If a prayer is objected to because it omits an essential fact, the point must be taken by special exception. Cheney *v.* Eastern, etc., Line, 59 Md. 568; Franklin *v.* Claplin, 49 Md. 42.

The objection that a rejected prayer assumes a fact, may be raised in the court of appeals, though no special exception was reserved. United Surety Co. *v.* Summers, 110 Md. 121; Dexter *v.* McDonald, 103 Md. 398; Mylander *v.* Beimschla, 102 Md. 692; Newman *v.* McComas, 43 Md. 70; Gent *v.* Ensor, 41 Md. 24.

If a prayer is objected to on the ground that it submits a question of law to the jury, a special exception must be taken. Sturtevant *v.* Dugan, 106 Md. 615; New Windsor *v.* Stocksdale, 95 Md. 214; Eckenrode *v.* The Chemical Co., 55 Md. 66; Stockham *v.* Stockham, 32 Md. 209; Higgins *v.* Carlton, 28 Md. 140.

A special exception to a prayer because it "assumes certain facts", is too general. Shriver *v.* State, 65 Md. 284. See also, B. & O. R. R. Co. *v.* Mall, 66 Md. 53.

To be considered, special exceptions must be incorporated in the bill of exceptions. Albert *v.* State, 66 Md. 334.

But the special exception need not be in writing nor form the subject of a separate bill of exceptions, provided it appears from the record that it was duly made and passed upon. Moses *v.* Allen, 91 Md. 53.

Jurisdiction.

Though the question of jurisdiction is not raised below, it may be raised on appeal. Armstrong *v.* Hagerstown, 32 Md. 56; White *v.* Solomonsky, 30 Md. 588; Horner *v.* O'Laughlin, 29 Md. 470.

But in a proceeding before a justice of the peace under article 52, section 8, the question of jurisdiction on the ground that title to land is involved, must be raised before the justice in order to be considered on appeal. Shipler *v.* Broom, 62 Md. 320.

Generally.

The opinion of the trial court is no part of the record, and there being no bill of exceptions or agreed statement, the judgment must be affirmed. Methodist Church *v.* Browne, 39 Md. 160.

Though the appellate court is confined to points considered below, it is not confined to the reasons given by the lower court. Sothoron *v.* Weems, 3 G. & J. 441; Elliott *v.* Peterson, 4 Md. 485; Parker *v.* Sedwick, 4 Gill, 318.

Where two are sued on a joint liability, and one confesses and judgment is rendered below against the other, the objection that there should have been a joint judgment or none, can not be raised on appeal. Barker *v.* Ayres, 5 Md. 202.

If a demurrer to an indictment is not set out in the record, it is not properly before the court of appeals for review. Broll *v.* State, 45 Md. 359.

The regularity and sufficiency of attachment proceedings are open to inquiry, although no motion was made in the lower court to quash or set aside the proceedings or judgment. Mears *v.* Adreon, 31 Md. 235; McCoy *v.* Boyle, 10 Md. 396.

An attachment may be quashed by the appellate court on other grounds than those set up below. Mayer *v.* Soyster, 30 Md. 403; Boarman *v.* Patterson, 1 Gill, 381.

On a motion to set aside an inquisition and strike out a judgment thereon, the court of appeals cannot consider an objection not made below. Stansbury *v.* Keady, 29 Md. 369.

The grounds of a motion to set aside a judgment and quash the execution thereon, must appear in the record. Cockey *v.* Ensor, 43 Md. 266.

Questions sufficiently shown to have been passed on below, to permit the appellate court to consider them. Edelen *v.* State, 4 G. & J. 281; Newcomer *v.* Keedy, 9 Gill, 269; Cushwa *v.* Cushwa, 9 Gill, 248; Brice *v.* Randall, 7 G. & J. 352; Bosley *v.* Chesapeake Ins. Co., 3 G. & J. 463.

Under this section the irregularity of a verdict will not be considered on appeal, unless brought up by a motion in arrest of judgment. Standard Co. *v.* O'Brien, 88 Md. 341.

The first clause of this section applied. Buck *v.* Brady, 110 Md. 577; Hamburger *v.* Baltimore, 106 Md. 483; Baltimore *v.* Austin, 95 Md. 93; Muir *v.*