

State, 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 other proper evidence, that a fair and impartial trial cannot be had in the court where such suit or action at law, issues, petition or presentment and indictment is depending, shall order and direct the record of proceedings in such suit or action, issues or petition, presentment or indictment, to be transmitted to the court of any adjoining county, whether such adjoining county, be within the judicial circuit or not, for trial, which court shall hear and determine the same in like manner as if such suit or action, issues or petition, presentment or indictment had been originally instituted therein; *Provided*, that such suggestion shall be made before or during the term in which the issue or issues may be joined in said suit or action, issues or petition, presentment or indictment, unless the party or parties applying for such removal shall in addition to such affidavit further state, 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, suit or action had been made up, on which said additional statement being made and filed as aforesaid, the said suit or action, issues or petition, presentment or indictment shall be removed notwithstanding the said issue or issues in said suit or action, issues or petition, presentment or indictment had been made up.

Proviso.

May remove
to another
county.

SEC. 2. *And be it enacted*, That when any suit or action, issues or petitions, presentment or indictment shall be removed to any adjoining county according to the provisions of the [provisions of the] first section of this act, it shall and may be lawful for the party at whose instance the said suit or action, issues or petitions, presentment or indictment was not removed, if he, she or they shall think that justice cannot be done him, her or them in said county to which said suit or action, issues or petition, presentment or indictment has been removed, to file an affidavit as is required by the first section of this act, in said court to which said removal is ordered, suggesting that he, she or they cannot have justice in such county, whereupon the said circuit court shall remove the said cause or action, issues or petition, presentment or indictment to such adjoining county, as said circuit court shall think will best tend to justice be-

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