace shall retire or be removed from office, it shall be his duty to turn over to his successor all the dockets and papers relating to his office, and it shall be the duty of the succeeding Justice to close the unfinished business commenced by his predecessor; and if any justice of the peace shall fail to turn over his dockets and papers as aforesaid, he shall be liable to an action at the instance of any person injured thereby; and if there be no justice of the peace appointed for the district from which the said justice retires or is removed from office, it shall be his duty to turn them over to

(k) Constitution, Art. XVI., Sec. 10.

(l) Act Dec. 4, 1862, Pamph., 18.

(m) Act Feb. 16, 1870, Pamph., 36, 37.

(n) Act Nov. 21, 1838, Secs. 7, 9, 25, 46, Duval, 142, 143.