

P. L. L., (1860,) art. 3, sec. 48.

23. 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, before or after such verdict, the party excepting shall offer to withdraw such exceptions; and in such case, if the excepting party shall refuse or fail to draw and submit to the court such exceptions, the same may be drawn or submitted by the opposite party; 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.

Ibid. sec. 49.

24. Nothing contained in the 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.

P. L. L., (1860,) art. 3, sec. 50.

25. 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, mortgages 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 of the receipt of such deeds, mortgages or bonds of conveyance.