

vided, the defendant, defendants, or any of them, shall make oath or affirmation before any Justice of the Peace in said county, that he, she or they cannot have a fair and impartial trial by the Justice before whom the proceedings were first brought.

SEC. 2. *And be it enacted*, That the Justice before whom the party shall make oath or affirmation, if other than the one before whom the case is brought to be tried, shall, under his hand and seal, make known to said Justice the desire of the defendant or defendants to be tried before some other Justice of the Peace in the same or some adjacent district, and upon receipt of said notice, or if the oath or affirmation is made to him, the said Justice shall thereupon cease all further proceedings in or adjudication of the matters or things in controversy, and shall, on payment of costs incurred, immediately transmit by the Constable or other proper officer to the Justice named as aforesaid, all warrants, writs, summons or other proceedings and papers in the case, who shall thereupon and without delay, unless by the mutual consent of the parties, proceed to the trial of the cause, and if the magistrate before whom the proceedings were first brought shall fail to comply with this act any judgment or decision rendered by him in such cases shall be absolutely null and void, and he shall be liable to be sued for damages; provided, that nothing in this act shall debar either party to the proceedings from an appeal from the decision of the Justice of the Peace before whom the suit was removed for trial.

To transmit
papers, &c.

SEC. 3. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved March 25, 1886.