

in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had on said process, thereby commanding the said sheriff, constable, coroner or elisor to deliver possession of the said lands and tenements to the purchaser thereof.

In force from March 7, 1864.

REMOVAL OF CAUSES.

1865, c. 187 repeals sections 71, 72, 73, 74, 75, 76, 77 and 78, and 1862, c. 174, and enacts the following in lieu thereof. (See Const 1867, Art. IV, s. 8.)

1866, c. 187.

74. In all suits or actions at law, issues from the orphans' courts, or other courts sitting in equity, and in all presentments or indictments now pending, or which may be pending at the time of the passage of this act, or which may be hereafter instituted in any of the courts in this state, except the court of appeals, having jurisdiction thereof, the judge or judges thereof, upon suggesting in writing, if made by the state's attorney, or the prosecutor for the state, or upon suggestion in writing, supported by affidavit made 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, that 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, shall order and direct the record of proceeding in such suit or action, 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

How cases removable and proceedings on removal

PROVISO.