

cepting shall offer to withdraw such exceptions; and in such case, if the excepting party or parties shall refuse or fail to draw and submit to the court such exceptions, the same may be drawn or submitted by the opposite party or parties; and when ascertained and corrected and settled by the court, to conform to the evidence and to the points or prayers embraced in the exceptions, they shall be signed and sealed by said court, and avail as if drawn and signed and sealed in the usual manner; *Provided*, that no exception taken by the party not appealing or suing a writ of error, as aforesaid, shall be certified as aforesaid, if such party, by his counsel, shall agree, in writing, and file the agreement in the cause, not to avail himself, at any future trial, of the point or prayer made or involved in such exception; which agreement shall preclude the said party from availing himself, at any future trial as aforesaid, of such point or prayer.

49. Nothing contained in the last two foregoing sections shall debar the parties in any cause from waiving, by consent, the right of having any of the exceptions, on either side as aforesaid, certified, as herein provided, to the Court of Appeals.

CLERK.

50. The clerk of the Circuit Court for said county shall keep a regular index of the names of all the parties, grantors and obligors, and grantees and obligees in all deeds and bonds of conveyance relating to real or leasehold estate that may be left in his office for record, and the names of all such parties shall be duly entered in such index under the proper letters of the alphabet on the day, or that next ensuing the reception of such deeds or bonds of conveyance.

51. He shall promptly and regularly index in the general index of his office, bills of sale, mortgages of personal property and other conveyances, besides such as relate to land.

52. Each book of the general alphabetical index of the records of his office shall embrace the period of at least ten years for every or any letter to which such book may be appropriated.

53. Such index shall be under the supervision of the judge of said court, and besides being both in the name of each and all of the grantors, and each and all of the grantees, and exhibiting the page and record of the several conveyances, shall give such