

who issues the same, or before some other justice of the same district, or before some justice of the district where the defendant or one of the defendants, resides; and at or before the return day of the summons or writ of replevin, or upon the arrest of the defendant and the return of the writ or warrant, the defendant may notify the justice before whom the return is made that he elects to have the case removed before some other justice for trial, and thereupon such justice shall transmit the papers in the case, with a copy of his docket entries therein, to some other justice of the same district, or if there is no other justice in the same district qualified or able to act, then before some justice in an adjoining district; or in any case he may remove the same before some justice of the district where the defendant or one of the defendants resides; but on the day first fixed for trial either party may appear before the justice about to try the case, and make oath that he does not believe he can have an impartial trial before such justice, and thereupon such justice shall transmit the papers, with a copy of the docket entries, to some other justice of the same district; or if there be no other justice in the same district qualified or able to act, then to some justice of an adjoining district; or in any case, upon such affidavit, he may transmit the papers to some justice of election district number seven, of said county, for trial; and whenever a case has been removed, either upon the return day or upon affidavit being made as aforesaid, the case shall stand for trial on the eighth day from the day of removal, or if the eighth day falls on Sunday, then on the seventh day therefrom, unless the parties shall agree upon a different day; and the justice shall enter the day for such trial on his docket, and no postponement upon or after the first day fixed for trial shall be allowed, unless for the purpose of removal, or for some other good and sufficient reason shown to the justice, or upon the consent of the parties; and unless the parties agree no postponement shall be granted for more than fourteen days at any one time; provided, that whenever a case is removed to some justice of an adjoining district, the fact shall be conclusive of the right and propriety of such removal; and provided further, that nothing herein shall interfere with the right of the defendant in a criminal case to elect to be tried by a jury, or to be tried by the circuit court under any act allowing such election; and the party