

party or parties against whom the ruling or decision is made, upon notice, 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 ; or said party or parties may elect to have said decision or determination reviewed on appeal to the Court of Appeals, in cases where by law an appeal will lie ; but in all cases of points or questions reserved, the motion therefor shall be entered of record during the sitting, at which such ruling or decision may be made, and such motion shall be a waiver of the right of appeal to the Court of Appeals from such decision or judgment ; and in order that the points or questions reserved may be fairly presented to the Judges in *banc*, the said Circuit Judge, trying the cause, shall make full and fair notes of such of the proceedings before him, other than the pleadings, as will fully present such points or questions ; and the decision of the said Judges in *banc*, shall be the effective determination of the point or question reserved, and judgment or other proceedings shall be had thereupon. The right of having questions reserved shall not, however, apply to trials of appeals from Justices of the Peace ;

Pending which,

Mr. Alvey submitted the following amendment as a substitute :

Sec. 22. Where any term is held, or 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 notice, 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 rules 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, civil or criminal, 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 judgments of Justices of the Peace ;

Mr. Hayden submitted the following amendment :

Add at end of Section submitted by Mr. Alvey :