

said Circuit Court, shall be accordingly certified to said Circuit Court.

59. All exceptions, as aforesaid, shall be certified to the Court of Appeals, although the bills relating to any of them shall not have been actually drawn at length, or signed by the court, before the verdict shall have been recorded in the cause; and although, either before or after such verdict, the party or parties excepting shall offer to withdraw such exceptions; and, in such cases, 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 exceptions 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.

60. Nothing contained in the two preceding 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.

CLEARSPRING.

61. The inhabitants of Clearspring and its additions, in Washington county, are a body politic, by the name of "The Burgess and Commissioners of Clearspring," and by that name may sue and be sued, and may have and use a common seal.

62. The free white male citizens of Clearspring qualified to vote for members of the General Assembly, shall, on the first Monday of January, annually, elect by ballot a burgess, assistant burgess, and five commissioners for said town, who shall be inhabitants thereof, above the age of twenty-one years.

63. All elections shall be held and conducted in such manner and at such place as shall from time to time be directed