

emoluments from 1860 to 1866, inclusive, \$45,771.98—being an average for each year of \$6,538.85.

There was no doubt that large amounts were annually withheld which rightfully should be returned, and he (Mr. G.) proposed, before their work was completed, to insert a provision which should go to the bottom of this matter.

The question was then taken on the motion of Mr. Archer to strike out the entire section, when it was disagreed to.

Mr. Alvey submitted the following as an additional section, to be known as section 21.

“Where any term is held or trial conducted by one of said judges alone, upon decision or determination of any point or question by him, it shall be competent to the party or parties 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, or said party or parties may elect to have said decision or determination reserved on appeal to the Court of Appeals, 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 was 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 judge in banc shall be the effective determination of the point or question reserved, and judgment or other proceedings shall be had therefor. The right of having questions reserved shall not, however, apply to trials of appeal from justices of the peace.”

Mr. Alvey argued in favor of his amendment, after which the chairman of the committee stated that it was not at present in order, the 20th section not being finally disposed of.

Mr. Mackubin offered an amendment to the 20th sec-