The Bill of Rights was then passed—yeas 72, nays 17—Messrs. Austen, Brewer of Baltimore city, Brewer of Montgomery, Cosgrove, Dorsey, Duvall, Hubbard, Hammond, Jamison, McPherson, Mitchell, Nelson, Peters, Riggs, Stoddert, Tarr of Caroline and Wilkinson.

The report of the committee on the judiciary was then taken up.

Mr. Alvey proposed the following as an additional section:

"Where any term is held, a trial conducted by less than the whole number of said circuit judges, upon decision or determination of any point or question by the court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three judges of the circuit, who shall constitute a court in banc for such purpose, and the motion for such reservation shall be entered of record during the sitting at which such decision may be made, and the several Circuit Courts shall regulate by rule the mode and manner of presenting such points or questions to the court in banc, and the decision of the said court in banc shall be the effective decision in the premises and conclusive as against the party at whose motion said points or questions were reserved, but such decision in banc shall not preclude the right of appeal or writ of error to the adverse party in those cases in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of appeals from justices of the peace.'

Mr. Syester moved to insert after the words "all cases" the words "civil and criminal," which was accepted by Mr. Alvey.

Mr. Hayden offered the following amendment to the amendment, which was adopted:

"Add to the end of the section, 'nor to criminal cases below the grade of felony, except where the punishment is confinement in the penitentiary, and this shall be subject to such provisions as may hereafter be made by law.' "