

1914, ch. 110.

9A. The fact that a prayer or instruction which refers in general terms to the pleadings, was granted or refused by the Court below, shall not be sufficient to show that the point or question of a variance between the pleadings and the evidence was tried and decided in the Court below, as required by section 9; and the question of such variance shall not be considered as having been raised by any prayer or instruction below, unless such prayer or instruction shall state specifically the points wherein it is claimed that such variance exists.*

See article 75, section 91, and article 5, section 18.

10.

Though a petition, affidavit and exhibits appear in the record, since they are not set out or contained in the bill of exceptions as required by this section and section 80, they will not be reviewed. *Cochran v. State*, 119 Md. 548.

12.

As to the cost of records, see article 36, section 12A.

13.

As to the cost of records, see article 36, section 12A.

14.

As to the cost of records, see article 36, section 12A.

15.

To the second note to this section on page 139 of volume 1 of the Annotated Code, add the case of *Noel Construction Co. v. Armored Concrete Co.*, 120 Md. 256.

17.

The application of the last clause of this section, denied. *Parks v. Griffith*, 117 Md. 504.

See notes to section 15.

18.

See section 9A.

19.

To the second note to this section on page 141 of volume 1 of the Annotated Code, add the case of *Noel Construction Co. v. Armored Concrete Co.*, 120 Md. 256.

20.

See notes to section 19.

22.

Where a count in a declaration was technically bad, but an instruction that there was no evidence legally sufficient under the pleadings to entitle the plaintiff to recover was apparently based on grounds which the Court of Appeals did not concur in, the case was affirmed but remanded for a new trial under this section. *Tyng v. Woodward*, 121 Md. 438.

Cited but not construed in *Stewart Taxicab Co. v. Getz*, 118 Md. 176.

*In effect September 1, 1914.