

CHAP. 319.

state, where at the trials thereof exceptions shall be taken to any opinion or opinions, direction or directions of the court; and an appeal or writ of error, shall be taken or sued forth, from or upon the judgment of the court, all the exceptions on the part of all the parties, plaintiffs and defendants that may have been so taken, and whether the appeal or writ of error, be taken or sued by all or any of said parties, shall be certified to the court of appeals, as part of the transcript of the record to that court, and shall by said court be decided; and the decision of said court in the premises, if the cause be remitted to said county court, shall be accordingly certified to said county court.

And shall be decided and certified to county.

Sec. 2. *And be it enacted*, That all the exceptions as aforesaid, shall be certified to the court of appeals, although the bills relating to any of such exceptions, 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 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 and submitted by the opposite party or parties; and when ascertained and corrected, or 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 manner, and at the time now lawfully required in such behalf; *Provided however*, 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 said 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.

Shall be so certified notwithstanding the parties offer to withdraw the exceptions &c.

Opposite party may avail of.

Exceptions provided.

Sec. 3. *And be it enacted*, That nothing in this act contained, 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.

May be waived by consent of parties.

Sec. 4. *And be it enacted*, That the provisions of this act be, and they are hereby declared to extend, only to Baltimore county court, Frederick and Washington county courts.

Limitation.