

by any of the parties thereto, or whenever any party to such cause or the counsel of any party shall, by other proper evidence, make it satisfactorily appear to the Court such party cannot have a fair and impartial trial in the Court in which such suit or action, issue or petition, presentment or indictment is pending, or when the Judges of said Court shall be disqualified under the provisions of the Constitution to sit in any such suit, action, issue or petition, presentment or indictment, shall order and direct the record of proceedings in such suit, action, issue or petition, presentment or indictment, to be transmitted to some other Court, and of a different circuit, if the party applying shall so elect, having jurisdiction in such cases, which said Court shall hear and determine the same in like manner as if such suit or action, issue or petition, presentment or indictment had been originally instituted therein; provided that such suggestion shall be made before or during the time at which the issue or issues may be joined in said suit or action, issues, petition, presentment or indictment, unless the party or parties applying for such removal shall, in addition to such affidavits as have herein already been provided for, further state under oath, that he, she or they had come to such belief, or been convinced of that fact since the issue or issues in said cause had been made, upon which additional statements being made and filed, the cause shall be removed, notwithstanding the issues had been made up.

Presentment.

75. That when any suit or action, issues, petitions, presentments or indictments shall be removed according to the provisions of the preceding section, it shall and may be lawful for the party at whose instance the said suit or action, issues or petition, presentment or indictment was not removed, if he, she or they shall think that justice cannot be done him, her or them in said Court to which said suit or action, issues or petition, presentment or indictment has been removed, to file an affidavit as prescribed by the preceding section in said Court to which said removal is ordered, suggesting that he, she or they cannot have justice in such Court, whereupon the said Court shall remove the said cause, suit or action,

File affidavit.