

#### 141. THE CONSTITUTION AND FORM OF GOVERNMENT, &c.

proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; Provided nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action; And provided also, that such further remedy may be provided by law in the premises as the legislature shall from time to time direct and enact. That if any party presented or indicted in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided, that such further and other remedy may be provided by law in the premises as the legislature may direct and enact. That if the attorney-general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein(x).

65. That all persons professing the christian religion, who hold it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation, in the same manner that Quakers have heretofore been allowed to affirm, which affirmation shall be of the same avail as an oath to all intents and purposes whatever. That before any such person shall be admitted as a witness or juror in any court of justice in this state, the court shall be satisfied, by competent testimony, that such person is conscientiously scrupulous of taking an oath(y).

66. That in all appointments to be hereafter made by the executive, it shall be the duty of the governor, and he is hereby required, to nominate, and by and with the advice and consent of the council, appoint, all such officers as are directed to be appointed by the executive, either by the constitution or laws of this state(z).

(x) This is a part of the act of 1804, ch. 55, confirmed by 1805, ch. 16, and declared a part of the constitution.

(y) This was made a part of the constitution by the act of 1817, ch. 61, confirmed by 1818, ch. 163.

(z) This change as to the powers of the governor, which is stated in note (f) to the 48th section, was made a part of the constitution by the act of 1817, ch. 189, confirmed by 1818, ch. 159.