

## REMOVAL OF CAUSES.

1868, c. 180 repeals sections 74, 75, 76, 77 and 78 of this article as amended by 1865, c. 187 [Sup. 188] and substitutes the following sections therefor:

1868, c. 180.  
When causes  
may be re-  
moved, and  
how.

74. In all suits or actions at law, issues from the orphan's court, 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 of this state, except the court of appeals, having jurisdiction thereof, the judge or judges thereof, upon suggestion 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 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

Proceedings.

Proviso.