

Suits, &c., may  
be removed.

74. In all suits or actions at law issued from the Orphans' 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 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 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.

Proviso.

Right of party in case of removal.

75. That 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