

issue, presentment or indictment, to be transmitted to some other court in the same or any adjoining circuit 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, further state under oath, that he, she or they had come to such belief, or had 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.

2. 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 or action, issues or petition, presentment or indictment to such other court in the same, or any adjoining circuit having jurisdiction, as the said court shall think will best tend to justice between the parties to the said suit or action, issues or petition, presentment or indictment.

3. It shall be in the power and discretion of the judge, should he think it proper, to cause a special panel of forty-eight jurors to be selected to try any cause or causes removed under the preceding sections of this act, and the court shall direct the clerk thereof to divide by ballot said number of jurors into two panels of petit jurors, and may take such order for the regulating, attend-